

**COMMENTS AND RESPONSES TO THE DRAFT SUPPLEMENTAL EIR**

**CITY OF LOS ANGELES**

**Land Development Group**

**Ronald R. Olive, Manager**

**Comment 1.1**

The staff of the Bureau of Engineering has reviewed your referral dated April 27, 2001. Please address the following comments in the Final EIR.

**STREETS**

Mulholland Drive and Calabasas Road are designated as Scenic Major Highway-Class II and Major Highway-Class II in the Highway Designation Index Map respectively. Both highways are currently being improved under conditions set by the approved City Planning Case No. ZA 86-0653. The existing roadway widths may not be in compliance with the standard plan S-470-0 of the Bureau of Engineering; however, should the Los Angeles Department of Transportation (LADOT) review of traffic study finds that proposed street improvements currently under construction together with proposed mitigation measures are sufficient for the added traffic from the “Project Buildout” stage of the project, then no additional street dedication or widening will be required.

**Response 1.1**

The traffic mitigation measures recommended for the proposed project are described in the DSEIR *Section IV.M, Transportation and Circulation, 1. Traffic*, on pages 167 to 170, as well as in the April 6, 2001 letter issued by the Department of Transportation (LADOT). The April 6, 2001 LADOT letter is provided in the Appendices of the DSEIR.

The April 6, 2001 LADOT letter outlines the street dedication and widening requirements to mitigate the project’s impacts at build-out. As noted by the Commentator, the roadway dedication and improvements are consistent

with the conditions set forth in City Planning Case No. ZA 86-0653. While the half roadway and right-of-way widths measured from the centerlines of Calabasas Road and Mulholland Drive not consistent with the Standard Plan S-470-0 adopted by the Bureau of Engineering, LADOT has determined that the previously conditioned improvements, in combination with the ATCS traffic signal improvements and off-site improvements that may be provided by the City's Capital Improvement Project (CIP) at the Calabasas Road/Valley Circle Boulevard interchange, are sufficient to mitigate the traffic impacts related to build-out of the Proposed Project. Therefore, street dedication and widening along the project's Calabasas Road and Mulholland Drive frontages to be consistent with Standard Plan S-470-0 is not required for purposes of mitigating potential traffic impacts associated with the Proposed Project.

### **Comment 1.2**

Page 124 of the DSEIR, 2<sup>nd</sup> paragraph stated "Valmar Road is a north-south collector roadway". It should be noted that portion of Valmar Road adjoining the subject project is designated as a Secondary Highway in the Highway Designation Index Map of the Bureau of Engineering. An additional 2-foot dedication with improvement should be provided to mitigate traffic, if LADOT concurs with widening of street.

### **Response 1.2**

The traffic mitigation measures recommended for the Proposed Project are described in the DSEIR in *Section IV.M, Transportation and Circulation, 1. Traffic*, on pages 167 to 170 as well as in the April 6, 2001 letter issued by the Department of Transportation (LADOT). The April 6, 2001 LADOT letter is provided in Appendices of the DSEIR.

The traffic analysis in the DSEIR included a review of potential impacts at the intersection of Valmar Road and Mulholland Drive. The traffic analysis concludes that the project impacts at the Valmar Road/Mulholland Drive intersection would be less than significant. Therefore, the DSEIR does not recommend any street improvements along Valmar Road. This finding is consistent with the traffic mitigation requirements outlined in the April 6, 2001 LADOT letter, which does not specify any street widenings for Valmar Road.

**Comment 1.3**

The project applicant should construct the necessary curb ramps at all appropriate locations in compliance with the requirements of “Americans with Disabilities Act” as well as installation of street tree wells and street lighting as necessary.

**Response 1.3**

Comment noted. *See Corrections and Additions No.’s 11, 23 and 24.*

**Comment 1.4**

A separate discussion should also be included in the Final EIR summarizing the proposed partial vacation of El Cañon Avenue adjoining the project site.

**Response 1.4**

As stated in Section II, Project Description, on page 15, “The Proposed Project would provide approximately 975 parking spaces. Approximately 130 of these spaces would be located within City rights-of-way. These spaces are not required for the Proposed Project to meet Municipal Code requirements. A perimeter access road, a portion of which would serve as a flood control device, would also be developed within City rights-of-way. The development of these elements would be accommodated with a Revocable Permit.

In addition, the Master Plan calls for the widening of the on-site access road adjacent to the existing Skilled Nursing Facility. This action would require a vacation of a portion of the east side of El Cañon Avenue. Also, see *Corrections and Additions No. 15.*

**Comment 1.5****SANITARY SEWERS**

Page 204 of DSEIR, 4<sup>th</sup> paragraph stated “In the early 1990’s capacity for an additional 40 MGD were added” to the TWRP which became operational in 1985. The subsequent paragraph referenced sewer permit allocation

as well as “priority” and “non-priority” projects. It should be noted that the sewage capacity allocation system implemented in March 1988 to “regulate” building permit approval was eliminated after the completion of the TWRP expansion in the early 1990's.

**Response 1.5**

See *Correction and Additions No.'s 29, 30, 31, 32 and 33.*

**Comment 1.6**

The Final EIR should include at a minimum the location of all existing and proposed sanitary sewers and point of connections to the existing and proposed sanitary sewers, as well as a complete description of the existing wastewater system, which would service the project, including its current capacity and flows.

**Response 1.6**

*Section IV. O, 4 Sanitary Sewers* in the Environmental Setting of the DSEIR, on page 203 does include the location and size of all existing sanitary sewers and wastewater systems for the project. The DSEIR goes on to describe the current capacity and flows, as well as the proposed capacity and flows of the project on page 205. The existing sewers and wastewater systems currently have sufficient remaining available capacity to convey the net increase of sewage generation, therefore, no new sewer system has been proposed.

**Comment 1.7**

Additionally, if offsite sanitary sewer construction is required in conjunction with this project, then the Final EIR must discuss the associated construction activities as if it were part of the proposed project and include an analysis of the environmental impacts which likely to be associated with this construction, as well as the mitigation measures that will be adopted.

**Response 1.7**

See *Response 1.6.*

**Wastewater Engineering Service Division**

**Bureau of Sanitation**

**Adel Hagekhalil, Division Manager**

**Comment 2.1**

**COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
(EIS/EIR) FOR MOTION PICTURE AND TELEVISION FUND**

Thank you for giving Wastewater Engineering Services Division the opportunity to review the above subject report. As you will notice, we limit our review and comments to those sections of the document pertaining to wastewater. The following are our comments for your consideration before finalizing the report.

1. Most of the information mentioned in the last paragraph of pages 203, page 204, and first paragraph of page 205 is incorrect (i.e., the HERS is no longer in use, the capacity of Hyperion Treatment Plant is incorrect, the amount of wastewater flow treated in secondary treatment is incorrect).

The City is preparing the “L.A. CEQA Thresholds Guide: Your Resource for Preparing CEQA Analyses in Los Angeles” which is a reference guide that provides information to assist in the preparation of environmental impact analyses. For updated information please refer to the draft CEQA Thresholds Guide which is available online at:

<http://ww.lacity.org/EAD/laceqa/cegaindex.html>

**Response 2.1**

Comment Noted. Incorrect statement regarding HTP capacity on page 204 is stated correctly on page 205. Also, please See *Correction and Additions No.’s 29, 30, 31, 32 and 33.*

**Comment 2.2**

2. Delete the second part of the first paragraph on page lix, the last paragraph on page 204, the first and last paragraph on page 205, and the latter part of the second paragraph on page 206 regarding the Ordinance No. 166,060. This ordinance is no longer effective.

**Response 2.2**

Comment Noted. Also, please See *Correction and Additions No.'s 29, 30, 31, 32 and 33.*

**Department of Water and Power the City of Los Angeles**

**Water Distribution Engineering**

**Gayle Glauz, West Valley District Engineer**

**Comment 3.1**

This is in response to your letter of April 27, 2001, requesting comments on the draft supplemental environmental impact report for the Motion Picture Television Retirement Home. This response applies only to the Water Services Organization of the Department of Water and Power (WSO). The Energy Services Organization will respond separately.

Water services for this development will be available from the WSO's 1240 service zone. However, the actual water system requirements cannot be determined until the final subdivision map and street improvement plans have been reviewed. The fire and building codes that are in effect at the time of development may have been reviewed. The fire building codes that are in effect at the time of the development may result in water facility upgrades and installations, such as distribution main replacement, public fire hydrants, service enlargements, and easements. Once the fire, domestic and irrigation service requirement and locations for the project are known, a hydraulic analysis can be performed to determine the effects on the existing water distribution system. In addition, water conservation mitigation measures may apply and should be considered as part of this project.

If you have any questions, you may contact me at (213) 367-1244.

**Response 3.1**

Comment noted.

**Fire Department**

**City of Los Angeles**

**William R. Bamattre**

**Comment 4.1**

The project site consists of an approximately 44.8 net-acre parcel located within the Canoga Park-Winnetka-Woodland Hills-West Hills Community Plan area of the City of Los Angeles (situated address: 23450 Calabasas Road). The site is generally bounded by Calabasas Road to the north, Mulholland Drive to the east, Valmar Road to the South [sic], and Park Sorrento in the City of Calabasas to the west.

The proposed project is a revised Master Plan for an existing health care facility (the “Proposed Project”). The Proposed Project would result in the renovation and expansion of the existing medical use to accommodate approximately 15 percent more licensed beds. The Proposed Project would also result in an additional 269 residential retirement units, for an average of 20 units per acre; three additional service/administration buildings; new activity/recreational facilities; and parks and open space. Build out would take place over five to fifteen years.

The following comments are furnished in response to your request for this Department to review the proposed development:

X. Fire Flow

The adequacy of fire protection for a given area is based on required fire-flow, response distance from existing fire stations, and this Department’s judgment for needs in the area. In general, the

required fire-flow is closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard.

Fire-flow requirements vary from 2,000 gallons per minute (G.P.M.) In low Density Residential areas to 12,000 G.P.M in high-density commercial or industrial areas. A minimum residual water pressure of 20 pounds per square inch (P.S.I.) Is to remain in the water system, with the required gallons per minute flowing. The required fire-flow for this project has been set at 6,000 to 9,000 G.P.M. from 4 to 6 fire hydrants flowing simultaneously.

Y. Response Distance

The Fire Department has existing fire stations at the following locations for initial response into the area of the proposed development:

Fire Station No. 105

6345 Fallbrook Avenue

Woodland Hills, CA 91364

Task Force Truck and Paramedic Engine Company

Staff -- 10

Miles -- 2.4

Fire Station No. 84

5340 Canoga Avenue

Woodland Hills, CA 91364

Paramedic Engine Company

Staff – 4

Miles -- 2.5

Fire Station No. 106

23004 Roscoe Boulevard

West Hills, CA 91304

Singe Engine Company

Staff -- 4

Miles -- 4.6

The above distances were computed to 23450 Calabasas Road.

Based on these criteria (response distance from existing fire stations), fire protection would be considered inadequate.

Z. Firefighting Access, Apparatus, and Personnel

In order to mitigate the inadequacy of fire protection in travel distance, sprinkler systems will be required throughout any structure to be built, in accordance with the Los Angeles Municipal Code, Section 57.09.07.

Adequate off-site public and on-site fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

Private streets and entry gates will be built to City standards to the satisfaction of the City Engineer and the Fire Department.

Businesses that intend to handle hazardous material may have to participate in the Unified Hazardous Waste and Hazardous Materials Management Program (Unified Program). Businesses are required to register with the Fire Department and complete a hazardous materials inventory

if they handle hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases; or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR parts 30, 40 or 70. Businesses that operate underground storage tanks must apply for permits to install, modify, abandon or operate those tanks. Businesses that generate, treat, recycle or otherwise handle hazardous waste must register with the Unified Program Agency and receive a permit for these activities.

Businesses that intend to handle regulated substances (previously called extremely hazardous substances) which are listed in Section 2770.5 of the California Code of Regulations (CCR) Title 19, Division 2, Chapter 4.5 may be required to participate in the California Accidental Release prevention Program (CalARP). These businesses shall notify the Fire Department's Unified Program Agency in writing of their inclusion into the program.

Risk Management Plans involve all administrative and operational procedures of a business which are designed to prevent the accident risk of regulated substances, including, but not limited to programs which include design safety of new and existing equipment, standard operating procedures, preventative maintenance programs, operator training and accident investigation procedures, risk assessment for unit operations or operating alternatives, emergency response planning, and internal or external audit procedures to ensure that these programs are being executed as planned. Refer to CCR Title 19, Division 2, Chapter 4.5 and Federal regulations 40 CFR Part 68: "Chemical Accidental Prevention Provision" for further information and requirements regarding this program. If a business is required to submit a Risk Management Plan, the plan shall be submitted to the Fire Department prior to the facility beginning operation.

For additional information regarding the Unified Program, please contact the Technical Section of the Fire Department at (213) 485-8080.

Construction of public or private roadway in the proposed development shall not exceed 15 percent in grade.

Standard cut corners will be used on all turns.

Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lanes shall be greater than 700 feet in length or secondary access shall be required.

Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

The entrance or exit of all ground apartment units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley or designated fire lane to the main entrance, or exit of individual units.

No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.

Access for Fire Department apparatus and personnel to and into all structures shall be required.

The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

Where fire apparatus will be driven onto the road level surface of the subterranean parking structure, that structure shall be engineered to withstand a bearing pressure of 8,600 pounds per square foot.

The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles C.P.C. 19708) [sic].

Definitive plans and specifications shall be submitted to this Department and requirements for necessary permits satisfied prior to commencement of any portion of this project.

## CONCLUSION

The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles C.P.C. 19708.

For additional information, please contact Inspector Joseph F. Jackson of the Construction Services Unit at (213) 485-5964.

**Response 4.1**

With the exception of the measures for the Unified Program, the Risk Management Plan, turning radii, and Fire Protection and Fire Prevention Plan all the measures identified by the commentator are included in the DSEIR. Inclusion of these additional mitigation measures do not change the finding of the DSEIR. They are a refinement of the existing DSEIR mitigation measures. Also, see *Correction and Addition No. 13, 14, 27, and 28*.

**Southern California Association of Governments**

**Intergovernmental Review**

**Jeffery M. Smith, Senior Planner**

**Comment 5.1**

We have reviewed the above referenced document and determined that it is not regionally significant per Areawide Clearinghouse criteria. Therefore, the project does not warrant clearinghouse comments at this time. Should there be a change in the scope of the project, we would appreciate the opportunity to review and comment at that time.

A description of the project will be published in the June 15, 2001 Intergovernmental Review Report of public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867.

**Response 5.1**

Comment noted.

**State of California**  
**Governor's Office of Planning and Research**  
**State Clearinghouse**

**Comment 6.1**

Acknowledgement of Receipt

**Response 6.1**

Comment noted.

**Comment 6.2**

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. The review period closed on June 18, 2001, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

**Response 6.2**

Comment noted.

**Woodland Hills Homeowners Organization**  
**Gordon Murley - President**

**Comment 7.1**

We must respond first to the lack of response in this DSEIR to the inaccuracies in the INITIAL STUDY AND CHECK LIST that were pointed out.

**Response 7.1**

Commentator has not identified “inaccuracies” in either Initial Study or DSEIR. The DSEIR Appendices, Appendix A, adequately compiles multiple responses to the Notice of Preparation (NOP), including agencies and homeowners.

**Comment 7.2**

Therefore we find that this violates CEQA because the inaccuracies have not been addressed as required in this DSEIR.

**Response 7.2**

*See Response 6.1.* Commentator has not identified “inadequacies”. This project does comply with CEQA.

**Comment 7.3**

I, Gordon Murley, President and respondent to this DSEIR did not, nor did others sent the DSEIR, receive the Appendices to the DSEIR which makes it difficult to completely answer this DSEIR.

**Response 7.3**

Section 15087.a.3 of the CEQA Code states that:

“The lead agency shall provide public notice of the availability of a DSEIR at the same time as it sends a notice of completion to OPR. This notice shall be given as provided under Section 15105. Notice shall be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and shall also be given by at least one of the following procedures: (3) Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.”

There were Notices of Availability that were sent out regarding where the Appendices were available. Also, the Supplemental Draft EIR (DSEIR) and its Appendices were available via the Internet at the City of Los Angeles' website.

#### **Comment 7.4**

Therefore, there should have been an extension to reply that was requested. I did not know until writing this response that there was an Appendices. I got a copy from Mr. Paul Kahn.

