



## Environmental Review Section

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



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# *FINAL ENVIRONMENTAL IMPACT REPORT*

*BRENTWOOD-PACIFIC PALISADES COMMUNITY PLAN AREA*

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## *Green Hollow Square*

*Case No. ENV-2009-1065-EIR*

*Council District No. 11*

**THIS DOCUMENT COMPRISES THE EIR AS REQUIRED UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**Project Addresses:** 11961, 11965, 11967, 11969, 11973, 11977, 11981 and 11991 San Vicente Boulevard, and 642 and 644 Saltair Avenue, Los Angeles, CA 90049

**Project Description:**

The project site is approximately 2.66 acres in size, which is currently improved with two single-family dwellings, five commercial buildings of one to two stories, and accessory surface parking.

The applicant proposes to develop a neighborhood-oriented commercial center, which would include a pedestrian-oriented gathering place offering goods and services to the surrounding community. The proposed project involves demolition of the existing buildings and structures and construction of three new two-story commercial buildings containing tenant spaces for retail, restaurant, office, storage, and other local services in an open-air setting with several courtyards connected by pedestrian pathways.

The proposed 73,300 square foot (sf) project features groupings of multiple tenant spaces, ranging from approximately 500 to 5,000 sf, which are oriented around open courtyards. The proposed project also includes construction of a single-family home in the westernmost area of the project site. The proposed project would be built above a one-level subterranean parking garage that, together with at-grade parking, would provide a total of 427 on-site parking spaces.

**APPLICANT:**

Munger Community Property Revocable Trust  
Nancy B. Munger Separate Property Revocable Trust  
Barry Family, LLC

**PREPARED BY:**

CAJA Environmental Services, LLC

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*January 24, 2012*

EIR NO.: ENV-2009-1065-EIR

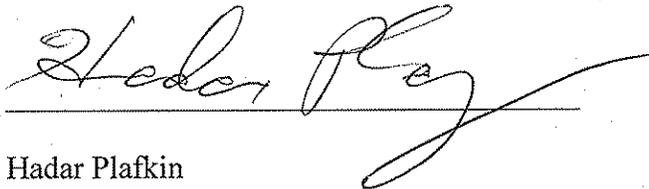
SCH NO.: 2009061062

PROJECT NAME: Green Hollow Square

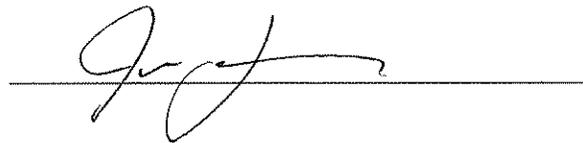
**RECOMMENDATION FOR EIR CERTIFICATION**

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

Submitted by:



Hadar Plafkin  
Project Coordinator, City Planner  
Environmental Review Section



Jon Foreman  
Senior City Planner  
Department of City Planning

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# I. INTRODUCTION

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In accordance with Sections 15088, 15089, and 15132 of the State *CEQA Guidelines*, the City of Los Angeles has prepared this Final Environmental Impact Report (Final EIR) for the Green Hollow Square project (herein referred to as “project” or “proposed project”). This Final EIR includes the following sections: I) Introduction; II) Responses to Comments; III) Corrections and Additions; and IV) Mitigation Monitoring and Reporting Program. Comment letters received on the Draft Environmental Impact Report (Draft EIR) are provided in Appendix A, Bracketed Comment Letters, to this Final EIR.

## 1. PROPOSED PROJECT

### Location

The project site is located within the Brentwood-Pacific Palisades community of the City of Los Angeles (the “City”) approximately one mile west of Interstate 405 and approximately two miles north of Interstate 10. The project site is located at 11991, 11965, 11967, 11969, 11973, 11977, 11981, and 11991 San Vicente Boulevard and 644 and 642 South Saltair Avenue. The project site is comprised of approximately 2.66 acres and is bounded by San Vicente Boulevard to the south, Saltair Avenue and a commercial bank building to the west, single-family residences and a vacant residential lot to the north, and a one-story on-grade commercial structure and parking lot to the east.

### Existing Uses

The project site is currently developed with five commercial structures totaling 34,856 square feet (sf), accompanying surface parking area, and two single-family residential dwellings. The five commercial structures front on San Vicente Boulevard on the southern edge of the project site and the two residential properties front on Saltair Avenue.

### Proposed Uses

The proposed project (Green Hollow Square) would include approximately 73,300 sf of neighborhood-oriented commercial land uses in addition to 3,700 sf of outdoor dining space within the courtyards and terraces of the commercial center. The proposed project would include three commercial buildings of two stories each and would consist of several tenant spaces for retail, restaurant, office, and other local services. Specific uses would include:

- Retail - 51,500 sf;
- Restaurant - 6,800 sf;
- Office - 8,000 sf; and
- Storage - 7,000 sf.

The project would be developed in an open-air setting and would include several courtyards connected by pedestrian pathways. Groupings of multiple tenant spaces, ranging from approximately 500 to 5,000 sf, would be oriented around courtyards located on the first and second levels. The proposed project would be built above a one-level subterranean parking garage that would be approximately 12 feet below grade. Additional at-grade parking would be provided in the northern portion of the project site. Each building would be approximately 39.5 feet in height. Rooftop mechanical/electrical equipment would reach up to 45 feet in height and an architectural detail consisting of a clock tower located within the central portion of the commercial center would reach up to 50 feet in height.

Where the two single-family homes are currently located, the applicant would develop a single-family home. The new home would be located on the westernmost approximately 108 feet of this area fronting on Saltair Avenue. The home would be approximately 4,520 sf and two stories in height, with a two-car garage. The remaining approximately 100 feet of this area would be integrated into the parking area proposed to serve the new commercial center.

### **Green Building**

The project would comply with Ordinance No. 179,820 (Green Building Ordinance), which establishes a requirement to incorporate green building practices into projects that meet certain threshold criteria. The green building practices are tied to the Leadership in Energy and Environmental Design (LEED®) system established by the U.S. Green Building Council (USGBC), and the project would meet the intent of LEED at the Certified Level.

### **Access and Circulation**

The proposed development would include separate access points for entry and exit, with internal driveways that would allow access to all of the on-site parking facilities. Both access points would be located on San Vicente Boulevard and each driveway would consist of one-way one-car lanes. The driveway on the west side of the project site would be used for entry and the driveway on the east side of the project site would be used for exit. Entry and exit ramps for access to the subterranean parking level would be located at the north end of the project site.

### **Parking**

The one-level subterranean parking garage together with at-grade parking would provide a total of 427 on-site parking spaces. There would be 65 parking spaces at-grade in the northern portion of the project and 362 parking spaces in the subterranean level. In addition, two covered parking spaces would be provided for the proposed single-family home.

### **Construction and Occupancy Schedule**

It is anticipated that project completion and building occupancy will occur in the year 2014. The completion of the proposed project's Final EIR and entitlements are projected for the third quarter of

2011. The proposed project involves demolition of the existing buildings and structures and construction of three new two-story commercial buildings. Construction activities are expected to begin in 2012; however, for various reasons, demolition of the existing buildings (including the Barry Building) may take until late 2012 or early 2013. Construction and occupancy are expected to take another 18-22 months, or until the fourth quarter of 2014. Approximately 59,000 cubic yards of material would be exported as part of construction.

### **Optional Project Design Features**

The project applicant has proposed for the project to include an optional project design feature that could be implemented to improve traffic flow and accessibility for both the project site and for other nearby businesses. The optional project design features would all involve alterations to the existing raised median island along San Vicente Boulevard in front of the project site. There are six concepts of various median alterations, of which one could be included as an optional project design feature. The six concepts are as follows:

- Concept 1 involves construction of a new U-turn lane within the existing raised median island approximately opposite the project site to allow westbound San Vicente Boulevard traffic to directly access eastbound San Vicente Boulevard between Montana Avenue and Saltair Avenue.
- Concept 1(a) includes a median U-turn lane from Concept 1, as well as a left-turn lane on San Vicente Boulevard that would allow traffic traveling eastbound on San Vicente Boulevard to turn left on Saltair Avenue, plus signalization of the intersection of San Vicente Boulevard and Saltair Avenue.
- Concept 2 involves construction of a turn lane within the existing raised median island to allow westbound traffic to make a U-turn at Saltair Avenue onto eastbound San Vicente Boulevard. This concept also includes a left-turn lane in the existing median island that would allow traffic traveling eastbound on San Vicente Boulevard to turn left on Saltair Avenue, as well as signalization of the intersection of San Vicente Boulevard and Saltair Avenue.
- Concept 2(a) involves construction of a turn lane within the existing raised median island to allow westbound traffic to make a U-turn at Saltair Avenue onto eastbound San Vicente Boulevard, but does not provide the eastbound left-turn lane or signalization at Saltair Avenue.
- Concept 3 involves construction of a new U-turn lane within the existing raised median island east of the project site to allow westbound San Vicente Boulevard traffic to directly access eastbound San Vicente Boulevard between Montana Avenue and Saltair Avenue, in addition to a U-turn lane constructed within the existing raised median island, to allow eastbound traffic to access westbound San Vicente Boulevard. This location would also be signalized.

- Concept 4 involves construction of a new U-turn lane within the existing raised median island east of the project site to allow westbound San Vicente Boulevard traffic to directly access eastbound San Vicente Boulevard between Montana Avenue and Saltair Avenue, and construction of a left turn lane to allow eastbound traffic to access the project site directly via a “full service” driveway at the eastern edge of the project site. This driveway would accommodate both inbound and outbound project traffic, and permit both left and right turns exiting the site. This new median cut/project driveway location would be signalized.

## **Project Objectives**

The objectives for the proposed Green Hollow Square project are:

### **1. Architecture/Design**

- Create a development that provides a mix of retail, office and restaurant uses that cater to the Brentwood community, within which buildings are functionally and architecturally integrated with one another and clearly relate to each other in terms of proportion, height, mass, and façade;
  - Develop a mixed-use commercial project that creates a sense of place for customers and community within walking or short driving distance of the Brentwood area;
  - Provide an efficient site circulation system to prevent auto queuing or back-up onto San Vicente Boulevard;
  - Provide a project that meets LEED standards and includes energy efficient features that minimize the project’s ongoing effects on the environment;
  - Develop a mixed use project that is compliant with all current building and environmental codes and meets modern commercial standards for high-class quality businesses;

### **2. Facilities**

- Create a commercial development with more current facilities that will be competitive with similar properties along the San Vicente Corridor in the Brentwood area;

### **3. Specific Plan Implementation**

- Contribute to the City’s vision for the San Vicente Scenic Corridor Specific Plan;
  - Provide on-site parking facilities for the project’s employees and customers that would exceed City Code requirements, thus alleviating parking on neighborhood streets;
  - Provide a design that emphasizes a cohesive, well-defined pedestrian network, within which there are generous public spaces for walking and sitting; and

#### 4. Economics

- Enhance return on applicants' investment and tax revenue to local governmental agencies.