#### **Response 7.4**

Appendices are called out on the Table of Contents of EIR. Existence of Appendices was referenced in openings of Geology, Air, Noise, Surface Water Runoff, Traffic, Biology, and the final page of the EIR. The Notice of Availability announced the availability of the document on the Internet. The viewing of the DSEIR was available for a full 45 days, longer than the minimum requirement by CEQA.

#### **Comment 7.5**

We also find, that the request from CALTRANS, which is only in the Appendices, does not seem to be fully answered, but it seems to give figures but not at how these figures were derived.

#### **Response 7.5**

The Commentator does not specify what request from CALTRANS they are referring to. However, it appears to be the February 9, 1999, CALTRANS response to the Notice of Proposal (NOP). The only figures addressed in the aforementioned letter from CALTRANS are those of new construction square footage and bed space, which were both identified in the NOP itself. There are also five specific points that CALTRANS requested be discussed in the Traffic Impact Study, but none of them contain any figures and all of the requested items were included in the Traffic Impact Study, located in the DSEIR and Appendix F of the Appendices, prepared prior to the issuance of the DSEIR.

**Comment 7.6**

For the record. We wish to make sure that the project is not being greatly subsidized by the taxpayers of the State of California and its Counties and the City of Los Angeles.

**Response 7.6**

According to the applicant, the Motion Picture and Television Fund (MPTF) is a non-profit organization that is supported, in large part, by personal and corporate charitable donations from the entertainment industry. The development projects associated with the Master Plan are made possible by personal gifts. However, like most of the health care centers in California, MPTF also receives reimbursements from Medicare and Medi-Cal for providing health care services to individuals that qualify for these programs.

**Comment 7.7**

PROJECT LOCATION AND DISCRIPTION [SIC]

Before going through the document on an Item by Item comment on those that require a comment, we wish to bring certain previous decisions to light that have not been correctly stated in this DSEIR, and by CEQA law must be correctly and adequately addressed.

On January 10<sup>th</sup>, 1990 the City of Los Angeles mandated a limit of two stories - 30 feet in height to any future development.

It was perceived that the zoning of the majority portion of the FUND property was agriculture and RS-1, which would require a limited number of future dwellings. The L.A. City Planning Department through their master plan showed that no industrial or institutional zoning on the undeveloped land.

**Response 7.7**

The Commentator's assertion that the FUND property is zoned for agriculture and RS-1 is incorrect. The January 10, 1990 letter from the City of Los Angeles established the current zoning on the property under its Plan Consistency Program (AB 283) and is imposed by Ordinance 165,479. As shown on Figure 5, page 21 of the DSEIR, the current zoning on the property is not RS-1. The small northern most portion of the site is zoned R3-1. Bounding directly south of the R3-1 zone, is the northerly RA-1XL zone and the southerly RA-1 zone. According to Section 12.21.1 A 1, XL zone, "No building or structure shall exceed two stories, nor shall the highest point of the roof of any building or structure located in such district exceed 30 feet in height."

However, as stated on Page 108 of the DSEIR, an October 2, 1998 Conditional Use Permit approval for Clarification/Confirmation of Right to Construct, states that per Section 12.24 D 5 (Per Charter Reform Code 12.24 F) the Zoning Administrator has the authority to determine the height and area of the project. Section 12.24 F states that the decision may state that the height and area regulations required by other provisions of the code shall not apply to the conditional use approved.

The MPTF has proposed to apply for a CUP and Zone Variance for the proposed use. Similar Zone Variances and CUP's are already approved on this property. The Proposed Project will ask for the same request under the same Code Section.

Furthermore, there is no proposal for industrial uses in the proposal as the commentator mentioned. Also, institutional zoning does not exist in the City of Los Angeles. Per Code Section 12.24 U, Institutional uses are permitted through Conditional Use Permit. The project involves obtaining new CUP and Zone Variance to implement the modified Master Plan to reflect changes in health care needs since 1986.

**Comment 7.8**

The Draft Supplement Environmental Impact report of the Motion Picture and Television Fund APPENDICES, contain a 10 page - three part response to the City Of Los Angeles Environment Review Section, received Mar

1, 1999, from the Woodlands Hills Homeowners Organization (W.H.H.O.) That must be read and taken into consideration prior to granting any Conditional Use Permit or Variance for this project.

### **Response 7.8**

Comment noted. As stated by the Commentator, the Woodland Hills Homeowners comments are included in this DSEIR, and the entire DSEIR including this comment will be provided to the decision makers prior to their consideration of any discretionary action on this project.

### **Comment 7.9**

*Page 2 Project Description. The scope is changed to become an Institutional development which is inconsistent with the zoning of Community Plan and General Plan.*

PRIOR CONDITIONS AGREED UPON BY ALL PARTICIPANTS PRIOR TO THE GRANTING OF THE CONDITIONAL USE PERMIT IN 1986.

On November 20<sup>th</sup>, 1986, The Motion Picture & Television Fund, (John M. Pavlik, John King), The Woodland Hills Home Owners Organization (W.H.H.O.), (Paul Kahn), ETI (Greg Taylor) Chief Zoning Administrator, (Franklin P. Eberhard), and Department of Building And Safety, agreed on a series of conditions prior to the granting of the Conditional Use Permit in 1986. B.Z.A. Case No. 3511; ZA 86-0653 (CUZ) (ZV). These conditions are numerated **1** thru **14**, and **a** thru **g**. These conditions are missing from the material published in this EIR Supplemental. We caution any further consideration of the Conditional Use permit expansion that these conditions are a part of any past or future development approval of the Fund land must be part of any future public hearings.

Some of the requirements of these conditions are found in the EIR Supplement but are not noted as being required by the 1986 agreement. A number of proposals however are included that are opposed by this 1986 agreement:

**Response 7.9**

The November 20<sup>th</sup>, 1986 BZA Case No. 3511, ZA 86-0653 (CUZ) (ZV) is not an “agreement” between the Woodland Hills Homeowners Organization and other parties, unlike the Commentator’s assertion. As stated in the November 20, 1986, the WHHO agreed to withdraw an appeal subject to a modification of the Zoning Administrator’s determination dated September 12, 1986 by including seven additional conditions (referred to in the action as Conditions a through g). The Zoning Administrator, the applicant and the appellant did not object to the addition of these conditions. The Board of Zoning Appeals agreed to these conditions in the original determination in its decision. This should not be considered as an agreement between the parties. Any other “agreements” between the Commentator and the Motion Picture and Television fund are between two parties, are not the subject of discretionary actions of a Public Agency, and thus are beyond the scope of this DSEIR.

This DSEIR has been prepared to analyze revisions to the current Master Plan proposed by MPTF and approved Conditional Use Permit and Zone Variance. These revisions will be subject to new or modified conditions.

**Comment 7.10**

1. #10. “That any further expansion of the Motion Picture and Television Home including, but not limited to, the construction of new buildings or additions exceeding those shown on the involved Master Plan, will be strictly prohibited.”

**Response 7.10**

Contrary to the assertion made by the Commentator, condition #10 does not preclude the applicant from any future building, it indicates that any building exceeding those shown on Exhibits on file with the City are not permitted under this action and that a new separate approval would be required. This is exactly why the proposed project is required to file for a new or modified Conditional Use Permit and Zone Variance. This DSEIR has been prepared to analyze the potential environmental impact of proposed revisions to the current Master Plan.

**Comment 7.11**

2. It should be noted that the proposed site plan map on page 12 of the DSEIR Supplemental contains a number of proposals that may create legal problems for the City of Los Angeles.

Nine (9) buildings are indicated to be 3 stores high, **“The maximum height is not to be over two stores, and not more than 30 feet without an exception to the MULHOLLAND SCENIC PARKWAY SPECIFIC PLAN.”**

**Response 7.11**

Contrary to the assertion made by the Commentator, Ordinance No. 167,943 defines the limits of the Mulholland Scenic Corridor Specific Plan (MSCSP). This Ordinance specifies the limits of Mulholland Highway as well as the inner and outer western most boundaries. According to this Ordinance, the westerly governing limit of the Mulholland Scenic Corridor Specific Plan is Mulholland Drive at Mulholland Highway, three miles east of the site. The Outer Corridor terminates approximately 2 ½ miles east of the site, just west of the intersection of Mulholland Drive and Flamingo Street.

It appears that the Commentator has mistaken the reference to the 101 freeway to be that at Valley Circle. However, Page 114 of the DSEIR states “The portion of Mulholland Drive from the 101 freeway westerly to Mulholland Highway is designated as a Scenic Parkway.” The reference point and beginning of the Scenic Parkway is where Mulholland Drive and the 101 freeway intersect in the Cahuenga Pass. As a result and as stated in the DSEIR, the portion of Mulholland Drive governed by the Scenic Parkway is approximately 2 ½ miles south. Therefore, the project site is not under the jurisdiction of the Mulholland Scenic Corridor Specific Plan requirements. Also, see *Response 7.7* for information on zoning.

**Comment 7.12**

One guest house indicated to be 2 stories high. **“Maximum height of One Story was set forth in the agreement of November 26<sup>th</sup>, 1986.”**

**Response 7.12**

*See Response 6.9*

**Comment 7.13**

This proposed site plan map shows partial building on the hill. **“No building or excavating any part of the HILL as set forth in the prior agreement”**. See attached documents with the submittal.

**Response 7.13**

*See Response 6.9*

**Comment 7.14**

This proposed site plan map shows many parking spaces to be built on public land. This has not been approved, nor have there been any public hearings on this matter.

**Response 7.14**

As described on the title page of the DSEIR, one of the City’s action requested is a revocable permit “to allow for the development of parking circulation and landscaping in the public right-of-way is proposed under this project.” This action is currently approved under Case No. ZA 86-0653 (CUZ)(ZV).

**Comment 7.15**

There appears to be many violations of the current permitted projects which raises the question of the City of Los Angeles enforcement of existing ordinances and violations going on without recourse by the public. These need to be addressed.

**Page ix B. BACKGROUND**

There is a great discrepancy between the agreed to two story separate apartments in 1986 and what is currently under construction.

**Response 7.15**

Discussion of the approval of the current construction is discussed in the DSEIR in *Section II.C , Project Description*, on page 6 and 7. The DSEIR states that “..On October 2, 1998, a Clarification Confirmation of Right to Construct under ZA 86-0653 (CUZ) (ZV) was issued by the Chief Zoning

Administrator, fully approving the construction of the Stark Villas and an Activity Pavillion, the relocation of a warehouse, and the demolition of the Modular Office Building.” This letter of approval from the Zoning Administrator found that the proposed facilities were in conformance with the intent of the Conditional Use Approval granted under the subject Case No. ZA 86-0653 (CUZ)(ZV) and B.Z.A. Case No. 3511.

**Comment 7.16**

All of the so called approvals were done without public hearings as required and certainly no notification was given, so we think that the lack of required notices prevented the public from taking its required administrative relief and thus may have been denied by statue of limitations to properly challenge this. We will have to get proper legal advice on this matter as to whether rights have been violated by various personnel of various City Departments.

**Response 7.16**

Contrary to the Commentators assertions, all construction approvals by the Zoning Administrator were found to be consistent with the original Case No. ZA 86-0653 (CUZ)(ZV), and B.Z.A. Case No. 3511 and were processed in accordance with public notice requirements. No new approvals have been given for the project. Therefore, the assertion by the Commentator that approvals were done without public hearings is not accurate. Also *see Response 7.14*.

**Comment 7.17****Page xvi G. IMPACT AND MITIGATION MEASURE SUMMARY****Earth (Grading)****Environmental Impacts**

The grading of the small mound may indeed cause harm to the Oak tree located between the two knolls. There is no mitigation measure put forth that ensures this Oak will remain or not suffer significant damage.

**Response 7.17**

*Section IV.A.1, Grading*, page 33 of the DSEIR describes that grading of the knoll in detail. It identifies that all grading activity would be outside of the area of the oak tree located between the small mound and large knoll. Further, Figures 10 and 11, *Section IV.C.3 Water/Flood Hazard/Mudflow Hazard* show the generalized drainage boundaries pre- and post- project . These figures show that no change in drainage patterns are anticipated in the area of the subject oak trees. Measures to mitigate grading impacts on Oak Trees are located in *Section IV. A, Earth* on page 35 and Mitigation Measures to protect Oak Trees are located in *Section IV. D Biota*, on pages 91 and 92 of the DSEIR. Therefore, the assertion of the Commentator that there are no mitigation measures to protect the Oak Tree is not accurate.

**Comment 7.18**

There was to be no grading on the large knoll. The comment that “the large knoll is not anticipated to be permanently modified” states that significant grading impacts will be done and is against the promise not to grade the knoll.

**Response 7.18**

Commentator asserts a “promise” in this comment. As discussed in **Response 7.9**, any “agreements” between the Commentator and the Motion Picture and Television fund are between the two parties and are beyond the scope of this DSEIR. The analysis contained in the DSEIR are intended to assess the environmental impact of the implementation of the Master Plan proposed by the Motion Picture and Television Fund.

Also, as stated in **Section IV.A, Earth, on Page 33**, of the DSEIR, it explains that “The large, primarily bedrock knoll would be graded on ly minimally. The northeasterly half of the large knoll would not be graded, in order not to affect the native oaks located there. However, the top approximately 5 feet of fill would be removed or re-compacted. The southern side of this knoll would be graded to help provide physical access to the stream’s open space, and to provide for more building area. These cuts would expose geologic structures, requiring stabilization measures. However, the prominent character of the large knoll is not anticipated to be permanently modified, and the off-site view of the knoll would not be changed. As a result, grading impacts would be less than significant.

**Comment 7.19****Page xvii Cumulative Impacts**

There are cumulative grading impacts on this site alone, and the grading that is being done on related projects is significant and to say because they are not adjacent violates CEQA,

**Response 7.19**

The Commentator has misquoted the finding of the DSEIR. On page 33, **Section IV, A.1, Grading**, of the DSEIR describes the Cumulative Impacts of the grading and concludes that no cumulative impacts are anticipated. Therefore the Commentators opinion that “significant grading impacts will be done” is incorrect.

The Commentator appears to have come to their conclusion from reading the Summary of the DSEIR. The body of the DSEIR, offers a longer description of the project and *Section IV, A.1, Grading*, on page 33, clearly states the grading impacts of the project.

### **Comment 7.20**

#### **Pages xvii & xviii Mitigation Measures**

The first seven measures are requirements and cannot be used as mitigation.

### **Response 7.20**

CEQA Statute 21061 defines an EIR as an informational document, the purpose of which is to list ways the significant effect of a project might be minimized. In CEQA Guidelines Section 15126(c), it states that an EIR should “Describe measures which could minimize significant adverse impacts. The discussion of mitigation measures shall distinguish between the measures which are proposed by the project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR” CEQA does not specify that only discretionary mitigations be included or used in the EIR to mitigate project impacts. Codified regulations may be included as part of the City’s (or responsible agency’s) assessment of appropriate and feasible mitigation for project development.

A purpose of listing all mitigation measures, code-required or otherwise, is to provide decision makers and the public with information regarding the level of mitigation available to possibly reduce each identified impact to a less than significant level.

In order to mitigate significant environmental effects, an approving agency must exercise “those express or implied powers provided by law other than this division.” [CEQA, see Pub. Res. Code No. 21004]. Section 21004 goes on to provide: “However, a public agency may use discretionary powers provided by such other law for the purpose of mitigation or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law.”

Therefore, CEQA does not prohibit an agency from adopting regulations provided by current laws as mitigations measures.

The plain meaning of these CEQA provisions has been interpreted by California case law. California courts have uniformly held that a “condition requiring compliance with environmental regulations is a common and reasonable mitigation measure.” *Sundstrom vs. County of Mendocino*, 202 Cal.App. 3d 296, 308 (1988) citing *Perly vs. Board of Supervisors*, 137 Cal.App 3d 424, 430 (1982); see also *Leonof vs. Monterey County Board of Supervisors*, 90 Daily Journal D.A.R. 9291, 9294, (1990). Therefore, adoption of these mitigation measures is within the provisions of CEQA and California case law.

#### **Comment 7.21**

To suggest that material may be deposited on public roadways is against all rules of a project that has internal areas for all construction equipment and materials. To suggest that “removal in a timely manner” is a mitigation, not part of mitigating an act that is not mentioned and therefore is illegal.

#### **Response 7.21**

The Commentator appears to be misinterpreting the potential of impacts through a selective reading of a portion of a mitigation measure located in *Section I, Summary* on page xvii and xviii of the DSEIR. The body of the DSEIR, offers a longer description of the project and *Section IV, A.1, Grading*, on page 33, clearly states the grading impacts of the project. Contrary to the assertion of the Commentator, the DSEIR does not suggest anticipation of the storage or placement of construction materials on public “right-of-way”. The whole mitigation measure reads: “Any dirt or other material deposited on public roadways from construction operation shall be removed by the applicant in a timely manner.” The mitigation measure is referring to dirt or other materials inadvertently released from equipment or people exiting the construction site. A reading of *Section IV.A.1 Grading*, of the DSEIR clearly describes and recognizes the “act” as an undesired result of construction operations requiring avoidance and mitigation. As a result, the DSEIR finding appears consistent with the opinion of the commentator that although short-term, this inadvertent result should be reduced to the greatest extent possible.

**Comment 7.22**

Haul routes are not a mitigation. They are a requirement.

**Response 7.22**

*See Response 7.20*

**Comment 7.23**

The fencing around the drip line is a mitigation perhaps when the area to be graded is defined and thus the whole can be looked at. The fact grading may alter its water supply has not been discussed.

**Response 7.23**

Contrary to the assertion made by the Commentator, the area to be graded is defined in the body of the DSEIR in *Section IV.A.1 Earth/Grading*, on page 30. The DSEIR clearly defines the area in which the grading will take place. Also, *Section IV.C.3 Water*, on page 74 of the DSEIR describes the Environmental Impacts that the Proposed Project would have on the site Hydrology and states that “the Proposed Project would not result in a significant hydrology impact.” Additionally, in *Section IV.D Biota*, page 91 of the DSEIR, mitigation measures are listed which require that a tree report, a landscape plan, and a plot plan indicating location, size, type, and condition of all existing trees be approved by the City Planning Department and the Street Tree Division of the Bureau of Street Services before any grading permit is issued .

**Comment 7.24****Page xviii Impacts after Mitigation**

We do not see where there will not be significant impacts on the topography with the extensive grading to “level out the contours”. There are currently, what we believe to be illegal building significant impact on topography, namely the view shed.

**Response 7.24**

Commentator is referring to *Section I.G. Impact and Mitigation Measure Summary*, Earth (Grading) section that assesses impacts to Viewshed mitigation. The body of the DSEIR, offers a longer description of the project

and *Section IV, A.1, Grading*, on pages 32 to 33, clearly states the Significance Criteria for Grading that focuses on topographic changes and the grading impacts of the project. A total of 17 out of the 21.8 acres of the property have previously been affected by grading. Significant Impacts of Topography on viewshed that would affect the Aesthetic character of the site are also described in detail in *Section IV.Q Aesthetics/View* on pages 213 to 232.

### **Comment 7.25**

Page xviii & xix Geological Hazards (Seismicity)

### **Mitigation Measures**

We find that their choosing among three options is unacceptable. From experience from the 1994 quake, even single family residences needed to be put on piles where there was any liquefaction potential. We are of the opinion that this “is” the only mitigation measure.

### **Response 7.25**

Comment noted in regards to preference to “pile” foundation and will be forwarded to decision makers. Pile Foundation may be required for all structures equal to or greater than a single family home. However, as described in the *Section II, Project Description* and *Section IV.A.2 Earth/Geologic Hazards* the Master Plan includes many structures smaller than single family residences and requirement for piles may be unnecessary. The site has natural soils of very soft to medium stiff sandy silt, clayey silt, silty clay, with lesser amounts of very loose to medium dense silty sand and sand. *Section IV.A.2 Earth/Geologic Hazards (Seismicity), page 44* identifies three types of foundation and the specific criteria for each that must be met to be used. To assign a sole foundation design when the site’s soils are clearly soft will not take into account the range of options available for the project foundation.

### **Comment 7.26**

To use the word “should” in any of the mitigations is fraud on the public.

**Response 7.26**

The concerns of the Commentator are all noted. However, at this time, these are recommended conditions of project that with refinements to the project, that could result through the environmental or discretionary approvals may need to be modified or found unneeded. Upon approval of the project, mitigation will be made mandatory conditions. Non-compliance with the conditions of approval, including mitigation measures is considered a misdemeanor.

**Comment 7.27**

Pages xxiv - xxv Flood Hazard/Mudflow Hazard

**Environmental Impacts**

Just increasing the vast amount of impenetrable [sic] area due to proposed construction and present construction makes the statement “no change to existing drainage patterns” completely false.

**Response 7.27**

The Commentator has selectively quoted the DSEIR and misrepresented the finding. The document does not state the project will have “no change to existing drainage patterns.” The full sentence in *Section I. Summary* on pages xxiv and xxv states that “...the project would not alter existing drainage patterns to create greater downstream flooding potential, alter existing drainage patterns so that existing vegetation declines, cause or increase an exceedence of capacity of bridges and in-place flood control improvements, impose flood hazards on other properties, cause uncontrolled runoff resulting in erosion and sedimentation downstream, impose barriers to the free movement of fish and other aquatic resources, or place new habitable structures or essential transportation improvements within floodways.” As described in *Section IV.C Water* on pages 67 through 75 of the DSEIR, Figure 10, page 69 describes existing drainage patterns and shows drainage boundaries that convey this runoff off site. Drainage quantities will increase as result of the proposed project.

**Section IV.C Water/ Environmental Impacts**, on page 71 discusses the Proposed Project's increase in drainage quantities and future drainage patterns in detail. The central portion of the site is where the proposed development would result in an approximately 10.7 cfs increase of 50 year frequency peak discharge. **Section IV.C, Water**, Figure 11 on page 72 shows the drainage patterns of future development. It shows the change in drainage boundaries and the location of proposed storm drains. It clearly describes the alterations of drainage patterns.

To convey the Project generated approximately 10.7 cfs increase in storm water to a storm drain with capacity, site drainage is proposed to be collected in four existing drainage device locations. Drainage from the site is in a northeasterly direction. Existing off-site drains in the vicinity are Line "A", a 36" RCP pipe located in Mulholland Drive, approximately 1,040 feet south of the intersection of Calabasas Road; Line "B", a 39" RCP pipe under Mulholland Drive, approximately 448 feet south of Calabasas Road; Line "C", a 24" storm drain in Calabasas Road, which lies in Calabasas Road at the on- and off-ramps of the eastbound Ventura Freeway (US 101); and a natural watercourse, known as Dry Canyon Creek, within the southerly portion of the property. Dry Canyon Creek enters an existing City of Los Angeles 18 x 10 foot, reinforced concrete box culvert under Mulholland Drive immediately east of the site.

### **Comment 7.28**

#### **Cumulative Impacts**

There are numerous up stream impacts that will significantly impact the lower watershed. How this proposed project would not significantly add to the localized flooding is not explained since more water is more water.

### **Response 7.28**

The body of the DSEIR, offers a longer description of the project. **Section IV.C. 3, Water**, on page 68 of the DSEIR describes in detail the area that drains upstream from the site and how upstream areas have been assessed based on full buildout of the project area. The DSEIR says that, "The Dry Canyon Creek watercourse drains

approximately 2,350 acres of land upstream from the site. Approximately six acres of the site drain to this creek. The County of Los Angeles Department of Public Works prepared an analysis of potential runoff for the Dry Canyon Creek watershed. This analysis assumes the entire build-out of the watershed area, which took into account upstream impacts, based on 1990 General Plan designations. This is an extremely conservative assessment method considering that, at this time, the watershed is not near build-out condition. Thus, the proposed project would not result in a significant cumulative flooding impact.

**Comment 7.29**

**Page xxvi & xxvii BIOTA**

The removal of one coastal live Oak and eleven Valley Oaks flies both in the face of the Mulholland Scenic Parkway Specific Plan and the City of Los Angeles Oak Tree Ordinance. In either case has their been a required hearing on this proposal and the intransigent cavalier attitude of the Administration of the FUND that they have a right to whatever they want is totally erroneous.

**Response 7.29**

*Section IV.D Biota*, pages 76 to 93 of the DSEIR explains the Significant Criteria and Environmental Impacts that the Proposed Project will have on existing biological resources, including Oak Trees. No Variance from the City of Los Angeles Oak Tree Ordinance is proposed for the measures listed on page 91 to mitigate the impacts to Oak Trees. As discussed in *Response 7.11*, the project is not a part of the Mulholland Scenic Parkway Corridor. Regarding the Commentators concern about public hearing, this environmental assessment document must be completed prior to a public hearing concerning the discretionary actions being sought. All required public hearings will be noticed.

**Comment 7.30****Pages xxvii & xxviii Cumulative impacts.**

Page xxvii. The fact is that the impacts on riparian vegetation on stream banks is unacceptable because it would require stream bed alteration agreement and there are no mitigations given.

**Response 7.30**

*Section IV.D Biota*, pages 76 to 93 of the DSEIR discusses the impacts of the Proposed Project on Biological Resources on the Project site. Page 89 describes the Significance Criteria for impacts on biological resources, which includes riparian vegetation on stream banks. It states that “Impacts to biological resources would be significant if the Proposed Project resulted in impacts to endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds), locally designated species, locally designated natural communities, wetland habitat, or wildlife dispersal and migration corridors.” Based on these criteria, the Proposed Project is not considered to be significant to existing biological resources.

As discussed on Page 90, the riparian vegetation on the property is found along the Dry Canyon Creek, a small perennial stream. This stream is depicted on the U.S. Fish and Wildlife Service National Wetlands Inventory. Wetlands along Dry Canyon Creek are subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) under Section 1603 of the Clean Water Act and the California Department of Fish and Game under Section 1603 of the State Fish and Game Code. As stated in this report, “Section 1603 of the State Fish and Game Code states that the CDFG has jurisdiction over the stream bed, channel, and bank. On the Proposed Project site, it can be assumed that “all areas supporting southern willow scrub would likely be considered within the jurisdiction of the CDFG.” Any development in a federal and state jurisdictional area has the *potential* for a Streambed Alteration Agreement, as is identified in the DSEIR. The requirements of the Streambed Alteration Agreement, as regulated by the California Department of Fish and Game are outlined in detail in Appendix E, of the Appendices. Further, the DSEIR states, “...Impacts to riparian vegetation and stream banks resulting from installation of the bridge, trails, and bank stabilization would likely require a Streambed Alteration Agreement from the CDFG.”

Contrary to the assertion made by the Commentator of there being no mitigation, mitigation measures are listed in *Section IV.D Biota*, on pages 92 and 93 of the DSEIR. Further, the DSEIR states, “Because the impacts due to the proposed development would only cause minimal impacts to riparian vegetation and the stream banks, it is anticipated that mitigation for these impacts can be accomplished onsite.”

### **Comment 7.31**

Page xxviii Replacing mature Oak trees with 2 Oaks is not acceptable because they will not replace the canopies of the removed Oaks. Because, (one), to be in proportion has not been defined. And, (two), it is not acceptable to relocate Oak Trees. And, a bond is not acceptable for that removes any responsibility for survival.

### **Response 7.31**

The Commentators comment regarding acceptability of relocation and bonding is noted. As stated in *Section IV.D, Biota*, Oak Tree Mitigation Measures does include an equal canopy requirement.

### **Comment 7.32**

#### **Page xxx Impacts after Mitigations**

We do not see the impacts being reduced to insignificant levels. The fact that the word “should” is used in four of the mitigations does not mean that they will be honored. The fact that there may be increased erosion from degraded stream banks is not fully mitigated and will continue to cause deterioration of riparian areas.

### **Response 7.32**

The Commentator appears to have come to their conclusion from reading the Summary of the DSEIR. The body of the DSEIR, including *Section IV, D, Biota*, on pages 76 - 93, offers a longer description of the project and *Section IV, D, Biota*, on pages 76 - 93. Pages 89 - 90 clearly discusses the impacts to the biological resources of the project. The document states that impacts will be reduced to a “less than significant” level. It does not state that impacts will be reduced to “insignificant levels,” as stated by the Commentator. Also, *see Response 7.26* and *Response 7.30*.

**Comment 7.33**

Page xxxiii &amp; xxxiv ARTIFICIAL LIGHT

**Impacts After Mitigation**

Page XXXIV. Impacts after mitigation.. The increase in night time illumination is not acceptable due to the rural atmosphere of the surrounding community.

**Response 7.33**

Contrary to the assertion made by the Commentator that the surrounding community has a “rural atmosphere,” *Figure 5, Radius Map* on page 21 of the DSEIR shows the majority of the zoning of the surrounding property is of mixed commercial and clustered residential use. This development is consistent with the C1.5-1VI, C1-1VL, CR-1VL, RD3-1, RD6-1VL zones, which are not considered “rural.” Thus, the surrounding property is clearly a suburban environment, with the only rural land being the project site. As a result, the criteria for significance outlined in *Section IV.F.1, Artificial Light* on page 103 is appropriate and the finding after mitigation measures of less than significant is justified.

**Comment 7.34**

Page xxxiv ZONING

Page XXXIV. Zoning. Not acceptable to revise existing CUP and Zone Variance. It will create great impacts on the zoning in the Community Plan.

**Response 7.34**

The Commentator’s opinion regarding the acceptability of revisions to the existing CUP and Variance is noted. However, there is nothing in the City of Los Angeles Municipal Code that prohibits a property owner from filing for a new Conditional Use Permit and/or Zone Variance if their proposed project has substantially changed. Further, Significant Criteria for impact on Community Plan is stated in *Section IV.G.1., Zoning* on page 108 of the DSEIR. “A significant impact would be defined as that which (1) prevents the implementation of land use

policies, (2) is inconsistent with an adopted land use designation of intensity, (3) creates an indirect or secondary environmental impact which results in substantial or extreme use incompatibility, or (4) is found to be in substantial conflict with relevant zoning regulations.” Analysis of the potential Environmental Impacts of this project, including Zone Variances and Conditional Use Permit Impacts using this accepted criteria is stated in *Section IV.G.1., Land Use/Zoning* on page 108 of the DSEIR. As stated in *Section IV.G.1., Land Use/Zoning* on page 109, no impacts to zoning are anticipated after mitigation as a result of the Proposed Project.

**Comment 7.35**

Page XXXV. Mitigation Measures. Not acceptable as a new CUP would violate the existing zoning and approved densities.

**Response 7.35**

*See Response 7.34*

**Comment 7.36**

**Cumulative Impacts**

The Sagebrush Cantina proposed project certainly would be a significant impact as well as proposed development in the City of Calabasas. So there would be cumulative impacts.

**Response 7.36**

CEQA Section 15130, *Discussion of Cumulative Impacts*, discusses that “Probable Future Projects” may be limited to those projects requiring an agency approval for an application which has been received at the time the notice of preparation is released, unless abandoned by the applicant. Research on possible Sagebrush Cantina projects was done with both the City of Los Angeles and the City of Calabasas. According to both agencies, there has been no such project filed in either the City of Calabasas or the City of Los Angeles. Therefore, Commentators opinion in regards to the Sagebrush Cantina being a cumulative impact is incorrect.

**Comment 7.37****Page xxxv DISTRICT PLAN**

The City of Los Angeles does not have a District Plan. They have 35 Community Plans and a General Plan framework. The Community Plans take precedent over the General Plan. The Woodland Hills Community Plan Area.

**Response 7.37**

*See Corrections and Additions No.'s 6 through 9.* It should be noted that within the relevant section in the DSEIR itself, the phrase “Community Plan” is used. The phrase “District Plan” in the DSEIR is used in the Section Title and in only four sentences in that section. The phrase “District Plan” was used by the City of Los Angeles prior to the adoption of the General Plan Framework to describe the Land Use Plan for Planning areas with multiple neighborhoods. For instance, land use for the Canoga Park-Winnetka-Woodland Hills-West Hills was referred to as a District Plan to describe that various neighborhoods were covered within it.

**Comment 7.38**

Conditional Use Permits and Variances are to be used very judiciously and without prejudice and may not give a special privilege or relieve a self imposed hardship.

**Response 7.38**

Comment Noted. As stated in *Section II.C Project Description/Project Characteristics* on page 6, the project site is currently governed by a Zone Variance and Conditional Use Permit under Case No. ZA 86-0653 (CUZ)(ZV). These controls were placed on the property by the City of Los Angeles after the inception of uses on the site in 1942. As a result, this is not a self-imposed hardship, as the Commentator has suggested.