#### **Discretionary Actions**

The City of Los Angeles Department of City Planning is the Lead Agency for the proposed project. In order to construct the proposed development, the applicant is requesting approval of the following discretionary actions from the City of Los Angeles and/or other agencies:

- General Plan Amendment from Low Density Residential to Neighborhood Commercial pursuant to Section 11.5.6 of LAMC to facilitate proposed parking at the easternmost approximately 100 feet of the two existing residential lots on the northwest portion of the site at 642 and 644 Saltair Avenue;
- Vesting Zone and Height District Changes pursuant to Section 12.32-F and 12.32-Q of LAMC, from RS-1-O to (V)P-1VL-O to facilitate the proposed parking at the easternmost portions of the two existing residential lots at 642 and 644 Saltair Avenue; and from C4-1VL to (V)C4-1VL and from P-1VL-O to (V)P-1VL-O to ensure a vested right to proceed with the proposed development;
- Specific Plan Amendment to expand the San Vicente Scenic Corridor Specific Plan boundary to include the northerly 100 feet (rear portion) of the project site, including the easternmost portion of the two lots at 642 and 644 Saltair Avenue;
- Conditional Use Permit pursuant to Section 12.24.W.1 of LAMC to permit on-site and off-site sales of alcoholic beverages at three restaurants and a boutique wine/liquor store;
- Site Plan Review pursuant to Section 16.05 of LAMC;
- Zone Variances from Section 12.14-A.1(b)(3) of LAMC, pursuant to Section 12.27 of LAMC, to allow outdoor eating areas for restaurants that are not on the ground floor and outdoor eating areas that are more than 50 percent of the dining area of the associated restaurants; and to allow outdoor sales areas including, but not limited to, kiosks, sales carts, stands, and other similar methods of sales and informational display;
- Project Permit Compliance Review pursuant to Section 11.5.7 of LAMC to demonstrate compliance of the proposed commercial center with applicable regulations, standards, and provisions of the San Vicente Scenic Corridor Specific Plan;
- Preliminary and Final Design Review by the San Vicente Design Review Board pursuant to Section 16.50 of LAMC to demonstrate compliance of the proposed commercial center with the San Vicente Scenic Corridor Specific Plan and Design Guidelines;

- Approval by the Cultural Heritage Commission or other compliance with the Cultural Heritage Ordinance;
- Haul Route (export) Permit; and
- Demolition Permits for all existing structures.

Further, in order to construct one of the optional project design features, approval of the following discretionary action would be required:

- Specific Plan Exception to the San Vicente Corridor Specific Plan to allow for the possible removal and replacement of trees in the San Vicente Boulevard median.

## **2. ENVIRONMENTAL REVIEW PROCESS**

California Environmental Quality Act (CEQA) does not require formal hearings at any stage of the environmental review process (Section 15202(a) of the *CEQA Guidelines*). However, it does encourage “wide public involvement, formal and informal... in order to receive and evaluate public reactions to environmental issues...” (Section 15201 of the *CEQA Guidelines*).

Pursuant to State *CEQA Guidelines* Section 15063, the City prepared a preliminary Initial Study that concluded that the proposed project could result in potentially significant environmental impacts and an EIR would be required. The City circulated the following Notice of Preparation (NOP) of a Draft EIR for the proposed project to the State Clearinghouse, and interested agencies and persons:

- NOP on June 16, 2009 with the comment period ending July 20, 2009.
- 1<sup>st</sup> Revised and recirculated on August 4, 2009 with comment period ending September 4, 2009.
- 2<sup>nd</sup> Revised and recirculated on April 12, 2010 with comment period ending May 17, 2010.

The 1<sup>st</sup> revised and recirculated NOP was necessary because the original NOP did not include the floor area planned for open courtyard areas located under the proposed retractable skylights. The 2<sup>nd</sup> revised and recirculated NOP was necessary because the proposed project was revised following the August 4, 2009 NOP as a result of community feedback received. Comments received on each of the NOPs were considered in the preparation of the Draft EIR.

### **Draft EIR**

Pursuant to State *CEQA Guidelines* Section 15087, a Notice of Availability (NOA) and the Draft EIR was distributed to various public agencies, citizen groups, and interested individuals for a 45-day public review period from February 17, 2011 through April 4, 2011. The Draft EIR was also circulated to state agencies for review through the State Clearinghouse of the Governor’s Office of Planning and Research. Copies of the Draft EIR were available for review at the City of Los Angeles Department of City

Planning, Central Library, West Los Angeles Regional Library, Donald Bruce Kaufman Branch Library, and via internet at <http://cityplanning.lacity.org/>. The purpose of the review period is to provide interested public agencies, groups and individuals the opportunity to comment on the adequacy of the Draft EIR and to submit testimony on the possible environmental effects of the proposed project.

### **Final EIR**

This document, together with the Draft EIR, makes up the Final EIR as defined in the State *CEQA Guidelines* Section 15132 as follows:

The Final EIR shall consist of:

- a) The Draft EIR or a revision of the draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

As Lead Agency under CEQA, the City must provide each public agency that commented on the Draft EIR with a copy of its responses to comments at least ten days before certifying the Final EIR. In addition, the Lead Agency may also provide an opportunity for members of the public to review the Final EIR before certification, although this is not a requirement of CEQA.

### **3. USE OF THIS DOCUMENT**

The Final EIR allows the public and Lead Agency to review revisions to the Draft EIR, comments, and responses to comments before approval of a project. This Final EIR (which includes the Draft EIR) will serve as the environmental document used by the City when considering approval of a project. After completing the Final EIR and before approving a project, the Lead Agency must make the following three certifications (*CEQA Guidelines* Section 15090).

- The Final EIR has been completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the Lead Agency, and the decision making body reviewed and considered the information in the Final EIR prior to approving the project; and
- The Final EIR reflects the Lead Agency's independent judgment and analysis.

In addition, if an EIR that has been certified for a project identifies one or more significant environmental impacts, the Lead Agency must adopt findings of fact (*CEQA Guidelines* Section 15091[a]). For each significant impact, the Lead Agency must make one of the following findings.

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Each finding must be accompanied by a brief explanation of the rationale for the finding. In addition, the Lead Agency must adopt, in conjunction with the findings, a program for reporting or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen impacts (*CEQA Guidelines* Section 15091[d]). These measures must be fully enforceable through permit conditions, agreements, or other measures. This program is referred to as the Mitigation Monitoring and Reporting Program (MMRP).

In addition, when a Lead Agency approves a project that would result in significant and unavoidable impacts that are disclosed in the EIR, the agency must state in writing its reasons for supporting the approved action (*CEQA Guidelines* Section 15093[b]). This statement of overriding considerations must be supported by substantial information in the record, including the EIR.

Based on the analysis included in Section IV (Environmental Impact Analysis) of the Draft EIR, the proposed project would result in significant unavoidable environmental impacts with respect to:

### ***Historic Resources***

The proposed project involves the demolition of the Barry Building, which was designated Los Angeles Historic-Cultural Monument #887 on October 2, 2007. Buildings that are listed in a local register of historic resources are considered historic resources subject to CEQA. The demolition of historic resources cannot be mitigated to a less than significant level. Therefore, the project would have a significant and unavoidable impact on historic resources with respect to the demolition of the Barry Building.

### ***Aesthetics***

As the proposed project involves the demolition of the Barry Building, which is Los Angeles Historic-Cultural Monument #887 and considered a scenic resource, the project would result in a significant and unavoidable aesthetic impact.

**Noise (Construction)**

The following off-site sensitive receptors would be significantly impacted by construction noise:

- Single family residence at 640 S. Saltair Avenue;
- Single family residence at 11900 W. Saltair Terrace;
- Single family residence at 529 S. Westgate Avenue;
- Chabad Jewish Center of Brentwood;
- Gan Chaya Jewish Early Childhood Center; and
- Brentwood Presbyterian Church.

The highest noise levels that would be experienced by the off-site receptors would only occur for a limited duration during construction of the proposed project. Furthermore, in the later phases during interior building construction, noise levels are typically reduced even further as the physical structures that are constructed would break the “line-of-sight” noise transmission from the project to off-site receptors. However, because construction noise levels are likely to exceed existing ambient noise levels by more than 5 dBA for more than 10 days in a three-month period and by more than 10 dBA for more than one day at the identified noise-sensitive receptors, construction noise impacts would be significant and unavoidable.

**Traffic**

The impact due to the proposed project is incrementally small; however, because of the large existing traffic volumes at the following intersections, the impact is over the threshold for significance. Based on the impact evaluation criteria, the project’s incremental traffic impacts are considered to be “significant” at four of the 12 study intersections, as listed below:

- San Vicente Boulevard and Bundy Drive (both the east and west intersections);
- Montana Avenue and Bundy Drive;
- Montana Avenue and San Vicente Boulevard; and
- San Vicente Boulevard and Barrington Avenue.

There are no feasible traffic impact mitigation improvements that could reduce the project’s impacts at these intersections to less than significant. As such, the project would result in a significant and unavoidable impact at the four intersections identified above.

### ***Cumulative Historic Resources***

Implementation of the optional project design feature would require the removal of up to six coral trees, which are part of Los Angeles Historic-Cultural Monument #148. The trees removed would be replaced with others of the same species. The implementation of the optional project design feature was found to result in a less than significant project-specific impact, as trees have been replaced in the past without affecting the eligibility of the Monument. However, while the project would have a less than significant impact on the Monument, the cumulative impact is conservatively considered to be significant if the optional design feature concerning the median is implemented, as there is the possibility that future projects in this area could also propose the removal and replacement of coral trees, which could eventually result in the interruption of the median and tree continuity on this portion of San Vicente Boulevard.

### ***Cumulative Noise (Construction)***

If construction for the proposed project and Related Project No. 17 (located at 11920 San Vicente Boulevard) occur simultaneously, there would be a significant and unavoidable construction noise impact, of which the proposed project's contribution would be cumulatively considerable. If construction of these two projects does not occur simultaneously, the cumulative construction noise impact would be less than significant.

### **Statement of Overriding Considerations**

Due to these findings the City would be required to adopt a statement of overriding considerations if it was to approve the project. The statement of overriding considerations would not be a substitute for the findings of fact described above.

These certifications, the findings of fact, and the statement of overriding considerations are included in a separate findings document prepared by the City. The Draft EIR (incorporated by reference), Final EIR, findings of fact, and statement of overriding considerations are submitted to the Lead Agency for consideration of the project.

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## II. RESPONSES TO COMMENTS

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### A. OVERVIEW

The purpose of the public review of the Draft EIR is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the CEQA Guidelines states the following regarding standards from which adequacy is judged:

*An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

The purpose of each response to a comment on the Draft EIR is to address the significant environmental issue(s) raised by each comment. This typically requires clarification of points contained in the Draft EIR. Section 15088 (b) of the CEQA Guidelines describes the evaluation that CEQA requires in the response to comments. It states that:

*The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.*

Section 15204(a) (Focus of Review) of the CEQA Guidelines helps the public and public agencies to focus their review of environmental documents and their comments to lead agencies. Case law has held that the lead agency is not obligated to undertake every suggestion given them, provided that the agency responds to significant environmental issues and makes a good faith effort at disclosure. Section 15204.5(a) of the CEQA Guidelines clarifies this for reviewers and states:

*In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as*

*the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

The guideline encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Given that an effect is not considered significant in the absence of substantial evidence, subsection (c) advises reviewers that comments should be accompanied by factual support. Section 15204(c) states:

*Reviewers should explain the basis for their comments, and, should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*

## **B. LIST OF THOSE WHO COMMENTED ON THE DRAFT EIR**

The City of Los Angeles Department of City Planning received a total of 85 comment letters on the Draft EIR. Each comment letter has been assigned a corresponding number, and distinct comments within each comment letter are also numbered. For example, comment letter “1” is from the Wastewater Engineering Services Division. The comments in this letter are numbered “1-1”, “1-2”, “1-3”, etc.

Written comments made during the public review of the Draft EIR intermixed points and opinions relevant to project approval/disapproval with points and opinions relevant to the environmental review. The responses acknowledge comments addressing points and opinions relevant to consideration for project approval, and discuss as necessary the points relevant to the environmental review. The response “comment noted” is often used in cases where the comment does not raise a substantive issue relevant to the review of the environmental analysis. Such points are usually statements of opinion or preference regarding a project’s design or its presence as opposed to points within the purview of an EIR: environmental impact and mitigation. These points are relevant for consideration in the subsequent project approval process. In addition, the response “comment acknowledged” is generally used in cases where the commenter is correct.