**Comment 7.39**

Page xxxvi **GENERAL PLAN ELEMENTS**

**Environmental Impacts**

Scenic Highways

There is great significant impact on the Scenic Highway. 1. The height of the buildings are above the permitted.

**Response 7.39**

The commentator is not clear as to what regulation governing height they are referring to. It appears that the Commentator may be referring to either the Mulholland Scenic Corridor Specific Plan or the XL Height district limitations. See **Response 7.11** for a discussion on the Mulholland Scenic Corridor Specific Plan. See **Response 7.7** for a discussion on the XL Height Limit District limitations. See **Section IV.G.3 Land Use/General Plan Elements** on page 113 - 121 for an analysis of impacts on the Scenic Highways Element of the General Plan. Also, see **Section IV.G. Land Use, page 106**, for a discussion of impacts on zoning height restrictions.

**Comment 7.40**

2. The removal of the Oak trees would result in the blight of the view shed.

**Response 7.40**

The Commentator's opinion as to what constitutes blight is noted. Impacts on Viewshed are discussed in **Section IV.Q, Aesthetics/View**, on page 213. Impacts on Trees are discussed in **Section IV.D, Biota**, on Pages 76 - 93.

**Comment 7.41**

3. This proposed project has not gone before the Mulholland Design Review Board and should have been before committing to doing an EIR that has produce erroneous and misleading information.

**Response 7.41**

*See Response 7.11*

**Comment 7.42**

**Equestrian, Hiking and Bicycle Trails**

This does not propose to make the trail go along Mulholland as required by the district Plan (Community Plan) nor does it include a bike trail along Mulholland.

**Response 7.42**

*See Corrections and Additions No's. 6 and 7.* Provisions of Equestrian and Bicycle Trails are discussed in *Section IV.G.3 General Plan Elements/Equestrian, Hiking and Bicycle Trails* on page 114 of the DSEIR. As stated on page 117 of the DSEIR, the current approved project includes and requires the installation of equestrian trails along the southern and western boundaries in the same locations as the Proposed Project.

As stated on page 118 of the DSEIR, “Although the proposed trail would not be located along Mulholland Drive as recommended by the Community Plan, it does fulfill the objectives of the Major Equestrian and Hiking Trail Plan, and it would prevent potential conflicts between horses and cars at the Mulholland Drive and Calabasas Road intersection.”

Further, as stated on pages 114 to 120 in the DSEIR, an equestrian trail from Calabasas Road at the intersection of El Cañon to the trail on Valley Circle has been developed and matches the proposed location of the equestrian trail along the southern and western boundaries.

Further stated on page 118, the project does not propose installation of a bike trail. However, a bike lane is currently provided within the paved portion of Mulholland Drive adjacent to the site. Nothing proposed by the project with the right of way under the proposed revocable permit would prevent continued existence of a bike way along Mulholland Drive in this manner.

**Comment 7.43**

## Cumulative Impacts

There are cumulative impacts because each project degrades the view shed even further until it is just another cluttered unsightly area and this project does the most to degrade the Scenic Parkway.

**Response 7.43**

Cumulative Impacts on Viewshed are discussed in **Section IV.Q, *Aesthetics/View***, on pages 213-232. Specifically, Cumulative Impacts on viewshed are on Page 231 or DSEIR. Also, *see Response 7.11* for discussion of the Mulholland Scenic Parkway Scenic Plan.

**Comment 7.44****Mitigation Measures**

Since no mitigation measures are mentioned, then it follows that UGLY is acceptable and to degrade and [sic] area because it is the FUND is permissible.

**Response 7.44**

Contrary to the assertion of the Commentator, Mitigation Measures regarding visual impacts are identified in **Section IV.Q *Aesthetics/View*** located on page 232 of DSEIR.

**Comment 7.45**

We find that they must do great mitigations for their proposed project or do findings for overriding considerations that will say they have a right to destroy the Scenic Parkway because it is economically beneficial to the FUND not to care about anybody but themselves.

**Response 7.45**

As identified in **Section IV.Q *Aesthetics/View*** on page 232 of the DSEIR, even with implementation of proposed mitigation measures, the project was found to significantly alter the views from Mulholland Drive,

adjacent to the project site. As a result, a finding of overriding consideration will be required at the time of approving the Proposed Project. In accordance with CEQA Section 15093, overriding consideration may be justified for legal, social, or technological reasons, not just economical benefit to the applicant, as suggested by the Commentator.

#### **Comment 7.46**

#### **Page xxxviii TRAFFIC**

#### **Environmental Impacts**

The information is purely speculative on the part of traffic engineers. Nowhere in the Document including the Appendices has there been mention of the number of employees, volunteers, the number on each shift, nor the maximum of residents for this proposed project.

#### **Response 7.46**

Contrary to what Commentator has asserted, factors identified in the comment are not only unnecessary, but are not the most reliable for determining traffic impacts. Traffic based on ITE generation rates derived through continual updates and refinements based on numerous studies and uses take on many more factors than what the Commentator has mentioned. Also, see *Correction and Addition No. 16*.

#### **Comment 7.47**

Also not accounted for is the 80% of outpatient services by off campus members.

#### **Response 7.47**

Linscott, Law and Greenspan has analyzed the increased traffic impacts to the project area which are discussed in **Section IV.M, *Transportation and Circulation***, on pages 123 - 177.

**Comment 7.48**

The 20% number for on-campus out-patient services can not be extrapolated unless we know the number of volunteers on top of the residents who would qualify for out-patient services.

**Response 7.48**

According to the applicant, the number of volunteers on MPTF's campus has no impact on the number of entertainment industry members utilizing MPTF's services because MPTF's volunteers do not become eligible to use services as a result of their volunteer efforts. Eligibility for MPTF's service requires work in the entertainment industry, not work as a MPTF volunteer. Additionally, all residents on the MPTF fund site are eligible to utilize the out-patient services. The total number of existing and proposed number of residences on the campus are discussed in *Section II.C Project Characteristics*, pages 6 through 19 of the DSEIR.

**Comment 7.49**

This still does not limit the number of non-campus out-patients. This could result in another 400 or more visits per day, which means many more cars and trips per day.

**Response 7.49**

Linscott, Law and Greenspan has analyzed the increased traffic impacts to the project area, which are discussed in *Section IV.M, Transportation and Circulation*, on pages 123 - 177. The ITE trip generation rates assume 75% of the patients would come from off-campus..

**Comment 7.50**

In appendix F of the Appendices it states that the intersections are already at **E** and **F**.

There is no way the proposed improvements will improve the intersection times with the build out of the proposed projects. The whole interchange design only made worse the traffic. The Old interchange did a much better job of moving traffic.

**Response 7.50**

A comparison of existing traffic volumes between the 1986 DSEIR and the 2001 DSEIR indicates that the traffic volumes on Valley Circle Boulevard (over freeway) have gone from 1,606 to 4,805, an approximate 200% increase. Mulholland Drive, in front of the site, went from 1,493 to 2,339, an approximate 57% increase. Calabasas Road, in front of the site went from 1,194 to 2,227, an approximate 87% increase. With this change, the V/C for the intersection only increased from .909 to .935, an approximate 3% change. As a result, the Commentator is incorrect in regarding the effectiveness of the current interchange design. The Commentator has not provided any evidence to indicate future traffic improvements assumptions are incorrect, and the comment should be considered strictly opinion.

**Comment 7.51**

ATSAC is not the answer since it has completely failed on Ventura in Woodland Hills and this intersection and interchange is no different than the reason ATSAC has failed on Ventura and in Warner Center. All of the proposals will only end up making driving time slower and waiting times at signals longer and increasing driver frustrations which leads to more accidents.

**Response 7.51**

The traffic mitigation measures recommended for the proposed project are described in the DSEIR in *Section IV.M, Transportation and Circulation, 1. Traffic*, on pages 167 to 170, as well as in the April 6, 2001 letter issued by the Department of Transportation (LADOT). The April 6, 2001 LADOT letter is provided in Appendices of the DSEIR.

LADOT is recommending that the project pay its fair share towards the design and construction of an upgrade of the existing Automated Traffic Surveillance and Control (ATSAC) system. The upgrade consists of the Adaptive Traffic Control System (ATCS) to be implemented at 32 signalized intersections in the project vicinity. As discussed in the DSEIR, the ATCS traffic signal equipment allows LADOT to adjust the timing of traffic signals within a network in a real-time manner in response to changing traffic volume demands.

LADOT has implemented the ATCS upgrade in several areas within the City of Los Angeles. Monitoring studies conducted by LADOT indicates that travel delays experienced by motorists within the network are reduced by 12 to 15% as compared to conditions prior to the implementation of the ATCS upgrade. As discussed in the DSEIR, LADOT conservatively assigns a 3% increase in capacity at individual intersections where the ATCS upgrade is installed.

**Comment 7.52**

Since it has not taken the Sagebrush Cantina project into account, this is completely erroneous information in this study. To try and justify this project on the biased study is a sham and a discredit to good planning.

**Response 7.52**

*See Response 7.36*

**Comment 7.53**

**II. PROJECT DESCRIPTION**

1. STATEMENT OF OBJECTIVES

Page 2

We find the last listed objective (number 15 is [sic] they had been numbered) creates a different objective than the ones before. The “FOCUS ON PROVIDING ASSISTED LIVING RESIDENTIAL UNITS, RATHER THAN INDEPENDENT LIVING RESIDENTIAL UNITS”, brings into question how valid is the proposed project as stated versus that this will become an Institutional project that will take great government subsidies under current legislation.

**Response 7.53**

The existing facility, current Master Plan, Conditional Use Permit, and Zone Variance include assisted living units. The statement quoted by the Commentator refers to a proposed change in anticipated uses on the southern portion of the property and contrary to the assertion of the Commentator, this does not change the objective.

**Comment 7.54**

This will change the whole character of the scenario painted and greatly change the need for public transportation and the requirements under assisted living as to the number of employees and the number of licensed beds that are not accounted for under the proposed development.

**Response 7.54**

If the Commentator is referring to the change in character of the existing development, it is described in the Project Description on pages 1 - 19 of the DSEIR which identifies the factors used in the analysis to determine the potential impact assumptions. The Project Description in the DSEIR clearly defines how the change in focus associated with the development on the south portion of the site will affect the environment. *Section IV. B.2 Air/Air Quality (Construction)*, page 64, states that the Proposed Project is projected to result in a net increase of approximately 896 jobs on the project site and has been used in the analysis of the DSEIR.

**Comment 7.55**

We see obfuscation of the real intent of this project and not the one outlined in the proposal. We object under CEQA that this violates disclosure of what the project is and the affect on the environment.

**Response 7.55**

The Commentator's concern as to an unstated intention of the project is noted. The project will have to go through a public hearing via a Conditional Use Permit and/or a Zone Variance consistent with current approval. In the future, if the project is found to be inconsistent with the approved Conditional Use Permit and/or Zone Variance, appropriate environmental clearances would be required. As a result, any project not consistent with the "one outlined in this proposal" would be required to go through a new Conditional Use Permit and/or Zone Variance

process and have the required applicable environmental clearance. It is recommended that the Commentator attend the public hearing to express concerns so that appropriate conditions can be placed on the Conditional Use and/or Zone Variance to safe-guard any approval from being used to develop a project inconsistent with the intentions of those outlined in the DSEIR.

**Comment 7.56**

2. BIOTA

Page 78

W [sic] find under City of Los Angeles, the statement that they only have to consult before removing Oak tree is reprehensible.

**Response 7.56**

The Commentator has selectively identified the requirements of the Oak Tree Ordinance. A correct reading of the statement on Page 78 of DSEIR states that “The Ordinance requires consultation prior to impacting any oak tress with a diameter greater than 8 inches measured at breast height. The ordinance requires mitigation in situations where impacts to oak trees are unavoidable.” As a result, the consultation is the first step in a process, not a sole requirement as suggested by the Commentator.

**Comment 7.57**

The Mulholland Scenic Parkway Specific Plan as well as he City Oak Tree Ordinance does not state this. This requires public hearing.

**Response 7.57**

*See Response 7.56.* Furthermore, Page 91 - 92 of the DSEIR specifically describes the mitigation measures required to protect the Oak Trees on the Project site. All trees that are anticipated to be removed must have a

plot plan be approved by the City Planning Department and the Street Tree Division of the Bureau of Street Services.

**Comment 7.58**

This gross cavalier attitude that they, the FUND, do not have to plan in their proposed development to preserve not only native species and the View Shed in the Mulholland Scenic parkway is unacceptable, and this cannot be tolerated by anyone who is elected to public office in the City of Los Angeles.

**Response 7.58**

*See Response 7.11*

**Comment 7.59**

Page 82

This fails to state that the FUND has done nothing in the years they have owned the land to clean or clear this area. The [sic] is a high probability that the FUND did harm to this area by renting the land as agriculture and did not over see that the stream bed was not impacted and that no contaminated material was discharged of [sic] placed in this riparian area.

**Response 7.59**

*Section IV. D, Biota*, page 81 of the DSEIR states that “The agricultural land lies in the middle portion of the site, and is currently leased on an annual basis to an organic farmer.” As a result, it is contrary to the assertion of the Commentator that there is a high probability that the FUND did harm to this area since the agricultural use is organic farming. Further, *Section IV.C Water* Figure 10, page 69 shows that currently the farmed portion of the site drains to the north, away from where the Dry Creek flows across the site.

**Comment 7.60**

Page 89

This indicates that there are significant impacts on the animal species and there are no mitigations that can correct it other than “NO PROJECT”.

**Response 7.60**

Contrary to the assertion made by the Commentator, the assessment of impacts to Biological species, including animal species, finds that the implementation of mitigation measures as identified on Page 93 would reduce impacts to a less than significant level.

**Comment 7.61**

Page 90

Again they are touting removing a dozen Oaks of which eleven are endangered Valley Oaks in the San Fernando Valley.

**Response 7.61**

Contrary to the assertion made by the Commentator, the EIR does not “tout” the removal of Oak Trees, it assesses the potential impacts and identifies the removal of the trees. It also provides mitigation measures to mitigate impacts of the removal.

**Comment 7.62**

The narrow, self serving interpretation on the stream bed shows that there will be serious effects on the riparian area and the FUND has no concern about what it destroys.

**Response 7.62**

Contrary to the assertion made by the Commentator, the FUND has not made a narrow interpretation of the stream bed. Page 10 of Appendix E of the EIR clearly defines the stream bed and the jurisdiction over them by the Federal Regulation Section 404 of the Clean Water Act and State Regulation under Section 1603 of the Fish and Game Code. As is stated on Page 90 of the DSEIR, a precise formal wetlands delineation limit of the stream bed is required; however, as stated in the DSEIR, the only anticipated impacts containing wetlands/streambed are the proposed installation of a bridge structure and equestrian/pedestrian trails. As stated on Page 90 of the DSEIR, “Because the impacts due to the proposed development would only cause minimal impacts to riparian vegetation and the stream banks, it is anticipated that mitigation for these impacts can be accomplished onsite.” Mitigation Measures for the stream bed are on Page 93 of the DSEIR.

**Comment 7.63****Mitigation Measures**

Page 91

None of the mitigation measures are acceptable under the Oak Tree ordinance or the Mulholland Scenic Parkway Specific Plan. This assumes they have a right to remove Oak trees.

**Response 7.63**

*See Response 7.11.* Also, the DSEIR does not assert the applicant’s right to remove Oak Trees. The EIR assesses the potential impacts from the removal of the trees. It also provides mitigation measures to mitigate impacts of the removal.

**Comment 7.64****Cumulative Impacts**

These impacts are not acceptable because they are very significant on wildlife and this statement is totally contradictory to the statement in the preceding paragraph.

**Response 7.64**

Cumulative Impacts on Biota as stated on Page 91 are not contradictory to the preceding paragraph. The preceding paragraph that the Commentator mentioned describes the Proposed Project while the following paragraph explains the potential impacts of related projects and any cumulative impacts created through the implementation of both the project and related projects. Review of Figure 7, ***Related Projects*** on page 26 of the DSEIR, that shows the large distances between the proposed project and related projects and Figure 12, ***Existing Plant Community Map*** on page 80, which depicts the limited existence of bio resources on the site, and the types of impacts anticipated at the related project sites described on page 91, indicates that due to the limited impacts to these limited biological resources on the site, the distance to related project sites and the nature of the anticipated impacts as stated in DSEIR, there are no cumulative impacts.