During and after the public review period, the following organizations/persons provided written comments on the Draft EIR to the City of Los Angeles Department of City Planning:

**Commenters**

1. Wastewater Engineering Services Division, Bureau of Sanitation
2. Land Development Division, County of Los Angeles Department of Public Works
3. Cultural Heritage Commission, City of Los Angeles
4. Brentwood Homeowners Association
5. South Brentwood Residents Association
6. Brentwood Community Council
7. Los Angeles Conservancy
8. Bill Rosendahl, Councilmember, 11<sup>th</sup> District
9. Patty Gioffre
10. Robert & Kenneth Nieberg
11. Sharon Cather
12. Sheri A. Saperstein
13. Mary Brooks
14. Jeremy Berg
15. Diane K. Good
16. Lori Anglin
17. Ainslee De Wolf
18. Steven E. Murphy
19. Jean Svoboda
20. Robin Shine
21. Kelly Ireland
22. John Ballon
23. Debora Dale
24. Don and Donna Faxon
25. Carol Cetrone
26. Torr Leondard
27. HM
28. Martha Gravoves
29. Rachel Potucek
30. Shirley Akawie
31. Shannon Ryan
32. Shannon Ryan
33. Judith Randall
34. Rose Cote
35. Lucy McBain
36. Regina O'Brien
37. Barbara Kostos
38. Thomas R. Ryan
39. Jaimie Korody
40. Mary O'Reilly

41. Richard Noel
42. Donald J. Alschuler
43. Robert and Kenneth Nieberg
44. Erin Hartigan
45. Lois Becker
46. Matthew Tager
47. David and Estelle Felber
48. Carli Greenebaum
49. Cheryl Drasin
50. Evelyn Stern
51. William H. Johnston
52. Ty Miller
53. Nakaquan (email)
54. Steven Keylon
55. Charles J. Fisher
56. Mary Margaret Stratton
57. Richard H. Platkin
58. John W. Paulsen
59. Diane Caughey
60. Julie Andrews
61. Robert B. Blue
62. Eddward J. Casey
63. John P. Given
64. Sarah Locke Gilbert
65. Joe Molloy
66. Sheri A. Saperstein
67. Kat Bouza
68. Chris Nichols
69. Jennifer Cairns
70. Jack and Sandra Fine
71. R. Michael Rich
72. Diane Caughey
73. Diane Caughey
74. Diane Caughey
75. Diane Caughey
76. Deborah Bremmer
77. Stacia Thompson
78. Melissa Aquino
79. Wes Joe
80. Gil Kofman
81. Gary Long
82. Sara Stiffler

- 83. Arlene Vidor
- 84. Daniel Wolff
- 85. BAIAMI (email)

**LETTER NO. 1**

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

**Comment No. 1-1**

This is in response to your February 17, 2011 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

**Response to Comment No. 1-1**

The comment acknowledges the request to the Bureau of Sanitation to conduct a preliminary evaluation of the wastewater and stormwater systems for the proposed project. The comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed project. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 1-2****WASTEWATER REQUIREMENT**

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

Projected Wastewater Discharges for the Proposed Project:

<b>Type Description</b>	<b>Average Daily Flower per Type Description (GPD/UNIT)</b>	<b>Proposed No. of Units</b>	<b>Average Daily Flow (GPD)</b>
<b>Existing</b>			
Office	150 GPD/1000 SQ Ft	13,956 SQ.FT	(2,093)
Retail	80 GPD/1000 SQ FT	8,800 SQ.FT	(704)
Plant Nursery	80 GPD/1000 SQ FT	3,500 SQ.FT	(280)
Art Gallery	20 GPD/1000 SQ FT	3,000 SQ FT	(60)
Office	150 GPD/1000 SQ FT	5,600 SQ. FT	(840)
Single Family Home	330 GPD/DU	2 DU	(660)
Parking	20 GPD/1000 SQ FT	42,500 SQ.FT	(850)
<b>Proposed</b>			
Retail	80 GPD/1000 SQ FT	51,500 SQ.FT	4,120
Restaurant	300 GPD/1000 SQ FT	6,800 SQ.FT	2,040

Storage	20 GPD/1000 SQ FT	7,000 SQ.FT	140
Office	150 GPD/1000 SQ FT	8,000 SQ.FT	1,200
Outdoor Dining	300 GPD/1000 SQ FT	3,7000 SQ.FT	1,110
Single Family Home	330 GPD/DU	1 DU	330
<b>Total</b>			<b>3,453</b>

### **Response to Comment No. 1-2**

The comment states that the Bureau of Sanitation reviewed the potential wastewater impacts associated with the proposed project and that the department is responsible for evaluating sewer conditions to determine future capacity and planning needs. The table provided in the comment that outlines projected wastewater discharges has already been included as Table IV.M-2 of the Draft EIR.

### **Comment No. 1-3**

#### SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes existing 8-inch pipes on Saltair Ave and on San Vicente Blvd. The sewage from the 8-inch pipe on Saltair Ave flows into an 18-inch pipe on Bundy Dr before discharging into a 30-inch pipe on Granville Ave. The sewage from the existing 8-inch pipe on San Vicente Blvd feeds into a 15-inch pipe on Montana Ave and continues into an 18-inch pipe on Bundy Dr. and a 24-inch pipe on Bundy Dr Alley before connecting and discharging into a 30-inch pipe on Granville Ave. Figure 1. shows the details of the sewer system within the vicinity of the project. The current flow level (d/D) in the 8-inch pipes cannot be determined at this time as gauging is needed to confirm this.

Based on our existing gauging information, the current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
8	Saltair Ave	*	777,671 GPD
8	San Vicente Blvd	*	229,323 GPD
18	Bundy Dr	53	2.72 MGD
30	Granville Ave	56	9.61 MGD
15	Montana Ave	22	1.64 MGD
18	Bundy Dr	41	2.60 MGD
24	Bundy Dr	41	2.60 MGD
* no gauging available			

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity.

A final approved for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

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

### **Response to Comment No. 1-3**

The comment describes the sewer infrastructure availability and capacities as well as the availability of the Hyperion Treatment Plant to serve the proposed project. This information has already been included in Section IV.M.1 (Wastewater) of the Draft EIR and the table provided in the comment has been included as Draft EIR Table IV.M-1 (see Draft EIR page IV.M-2).

### **Comment No. 1-4**

#### STORMWATER REQUIREMENTS

The Bureau of Sanitation, Watershed Protection Division is charged with enforcement of the provisions of the National Pollutant Discharge Elimination System (NPDES) permit.

#### SUSMP AND STORM WATER INFILTRATION

The proposed project is subjected to Standard Urban Stormwater Mitigation Plan (SUSMP) regulations. The proposed project is required to incorporate measures to mitigate the impact of stormwater runoff as outlined in the guidance manuals titled “*Development Best Management Practices Handbook – Part B: Planning Activities.*” In addition the “*SUSMP Infiltration Requirements and Guidelines*” prioritizes the use of infiltration and bio-filtration systems as the preferred methods to comply with SUSMP requirements. These documents can be found at: [www.lastormwater.org/Siteorg/businesses/susmp/susmpintro.htm](http://www.lastormwater.org/Siteorg/businesses/susmp/susmpintro.htm). It is advised that input regarding SUSMP requirements be received in the early phases of the project from SUSMP review staff.

### **Response to Comment No. 1-4**

The comment states the Bureau of Sanitation, Watershed Protection Division is responsible for the enforcement of the National Pollutant Discharge Elimination System (NPDES) permit. The proposed project would also be subject to Standard Urban Stormwater Mitigation Plan (SUSMP) regulations. As described on pages IV.A-5 and IV.A-6 of the Draft EIR, the proposed project would comply with these stormwater requirements. However, this comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 1-5**

#### GREEN STREETS

The City is developing a Green Street Initiative that will require projects to implement Green Street elements in the parkway areas between the roadway and sidewalk of the public right-of-way to capture and retain stormwater and urban runoff to mitigate the impact of stormwater runoff and other environmental concerns. If the proposed project includes public right-of-way improvements and presents an opportunity to include Green Street elements as part of the project. The goals of the Green Street elements are to improve the water quality of stormwater runoff, recharge local ground water basins, improve air quality, reduce the heat island effect of street pavement, enhance pedestrian use of sidewalks, and encourage alternate means of transportation. The Green Street elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be easily directed from the streets into the parkways. For more information regarding implementation of Green Street elements, please call Wing Tam at (213) 485-3985.

#### **Response to Comment No. 1-5**

The comment described the proposed Green Streets initiative. However, details of stormwater management and filtration attributable to that initiative are not publicly available. See Draft EIR pages IV.A-5 through IV.A-8 regarding stormwater management and measures that would be implemented to improve the water quality of stormwater runoff. This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

#### **Comment No. 1-6**

##### WET WEATHER EROSION CONTROL

A Wet Weather Erosion Control Plan is required for construction during the rainy season (between October 1 and April 15 per Los Angeles Building Code, Sec. 7002). For more information, please see attached Wet Weather Erosion Control Guidelines.

#### **Response to Comment No. 1-6**

The project would comply with the requirements of the SUSMP, NPDES Permits (which include a Wet Weather Erosion Control Plan), the SWRCB General Construction Activity Storm Water Permit Process, City of Los Angeles Ordinance Nos. 172,176 and 173,494, and Chapter IX, Division 70 of the Los Angeles Municipal Code. The comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

#### **Comment No. 1-7**

##### STORM WATER POLLUTION PREVENTION PLAN

A Storm Water Pollution Prevention Plan (SWPPP) is required for land disturbance activities over one acre. The SWPPP must be maintained on-site during the duration of the construction.

WPD staff is available at your request to provide guidance on stormwater issues. Should you have any questions, please contact Kosta Kaporis of my staff at (213) 485-0586.

**Response to Comment No. 1-7**

The comment states that a Storm Water Pollution Prevention Plan (SWPPP) is required for land disturbances over one acre. Development of the proposed project would include an appropriate SWPPP.

**Comment No. 1-8**

**SOLID RESOURCE REQUIREMENTS**

The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact Special Projects Division.

Special Projects staff is available at your request to provide guidance on solid resource issues. Should you have any questions, please contact Daniel Hackney at (213)-485-3684.

**Response to Comment No. 1-8**

The comment states that projects shall designate a recycling area or room for onsite recycling activities. The project developer would provide clearly marked, durable, source-sorted recycling bins throughout the project to facilitate recycling (see pages II-9 and IV.M-7 of the Draft EIR).

**LETTER NO. 2**

Anthony E. Lyinih, Assistant Deputy Director  
Land Development Division  
County of Los Angeles Department of Public Works  
900 South Fremont Avenue  
Alhambra, CA 91803-1331

**Comment No. 2-1**

Thank you for the opportunity to review the Draft Environmental Impact Report for the Green Hollow Square project. The project will include 3 two-story commercial buildings and would consist of several tenant spaces for retail, restaurant, office, and other local services. The project site is located at 11961, 11965, 11967, 11969, 11973, 11977, 11981, and 11991 San Vicente Boulevard and 642 and 644 Saltair Avenue.

The following comments are for your consideration and relate to the environmental document only.

**Response to Comment No. 2-1**

The comment states general introductory information that the Department of Public Works was given the opportunity to review the Draft EIR for the proposed project. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 2-2****Services—Traffic/Access**

The County's methodology shall be used in the level of service analyses when evaluating the County intersections listed below. A copy of our Traffic Impact Analysis Report Guidelines may be obtained on the County of Los Angeles Department of Public Works' website at <http://dpw.lacounty.gov/Traffic>. Based on the County's methodology, we expect the intersections may be significantly impacted by the project. If no feasible physical improvements are currently available to mitigate the potential impacts, please ensure all unmitigated impacts at the following intersections are properly described in the project's Draft Environmental Impact Report:

1. Wilshire Boulevard at Federal Avenue/San Vicente Boulevard.
2. Wilshire Boulevard at Sepulveda Boulevard.
3. Wilshire Boulevard at Veteran Avenue.

If you have any questions regarding the traffic/access comments, please contact Mr. Thanh Le at (626) 300-4730 or [tle@dpw.lacounty.gov](mailto:tle@dpw.lacounty.gov).