**Comment 7.65****Mitigation Measures**

These are stated as recommendations not as mitigations. It violates CEQA because it does not spell out 1. That they will be done. 2 It does not state how they will mitigate.

**Response 7.65**

*See Response 7.20*

**Comment 7.66**

6. LIGHT

This violates the Mulholland Scenic Parkway Specific Plan. The FUND acts as if it does not exist and CEQA requires that all specific plans must be addressed.

**Response 7.66**

*See Response 7.11.* Further, it should be noted that *Section II.8 Land Use*, pages 26 and 27 of the 1986 DSEIR do contain an assessment of the Mulholland Scenic Parkway Specific Plan and found that there was no impact from development at this site.

**Comment 7.67**

There is a requirement that all projects go before the Mulholland Design Review Board.

This plan is totally unacceptable.

**Response 7.67**

*See Response 7.10*

**Comment 7.68**

7. LAND USE

1. Zoning

The whole premise from pages 106 to 112 is that they have a right to what ever they want. If this was true there would not be a DSEIR supplement.

**Response 7.68**

*See Response 7.7.* Comment noted. Commentator is correct, they do not have the right to do whatever they want.

However, contrary to the assertion made by the Commentator regarding Pages 106 - 112, “having the right to do whatever they want” is not the premise of the EIR. The DSEIR assesses and identifies the potential impacts of the project on the environment and also provides mitigation measures to lessen any potentially significant impacts.

**Comment 7.69**

This request is for a very different project and a greater density that [sic] was proposed in 1986 and with conditions approved by the Woodland Hills Homeowners Organization.

**Response 7.69**

*See Response 7.8*

**Comment 7.70**

What has occurred since is not brought out. There have been numerous closed door negotiations that violate Los Angeles City ordinances and disenfranchise the public from asserting its administrative relief and thus deny them access to relief from judicial system of the State of California.

**Response 7.70**

Approvals by the Zoning Administrator are identified in the DSEIR in *Section I. Summary* on pages ix through xi. All of the actions were deemed consistent with the original Case No. ZA 86-0653 (CUZ)(ZV), and B.Z.A. Case No. 3511 which were processed with the required public hearing. No new approvals or “closed door negotiations that violate the Los Angeles City ordinance” have been given for the project. Therefore, the assertion by the Commentator is not accurate.

**Comment 7.71**

On page 109 under Mitigation Measure it states: “NONE REQUIRED WITH APPROVAL OF A NEW CONDITIONAL USE PERMIT.” We find this curious since they have not been granted a new conditional use permit and this is as it says “conditional”. Therefore for the conditions set forth may not be the ones the FUND has been quietly pushing behind closed doors and has not been forthright in its presentations to the public or in meetings with the Woodland Hills Homeowners Organization.

**Response 7.71**

The Commentator is correct in his assertion. No new Conditional Use/Zone Variance and final list of “conditions” have been determined. It is unclear as to what set of conditions “the FUND has been quietly passing behind closed doors,” since no application has been filed, no public hearing has been conducted, and no new condition have been proposed at this time.

**Comment 7.72**

## 2. Community Plan

On page 110 it says the FUND must obtain a variance for “institutional” uses says that they must make the findings. These findings cannot be legitimately made and would be a violation of law to fabricate or grant a special privilege which is a violation of the ordinance.

**Response 7.72**

The opinion of the Commentator regarding the ability to make Variance findings are noted. However, it should be noted that the current approval for the site includes a Variance for Institutional uses.

**Comment 7.73**

## 3. General Plan

Page 114 in the first paragraph states that “The portion of Mulholland Drive from the 101 Freeway westerly to Mulholland Highway is designated as a Scenic Parkway. However, the project site is located outside the limits of the designated Scenic Parkway.” Since the Scenic Parkway has an inner and outer corridor that is a half mile wide it is difficult to understand how they are not in the Scenic Corridor.

**Response 7.73**

It appears that the Commentator has mistaken the reference to the 101 freeway to be that at Valley Circle. However, Page 114 of the DSEIR states “The portion of Mulholland Drive from the 101 freeway westerly to Mulholland Highway is designated as a Scenic Parkway.” The reference point and beginning of the Scenic Parkway is where Mulholland Drive and the 101 freeway intersect in the Cahuenga Pass. As a result and as stated in the DSEIR, the portion of Mulholland Drive governed by the Scenic Parkway is 2 ½ miles south of the project site.

**Comment 7.74**

## 13. TRANSPORTATION AND CIRCULATION

Page 125 Local Public Transit Services

This glosses over the deficiencies of the lack of a transportation system that get the workers they will hire from the areas in which they reside. For most of their workers they will end up driving cars because on an eight hour work day they will spend a minimum of four hours getting to and from work..

**Response 7.74**

The analysis of potential traffic impacts due to the proposed project is provided in the DSEIR in *Section IV.M, Transportation and Circulation, 1. Traffic*, on pages 134 to 167. As discussed on pages 125 through 126, the project site is served by public transit bus service provided by the Metropolitan Transportation Authority (MTA) and the Los Angeles Department of Transportation (LADOT). In total, approximately 10 buses serve the project site area during the AM and PM peak hours. This somewhat limited level of public transit service is generally typical for a suburban area of the City of Los Angeles. Thus, the traffic analysis provided in the DSEIR assumes that all travel to the site will be made by private automobile, with no adjustments or reductions made to account for potential trips made by public transit. In this way, the traffic analysis provides a conservative “worst case” assessment of the potential traffic impacts associated with the proposed project.

The DSEIR provides no assessment of the travel times experienced by persons who work at the project site, as such information is not required for the purposes of assessing the potential impacts of the proposed project. Further, the Commentator does not provide data to support his assertions regarding potential travel times by persons traveling to and from the project site.

**Comment 7.75**

The time spent if they work 10 or 12 hour shifts will increase by 30 minutes to one hour for each direction.

**Response 7.75**

See *Response No. 7.74* for a discussion regarding the relevancy of commute travel times. The Commentator does not provide data to support his assertions that persons working 10 or 12 hour shifts will experience longer commute times to and from the project site.

**Comment 7.76**

The buses that are mentioned are over crowded and late in the peak travel periods. They do not make timely connections or even connections with the transportation in the areas they [sic] workers reside.

**Response 7.76**

See *Response 7.74* for a discussion regarding existing public transit service at the project site. The DSEIR *Section IV. M, Transportation and Circulation, 1. Traffic*, pages 125 provides a forecast of the potential new public transit bus riders that may be generated by the proposed project. Based on guidelines provided in the MTA's Congestion Management Program (CMP) manual, the project is forecasted to generate approximately 10 to 14 new public bus transit riders during the AM and PM peak hours. This is equivalent to approximately one new public transit rider per bus that currently serves the project site area during the peak hours. This incremental increase in ridership due to the proposed project is not anticipated to significantly impact public transit bus service in the area.

**Comment 7.77**

Page 167 to 170 Mitigation Measures

None of the proposed street improvements will increase traffic flow.

**Response 7.77**

The traffic mitigation measures recommended for the proposed project by are described in the DSEIR *Section IV. M, Transportation and Circulation, 1. Traffic*, on pages 167 to 170, as well as in the April 6, 2001 letter issued by the Department of Transportation (LADOT). The April 6, 2001 LADOT letter is provided in Appendices of the DSEIR. The traffic mitigation measures include street widenings, roadway restriping, and traffic signal improvements. Together, these measures will increase the capacity of the affected intersections, thereby reducing congestion and travel times. Tables 38 and 39 on pages 148 and 149 of the DSEIR provides a summary of the intersection capacity analysis. The table shows that at intersections where project traffic mitigation measures are recommended, the calculated Volume-to-Capacity (V/C) ratio improves as compared to the future pre-project condition. That is, the intersections will have improved operations after implementation of the project mitigation measures as compared to the future condition if the project were not built.

**Comment 7.78**

The 101 - Ventura interchange has greatly reduced travel times.

**Response 7.78**

*See Responses 7.50 and 7.51*

**Comment 7.79**

The signals in all directions preclude any increase in travel times and the ramps and queue areas too short to accommodate the current amount of traffic for most of the day between 7:00 am and 7:00 pm. Monday through Friday and sometimes on Saturday.

**Response 7.79**

*See Response 7.77* for a discussion of the project traffic mitigation measures recommended in the DSEIR. As discussed in the DSEIR, the project traffic analysis focuses on conditions during the weekday commuter peak hours, as these are the periods of the day when traffic volumes and congestion on the street system in the vicinity of the project site are at their highest levels. Thus, the project has the greatest potential to cause significant traffic impacts during the commuter AM and PM peak hours. To determine the commuter AM and PM peak hours,

LADOT requires the analysis of the highest level of traffic between 7:00 and 10:00 AM (to determine the AM peak hour), and between 3:00 and 6:00 PM.(to determine the PM peak hour). Traffic volumes during other hours of a typical weekday, as well as on Saturdays, are at lower levels.

**Comment 7.80**

It is interesting that Figures 41 through 46 do not show any traffic nor do they show the daily parking on the Mulholland median directly in front of the FUND existing development.

**Response 7.80**

Comment Noted. Figures 41 through 46 in *Section IV.Q, Aesthetics* were not taken to show traffic, but to provide readers of the DSEIR with reference photos for the assessment of potential Aesthetics impacts of existing and proposed development on the site.

**Comment 7.81**

**2. Parking**

On page xlvi and 183 there is a bullet that alludes to a subterranean parking structure that does not appear anywhere in this document when it talks about parking. Either this is an example of the poor quality of this EIR or it has been deliberately left out for reasons that would then be brought forth later for greater expansions than is mentioned herein.

**Response 7.81**

The bullet is referenced by the Commentator that contains the phrase “subterranean parking” was contained in a list of mitigation measures from the Los Angeles Fire Department and is a standard mitigation providing design criteria for any potential portion of a roadway that may be built over a structure. It does not indicate that a subterranean parking structure will be built.

At this time, no parking structures are anticipated for the project. Basement structures may be developed, but if any portion of a basement structure extends under a road level surface, it would be subject to this mitigation.

**Comment 7.82**

On page 172 we find that the parking requirements for the “Retirement Community” are less than the number of workers that will be assigned to these buildings. Once again without the figures of employees no determination of the number of parking spaces on site can be made.

**Response 7.82**

The City of Los Angeles’ requirement for parking is based upon a property’s use, not by the number of employees that work on the site. The parking requirement for the uses within the project is identified and calculated in *Section M.2, Parking*, on page 171 of the DSEIR.

**Comment 7.83**

We also object to any FUND employees, volunteers, residents, or visitors having parking for the FUND be allowed to use public right of way for their development.

**Response 7.83**

Commentator’s opinion regarding objection to any approval for uses public rights-of-way are noted. As described on the title page of the DSEIR, one of the City’s action requested for improving the project is for a revocable permit “to allow for the development of parking circulation and landscaping in the public right-of-way.” Further, it should be noted that the current utilization of parking on the right of way was approved under Case No. ZA 86-0653 (CUZ) (ZV).

**Comment 7.84**

This project must exceed the minimums for City Parking requirements.

**Response 7.84**

As stated in *Section IV. M Transportation and Circulation, 2. Parking*, on page 172, "...a total of 754 parking spaces (334 existing required spaces plus 420 Master Plan project required spaces) would be required for the future MPTF campus upon build-out of the proposed Master Plan project. A total of 975 on-site parking spaces are proposed for the MPTF campus as part of the Master Plan project. Thus, clearly this project will exceed the minimum number of parking spaces called for by the City Parking requirements.

**Comment 7.85**

## 14. PUBLIC SERVICES

Not only did the Fire Department state that response time is inadequate, but the fact that all intersections that lead to this proposed project will be at most times **E** or **F** says a lot about what is being proposed.

**Response 7.85**

A review of Table 40 , *Project Build-Out Summary of Volume to Capacity Ratio and Levels of Service*, in *Section IV. M Transportation and Circulation 1. Traffic*, on page 149, shows that the project will not change the LOS rating at any of the intersections operating at LOS D or greater from future no project levels except at El Cañon Avenue and Calabasas Road. Proposed mitigation at that intersection will improve this rating to what is equivalent to the current rating. Further, a list of mitigation measures required from the Los Angeles Fire Department to mitigate the inadequate response time is included in *Section IV.N 1, Public Services - Fire Protection*, page 182 through 184. Also, see *Corrections and Additions No. 13, 14, 27, and 28*.

**Comment 7.86**

Also, there is no mention of Emergency Paramedic Services. Since there is a Hospital already on site, this proposed project should not have the right to call Paramedic services but should supply their own emergency services.

**Response 7.86**

Commentator's opinion regarding "rights" hospital should not have are noted. Commentator is not clear as to why this project should be precluded from having right to call Paramedic Services, when similar projects are permitted to do so. It should be noted that most hospitals, including major Medical Centers, do not maintain on-site Emergency Paramedic Services.

**Comment 7.87**

17. AESTHETIC/VIEW

THROUGH ALL OF THE VERBAGE FROM PAGE 213 THROUGH 232 THE CONCLUSION IS THAT THE VIEW FROM MULHOLLAND DRIVE WOULD BE SIGNIFICANTLY ADVERSELY IMPACTED.

**Response 7.87**

Commentator has correctly identified an impact identified on *Section IV.Q Aesthetics/View*, page 232.

**Comment 7.88****VII. ALTERNATIVES**

1. NO PROJECT (BUILDOUT OF ENTITLEMENTS)

ALTERNATIVE A. (Pages 240 through 246)

No project is preferable because it does the least amount of damage in all areas discussed. It requires the least mitigations and does the least damage to the Mulholland Scenic Parkway Specific Plan which has already been violated by the FUND with its current project which the City of Los Angeles violated its own Ordinance.

**Response 7.88**

*See Response 7.11 and Response 7.55.* Commentators opinion in regards to their preference for the adoption of the project alternatives is noted.

**Comment 7.89**

26. Conclusion: This conclusion arrives that less development will increase operational emissions, energy consumption, ad [sic] wastewater, and a significant impact to the Community plan. This is a fallacious to say that more development as the proposed project dictates will lessen all of the above. This is an added insult to this community.

**Response 7.89**

As stated on Page 240, “The no project alternative would result in the build-out of the current entitlements on the site.” A review of the 1984 EIR for those entitlements indicate that the nature of the development of the southern portion of the site as primarily an independent living development is more energy demanding and results in the generation of greater amounts of wastewater. As a result, contrary to the Commentators assertions, less development could indeed require greater energy consumption and wastewater. Further, as discussed on Page 242 of the DSEIR and Pages 22 - 24 of the 1984 DSEIR, if the residential units proposed in the current entitlements are used as free standing detached residential units, the density would exceed the limits of the Community Plan. As a result, the assisted living clusters in the proposed project would be designed in a manner that would prevent use as standard apartments. Thus, potential impacts to Community Plan are avoided by the proposed project.

**Comment 7.90**

Therefore this is the superior project.

**Response 7.90**

Comment noted. *See Response 7.55.* Commentators opinion in regards to their preference for the adoption of the project alternatives is noted.

**Comment 7.91**

2. CHANGE IN LAND USE: EXISTING ZONING

Page 247 The results of grading is totally unacceptable because it would change land forms and remove the existing knoll.

**Response 7.91**

Commentator's opinion regarding grading is noted.

**Comment 7.92**

Page 248. Hydrology increases the amount of run off that is totally unacceptable.

**Response 7.92**

Commentator's opinion regarding Hydrology is noted.

**Comment 7.93**

Page 248. Biota. This is not acceptable because it greatly damages riparian habitat and does not even address animal habitats or raptor.

**Response 7.93**

*Section IV. D Biota*, page 89 discusses the Environmental Impacts to biological resources. It states that "The majority of the potential impacts would occur in agricultural areas on the property, and are therefore not considered to be significant to existing biological resources. Furthermore, Section IV. D Biota, page 86 to 89 clearly describes all animal habitats, including any raptors that may be on the site.

**Comment 7.94**

Page 249. (8) Zoning. This is in direct conflict with paragraph 2, page 247.

**Response 7.94**

Contrary to assertion, the Commentator does not clearly assert exactly what is “in direct conflict.” Paragraph 2, page 247 describes the current zoning and the permitted dwelling units of the site. Page 249 simply states that “this alternative would be consistent with the existing zoning of the site,” which does not conflict with Paragraph 2 on page 247 as the Commentator has asserted, but actually corresponds with the statement.