**Response to Comment No. 2-2**

Two of the intersections referenced by the commenter, Wilshire Boulevard and Sepulveda Boulevard, and Wilshire Boulevard and Veteran Avenue, are outside the project study area. Further, as the traffic analyses contained in the Draft EIR clearly indicate (Table IV.L-11), the proposed project will not result in significant impacts at the study area “boundary” intersection (the outermost intersection analyzed) nearest the two cited locations, Wilshire Boulevard and San Vicente Boulevard/Federal Avenue (in fact, at any of the boundary intersections). Therefore, the project would not be expected to result in significant impacts beyond the analyzed sphere of influence, and therefore, inclusion of these two additional intersections is not warranted. Additionally, while the third location referenced, Wilshire Boulevard and San Vicente Boulevard/Federal Avenue is described by the commenter as a “County” intersection, this intersection is under shared jurisdiction with the City of Los Angeles. LADOT maintains the intersection and operates the traffic signals at this location. As such, the City of Los Angeles is the lead jurisdiction for this intersection, and the use of the LADOT analysis methodology for this location is appropriate. However, to provide the decision-makers with all information relative to the potential project impacts, a supplemental analysis using the Los Angeles County Department of Public Works methodology was performed and is included in this response.

The County’s traffic impact analysis methodology is similar to that used by LADOT, including the threshold increases considered as “significant”, although the County includes additional project-specific impact scenarios not required by LADOT; a “future year with ambient traffic growth only (no cumulative development traffic)”, and the “future year (ambient growth only) plus project traffic” scenario. Therefore, these additional scenarios were evaluated using the same database and assumptions noted in the Draft EIR for the other (LADOT) analysis scenarios already prepared for the intersection of Wilshire Boulevard and San Vicente Boulevard/Federal Avenue. The results of the Los Angeles County additional analysis, indicated in Table R2.2 below, supplement the analyses already included in the Draft EIR (Table IV.L-11), which are incorporated into this response by reference:

<b>Table R 2.2</b>							
<b>CMA Summary - Wilshire Boulevard and San Vicente Boulevard/Federal Avenue</b>							
<b>Using Los Angeles County Evaluation Methodology</b>							
<b>Int. No.</b>	<b>Intersection</b>	<b>Peak Hour</b>	<b>With Ambient Growth Only</b>		<b>With Ambient Growth Plus Project</b>		
			<b>CMA</b>	<b>LOS</b>	<b>CMA</b>	<b>LOS</b>	<b>Impact</b>
12	Wilshire Blvd. and San Vicente Blvd./Federal Ave.	AM	0.962	E	0.963	E	0.001
		PM	0.915	E	0.918	E	0.003

As shown in Table R2.2, as with the LADOT-based analyses already included in the Draft EIR, the project would result in only nominal incremental impacts to the subject intersection under the County evaluation methodology, with the project-related increases well below the “significance” threshold of

+0.010 for intersections operating at LOS E. Therefore, the project would not significantly impact the subject intersection under the additional County evaluation scenarios, and no additional analyses or mitigation is warranted. Supporting CMA worksheets are included as Appendix B to this Final EIR.

**Comment No. 2-3**

**Hazards-Geotechnical/Geology/Soils**

A copy of the soils report referenced in the Draft Environmental Impact Report should be included in the Final Environmental Impact Report.

If you have any questions regarding the geotechnical/geology/soils comment, please contact Mr. Jeremy Wan at (626) 458-4925 or [jwan@dpw.lacounty.gov](mailto:jwan@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 458-4921 or [tduong@dpw.lacounty.gov](mailto:tduong@dpw.lacounty.gov)

**Response to Comment No. 2-3**

The comment requests that the soils report that is referenced in the Draft EIR be included in the Final EIR. The soils report (*Geotechnical Investigation, Proposed Commercial Development, 11991, 11977, 11973, and 11961 West San Vicente Boulevard and 644 and 642 South Saltair Avenue Brentwood District, Los Angeles, California*, dated October 27, 2009, prepared by Geocon West, Inc.) has already been included as Appendix G of the Draft EIR.

**LETTER NO. 3**

Richard Barron, President  
Cultural Heritage Commission  
City of Los Angeles

**Comment No. 3-1**

On behalf of the Cultural Heritage Commission, thank you for the opportunity to formally comment on the Draft Environmental Impact Report (DEIR) for the Green Hollow Square Project. As you know, the Barry Building located at 11973 W. San Vicente Boulevard is designated as Historic-Cultural Monument (HCM) #887 under the City of Los Angeles' Cultural Heritage Ordinance and would be demolished under the proposed project.

The Cultural Heritage Commission's primary responsibility in its capacity as a Mayor-appointed decision-making body is to oversee the preservation and safeguarding of the City of Los Angeles' nearly 1000 Historic-Cultural Monuments. Since its establishment in 1962, demolition of an HCM is contrary to the goals and principals of the Cultural Heritage Commission and the Cultural Heritage Ordinance. This Commission exists for the promotion and protection of Historic-Cultural Monuments and takes very serious the prospect of an HCM being eliminated forever.

Another impacted Historic-Cultural Monument by the Green Hollow Square Project is the Coral Trees on San Vicente Boulevard (HCM# 148). The Cultural Heritage commission is concerned about alterations to this historic resource and the cumulative impacts to the landscaped median.

After thoughtfully reviewing the DEIR and listening to testimony at a public hearing held on April 7<sup>th</sup>, 2011, the Cultural Heritage Commission provides the following comments:

**Response to Comment No. 3-1**

The comment provides information about the role of the Cultural Heritage Commission, and acknowledges that the Cultural Heritage Commission was given the opportunity to comment on the Draft EIR. The comment also restates that the Barry Building is Los Angeles Historic-Cultural Monument #887 and that the Coral Trees on San Vicente Boulevard are Historic-Cultural Monument #148. As such, these general comments are noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 3-2**

1) The Cultural Heritage Commission supports a preservation alternative that retains and integrates the Barry Building into the proposed project and preserves the Historic-Cultural Monument.

The Cultural Heritage Commission believes that the Barry Building can be integrated into a new development while also meeting and exceeding the project goals of the proposed project. Other projects

throughout the City of Los Angeles have been successful in incorporating Historic-Cultural Monuments through the guidance and support of the Cultural Heritage Commission and its Office of Historic Resources. We do not believe that our Historic-Cultural Monuments should be frozen in time but strongly support sensitive reuse of historic resources for new projects.

### **Response to Comment No. 3-2**

The comment provides the commenter's opinion that the Barry Building can be integrated into a new development. Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 3-3**

2) The Cultural Heritage Commission finds that Alternative 4 ("Preservation Alternative") in the DEIR is inadequate.

Alternative 4 as currently presented in the DEIR is inadequate and a disingenuous attempt to provide a preservation alternative for the proposed project. This alternative does not appear to take seriously into consideration the existing historic resource and lacks detailed analysis compared to other alternatives in the DIR. Retention of the Barry Building must be a primary responsibility of the proposed project's applicant and must not be treated as a secondary issue or an afterthought. Renderings attempting to incorporate the Barry Building in the DEIR appear cartoonish and unprofessional and give the impression of entombing the historic building. This preservation alternative must provide renderings and analysis of the proposed development that both compliment and integrate the Barry Building.

### **Response to Comment No. 3-3**

The comment provides the commenter's opinion that the analysis of Alternative 4 (preservation alternative) is inadequate, and that new renderings should be provided. See Response to Comment 8-1, below, for a new rendering and additional discussion of Alternative 4. Further, it should be noted that Alternative 4 is the only alternative that provides a separate architect's report. In addition, a detailed traffic analysis has been prepared for Alternative 4 (see Section III, Additions and Corrections, of this Final EIR under "Transportation, Traffic, and Parking"). Also, this Final EIR contains a supplemental letter report from an historic consultant that assesses the effect on the historic significance of the Barry Building if certain modifications are made to it to enhance the marketability of the tenant space in the Barry Building. (See Final EIR Appendix C and Response to Comment 3-4, below).

### **Comment No. 3-4**

While the DEIR states that Alternative 4 may not meet Objective 1 and that "retention of the Barry Building may affect the architectural integration of the overall project," the Cultural Heritage Commission's response is to simply have the proposed development's design better respond to the Barry

Building's mid-twentieth century design. These design modifications can be minimal and do not have to fundamentally alter the site planning and square-footage of the proposed project.

#### **Response to Comment No. 3-4**

The comment states that design modifications to Alternative 4 could be minimal and would help Alternative 4 meet project objective 1 (architectural integration of the overall project). A supplemental report was prepared by Galvin Preservation Associates (and is included as Appendix C to this Final EIR) to evaluate these comments. Based on other comments received on the Draft EIR, the phrase "architectural integration" should be clarified to distinguish between architectural matters involving aesthetics and architectural matters involving functionality. Accordingly, project objective 1 shall be revised to use the phrase "architectural and functional integration" instead of just "architectural integration" and the Responses to Comments shall distinguish between design matters of aesthetics and design matters of functionality. (See also Section III, Additions and Corrections, of this Final EIR for this clarification).

The design modifications necessary to achieve optimal functional integration under Alternative 4 are complicated by a number of physical aspects of the Barry Building. For example, the Barry Building is located in the center of the project site, which means that any new development would need to wrap around the Barry Building. This limits pedestrian access via walkways unless pedestrian openings can be constructed through the existing ground floor level of the Barry Building. Refer to Response to Comment 7-11 for a discussion of the potential for such new pedestrian openings. Further the difference in the height of the floor plates of the second story in the Barry Building and floor plates of the second story in the surrounding new buildings means that ramps, stairs and/or physical structures would have to be built to allow customers and other users to walk between the second stories of those buildings. Otherwise, a person in the Barry Building would have to exit the building onto the ground level and enter the new buildings using pedestrian walkways.

According to the applicant, the existing floor-to-ceiling heights of the Barry Building, which are as low as 8'6" clear height and as high as 11' with an average between 9' and 10', are inconsistent with the requirements of high quality retail and office tenants. (The applicant has submitted a market study in its comment letter to the Draft EIR in support of its contention that the proposed project's floor-to-ceiling height of approximately 18 feet is consistent with the requirements of the market. Refer to Appendix A of this Final EIR, Comment Letter 62.) As described in the supplemental report prepared by Galvin Preservation Associates (included as Appendix C to this Final EIR), changing the floor-to-ceiling heights of the first floor of the Barry Building, even if structurally feasible, would not comply with the Secretary of the Interior's Standards for Rehabilitation and would negatively affect the integrity of the building, and would constitute a loss of historic fabric. While the floor-to-ceiling heights of the second story cannot be increased by raising the roof of the Barry Building itself (as it would not preserve the historic fabric of the building), skylights can be added at locations on the existing roof that could complement the tenant operations in the second story. For example, pitched skylights would add approximately four feet to the height of the second story ceiling at the pitch of the skylight, and adding such skylights would be consistent with the Secretary of the Interior's Standards. However, while such skylights may enhance the

aesthetics of the tenant space at the second story of the Barry Building, such skylights would not increase the operational space available to the tenants in that space.

### **Comment No. 3-5**

Even with these concerns, Alternative 4 still proves to be the environmentally superior alternative as explicitly stated in the DEIR. Having the same number of parking spaces as the proposed project with only a 5% reduction in square footage, a preservation alternative should also be able to meet the economic goals under Objective 4. With only minor design changes, Alternative 4 can also easily meet all project objectives without being rendered infeasible.

### **Response to Comment No. 3-5**

The comment provides the commenter's opinion that with minor changes to design, Alternative 4 can meet all of the project objectives. As described on Draft EIR page VI-65, Alternative 4 may not fully achieve project objectives 1, 3, and 4. Project objective 1 concerns architectural and functional integration, which is discussed further at Response to Comment 3-4. Objective 1 also concerns energy efficiency, which is discussed further at Response to Comment 7-10. Objective 1 also speaks to the creation of a well-defined pedestrian network among the buildings. That network would be compromised under Alternative 4 since there is only one ground level opening at the north end of the Barry Building (of approximately five feet in width) and no such openings on the east and west sides of the Barry Building. The issues associated with creating an additional ground level entrance at those locations is discussed at Responses to Comment 7-11 and 8-1.

In addition, the Draft EIR states that Alternative 4 *may* affect the ability for the project to be economically competitive and achieve the economic goals described in project objectives 2 and 4. As discussed in the responses to comment letter 62, the applicant submitted a report from a consultant, Concord Group, that concluded that a project incorporating the Barry Building would be inferior to the proposed project in the areas of marketing visibility, quality of space, street presence, shopping experience, and would produce less rent than the proposed project. (The "Concord Report" is included as an attachment to Comment Letter 62 of this Final EIR.) The opinions contained in the Concord Report are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Finally, the commenter raises the issue of the parking provided under Alternative 4. The Draft EIR assumed that the amount of parking would be the same as provided under the proposed project. However, the Gruen report (Appendix M to the Draft EIR) noted that the proposed underground parking structure would have to take into account the existing footprint of the Barry Building, which may necessitate the construction of a second level of proposed underground parking at the rear of the development.

### **Comment No. 3-6**

3) The proposed demolition of the Barry Building sets a dangerous precedent for other designated Historic-Cultural Monuments in the City of Los Angeles.

The loss of a Historic-Cultural Monument is always a great tragedy for the City of Los Angeles. A concerted effort to purposefully demolish a Historic-Cultural Monument for a replacement project is unacceptable. Pursuing the demolition of the Barry Building imperils the nearly 1000 Historic-Cultural Monuments in the City of Los Angeles and sets a dangerous precedent.

### **Response to Comment No. 3-6**

The comment states the commenter's opinion that the loss of a Historic-Cultural Monument would be a tragedy for the City. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 3-7**

4) The Barry Building is a rare example of a commercial mid-20<sup>th</sup> century modern Historic-Cultural Monument.

When designated as a Historic-Cultural Monument, the Barry Building met Cultural Heritage Ordinance criteria for "embodying the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction" as an example of International Style commercial architecture. Apart from the potential loss of the designated historic resource, the Barry Building is one of the few very rare examples of commercial mid-twentieth century modern design in the register of Historic-Cultural Monuments. In fact, a preliminary review suggests that the Barry Building is only one of three modernist commercial buildings out of nearly 1000 designated Historic-Cultural Monuments: the only other two are the Neutra Office Building (HCM #676; constructed 1951) and the Jones and Emmons Building (HCM#696; constructed 1954).

With departure of Dutton's Brentwood Bookstore and the introduction of new tenants to the storefront spaces, greater transparency and views have been restored to the Barry Building that bring it closer to its c. 1951 appearance. Along with the continued maintenance by the property owner, current photographs of the Barry Building reveal it to be in excellent condition.

### **Response to Comment No. 3-7**

The comment discusses the status of the Barry Building as a historic monument. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887. However, as described in the Gruen Report (included as Appendix M to the Draft EIR), the Barry Building in its current condition may require modifications to better comply with current building and safety codes, although it is not required that the Barry Building in its current state meet all current code requirements. (See also Response to Comment 8-1 regarding the applicability of the State Historical Building Code to the Barry Building.). For example, the recommendations included in the Gruen Report include, but are not limited to: all new mechanical, plumbing, and electrical work for tenant spaces to conform to current code standards; and modification of guard rails along Level 2 in order to enhance safety. Nevertheless, the

comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 3-8**

5) The Coral Trees on the San Vicente Boulevard median (HCM #148) must not be altered or modified.

The Coral Trees on the median strip of San Vicente Boulevard between 26<sup>th</sup> Street and Bringham Avenue were designated as Historic-Cultural Monument #148 in 1976. The coral trees are part of the elegance of the San Vicente Blvd commercial corridor and are a major character-defining feature of the area. Removing and altering the coral trees and the median under the DEIR's different proposals is unacceptable. The cumulative impact of past and potential future alterations to this landscaped median in other sections is also a concern for the Cultural Heritage Commission.

**Response to Comment No. 3-8**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including the removal of coral trees). It should be noted that the alteration of the San Vicente Boulevard median is an optional project design feature, and would not necessarily be included as part of the proposed project. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. It should be noted that the alteration of the median was proposed only as an optional feature of the proposed project.

**Comment No. 3-9**

The Cultural Heritage Commission urges the City Planning Department to address the comments and concerns raised in this letter. We urge the development of a viable preservation alternative that ensures the protection of the Barry Building as a Historic-Cultural Monument. The future of other Historic-Cultural Monuments in the City of Los Angeles will be directly impacted by the results of the Environmental Impact Report for this project. Please continue to integrate the Cultural Heritage Commission on any future proposed projects that impact Historic-Cultural Monuments.

**Response to Comment No. 3-9**

The comment provides the commenter's opinion in support of a preservation alternative. Therefore, the opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 4**

Brentwood Homeowners Association  
Strumwasser & Woocher  
10940 Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90024

**Comment No. 4-1**

Attached please find (1) Comment Letter of Brentwood Homeowners Association re Green Hollow Square DEIR (ENV-2009-1065-EIR), and (2) “Review of Draft EIR for Traffic and Circulation Issues” prepared by Traffic Engineer Allyn D. Rifkin, P.E., regarding the same project.

**Response to Comment No. 4-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 4-2**

We write on behalf of the Brentwood Homeowners Association (BHA). The BHA’s members reside in a territory west of I-405 and north of San Vicente Boulevard, encompassing approximately 3,500 single-family homes. The proposed “Green Hollow Square” project (hereinafter, the project) is within the territory of the BHA, and its members are directly impacted by the proposal to construct nearly 75,000 square feet of retail and restaurant uses, along with associated parking facilities, on parcels currently housing approximately 35,000 feet of retail and office uses. The significant intensification of use proposed for the parcels included in this proposal will have numerous impacts on the surrounding community.

**Response to Comment No. 4-2**

The comment states that the proposed project is within the territory of the Brentwood Homeowners Association (BHA) and that the proposed project would impact the surrounding community. However, the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 4-3**

The BHA has reviewed the Draft Environmental Impact Report (DEIR) issued by the City of Los Angeles (City) in February, and has concluded that in many respects the DEIR is inadequate and fails to live up to the mandates of the California Environmental Quality Act (CEQA). Notably, the DEIR fails to accurately

analyze the environmental impacts of this large commercial development, including to traffic and circulation, from construction and its associated traffic, from conflicts with the Brentwood/Pacific Palisades Community Plan and the San Vicente Corridor Specific Plan, and from the adverse impacts of the sale and service of alcoholic beverages. Moreover, the DEIR's alternatives analysis is insufficient, particularly with respect to its assessment of alternatives that would preserve the Barry Building, Los Angeles City Historic-Cultural Monument No. LA-887. Given the irreversible impact of demolition, the lack of analysis demonstrated in the discussion of the preservation alternative is especially troubling. Finally, the DEIR has numerous additional substantive weaknesses, including an unclear and shifting project description so confusing that community members, after reviewing the DEIR several times, are still unclear as to what is actually included in the applicant's proposal. The BHA urges the City of Los Angeles (City) to make significant revisions when preparing the Final Environmental Impact Report (FEIR) so that it conforms to the requirements of CEQA.

### **Response to Comment No. 4-3**

The comment states that the BHA has concluded that the Draft EIR is inadequate and fails to live up to the mandates of CEQA. The comment states that traffic and circulation, from construction and its associated traffic, and conflicts with the Brentwood-Pacific Palisades Community Plan and the San Vicente Scenic Corridor Specific Plan were not accurately analyzed. However, traffic and circulation were analyzed in a Traffic Impact Analysis Report that is included as Draft EIR Appendix K and summarized in Section IV.L of the Draft EIR. Further, conflicts with the Community Plan and Specific Plan were analyzed in Draft EIR Section IV.H. The comment does not list a specific concern with respect to sale and service of alcoholic beverages. A conditional use permit is one of the discretionary actions sought to allow for the sale of alcoholic beverages. The comment states that the alternative analysis is insufficient, particularly with respect to the preservation of the Barry Building. The alternatives, including a historic preservation alternative, were analyzed in Section VI of the Draft EIR. The comment states that the project description is unclear and confusing, but does not list specific concerns. Section II describes the project description, including size and land uses, green building features, parking and access, construction schedule, project objectives, and requested discretionary actions. Further, each of these general claims is responded to specifically below.

### **Comment No. 4-4**

1. THE DEIR DOES NOT ADEQUATELY ANALYZE THE ENVIRONMENTAL IMPACTS OF THE PROJECT.

It needs almost no mention that an accurate analysis of the environmental impacts of a proposed project is a *sine qua non* of an adequate environmental impact report (EIR). The DEIR fails in this basic requirement, offering analysis that overlooks serious potential impacts from the project, and ignoring the comments raised in the BHA's scoping letter. Such shoddy analysis defeats the objectives of CEQA. A fundamental purpose of CEQA is for decision makers and the public to be made aware of the significant environmental impacts of a proposed project before any action is taken on that project. (*Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (*laurel Heights*

I)(1988)47 Cal.3d 376,390-391; Pub. Resources Code 21100.) “The purpose of requiring public review is to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological impacts of it’s action....Public review permits accountability and informed self –government.” (*Schoen v. Department of Forestry and Fire Protection* (199) 58 Cal.App.4<sup>th</sup> 556,573.) “Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights I*, 47 Cal.3d at p.392.) The DEIR must be revised to accurately address the impacts that the proposed project is likely to have on the environment, or else the EIR will fail to provide the public or decision makers with the information necessary to reach an informed decision on the implications of approving this large project.

#### **Response to Comment No. 4-4**

The commenter provides quotations from different court cases that addressed the requirements of CEQA. That portion of this comment is acknowledged. The commenter also opines on the legal adequacy of the EIR as an informational document. The commenter’s opinion is acknowledged. Taken together as a Final EIR, the Draft EIR, the corrections and additions thereto, and the Responses to Comments satisfy CEQA’s requirements.

#### **Comment No. 4-5**

##### **A. THE ANALYSIS FOR TRAFFIC IMPACTS UNDERSTATES THE IMPACTS OF THE PROPOSED PROJECT AND IS INCOMPLETE AND INACCURATE**

The project is located near the intersection of San Vicente Boulevard and Saltair Avenue, in an area of high traffic and complex intersectional geometry. The DEIR fails to adequately assess the impacts from the traffic that will be generated by this large, new development.

#### **Response to Comment No. 4-5**

The comment does not state a specific concern or question regarding the adequacy of analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

#### **Comment No. 4-6**

##### **1. The Traffic Impact Analysis Uses an Inappropriate Baseline**

To begin, the traffic impact analysis starts off on the wrong foot, utilizing a legally-inappropriate baseline against which to measure the impacts of the project. The CEQA Guidelines require the project’s impacts to be evaluated against the “existing physical conditions at the time the notice of preparation is published.” (Guidelines, § 15125, subd. (e).) As recently affirmed by the Supreme Court, environmental impact analysis must be conducted against a baseline that reflects “what is actually happening;” and not

hypothetical future conditions. (*Communities For A Better Environmental v. South Coast Air Quality Management District*. (2010) 48 Cal.4<sup>th</sup> 310,326.) Rather than utilize the existing traffic conditions on the site as a baseline to measure the impacts of the project, the traffic analysis utilizes projections to the year 2014, and employs assumptions that are not present at this time, such as the implementation of the Adaptive Traffic Control System in the area in the future. The use of this hypothetical future baseline as a yardstick against which traffic conditions are measured is inappropriate. As one Court of Appeal recently concluded when evaluating a similar traffic analysis in *Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council* (2010) 190 Cal.App.4<sup>th</sup> 1351, “nothing in the new law authorizes environmental impacts to be evaluated only against predicted conditions more than a decade after EIR certification and project approval.” (*Id.* At p. 1380.) The court admonished the city from relying upon “industry practice” as justification for the use of a future, hypothetical baseline: “Use of such a ‘baseline’ cannot be upheld since that approach contravenes CEQA regardless whether the agency’s choice of methodology for projecting those future conditions is supported by substantial evidence. The ‘industry practice’ of evaluation transportation improvement projects based on future scenarios does not alter CEQA’s mandates.” (*Id.* At p.1380-1381.) The error in the DEIR’s approach affects the analysis of both the impacts to signalized, major intersections as well as the calculation of impacts to local streets, both of which rely upon the hypothetical construct of 2014 traffic data to assess impacts. The City must re-analyze the traffic impacts against present-day levels, not hypothetical, future conditions.