**Comment 7.95**

Page 250. (9) Community Plan. This is incorrect because it is more intense than the General Plan and the Community Plan. It violates the Mulholland Scenic Parkway Specific Plan.

**Response 7.95**

A review of the next alternative, change in Land Use, from page 254 to 260, outlines the development densities permitted under the General Plan and Community Plan. As stated on page 254, an alternative maximum development on the southern 19.8 acres would permit approximately 178 dwelling units. Development under Alternative B is 54 dwelling units. Contrary to the assertion of the Commentator, it is not more intense than the Community Plan or the General Plan. Also see ***Response 7.11*** for the Mulholland Scenic Parkway Specific Plan (MSPSP).

**Comment 7.96****3. CHANGE IN LAND USE: COMMUNITY PLAN**

Page 254. (1) Change in Land Use. Grading is unacceptable. It would remove the natural knoll.

**Response 7.96**

Commentator’s opinion regarding Grading is noted.

**Comment 7.97**

Page 255. (4) Hydrology. Unacceptable.

**Response 7.97**

Commentator's opinion regarding Hydrology is noted.

**Comment 7.98**

Page 256. (5) Biota. This is unacceptable as stated previously that it doesn't name what the impacts would be or how the problem will be solved or mitigated.

**Response 7.98**

Commentator's opinion regarding Biota is noted.

**Comment 7.99**

Page 256 (7) The lighting violates the Mulholland Scenic Parkway Specific Plan.

**Response 7.99**

*See Response 7.11*

**Comment 7.100**

(8) Zoning. Unacceptable as it will exceed the density of the zoning.

**Response 7.100**

Opinion of Commentator in regards to the unacceptable density of zoning identified for this alternative is noted.

**Comment 7.101**

Page 257 (9) Community Plan. This cannot be consistent. It would exceed zoning.

**Response 7.101**

Commentator's opinion regarding Community Plan is noted.

**Comment 7.102**

Page 257 (12) Parking. Would be much more significant.

**Response 7.102**

Commentator's opinion regarding Parking is noted.

**Comment 7.103**

**D. CHANGE IN SITE PLAN: REDUCED HEIGHT ON SOUTHERN PORTION OF SITE**

Page 261. (1) Grading. Totally unacceptable on what the total impact would be.

**Response 7.103**

Commentator's opinion regarding Grading is noted.

**Comment 7.104**

Page 262. (4) Hydrology. The amount of impervious service increase makes this totally unacceptable for the amount of run off increased.

**Response 7.104**

Commentator's opinion regarding Hydrology is noted.

**Comment 7.105**

Page 262, (5) Biota. Unacceptable because of the amount of grading impact on Oak trees and both animal and raptor species.

**Response 7.105**

Commentator's opinion regarding Biota is noted.

**Comment 7.106**

Page 263. (7) The lighting violates the Mulholland Scenic Parkway Plan,  
(8) Zoning. This is unacceptable as the proposed project requires a Conditional Use and Zone Variance.

**Response 7.106**

*See Response 7.11 and Response 7.55*

**Comment 7.107**

Page 263 (9). Community Plan. Same as #8 above.

**Response 7.107**

*See Response 7.71*

**Comment 7.108**

Page 263, (10) General Plan. It will require a General Plan Amendment and this is not acceptable.

**Response 7.108**

Commentator's opinion regarding the General Plan is noted.

**Comment 7.109**

Page 266. (26) Conclusion. This is not acceptable for same reasons that the FUND states, as stated here and correlates with our previous comments.

**Response 7.109**

Commentator's opinion regarding Conclusion is noted.

**Comment 7.110**

5. CHANGE IN SITE PLAN: NEW CONSTRUCTION LIMITED TO DEVELOPED PORTIONS OF THE SITE.

Page 267 (1) Grading. Grading for this is far superior to the propose project.

**Response 7.110**

Commentator's opinion regarding Grading is noted.

**Comment 7.111**

Page 268. (4) Hydrology. While superior to the proposed project its still would increase run off.

**Response 7.111**

Commentator's opinion regarding Hydrology is noted.

**Comment 7.112**

Page 268. (5) Biota. It does not explain how it would protect animal and bird populations.

**Response 7.112**

Commentator's opinion regarding Biota is noted.

**Comment 7.113**

Page 269. (7) The lighting violates the Mulholland Scenic Parkway Specific Plan. (8) Zoning as with the proposed project it will require a Conditional Use and Zone Variance which is not acceptable.

**Response 7.113**

Commentator's opinion regarding Zoning is noted. See *Response 7.11* for discussion of Mulholland Scenic Parkway Specific Plan.

**Comment 7.114**

Page 269 (9) Community Plan. Ibid. - same as before.

**Response 7.114**

Commentator's opinion regarding the Community Plan is noted.

**Comment 7.115**

Page 272. (26) Conclusions. This one is superior to the proposed project because it would result in only building on the Northern portion of the site. But not superior to NO PROJECT. The discrepancies and omission of CEQA as previously pointed out in this response shows the incompleteness and possible bias of this DSEIR. These facts relate directly to impact.

**Response 7.115**

Commentator's opinion regarding the Conclusion is noted. *See Responses 7.1 through 7.115*. The review of these responses have not revealed any discrepancies or omissions in violation of CEQA.

**Comment 7.116**

We find this DSEIR an assault on the Community Plan, General Plan and the Mulholland Scenic Parkway Specific Plan that would make a mockery of good and long term planning that has taken place over the years. The FUND cannot by City Code receive special treatment nor does CEQA allow special treatment and this is what is being asked for by the FUND.

**Response 7.116**

Commentator's opinion in regards to SEIR and good and long-term planning are noted. *See Response 7.11* for Mulholland Scenic Parkway Specific Plan. *See Response 8.7* for General Plan Consistency. The review of these responses have not revealed any discrepancies or omissions in violation of CEQA.

**Woodland Hills Homeowners Association****Paul Kahn****Comment 8.1****NEIGHBORHOOD**

The old Motion Picture Relief Fund bought 44 acres from the John Show Ranch for \$850 an acre. In the early 1940's this non-public self insured membership of the Motion Picture industry developed 16 acres. At the time this site of Los Angeles was in a rural setting of open fields, horse ranches, sparsely built tracts of homes that was far removed from heavily developed institutional, commercial, industrial and concentrated residential areas. The Fund's development presented little negative to the safety, utilities, traffic, parking, transportation, public service, aesthetic views, cultural resources, biological resources or the unique ambiance of Woodland Hills.

As the population of Southern California grew inl [sic] the next 50 years, especially after WW II, the area of the western edge of Woodland Hills exploded. Though this area was good distance from their employment a number of people wanted to live in an area that had a rural setting. A place that they could come home to in the evening and enjoy the ambiance and quiet. During the growth period the Fund was considered as part of this local community atmosphere. It was perceived that the zoning of the majority portion of the Fund property was agriculture and RS-1, which would require a limited number of future dwellings. The L.A. City Planning Department through their master plan showed that no industry or institution zoning on the undeveloped land.

On January 10<sup>th</sup>, 1990, the City mandated that a limit of 2 stories - 30 feet height to any future building.

An examination of the EIR Supplement now indicates that the Fund plans on forever the area by asking , through the use of Conditional Use Permit process, that the Zoning laws, , [sic] be changed. And by so doing will have a negative impact on our properties, our safety, our way of life, our health, our children's future, etc.

The Draft Supplemental Environmental Impact report of the Motion Picture and Television Fund APPENDICES, contain a 10 page - three part response to the City of Los Angeles Environmental Review Section, received Mar 1, 1999, from Paul Kahn, of the Woodland Hills Homeowners Organization (W.H.H.O.) that *must* be read and must be taken into consideration prior to granting any Conditional User Permit for this project. And this is in addition to the prior conditions at the top of this document titled: "NOTICE."

### **Response 8.1**

*See Response 7.7*

### **Comment 8.2**

*Page 2 Project Description. The scope is changed to become an industrial development which is inconsistent with the zoning of Community, plan and General Plan.*

### **Response 8.2**

*See Response 7.7 and Response 7.55.*

### **Comment 8.3**

PRIOR CONDITIONS AGREED UPON BY ALL PARTICIPANTS PRIOR TO THE GRANTING OF THE CONDITIONAL USE PERMIT IN 1986.

On November 20<sup>th</sup>, 1986, The Motion Picture & Television Fund, (John M. Pavlik, John King), The Woodland Hills Home Owners Organization, (Paul Kahn), ETI (Greg Taylor) Chief Zoning Administrator, (Franklin P. Eberhard), and Department of Building And Safety, agreed on a series of conditions prior to the granting of the Conditional Use Permit in 1986. [B.Z.A. Case No. 3511: ZA 86-0653 (CUZ) (ZV). These conditions are numerated 1 thru 14, and a thru g. These conditions are missing from the material published in this EIR Supplemental. We caution all who are involved in any further consideration of the Conditional Use permit expansion that these conditions are a part of any past or future development approval of the Fund land.

**Response 8.3**

*See Response 7.9*

**Comment 8.4**

Some of the requirements of these conditions are found in the EIR Supplemental but are not noted as being required by the 1986 agreement.

**Response 8.4**

*See Response 7.9*

**Comment 8.5**

A number of proposals however are included that are opposed by this 1986 agreement:

**#10. “That any further expansion of the Motion Picture and Television Home including, but not limited to, the construction of new buildings or additions exceeding those shown on the involved Master Plan, will be strictly prohibited.”**

It should be noted that the proposed site plan map on page 12 of the EIR Supplemental contains a number of proposals that cannot be accepted by the City Of Los Angeles without encountering possible legal action.

**Response 8.5**

*See Response 7.10*

**Comment 8.6**

Nine (9) buildings are indicated to be 3 stories high. THE MAXIMUM HEIGHT MUST NOT BE OVER TWO STORIES HIGH, AND NOT MORE THAN 30 FEET HIGH MANDATED BY CITY ORDINANCE AND THE MULHOLLAND DRIVE SCENIC ROUTE REQUIREMENTS.

**Response 8.6**

*See Response 7.11*

**Comment 8.7**

One guest house indicated to be 2 stories high. MAXIMUM HEIGHT ONE STORY AS SET FORTH IN THE AGREEMENT OF NOVEMBER 26<sup>TH</sup>, 1986.

**Response 8.7**

*See Response 7.9*

**Comment 8.8**

This proposed site plan map shows partial building on the hill. NO BUILDING OR EXCAVATING ANY PART OF THE HILL AS PER PRIOR AGREEMENT, SEE ATTACHED DOCUMENTS TO THIS SUBMITTAL.

**Response 8.8**

*See Response 7.9*

**Comment 8.9**

This proposed site plan map shows many parking spaces to be built on public land. THIS TAKING OVER OF PUBLIC LAND WILL NOT BE PERMITTED.

**Response 8.9**

*See Response 7.14*

**Comment 8.10**

This proposed site plan map shows a private street to be built on public land. And this private road is shown to open on to Valmar which is not permitted by prior agreement. AND NO PUBLIC LAND TO BETAKEN FOR USE BY A PRIVATE FUND.

**Response 8.10**

*See Response 7.14*

**Comment 8.11**

EIR Supplemental page xxv Flood Hazard/Mudflow Hazard. The significant impact with their numerous additions of structure, paving, and access/egress ways will add increase storm run off. This proposed site plan shows a water way that seems to be connected to the natural water course. Federal laws prevent changing a natural water course.

**Response 8.11**

*See Response 7.27*

**Comment 8.12**

The proposed site plan shows 7 “pavilions”. Discussion with the Fund representatives indicates that these are to be open, and not enclosed developments. One of these “pavilions” now being built near Stark Villa #1 seems to be an enclosed edifice which may be used for housing which must not be permitted.

**Response 8.12**

*See Response 7.15*

**Comment 8.13**

This proposed site plan shows the mass areas of all the proposed structures to be exceptionally large in relation to the land site that in effect will have an industrial appearance. Or, the appearance of prison building as seen in Lancaster. Or the appearance of low income apartment complexes which do not fit in the established ambiance of this area of Woodland Hills. THIS IS NOT TO BE PERMITTED.

**Response 8.13**

*See Responses 7.7 and 7.34*

**Comment 8.14**

EIR Supplemental page xxi: Air quality (construction) states that the construction will have a short term impact on the surrounding area. The construction will be accomplished presumably in phases, which with the Fund planning future expansion can only be considered to mean “many years.”

**Response 8.14**

Contrary to the assertion of the Commentator, the characterization that construction will be ongoing over numerous years, the noisy portions of construction are primarily limited to ground clearing, grading/excavation, foundations, structural, and finishing, as listed in *Section IV. E Noise* on page 98 of the DSEIR. Also, page 46 of the DSEIR discusses the project conformance with the State and Federal Regulation requirements pertaining to Construction Air Quality.

**Comment 8.15**

Also pertains to Construction Noise.

**Response 8.15**

Construction will be done in phases with long periods of no construction. *Section IV.E Noise*, on pages 94 through 102 of the DSEIR state that the project will “result in a significant impact” and that “Mitigation measures would reduce, but not eliminate, significant construction noise impacts.

**Comment 8.16**

Artificial Light DSEIR page xxxiii. SEIR states that the new lightening sources would not be considered a significant impact. As a presently conceived rural residential area, the addition of numerous exterior light fixtures in all the new parking areas will have a significant adverse impact on all its neighbors.

**Response 8.16**

The Commentator appears to have come to their conclusion from reading the Summary of the DSEIR. The body of the DSEIR, offers a longer description of the project and **Section IV.F Light/Artificial Light**, on pages 103 through 105. Pages 103 through 104 clearly discuss the impacts of the artificial light of the project to the surrounding residential neighborhoods, including the lighting of all the new parking areas. The document states that, “While the Proposed Project would create artificial light in a previously undeveloped area, the introduction of these new lighting sources would not be considered a significant impact. *Also See Response 7.34* for discussion of “rural” zoning.

### **Comment 8.17**

ZONING: EIR Supplemental page xxxiv. Adverse to what the SEIR implicates, the cumulative impact to all of the proposed projects for the Fund is significant. The term “distance” does not lessen the impact and “site specific” seems to be a nice catch phrase by the writers of this report to less on any influence on the surrounding neighborhood.

### **Response 8.17**

The significance criteria for land use is discussed in **Section IV.G.1 Zoning** on page 108. The significance criteria is based on the projects that are zoned within the City of Los Angeles boundaries. These related projects are discussed on page 28, in **Section III. B Related Projects**, and are shown on Figure 7 **Related Projects** on page 26. These projects include Numbers 8, 9, 10, and 11. Project No. 8 is 15 single family homes that have been found to be consistent. Project No. 9 was specifically identified in the most recent update of the General Plan and the Winnetka-Woodland Hills-Canoga Park-West Hills Community Plan and has been found to be consistent. Project No. 10 is a subdivision developed to comply with the zoning on the property. Project No. 11 has been found to be consistent. Each one of the related projects within the City of Los Angeles have been found to be zoned consistent.

Contrary to the assertion made by the Commentator, “distance” refers more to the separation by jurisdiction as it does physical distance. Site specific is related to each of the related sites, not the MPTF subject site. Also see **Corrections and Additions No. ’s 5 and 21**.

**Comment 8.18**

Current Zoning on the site was established by the City under its plan Consistency Program (AB 283) and imposed by ordinance No. 165,479 and adopted on January 10<sup>th</sup> 1990. R-3 is on one acre of the site. RA-1 zone is on 6.8 acres, remaining 37 acres are zoned RA-1XL.

Hospital and Hospital related facilities are not allowed under City of Los Angeles Ordinance 165479. January 10<sup>th</sup>, 1990. Plan Consolidation Program (AB 283) without approval of a Conditional Use Permit. Therefore this Conditional Use Permit being requested by the Fund must be DENIED. It flies in the face of the Community Plan for this area.

**Response 8.18**

As stated in *Section II.C Project Description/Project Characteristics* on page 6, the project site is currently governed by a Zone Variance and Conditional Use Permit under Case No. ZA 86-0653 (CUZ)(ZV). These controls were placed on the property by the City of Los Angeles after the inception of uses on the site in 1942.

***Also, see Response 7.55.***

**Comment 8.19**

74% of the entire 44 acre Fund owned parcel, 32.6 acres (the southerly portion of the site) is designated for low density residential use which permits 4-9 homes per gross acre; less the 2 acres reserved in the City plan for open space. This totals out to approximately 30 acres of homes with approximately 10,000 square foot lots which is common in this area (including streets, sidewalks, etc.) or 131 homes. The average home would have 2 adults and 2 children. Or a total of 522 people. Approximately 2 cars per home means only 262 cars. No need for almost 1000 parking spaces as put forth in the EIR Supplement.