#### **Response to Comment No. 4-6**

This comment deals primarily with the evaluation of project impacts versus forecast future (year 2014) “baseline” conditions rather than providing such an evaluation against the “existing” conditions per the recent decision in the “Sunnyvale” case. At the time the project traffic study and Draft EIR were prepared, LADOT had not identified a methodology for evaluating such a scenario. However, new directives recently issues by LADOT address this issue, and in response, a new supplemental analysis was prepared to evaluate the “Existing With Project” scenario, as identified by the commenter, and the impacts are shown in Table R4.6, which is intended as an addendum to Table IV.L-11 in the Draft EIR. See also Response to Comment 4-27 regarding the implementation of the ATCS system with respect to the identification of the project’s baseline.

To summarize the results of this supplemental analysis, the project would not result in any new significantly impacted intersections; in fact, the previously-identified significant impact that would occur under the “Future (2014) With Project” scenario at San Vicente Boulevard and Barrington Avenue (intersection no. 9) would no longer occur. Therefore, instead of 4 significant impacts previously identified in the project Draft EIR in Table IV.L-11, (the impacts at the two San Vicente Boulevard and Bundy Drive intersections [5(a) and 5(b)] are considered as a single impact), the supplemental “Existing Plus Project” scenario produces only 3 significant impacts.

Additionally, an evaluation of the potential impacts to “existing” conditions along Saltair Avenue was also prepared, pursuant to the “Sunnyvale” requirements. As shown in Table IV.L-15 in the Draft EIR, the existing traffic volumes on Saltair Avenue (north of San Vicente Boulevard) are approximately 1,918 vehicles per day (total of both directions). The proposed project could increase this amount by

approximately 158 vehicles per day, to a total of approximately 2,076 vehicles per day. Therefore, the potential project impact to the existing conditions on the analyzed segment of Saltair Avenue would be approximately 8.2% ( $158/1,918 = 0.082$ ). Based on LADOT's current impact thresholds for residential streets, for streets exhibiting "with project" volumes of between 2,000 and 2,999 vehicles per day (Table IV.L-14), the potential project impact to this roadway is less than the 10.0% increase considered "significant."

Table R 4.6							
Critical Movement Analysis Summary							
Existing (2010) Peak Hour Conditions							
Int. No.	Intersection	Peak Hour	Existing (2010)		Existing (2010) With Project		
			CMA	LOS	CMA	LOS	Impact
1	Sunset Boulevard and Kenter Avenue	AM	0.866	D	0.872	D	0.006
		PM	0.960	E	0.966	E	0.006
2	Sunset Boulevard and Bundy Drive	AM	0.896	D	0.899	D	0.003
		PM	0.797	C	0.805	D	0.008
3	Sunset Boulevard and Barrington Avenue	AM	0.888	D	0.890	D	0.002
		PM	0.959	E	0.968	E	0.009
4	San Vicente Boulevard and 26th Street	AM	0.782	C	0.786	C	0.004
		PM	0.743	C	0.756	C	0.013
5(a)	San Vicente Boulevard and Bundy Drive (west)	AM	0.838	D	0.848	D	0.010
		PM	0.923	E	0.966	E	0.043 *
5(b)	San Vicente Boulevard and Bundy Drive (east)	AM	0.717	C	0.747	C	0.030
		PM	0.803	D	0.924	E	0.121 *
6	Montana Avenue and Barrington Avenue	AM	0.594	A	0.594	A	0.000
		PM	0.794	C	0.794	C	0.000
7	Montana Avenue and Bundy Drive	AM	0.686	B	0.697	B	0.011
		PM	0.837	D	0.875	D	0.038 *
8	Montana Avenue and San Vicente Boulevard	AM	0.550	A	0.550	A	0.000
		PM	0.906	E	0.998	E	0.092 *
9	San Vicente Boulevard and Barrington Avenue	AM	0.681	B	0.684	B	0.003
		PM	0.792	C	0.806	D	0.014
10	Wilshire Boulevard and Bundy Drive	AM	0.937	E	0.939	E	0.002
		PM	0.995	E	1.002	F	0.007
11	Wilshire Boulevard and Barrington Avenue	AM	0.685	B	0.687	B	0.002
		PM	0.600	A	0.604	B	0.004
12	Wilshire Boulevard and San Vicente Boulevard/Federal Avenue	AM	0.921	E	0.922	E	0.001
		PM	0.877	D	0.879	D	0.002
<b>Notes:</b>							
** Indicates significant impact per Los Angeles Department of Transportation (LADOT) Traffic Study Policies and Procedures, Revised March 2002 (compatible with current December 2010 criteria).							

Therefore, based on these supplemental evaluations, the project would not create any new or previously-identified impacts to any of the 12 signalized study intersections analyzed in the Draft EIR, nor would any previously unreported significant project-related impacts be expected to occur to Saltair Avenue.<sup>1</sup>

### **Comment No. 4-7**

#### 2. The Trip Generation Analysis Is Incorrect

The DEIR's assessment of the trips that will be generated from the project is incorrect and inconsistent across the various components of the analysis. The calculations employ different "pass-by" discounts for the existing and proposed project. While the retail components of the proposed project are considered "general" retail that command a whopping 40 percent "pass-by" credit, the retail at the present site is considered "specialty" and only receives a 10 percent "pass-by" reduction. The DEIR does not explain the basis for the attribution of 100 percent of the new development to the "general" retail category. With such a large new development, is it truly accurate to claim that every single retailer will fall into the "general" category? In fact, the project is likely to have a number of "destination" retailers for which customers *will* be making special trips to the area. Why is only a 10 or 20 percent reduction applied to the existing shops on the site, rather than apply the LADOT's shopping center pass-by credit of 50 percent to all of these retail properties? "Walk-in" credits are also treated differently with only a 5 percent credit to the existing retail and a 10 percent credit to the proposed retail. These inconsistent assumptions work to deflate the traffic generated by the proposed project and inflate the trips assigned to the existing use, all to

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<sup>1</sup> *Response to Comment 4-6 Footnote:*

*While the ongoing HOV lane-related construction on the nearby San Diego (I-405) Freeway, including major reconstruction of the Sunset Boulevard overcrossing and the Wilshire Boulevard ramps, have likely resulted in some changes in typical travel patterns within the study area, it is important to understand that such changes are temporary, and do not reflect the normal traffic patterns in the project vicinity in the absence of such construction. As identified on Caltrans' website, the I-405 HOV lane project is currently underway, and is expected to be completed (including all freeway and overcrossing/ramp improvements) in the spring of 2013, prior to the anticipated completion of the proposed Green Hollow Square project in 2014.*

*Therefore, by the time the project is completed and occupied, area traffic patterns will have returned to pre-construction conditions, and will no longer be disrupted or affected by the current construction in the area. As a result, the current traffic patterns are not representative of the anticipated normal traffic flows in the future, and would skew the forecasts of future conditions at the study intersections. Therefore, the existing but temporary construction-effected traffic data is not an appropriate baseline for forecasting future traffic conditions. The use of the year 2008 (pre-I-405 construction) traffic volumes, which represent the normal and historical travel patterns and traffic characteristics within the study area, was properly deemed appropriate by LADOT. Further; the data was within the allowable 2-year period for traffic count data identified in LADOT's Traffic Study Policies and Procedures, and was not considered to be out of date or not representative of current traffic volumes. However, in order to provide a conservative analysis of area traffic, these 2008 data were growth-factored by 1.0 percent per year (compounded annually) in order to account for any traffic growth that may have occurred in the project vicinity in the interim. As described in the traffic study and Draft EIR, the use of the 1.0 percent annual traffic growth factor is, in itself, conservative, as the current Los Angeles County CMP assumes an annual growth factor for the study vicinity of 0.85 percent per year. The analyses contained in the Draft EIR accurately reflect both current and anticipated forecast future traffic volumes in the study area based on recognized analysis and forecasting techniques.*

the service of making the proposed project appear to generate fewer trips. The analysis should be considered in the FEIR to appropriately credit each use and present an accurate assessment of the new trips that will be generated by this large development.

#### **Response to Comment No. 4-7**

The application of the trip adjustment factors used in the estimation of both project traffic and trips associated with the existing on-site uses is appropriate and consistent with LADOT policies (which are based primarily on LADOT's experience, and supplemented by data contained in the ITE *Trip Generation Handbook* (Second Edition, 2004), San Diego Association of Governments ("SanDAG") data on trip generation and trip-making characteristics, and other sources. For the proposed project, these policies indicate that shopping centers of the size assumed for the project (between 50,000 and 100,000 square feet) exhibit a 40% pass-by trip factor, while "high-turnover sit-down restaurants" exhibit a 20% pass-by factor. For the existing uses, LADOT identifies that "specialty retail" uses exhibit a 10% pass-by factor, the existing nursery was assumed as a "garden center" use, which exhibits a 20% pass-by factor, and the existing café/coffee shop was assumed as a "fast food restaurant", exhibiting a 50% pass-by factor. As a result, the pass-by trip reduction percentages used in the traffic study for all uses (both existing and proposed) are consistent with the LADOT pass-by discounts identified in their traffic study policies and procedures document, and were not applied inconsistently or inappropriately. The distinction between the "general retail" (shopping center) designation for the proposed project's retail component versus the "specialty retail" designation for the existing site uses is discussed in detail later in this response.

Regarding the other trip-reduction factors used in the trip generation estimates for the proposed project, the "internal interaction" discounts assumed for both the proposed and existing uses were applied consistently, namely, a 5% reduction for all uses, with the exception of the existing coffee shop, which was assumed to experience an approximately 15% internal interaction with the other on-site uses, due to its convenience and the type of use. As described in detail in the project traffic study (page 10), "internal interaction" reflects the use of multiple on-site services and amenities by patrons of other uses of the site, reducing the number of vehicle trips traveling to and from the site as compared to that of individual "stand alone" uses, as is generally identified in the ITE data. If this assumption were to be changed to reflect the 5% internal interaction applied to all other uses, the result would be an increase of 9 daily trips, including an increase of 1 trip during the AM peak hour (PM peak hour trip generation would remain unchanged), thereby resulting in a lower net trip generation for the proposed project.

Further, the "walk-in" discounts, which reflect that the project's proposed retail and restaurant components are intended to provide local-serving facilities within convenient walking distance of nearby commercial developments along San Vicente Boulevard, or for residents of the nearby neighborhoods, are also applied consistently, namely, a 5% reduction assumed for all existing and proposed uses, with the exception of the proposed project's restaurant uses, which assumed a slightly higher 10% discount as noted by the commenter. This assumption was considered appropriate due to both the size (approximately 10,500 total square feet) and anticipated variety of food service opportunities within the proposed project, as compared to the small (500 square foot) single café/coffee shop use within the existing site. As a

result, it was anticipated that the project's food service component(s) would draw a larger patronage from the nearby offices and commercial uses along San Vicente Boulevard, and potentially from nearby residential neighborhoods as well, as compared to the walk-in patronage exhibited by the existing café/coffee shop. However, if the existing café/coffee shop were assumed to exhibit the same 10% walk-in patronage as the proposed project's restaurant components, the result would be a reduction of 4 daily trips (with no change in the peak hour trips) for the café/coffee shop component, thereby increasing the net project traffic by the same 4 trips. In total, if both the internal interaction and walk-in patronage assumptions for the existing café/coffee shop were to be made "compatible" with those of the proposed project's restaurant component, the overall change would be an increase of 5 daily trips, including an increase of 1 (outbound) trip during the AM peak hour (no change to the PM peak hour would occur) for this existing use, resulting in a reduction in the net trips associated with the proposed project of the same number of trips. Therefore, the trip-reduction assumptions contained in the traffic study present a "worst case" trip generation estimate for the proposed project.