**Response 8.19**

The Commentator appears to be misconstruing the City of Los Angeles Municipal Code regarding parking. The City of Los Angeles' requirement for parking is based upon a property's use, not by its land use designation. The

parking requirement for the uses within the project is identified and calculated in *Section M.2, Parking*, on page 171 of the DSEIR.

**Comment 8.20**

It was this protective zoning that encouraged most of us to put our savings and in effect our future in purchasing homes in this area. If this “guaranteed” zone is permitted to be changed by the conditional use permit process than either the culprit Fund of the City of Los Angeles will have to accept the consequences of responsibility.

**Response 8.20**

As documented in *Section G.1, Zoning*, Page 107, the MPTF was started on the site in 1942, prior to the development of most homes in the area. As stated on Page 106, since 1946 the City of Los Angeles authorized the use and expansion of the facility on the site. Before approving a new CUP for the site, the City is required to make findings that the use is compatible with surrounding properties. However, there is no evidence that the zoning on the site was established to provide a “guarantee” to the homeowners in the area.

**Comment 8.21**

TO PREVENT CREATING AN INSTITUTIONAL APPEARING DEVELOPMENT, THE PRESENT ZONING OF THIS PROPERTY MUST NOT BE CHANGED BY THE GRANTING OF A CONDITIONAL USE PERMIT.

If this were to be granted our homes will lose value.

**Response 8.21**

*See Responses 7.7 and 7.72*

**Comment 8.22**

Current real estate laws require full disclosure by sellers to buyers. By permitting institutional development and its traffic, safety, health, amenities, noise levels, air quality problems; this will have to be disclosed to any home

buyers, and in effect will reduce the price of a home in comparison to other similar homes in an industrial-free location of Woodland Hills.

**Response 8.22**

Current Real Estate Laws are beyond the scope of this DSEIR. The purpose of this DSEIR is to assess the environmental impacts of this project. Also *see Responses 7.7 and 7.72* for discussion regarding institutional uses within the City of Los Angeles.

**Comment 8.23**

Furthermore, page 110 of the EIR reminds us that “The Housing section of the Community Plan states, “Singles family housing ... shall be limited to Two Stories *as should residential development west of Mulholland between Valmar Road and Venture Boulevard.*” This must be adhered to and the rulings of one person, whose job requires that he must protect this and every community from over building, should not be permitted to rule against the majority of citizens who must be protected. Discretionary decisions is [sic] unlawful without public hearings.

**Response 8.23**

*See Response 7.7, 7.55, and 7.72*

**Comment 8.24**

COMMUNITY PLAN.

The Community Plan, shows distinctly on page 110 of the EIR Supplement that there is only a minor designation as to health care for this Fund Site (where the present developed buildings are) only on the most northern several acres of the Fund Site. This designation has purposely not been included on the balance of the site on the Community Plan to limit unwarranted expansion and intrusion.

**Response 8.24**

The opinion of the Commentator regarding the intention and limitation of designation is noted, however, it should be noted that the General Plan for the City of Los Angeles does not designate the site as a “minor” health center

designation or convalescent hospital. The General Plan has designated the site as a health center. Further, the proposed uses on the southern portion of the facility would not require a designation as a hospital/medical center.

**Comment 8.25**

Any effort to convert to institution zoning would be contrary to the character of the surrounding neighborhood, and considered a gross intrusion and will not be permitted. The City cannot support any other findings due to conditions agreed upon, as outlined in the 1986 agreement discussed above, for the 1986 CUP C which includes twenty one agreements with two additional agreements found in another document. This prevents any other conclusion.

**Response 8.25**

*See Response 7.9*

**Comment 8.26**

PROTECTION OF THE HILL ON THE SOUTHERN PORTION OF SITE.

We are most concerned with the aesthetics of the site.

To view this hill that is on the property, as you drive on Mulholland Drive, is most pleasing.

**Response 8.26**

Comment Noted.

**Comment 8.27**

Around this hill the Chumash Indian Tribe, as well s the Tatabiam and Tongva Tribes had their encampments or villages. In fact, the writers of the EIR supplement did not disclose the archaeological site CA-LAN-1060, and the paleontological site LACM 3173.

**Response 8.27**

Contrary to the Commentator's assertion, page 233 of the DSEIR clearly identifies CA-LAN- 1060 as 0.5 kilometers south of the project site.

According to a letter dated July 21, 2001, Dr. Samuel McLeod, Vertebrate Paleontology, Natural History Museum of Los Angeles County, Paleontological Site LAMC 3173 is located outside the southern boundaries of the proposed project area. Also, the letter states that the Paleontological sensitivity of the area including the proposed project site is considered to be of moderate potential. Excavations in the uppermost soil and Quaternary Alluvium layers which comprises most of the project site are unlikely to contain significant vertebrate fossils. Deeper excavations into the underlying older Quaternary sediments may encounter significant fossil vertebrate remains as well as any excavations below the Quaternary Alluvium or any excavations in the Upper Modelo Formation. The proposed project does not call for any excavation or building or subterranean structures. Therefore, impacts to paleontological resources is considered less than significant. However, to prevent any significant impacts to unanticipated resources a monitoring protocol for project excavations has been identified. See *Corrections and Additions No.'s 2, 19 and 35.*

#### **Comment 8.28**

The base of this hill is close to the natural water course that has been present for centuries. In 1984, we the local citizen living in this area were in negotiations with representatives of the Fund when they desired to expand their facilities. At that time we repeated our concern for maintaining this aesthetic topography. And to win us over to their expansion desires, JOHN M. KING, Director of Planning for the Motion Picture and Television sent us a letter dated August 11<sup>th</sup>, 1986 addressed, "Dear Neighbor". In this letter not only is it promised to keep internal parking as hidden as possible, and a statement, "It is our desire to make the Country House and Hospital not only a social asset to the community, but a physical asset as well." It goes on, A... to plant trees, shrubs and flowers in the same manner as we have in the acres we now use, and to preserve the hill area at Valmar and Mulholland as landscaped open space."

#### **Response 8.28**

*See Responses 7.18 and 7.23*

**Comment 8.29**

And most recently, on January 13<sup>th</sup>, 2000, RICHARD M. HUTMAN, and Carol Pfannkuche, Director of Public Affairs representing the Fund made presentations to our Executive Board, (re: Ms. Pfannkuche's January 14<sup>th</sup>, 2000 letter to Mr. Kahn concerning this meeting,) Mr. Hutman said that the subject **hill** will be left alone and not removed. Besides being a most appreciated amenity with its fully grown trees. The Fund's EIR Supplemental belittles the hill by offering a rumor concerning its origin.

**Response 8.29**

As stated in *Section IV.A.1 Earth/Grading*, page 29, the origin of both the smaller mound and the large knoll is discussed. The smaller mound and the large knoll have different origins. The large knoll is primarily natural and the smaller mound is completely man-made. Also see *Responses 7.17 and 7.18*.

**Comment 8.30**

We further refer you to page 18A of the Fund's EIR Draft Report No. 391-84-CUZ (ZU) for topography map showing where full grown oaks are located on the hill. We further refer to page 47B for black and white photos showing the hill. PHOTOS OF THE HILL AND A COPY OF TOPOGRAPHY MAP ENTITLED BIOTIC COMMUNITIES" THAT APPEARS ON PAGE 18a of EIR NO. 39-84-CUZ (ZV), WHICH PIN POINTS SOME FULLY GROWN OAKS ON THE HILL INDICATED WITH ASTERISK (\*) HAVE BEEN ATTACHED TO THIS SUBMITTAL.

Its must be noted that a photograph of this hill and its trees have been eliminated from the photographs on page 80 of the 2000 EIR Supplement. But the hill is shown on every topography map of the southerly portion of the Fund's site including public topography maps as well as topography maps included in this EIR Supplement. And on page 221 and 233 it notes the "hill sides" under Views and Viewshed.

**Response 8.30**

As noted by the Commentator, the potential impacts have clearly been assessed in the EIR. Comment does not point out any deficiencies in analysis. The photos in DSEIR do not eliminate any photos from reference. It is noted that Photos in Figures 41 to 46 in *Section IV. Aesthetics/View*, pages 215 to 220 are located approximately 300 feet away from location of photo contained in 1986 EIR. *See Corrections and Additions No. 34* for additional photos.

**Comment 8.31**

We depended on the honesty of the representatives of the Fund. And therefore, when the EIR Supplement now indicates that the HILL will be disturbed we are forced to believe that any Fund promises in writing or verbal may not be kept. And, if this is the case, all that is presented in the EIR is suspect of lack of good faith, honesty and integrity and therefore all promises made cannot be depended upon. Therefore the entire project with any promised mitigation's must be denied. AND NO CONDITIONAL USE PERMIT TO BE GRANTED.

**Response 8.31**

Any "promises" made between the FUND and other parties are outside the scope of this DSEIR. *Section IV.A.1*, page 33 of the DSEIR discusses the difference between the small man-made mound and a large knoll. The DSEIR does not state that the hill will be removed. It discusses that the aforementioned knoll ("HILL") would be "graded only minimally."

**Comment 8.32**

Once again, we demand that our neighborhood be protected from institution intrusion that will impact our safety, home values, etc.

**TREES**

THERE IS NO RIGHT TO CUT DOWN FULL GROWN OAK TREES ON AN ACRE OR MORE LAND UNDER THE MULHOLLAND SPECIFIC PLAN WITHOUT A PUBLIC HEARING.

**Response 8.32**

*See Responses 7.17, 7.11, and 7.29*

**Comment 8.33**

POPULATION

The Fund representatives have never responded to the neighborhood's request for the daily total number of people living and working on this Fund Site. This EIR contains additional future population projections with out total disclosure. We believe that a disclosure of this type would cause disapproval of the CUP that is being sought for the entire future project.

**Response 8.33**

*See Correction and Addition No. 16.*

**Comment 8.34**

A reminder that the City General Plan, page 64, permits 1,700 people on the entire 44 acres.

**Response 8.34**

The Commentator seems to be "mixing" the assumption of the General Plan on maximum site resident population of 1,700 with total site occupancy.

**Comment 8.35**

And, there is no information of the total number of people including all employees and member resident/patients current "and future" there will be if expansion requested is approved.

**Response 8.35**

*See Response 8.33*

**Comment 8.36**

## TRAFFIC

We question the traffic surveys done more than TWO years ago in 1999. This does not reflect the true traffic count of 2001.

**Response 8.36**

The traffic analysis includes a 2% per year growth factor for the years between a 1999 and 2005 and a 1% per year growth factor for the years between 2006 and 2015, as well as accounting for trips from 12 related projects. These assessment tools mean that the background data collected in 1999 can be forecasted not only until today but in the future. In this traffic analysis, future conditions have been forecasted for 2005 and 2015. As a result, the time passed from 1999 until circulation of the DSEIR is irrelevant in the adequacy of accuracy of the analysis.

**Comment 8.37**

Traffic trips at the Fund Site in 1999 was 4,659 vehicle trips a day. We ask that this total be updated to 2001 counts which is much higher.

**Response 8.37**

The existing trips are based on existing uses. Since no change in uses have occurred since 1999, this existing base number would not be changed.

**Comment 8.38**

And, at that time, 1999, the congestion ratings at the important intersection of Mulholland Dr. and Calabasas road was rated at LOS F. The worse rating and most congested that is used. Now new development proposed in the Fund's EIR will cause an ADDITIONAL 3718 trips a day added to the 4659 trips already generated, resulting in a total of 8377 trips a day (almost a doubling). The resulting congestion at this intersection will be way beyond LOS F.

**Response 8.38**

As shown on Table 34, *Section IV. M Transportation and Circulation, 1. Traffic*, page 133, in 1999 the intersection of Mulholland Drive and Calabasas Road was at LOS E, but with ambient growth shown on Table 39, page 148, the intersection will become a LOS F. However, there are current street improvements on Calabasas Road. Further, Page 170 of the EIR outlines the proposed improvements associated with the proposed project and shows that the measure will improve the Volume to Capacity (V/C) at this intersection from 1.368 to 1.388. As outlined on Table 37, the proposed project will generate 2,706 new trips a day. The 3,718 trips identified by the Commentator appears to be a reference in the summary of the Air Quality Section. The correct number of trips is 2,708, as appropriately referenced on Page 60 of the Air Quality Section. Information contained on Table 37, page 138 of Traffic Section of the DSEIR was utilized in the preparation of air quality and traffic assessments. Commentator identified existing trips on site, but future trips would now be 2,708. The impacts of these additional trips is documented in the traffic section. *See Correction and Additions No. 3.*

**Comment 8.39**

How will emergency police and fire departments get to us when they will have to await their turn to get through this over burdened intersection? All police, fire department, paramedics stations are north of this intersection and the Ventura Freeway.

**Response 8.39**

Contrary to the Commentators opinion, on pages 178 - 184, *Public Service Section IV.N.1, Fire Protection* of the DSEIR, it is noted that Fire Station 84, which contains paramedic units, is located south of the Ventura Freeway and is the second closest emergency rescue facility to the site.

**Comment 8.40**

This cannot be permitted. And, if the Zoning Administrator permits this to occur a substantial inquiry may have to take place.

**Response 8.40**

Commentator's opinion regarding the justifications for approval or denial of a project is noted.

**Comment 8.41**

Further, the SEIR comments to have 154 inbound trips and 169 out bound trips which indicates that there is no balance in their disclosures. THEREFORE THE INFORMATION IS ERRONEOUS AND UNRELIABLE.

**Response 8.41**

Commentator is referring to inbound/outbound trips within a peak hour. The difference between the inbound and outbound trips demonstrate that only a portion of an activity is completed within that given one hour. For example, employees have inbound trips in the AM peak hour while the corresponding outbound trip may not happen until the PM peak hour.

**Comment 8.42**

Please note at this time, that the EIR Supplemental contains a number of discrepancies. For example, on page XXIII 3718 vehicle trips will be added. On page 60 it states that 2708 vehicle trips will be added. How can reader be sure of anything in this report.

**Response 8.42**

*See Response 8.38. See Correction and Additions No. 3.* The number on page 60 is correct.

**Comment 8.43**

PARKING

The EIR Supplemental states that there are 334 parking spaces on the Fund Site. It further states that the additional development sought will require an additional 420 more spaces or double of what was there in 1999.

Then on page 15 the Fund proposes that they be obviously credited with 130 spaces to be provided to them by the City, using the City right of way. This is not acceptable and public property cannot be donated to a private owner which the Fund actually is a private insurance fund, not a public enterprise.

### **Response 8.43**

There is no proposal to donate land to a private owner. As described on the title page, one of the City actions requested in the DSEIR is “to allow the development of circulation and parking components within City rights-of-way.” As stated on page 172, at buildout, the proposed project would require 754 spaces, the project would provide a total of 975 spaces of which 130 would be located in the right-of-way. 845 spaces would be provided on private property, meeting all of the code requirements. Thus, no property will be given to the FUND. Additional parking for peak periods and location of parking is more convenient to visitors, employees, and residents of the site.

### **Comment 8.44**

Please note that in 1986 representatives of the Fund promised that they will direct their employees and residents not to park on the public median. During the 15 years that passed since every weekday numbers of cars are parked there. All these cars are from no other source then the Fund employees or residents.

### **Response 8.44**

*See Response 7.18*

### **Comment 8.45**

The Fund now complains that the City has not landscaped this median. Their only comment. And, if the Fund is required by the City to currently have 334 parking spaces (page 171) and this EIR Supplemental boasts that the campus currently has 496 spaces page 171, why do their employees and residents have to park on public land and help destroy the ambiance of our neighborhood? (Unless there are more people working and living there then is known by the authorities.)

**Response 8.45**

Approximately 107 of the 496 spaces are located within the public right of way as permitted by the ZA 86-0653 (CUZ)(ZV). 366 spaces are provided on-site; however, the concentration of cars parking in the median occurs adjacent to current wings E and F of the Medical Center. Although the authors of the EIR are unaware of the FUNDS complaints, Figure 47 on page 227 shows the landscape around the FUND site including proposed landscaping within the Mulholland Drive.