The commenter also notes the apparent discrepancy in the treatment of the existing on-site retail uses versus the proposed project's retail components. The term "general retail" used to describe the proposed project uses should not be misconstrued as representing any particular type of retail store. Rather, this term is used simply to identify that no specific tenants or retail types have yet been identified for the proposed retail areas, and to distinguish it from the "specialty retail" land use, which is defined in the West Los Angeles Transportation Improvement and Mitigation Specific Plan ("WLA TIMP") as "low trip generators such as jewelry shops, art supply stores, quality apparel stores, etc." (footnote 6, Appendix A, WLA TIMP).

The retail uses for the proposed project are considered to be "general" retail, warranting application of the ITE "Shopping Center" land use trip generation rates, for two primary reasons. First, since specific tenants and/or types of tenants are not currently known, the shopping center land use was selected as appropriate because shopping centers typically include both destination uses as well as secondary, non-destination uses, therefore covering a variety of tenant combinations. Second, the project is designed to be a cohesive development intended to encourage "one-stop shopping", whereby visitors can shop at a number of various on-site stores, and/or stay on-site to dine at one of the proposed restaurants. This type of internal connectivity is most accurately represented by shopping center-type developments.

The use of the "specialty retail" trip generation rate for the existing uses reflects its current observed operations; the site does not act as a single, cohesive retail complex, but rather tends to attract patrons only to one of the on-site uses during any particular trip. Very little "internal interaction" or multi-purpose trips occur between the on-site uses, and therefore, the specialty retail trip rate, which is more applicable to "stand alone" uses than to shopping center developments, was considered to be more appropriate. Additionally, the entire existing site was not evaluated as a "shopping center" since there are a number of uses on the site that exhibit their own specific land uses and trip generation rates, such as the general office, medical office, nursery, and café/coffee shop uses. Accordingly, the trips generated by these uses are evaluated on an individual-use basis (per LADOT policy), which further reinforces the use of the specialty retail trip generation rate for the remaining 15,430 square feet of floor area, which was assumed to be too small to accurately be designated a "shopping center."

It should also be noted that the “shopping center” trip generation rates assigned to the proposed project’s retail component is 8.03 trips per 1,000 square feet of floor area (see Table IV.L-6), as compared to the 5.00 trips per 1,000 square feet of floor area applied to the existing retail uses as “specialty retail” uses. Therefore, the existing retail components were assumed to generate approximately 38% fewer trips per unit of floor area than the proposed project’s retail component. Additionally, if the existing retail were to be treated as “general retail”, the trip generation rate for the PM peak hour, per the WLA TIMP, would be 10.16 trips per 1,000 square feet of floor area, more than twice the assumed rate. Even with the applicable 50% pass-by discount that would be available to a shopping center of this size (less than 50,000 square feet, per LADOT policies), the resulting trip generation rate of 5.08 trips per 1,000 square feet would still be higher than that assumed in the traffic study, resulting in higher “existing” site trips, and thus reducing the net project trips.

#### **Comment No. 4-8**

Moreover, other assumptions employed in the trip generation analysis should be reconsidered in the FEIR. The trip distribution assumptions show a significant imbalance between trips in-bound from the east (only 10 percent) and trips from the west (30 percent). The reasons for these assumptions are not provided in the DEIR. These assumptions affect the analysis of site access and the need to mitigate traffic via signal or median cuts, discussed in more detail below. Finally, the analysis uses the “standard” AM and PM peak hours for traffic counts, in spite of the difference in operating hours for the proposed retail and restaurant use. Operating hours for a retail and restaurant center do not commence during the 7 a.m. to 9 a.m. range, which are the AM Peak hours used in the analysis, and the afternoon traffic becomes congested in the area by around 2 p.m., as opposed to the 4 p.m. to 6 p.m. range used as PM Peak hours. The analysis should be expanded to consider area traffic during the peak hours of operation for the proposed use.

#### **Response to Comment No. 4-8**

The trip distribution for the proposed project is based on the intent of the development to provide a primarily local-serving development, and the basis for the project’s assumed trip distributions are discussed in the “Trip Distribution” and “Trip Assignment” sections of the Draft EIR, on pages IV.L-26 and IV.L-27. As described in these sections, it is noted that the proposed project is anticipated to draw a large portion of its patronage from the surrounding residential neighborhoods, which are located primarily to the north, west, and south of the project site, as shown in Figure IV.L-3. Further, due to the local-serving nature of the project, trip lengths are expected to be relatively short, with few trips exceeding more than two miles in length, limiting the anticipated project patronage arriving from residential neighborhoods located to the east of the San Diego (I-405) Freeway. Therefore, the trip distributions assumed for the proposed project appropriately reflect the anticipated local-serving nature of the development.

The AM and PM peak hours examined in the traffic study reflect the highest level of traffic and congestion experienced at the study intersections throughout the day, whereas the trip generation estimates for the proposed project identify the anticipated highest levels of overall traffic produced by the

project. A review of the traffic count data sheets contained in the appendix of the project traffic study (Appendix K-1 of the Draft EIR) indicate that the morning peak hour of on-street traffic generally occurs between approximately 7:30 and 9:30 AM, whereas the afternoon/evening peak on-street traffic occurs between approximately 3:00 and 5:00 PM, with traffic volumes in the area generally diminishing outside of these peak periods. The project's peak traffic-generating periods are anticipated to occur generally after 10:00 AM (when most of the project's uses are fully open), and during the early evening hours (between about 6:00 and 8:00 PM). As such, the peak traffic volumes entering and exiting the project site are not anticipated to overlap the peak periods of on-street traffic and congestion. However, for purposes of the traffic study, the analyses contained in the Draft EIR assume that the proposed project's peak trip generation will occur concurrently with the peak levels of traffic occurring at each of the study intersections, assuring a "worst case" assessment of the potential project traffic impacts at each location.

### **Comment No. 4-9**

#### 3. Impacts to Local Streets Are Inadequately Analyzed

The DEIR's analysis of the impacts to local streets is similarly plagued with mistaken assumptions and errors in favor of the proposed project. Notably, the DEIR discounts the likelihood of significant cut-through traffic on Saltair Avenue, an issue raised by BHA in its scoping comments. (See DEIR at p. IV.L-84.) Drivers, seeking to avoid the acknowledged gridlock on San Vicente Boulevard and the congested San Vicente and Bundy Drive intersection, particularly those drivers en route to or from the newly configured I-405 freeway ramps, use Saltair Avenue to drive to Kearsage and then proceed to Sunset Boulevard via Westgate Avenue or Granville Avenue. Under the present day traffic patterns, such cut-through traffic is already evident, and has been observed by numerous neighborhood residents. When the project is fully built out and operational, and traffic has literally ground to a halt on San Vicente, it is indisputable that traffic will continue, and indeed increase, using residential streets in this manner. However, the DEIR ignores this when analyzing the traffic on Saltair Avenue. While the DEIR attributes a small portion of *return* traffic to Saltair Avenue, it does not include an *inbound* traffic to any local streets – an omission that is not explained by the mere fact that the project can only be accessed by westbound San Vicente. The DEIR apparently thinks that *all* traffic from the north of the project will arrive on either Bundy or Montana. Of course, traffic arriving via Bundy will have to make the same type of U-turn that traffic arriving from Saltair would make in order to access the site from westbound San Vicente. The DEIR needs to revisit these assumptions, especially in light of the fact that the amount of traffic increase on Saltair, considering *only* returning trips, is very near the threshold for a significant impact. Attributing a portion of the inbound trips to Saltair, which would reflect the most likely on-the-ground scenario given both the residential and cut-through use of the street, may well tip the analysis to show a significant impact on Saltair from the operation of the proposed project. Moreover, the re-evaluation of the trip distributions to the project, discussed above, to reflect a more even distribution between trips originating in the west and east, may also impact the analysis by shifting further trips to Saltair or onto other local streets.

**Response to Comment No. 4-9**

The commenter is mistaken, as the project traffic analyses do not assume that no project-related traffic will utilize Saltair Avenue. The analyses assume, as described in detail in the discussion of “Local/Residential Street Traffic Impact Analysis” (page IV.L-83 of the Draft EIR), that as much as 13% of the project’s outbound traffic could use Saltair Avenue to access the local neighborhoods and/or travel to Sunset Boulevard and destinations to the north and east of the project site. It is important to note that the project traffic study does not use this assumption for purposes of analysis of the potential project impacts at the study intersections, instead assuming that all outbound project traffic will travel through the intersection of San Vicente Boulevard and Bundy Drive, resulting in higher traffic volumes and therefore potential project impacts at this location. For purposes of the local/residential street impact analyses, however, this assumption was modified to assume that all project trips destined for the local neighborhood north of the project site, and those with destinations along Bundy Drive, or Barrington Avenue north of Sunset Boulevard, or east of Barrington Avenue along Sunset Boulevard, would utilize Saltair Avenue; thereby providing a “worst case” assessment of potential impacts to both the study intersections and Saltair Avenue.

As noted by the commenter, the project traffic study does assume that no significant use of Saltair Avenue will occur for project-related inbound traffic because this roadway does not provide a likely alternative travel route to the site driveways, which can only be accessed via westbound San Vicente Boulevard. Further, while it is possible that some project traffic originating from the north and west of the site would attempt to avoid current and potential future congestion along Bundy Drive by using Saltair Avenue, this route would entail a rather circuitous route through the neighborhood streets north of the site. The project traffic would have to cross San Vicente Boulevard at the Saltair Avenue (unsignalized) median cut-through, and then proceed eastbound on San Vicente Boulevard to make a u-turn at the San Vicente Boulevard/Montana Avenue intersection. Due to existing difficulties in crossing San Vicente Boulevard at Saltair Avenue, as described in detail in the traffic study, the delays encountered in using the Saltair Avenue alternative route to arrive at the project site were considered to be more time consuming than using Bundy Drive or other arterial routes in accessing the site. It is of note that the traffic study does acknowledge the use of the local streets, including Westgate Avenue and Granville Avenue, in accessing the project site, and includes a discussion and evaluation of the potential effects of project traffic on those roadways as well.

With respect to the concern about cut-through traffic currently using Saltair Avenue, it is important to recognize that any such existing traffic (which is not related to the development of the proposed project) is included in the traffic count data obtained for Saltair Avenue, and its effects are included in the evaluation of both existing and future roadway conditions along this roadway. Further, the commenter’s claim that the addition of project traffic will increase the amount of cut-through traffic along Saltair Avenue is not supported by the results of the project traffic study.

As shown in Table IV.L-15, the level of project-related traffic impacts to Saltair Avenue is approximately 7.9% (approximately 158 net new project trips per day), which is more than 20% lower than the 10% threshold level used by LADOT for evaluating the “significance” of traffic increases on local/residential

streets, and as such, is not “very near” the threshold for a significant impact. Further, in order to evaluate the anticipated future conditions along this street, the existing volumes on Saltair Avenue were “growth-factored” by 1.0 percent annually to forecast future traffic levels on this street. As such, the forecast future (year 2014) traffic conditions identified for Saltair Avenue in Table IV.L-15 include potential non-project related increases in cut-through traffic. As a result, the analysis of potential project-related traffic impacts to Saltair Avenue is considered to be both comprehensive and conservative, and as identified in the Draft EIR, indicates that no significant impacts to this street are anticipated.