**Comment 8.46**

Parking on page 171. There is no documentation that indicates know [sic] many employees they have per shift and therefore how many parking spaces are required for current and increased employment for the proposed project. And no documentation on how many visitor parking places are proposed for the project. And lastly there is no documentation as to the number of parking spaces for the residents of the proposed project. There is significant impact on the site of the proposed project.

**Response 8.46**

Parking requirements in the City of Los Angeles is based on the LAMC, not employment figures. Applicable parking requirements are on Pages 171-172 of the DSEIR. The parking requirement developed by the City of Los Angeles for identified uses take into account employees, patients, visitors, and residents. As documented in the EIR, on Page 172, the proposed project will provide an excess of required parking, and on Page 173, no significant parking impacts is anticipated.

**Comment 8.47**

PHOTOS OF A PORTION OF THE ILLEGAL PARKING PERMITTED BY THE FUND ON THE CITY OWNED MEDIAN IS ATTACHED TO THIS SUBMITTAL.

**Response 8.47**

The utilization of public row for parking was authorized under the original 1986 CUP and a revocable permit to allow for the development of parking circulation and landscaping in the public row is proposed under this project.

As a result this parking is not illegal. The Commentators comment regarding the public row is noted for Administration record.

**Comment 8.48**

On page 183, we learned that the Fund may build a subterranean parking structure, and the Fire Department admonishes that proper support for overhead vehicles must be provided.

**Response 8.48**

*See Response 7.81*

**Comment 8.49**

BUILDING HEIGHT RESTRICTIONS.

ON March 5<sup>th</sup>, 1990, The City passed an ordinance No. 165479 that no building shall be over two stories in height.

**Response 8.49**

*See Response 7.7*

**Comment 8.50**

In 1986 The Fund received permission to build two buildings that were to be located in the center area, of the plan map three story high. This permission was granted for only 180 days. And if development had not occurred, no reason was listed as acceptable to extend this time, then the permission would be denied. Stark Villa I was not built on the Exhibit a approved Master Plan's designated foot print which makes it easily seen from Mulholland Drive The Funds intent to expand by circumventing the planning agreements made by al [sic] of our communities is not to be permitted.

**Response 8.50**

*See Response 7.15*

**Comment 8.51**

No grand-fathering of this 1986 permission will be extended more than fifteen years, noting that permission was granted for only 180 days. And this permission was for only 2 properly placed Stark Villas and no other buildings fall under this permission. Therefore all designated 3 story buildings that are proposed on EIR Supplemental page 12, “proposed site plan” is denied.

**Response 8.51**

Contrary to the Commentator’s assertion, the 180 day period is to vest an approval. Substantial activities utilizing the approval must commence before 180 days, not be completed as implied. Commentator appears to have misunderstood the concepts of “grand-fathering” versus the June 19, 1986 approval. No projects are required to obtain “grand-fathering” as they are legal conforming buildings built under a valid CUP. The proposed project calls for approval to develop additional buildings on site in a manner consistent with a new CUP.

**Comment 8.52**

Furthermore, the 2 story guest house also shown on the “proposed site plan”, page 12, must be one story limited to 16 feet high, as directed by James Crisp, Board of Zoning Appeals, Oct 28, 1986, and dictated by the agreement of November 1986, page 2, as discussed above.

**Response 8.52**

*See Responses 7.38 and 7.55*

**Comment 8.53****MULHOLLAND SCENIC DRIVE**

Mulholland Drive is designated as Scenic Drive with rules that include no building that could be seen from its path shall be more than two stories in height.

This rule stipulates that all development within 500 feet must comply that buildings must not be more than 2 stories high. Other numerous requirements must be demanded by the City of all those that wish to develop in this corridor. We found that there are many building that are included on the Site Plan, page 12 of the EIR Supplemental that designated 3 stories. We look to our Planning Department to demand that the Fund comply with City Ordinance as well as Mulholland Scenic Drive regulations.

**Response 8.53**

*See Response 5.11*

**Comment 8.54**

“The Motion Picture and Television Fund hospital ... (is the only hospital) ... as there are no other hospitals, convalescent homes, or schools located ...” in this area, (page 58). The Planning authorities must not force an intrusive institution with no public benefit (except the rarest of medical emergencies) to be permitted to impact our lives, health, safety, and home values.

**Response 8.54**

*See Response 7.7*

**Comment 8.55**

Fire and Safety, EIR Supplemental xlvi. Being that the proposed Fund projects will significantly increase traffic, response time will be adversely impacted. Any change to response time will significantly impact property loss.

**Response 8.55**

See Response 7.85

**Comment 8.56**

## MITIGATION(S)

Of the mitigations that are offered by the Fund through out the EIR Supplemental, a large number are not acceptable. The mitigations that are not acceptable will be found on the following pages in the EIR Supplemental : xxi, xxiii, xxviii, xxx, xxxi, xxxiv, xxxvii, xxxviii, xli, xlii, xliv, xlix, lvi, lx, lxvi, lxvii, 35, 55, 102, 105, 109, 119, 176, 198, 203 and 233.

**Response 8.56**

*See Response 7.26*

**Comment 8.57**

The mitigation on page lxvi is an example of an unacceptable statement that it is a mitigation:

Entitled: ADVERSE IMPACTS AFTER MITIGATION.

“With implementation of proposed mitigation measure, the Proposed Project would still alter the visual character and views from surrounding streets. However, with exception of views from Mulholland Drive, these impacts would be less than significant. Visual character and views looking north from Mulholland Drive would be significantly, and unavoidable altered.” ALL WHO READS THIS SHOULD KNOW THAT MULHOLLAND DRIVE RUNS THE ENTIRE LENGTH OF THE FUND SITE AND PRESENTS THE GREATEST VIEWSHED OF THIS SITE. AND , MULHOLLAND DRIVE IS A SCENIC VIEW SITE WITH ESTABLISHED LAWS THAT MUST BE FOLLOWED BY THE AUTHORITIES AND OF THE CITY OF LOS ANGELES.

**Responses 8.57**

Comments made by Commentator are not contradictory to EIR which states that there would be a significant impact to the visual character of Mulholland Drive. However, Commentator should refer to ***Response 7.11*** regarding the “established laws” of the Mulholland Scenic Parkway.

**Comment 8.58**

Significant Negative Impacts:

Mitigation measure on page 34-35. These are not mitigation's but only recitals of existing requirements. They are no mitigations.

**Response 8.58**

*See Response 7.26*

**Comment 8.59**

Impacts after mitigation on page 35 was never mentioned in mitigations of importing of the material.

**Response 8.59**

As noted on Page 32 of the DSEIR, the proposed project calls for exportation of 60,000 cubic yards of material. As a result, the phrase Page 35 should be corrected to say "exported". *See Correction and Additions No. 18.*

**Comment 8.60**

Comparing the information on storm water run off from pages 70-73 line a is at capacity. They will connect line b to line a and there is no way that they can keep line a from being impacted by waters from line b.

**Response 8.60**

*See Response 7.27*

**Comment 8.61**

Page VIII. Project location and description is unacceptable to current zoning and Community Plan.

**Response 8.61**

*See Response 7.34*

**Comment 8.62**

Page XVI. Impact of mitigation measures summary grading: Excessive amount of grading.

**Response 8.62**

*See Response 7.24*

**Comment 8.63**

Page XVII. Mitigation measures are merely a recitation of City requirements and not mitigations.

**Response 8.63**

*See Response 7.26*

**Comment 8.64**

Page XXV. Mitigation measures. Finished floor elevations cannot be a mitigation measure. Also the design of the bridge cannot be a mitigation measure.

**Response 8.64**

Contrary to the Commentator's assertion, the design of the structures which avoid potential impacts, such as finished floor elevations above storm water level and designing bridges where they do not interfere with habitat or stream capacity, do indeed constitute as mitigation.

**Comment 8.65**

Page XXVL. Biota. The removal of 11 Oak trees is totally unacceptable because it shows total insensitivity to designing a project to insure saving valuable trees which are part of the community and viewshed.

**Response 8.65**

*See Responses 7.56 and 7.57*

**Comment 8.66**

Page XXVII. The fact that the impacts on riparian vegetation on stream banks is unacceptable because it would require stream bed alteration agreement and there are no mitigation given.

**Response 8.66**

*See Responses 7.30, 7.32 and 7.62*

**Comment 8.67**

Page XXVIII. Replacing mature Oak trees with 2 oak trees is not acceptable because they will not replace the canopies of the removed Oaks. Because, one, to be in proportion has not been defined. And, two, it is not acceptable to relocated Oak Trees. And, a bond is not acceptable for that removes any responsibility for survival.

**Response 8.67**

*See Responses 7.56, 7.57, 7.61, and 7.63.*

**Comment 8.68**

Page XXXIV. Impacts after mitigation. The increase in night time illumination is not acceptable due to the rural atmosphere of the surrounding community.

**Response 8.68**

*See Response 7.33*

**Comment 8.69**

Page XXXIV. Zoning. Not acceptable to revise existing CUP and Zone Variance.

**Response 8.69**

*See Response 7.34*

**Comment 8.70**

Page XXXV. Mitigation Measures. Not acceptable as a new CUP would violate the existing zoning and approved densities.

**Response 8.70**

*See Response 7.34*

**Comment 8.71**

The discrepancies and diminutive opinion as previously pointed out in this shows the incompleteness and possible bias of the SEIR. These facts relate directly to impact.

**Response 8.71**

Commentator's opinion in regards to bias of this DSEIR is noted. *See Response 5.69* for purpose of this DSEIR.

**Comment 8.72**

ALTERNATIVE A. (Page 240)

No project is preferable because it does the least amount of damage in all areas discussed .

Therefore this is the superior project.

**Response 8.72**

*See Response 7.88*

**Comment 8.73**

ALTERNATIVE B. (Page 247)

The results of grading is totally unacceptable because it would change land forms.

**Response 8.73**

*See Response 7.24 and 7.91*

**Comment 8.74**

Page 248. Hydrology increases run off that is totally unacceptable.

**Response 8.74**

Commentator's opinion identified regarding Hydrology is noted.

**Comment 8.75**

Page 248. Biota. This is not acceptable because it greatly damages riparian habitat and does not even address animal habitats or raptor.

**Response 8.75**

Ibid (Biota)

**Comment 8.76**

Page 249. (8) Zoning. This is in direct conflict with paragraph 2, page 247.

**Response 8.76**

Ibid (Zoning)

**Comment 8.77**

Page 250. (9) Community Plan. This is incorrect because it is more intense than the General Plan and the community Plan.

**Response 8.77**

Ibid (Community Plan)

**Comment 8.78**

Page 254. (1) Change in Land Use. Grading is unacceptable.

**Response 8.78**

Ibid (Land Use)

**Comment 8.79**

Page 255. (4) Hydrology. Unacceptable.

**Response 8.79**

Ibid (Hydrology)

**Comment 8.80**

Page 256. (5) Biota. This is unacceptable as stated previously that it doesn't name what impacts would be or how the problem will be solved.

**Response 8.80**

Ibid (Biota). Contrary to the Commentator's assertion, the DSEIR did address Cumulative Impacts in detail in the DSEIR.

**Comment 8.81**

Page 256. (8) Zoning. Unacceptable as it will exceed the intensity of the zoning.

**Response 8.81**

*See Response 7.100*

**Comment 8.82**

Page 254. (9) Community Plan. This cannot be consistent. It would exceed zoning.

**Response 8.82**

*See Response 7.101*

**Comment 8.83**

Page 254. (12) Parking. Would not be significant as it says they do not know how to meet the requirements.

**Response 8.83**

*See Response 7.102*

**Comment 8.84**

Page 261. (1) Grading. Totally unacceptable on what the total impact would be.

**Response 8.84**

*See Response 7.103*

**Comment 8.85**

Page 262. (4) Hydrology. The amount of impervious service increase makes this totally unacceptable for the amount of run off increased.

**Response 8.85**

*See Response 7.104*

**Comment 8.86**

Page 262, (5) Biota. Unacceptable because of the amount of grading impact on Oak trees and both animals and raptor species.

**Response 8.86**

*See Response 7.105*

**Comment 8.87**

Page 263. (8) Zoning. This is unacceptable as the proposed project requires a Conditional Use and Zone Variance.

**Response 8.87**

*See Responses 7.11, 7.55, and 8.20*

**Comment 8.88**

Page 263. (9). Community Plan. Same as #8 above.

**Response 8.88**

*See Response 7.71*

**Comment 8.89**

Page 263. (10) General Plan. It will require a General Plan Amendment and this is not acceptable.

**Response 8.89**

*See Response 7.108*

**Comment 8.90**

Page 266. (26) Conclusion. This is not acceptable for same reasons that the Fund states, as stated here and correlate with our previous comments.

**Response 8.90**

*See Response 7.109*

**Comment 8.91**

Page 267 (E) Change in Site Plan. (1) Grading. Grading for this is far superior to the proposed project.

**Response 8.91**

*See Response 7.110*

**Comment 8.92**

Page 268. (4) Hydrology. While superior to the proposed project its still would increase run off.

**Response 8.92**

*See Response 7.111*

**Comment 8.93**

Page 268. (5) Biota. It does not explain how it would protect animal and bird populations.

**Response 8.93**

*See Response 7.112*

**Comment 8.94**

Page 269. (8) Zoning as with the proposed project it will require a Conditional Use and Zone Variance which is not acceptable.

**Response 8.94**

*See Response 7.113*

**Comment 8.95**

Page 269 (9) Community Plan. Ibid. B same as before.

**Response 8.95**

*See Response 7.114*

**Comment 8.96**

Page 272. (26) Conclusions. This one is superior o [sic] the proposed project because it would result in only building on the Northen portion site.

**Response 8.96**

*See Response 7.115*

**Comment 8.97**

The discrepancies and diminutive opinions as previously pointed out in this response shows the incompleteness and possible bias of this SEIR. These facts relate directly to impact.

**Response 8.97**

*See Responses 5.66 through 5.115.* The review of these responses has not revealed any discrepancies or emissions in violation of CEQA.

**Comment 8.98**

**DENY THE GRANTING OF CONDITIONAL USE PERMIT.**

**Response 8.98**

Comment noted.

**Homeowners**

**Ron and Joan Rutberg**

**Comment 9.1**

We would like to express our complete support of the Motion Picture and Television Fund and their plans to revise their Master Plan for their Woodland Hills campus, as described in their Environmental Impact Report that was released this past May.

As long-time residents of Woodland Hills, we absolutely support the MPTF and the services they provide to the elderly and retirees of the entertainment industry. It is our sincere hope that the MPTF's Master Plan is approved so that they can continue providing the excellent and much needed services that they offer to their residents.

**Response 9.1**

Comment Noted

**Homeowner**

**Doris Magro**

**Comment 10.1**

I would like to express my complete support of the Motion Picture and Television Fund and their plans to revise their Master Plan for their Woodland Hills campus, as described in their Environmental Impact Report that was released this past May.

As a long-time resident of Woodland Hills, I absolutely support the MPTF and the services they provide to the elderly and retirees of the entertainment industry. I hope the MPTF's Master Plan is approved so that they can continue providing the excellent and much needed services that they offer to their residents.

**Response 10.1**

Comment Noted

**Homeowner**

**Teri Fisher**

**Comment 11.1**

I live just across the freeway from the Motion Picture Television Fund's Woodland Hills Campus, and want you to know that I wholeheartedly support their Master Plan as described in the Environmental Impact Report.

The MPTF is not only a wonderful neighbor, but a much needed provider of valuable health and life care services to the elderly. My mother benefitted [sic] from the excellent care of their top-notch staff as a resident of their Wasserman Campus until 1995. If you have ever seen or visited this Campus, you would know how beautiful it is and what a tremendous asset it is to this community and the City of Los Angeles as a whole.

The Motion Picture and Television Fund is a great neighbor, always keeping the community informed about things happening on their Campus. I want to just reiterate my strong support for their Master Plan and for all of the services they provide.

**Response 11.1**

Comment Noted

**Homeowner**

**Ms. Marjorie Aubert**

**Comment 12.1**

I am completely in support of the Motion Picture and Television Fund and their plans to revise their Master Plan for their Woodland Hills campus, as described in their Environmental Impact Report that was released this past May.

As a long-time resident of this area, I absolutely support the MPTF and the services they provide to the elderly and retirees of the entertainment industry. I hope that the MPTF's Master Plan is approved so that they can continue providing the excellent and much needed service that they offer to their residents.

**Response 12.1**

Comment Noted

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