#### **Comment No. 4-10**

Furthermore, the DEIR fails to consider the impacts of several known conditions along Saltair. This includes a high volume of pedestrian traffic (including young children and elderly) along a sub-standard width street with no sidewalks, the operation of a pre-school on the west side of Saltair across from the project, and a high volume of existing traffic to and from commercial buildings on the east and west corners of the north side of San Vicente and Saltair. These factors should be addressed when considering the potential impacts to the project. BHA’s scoping letter requested that the DEIR evaluate the creation of a “local traffic only” barrier on Saltair (just beyond the commercial driveways), but the DEIR provided no analysis of this potential mitigation measure. The local traffic impacts must be reassessed and mitigation measures considered to address the impacts on this residential street.

#### **Response to Comment No. 4-10**

The traffic study complies fully with the current evaluation parameters for local/residential street impacts as identified in LADOT’s Traffic Study Policies and Procedures. The traffic resulting from the existing pre-school and the two commercial buildings at San Vicente Boulevard and Saltair Avenue is included in the “baseline” traffic counts obtained for Saltair Avenue (see Response to Comment 4-9), and as such, the effects of these existing developments on the street are included in the analysis of both existing and future conditions. Additionally, it is important to note that the proposed project is anticipated to add only about 158 net new trips per day on Saltair Avenue, including a maximum of only about 7 net new trips during the AM peak hour and 27 net new trips during the PM peak hour to Saltair Avenue north of San Vicente Boulevard (see Response to Comment 4-9). These additional trips are below the level of “significance” and are not anticipated to substantially increase hazards to vehicles or pedestrians along this street. Further, peak pre-school vehicular and/or pedestrian activity generally occurs early in the morning (between 7:00 and 9:00 AM) or in the early afternoon (2:00 to 4:00 PM), when project traffic is anticipated to be lower than the “peak” project traffic levels identified in the traffic study, further minimizing potential project effects on this use.

The specific conditions along Saltair Avenue noted by the commenter (substandard width, no sidewalks with high pedestrian volumes, existing preschool near the project site) are acknowledged. However, such factors (particularly reduced roadway width with on-street parking) tend to slow traffic along such streets, thereby generally reducing vehicle speeds and lessening potential hazards to pedestrians. Slower travel speeds also act to reduce the viability of such streets as “time saving” cut-through routes. While the existing cut-through traffic activity and local conditions along Saltair Avenue are not intended to be

minimized in the Draft EIR, (see Response to Comment 4-9), the local/residential street impacts of the proposed project are evaluated using the currently required methodologies and are fully discussed in the Draft EIR. As noted in the Draft EIR, no significant impacts to Saltair Avenue are anticipated, and as such, no local/residential street impact mitigation is warranted. However, the commenter's suggestion on behalf of the BHA that potential "mitigation" measures to address existing cut-through traffic and other issues expressed by the local community is provided to the decision-makers for their consideration.

### **Comment No. 4-11**

#### 3. The DEIR Understates the Problems that Will Be Caused by Site Access Conflicts

The location of this project presents a perfect storm of site access conflicts, the likelihood of which is only minimally addressed in the DEIR. The DEIR acknowledges that traffic on San Vicente Boulevard is near capacity during peak hours, and that several intersections near the project are operating at failing levels at present. (See, e.g., DEIR at pp. IV.L-9 & IV.L-53.) The location of the project's access driveways and the heavy, steady stream of traffic on San Vicente, particularly during the afternoon peak hours, require special consideration of access conditions and potential conflicts. The DEIR notes that:

"vehicular queuing...currently occurs along westbound San Vicente Boulevard from the nearby intersections of Bundy Drive or Saltair Avenue, particularly during the afternoon peak commute traffic periods. During these periods of heavy traffic demands and congestion, vehicular queuing can extend sufficiently eastward from Bundy Drive on Saltair Avenue that it occasionally blocks the project's exit driveway location for short periods. Additionally, such vehicular queues can also restrict the existing capacity of the project's exit-only driveway regardless of whether the driveway itself is physically blocked by the queue; long vehicular queues that approach but do not block the project's proposed exit driveway location still limit the number of vehicles exiting the site that could be accommodated within the two travel lanes on San Vicente Boulevard between the project driveway and the end of the on street queue."

"During periods of vehicular queuing on westbound San Vicente Boulevard, the potential lack of sufficient space for project-related vehicles to exit the project site and enter the westbound traffic flow on San Vicente Boulevard could result in inadequate exiting capacity for the site. In such instances, vehicles unable to exit the site due to the queuing on San Vicente Boulevard could create internal queuing within the project's parking facilities of sufficient length to block vehicles from passing through the exit control gate. Blockages of the exit gate could result in vehicles queuing in the site's internal site circulation aisles, and potentially could block access into the parking lot from the entry driveway access control location. If this should occur, the entry gates may not be able to adequately discharge entering vehicles into the on-site parking lot, resulting in vehicular queuing on the entry driveway that could ultimately back up vehicles into San Vicente Boulevard through traffic. Finally, such unmet project entering vehicle demands could then create latent traffic demands on San Vicente Boulevard that could add to additional congestion and delays for "upstream" intersections (such as Montana Avenue). Therefore, during periods of high vehicular traffic flows on San Vicente Boulevard, coupled with high traffic demands from the

proposed project, *the potential blockage of the site’s exit-only driveway, even for short periods, could result in cascade failures of both the internal site circulation as well as traffic flows along San Vicente Boulevard in the project vicinity.*” (*Id.* At p. IV.L-53 (emphasis added).)

The DEIR foresees serious ripple effects cascading east along San Vicente. Given the high volume of traffic foreseen for the exit driveway –285 vehicles exiting at the peak hour – as compared to the predicted capacity of the gate-arm access system –250 to 350 vehicles per hour – any glitch in exiting, such as a patron dropping or misplacing a ticket, could trigger this ripple effect of traffic congestion eastwards towards Montana and beyond.

#### **Response to Comment No. 4-11**

The excerpted language from the traffic study noted by the commenter is taken out of context. The traffic study provides a complete evaluation of the project’s anticipated driveway operations in order to identify any potential access issues that may arise, even under potential “worst case” operational conditions, which does identify potential conditions under which driveway operations may impact traffic flow along San Vicente Boulevard. The Draft EIR identifies potential measures to address these unlikely conditions, fully evaluated for purposes of full disclosure. As described in the traffic study and Draft EIR, the project’s entry-only driveway provides substantial on-site vehicular queuing area (approximately 160 feet) to minimize queuing onto San Vicente Boulevard (and the potential for upstream congestion as noted in the excerpted language) even if the exit-only driveway were to be blocked. Further, implementation of the recommended mitigation measure (signalization of the project’s exit-only driveway) will assure that no significant driveway operational impacts will occur, and that project access and internal vehicular circulation will operate efficiently, and that on-street traffic flows along San Vicente Boulevard will not be negatively impacted.<sup>2</sup>

#### **Comment No. 4-12**

This observation is critical to an understanding of the problems the proposed project is likely to cause for traffic circulation in its immediate vicinity. However, the DEIR’s analysis falls short because it fails to consider the compounding effect of the driveways located immediately to the east of the project, just over 200 feet from the project’s exit driveway. Drivers exiting the CVS parking lot at its western exit (which can also be used as an entry, as both of the driveways permit traffic in two directions) will be turning

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<sup>2</sup> *Response to Comment 4-11 Footnote:*

*The commenter is mistaken in the interpretation of the driveway capacity discussions in the Draft EIR. As stated in the pages referenced (IV.L-52 and 53), the project’s entry-only driveway will provide a capacity of approximately 650 vehicles (per lane) per hour, while the exit-only driveway is estimated to provide a capacity of between 300 and 350 vehicles (per lane) per hour (including reductions in capacity due to conflicts with approaching traffic along westbound San Vicente Boulevard). The Draft EIR does not “vacillate” on this issue, and does not claim, as suggested by the commenter, that the capacity of the exit-only driveway is 650 vehicles per hour. As such, based on these anticipated operational capacities, the traffic study correctly notes that peak project exiting traffic volumes of approximately 285 vehicles per hour are well within the capacity of the project’s exit-only driveway.*

westbound onto San Vicente within spitting distance of the hundreds of drivers exiting the project during peak hours. If exit traffic backs up in the garage, blocking the entrance, the drivers exiting the CVS lot will also be blocked in, and the entrance to that lot will back up. Just a few feet further east, the entrance to the Bank of American parking lot will be affected by this cascade of congestion. The Bank of America building has an entrance and exit to the underground garage, and just a few feet further east, entrances to a surface lot, and is already the site of traffic conflict, as demonstrated in the photographs included as exhibits to Allyn Rifkin's traffic analysis. How far east the problems will extend is unclear – it is the job of the City to determine the extent of the problem, and the best way to mitigate it, as much as possible.

Not only is back up and congestion a near inevitability, the location of these three busy driveways so near each other is likely to cause vehicular conflicts as vehicles attempt to navigate across lanes of traffic, with vehicles departing all three locations required to travel westbound to Saltair, where, the DEIR acknowledges, most drivers heading east make a U-turn across San Vicente. The hundreds of drivers leaving these businesses and jockeying for position at Saltair and San Vicente will create a serious safety hazard.

#### **Response to Comment No. 4-12**

The project's potential effects and/or conflicts with the nearby CVS Pharmacy driveway(s) are anticipated to be minimal, since all exiting traffic from either driveway (and for all driveways located along the north side of San Vicente Boulevard) will be limited to right-turn only movements, thereby eliminating any conflicting or "cross over" travel paths. Additionally, since the project driveway in question is an exit-only location, project-bound vehicles will not be slowing down or waiting to enter the site in front of the CVS Pharmacy driveways, but rather will enter the proposed project site via the entry-only driveway approximately 325 feet farther to the west, further minimizing impacts to the CVS Pharmacy driveway operations. These operational considerations were among a number of factors included in the development of the project's proposed access scheme. Operations at the CVS Pharmacy's eastern driveway would not be expected to be significantly affected by the proposed project's exit-only driveway, nor would any of the driveways cited by the commenter located farther east of the site. As noted in a previous response (see Response to Comment 4-11), the driveway operational conditions referenced by the commenter are "worst case" conditions included in the traffic study in order to provide a complete evaluation of all potential issues associated with the proposed project's effects on San Vicente Boulevard traffic. Such conditions are not anticipated to reflect typical project driveway conditions, and would be expected to occur infrequently, if at all, due to non-typical and excessive congestion along San Vicente Boulevard.

The photographs cited by the commenter appear to show congestion at the Bank of America building driveway as an example of the kind of potential on-street queuing that could result from the proposed project. However, such conditions are not representative of the operations of the proposed project. The photographs used are notated that the congestion is caused by the "B of A lot being full." This "full lot" condition, which can result in delays in entering a parking lot from the fronting street, is not anticipated to occur at the proposed project for a number of reasons, including the provision of substantial parking above the code requirement, as well as the provision of a substantial amount of on-site vehicular queuing

between San Vicente Boulevard and the on-site parking lot itself (approximately 160 feet, or about 7 to 8 cars), such that vehicles entering the site are not expected to queue onto San Vicente Boulevard.

Finally, the Draft EIR does not “acknowledge” that “most drivers heading east [will] make a u-turn across San Vicente” at Saltair Avenue. The Draft EIR indicates that there are a number of vehicles that currently do so, and such activity is expected to continue, but the number of vehicles actually making the u-turn is a small percentage of overall San Vicente Boulevard traffic; approximately 89 of the existing 1,101 westbound vehicles on San Vicente Boulevard (about 8.1%) make the u-turn at Saltair Avenue during the AM peak hour, and approximately 107 of the 1,105 westbound vehicles (about 9.7%) make the u-turn during the PM peak hour. However, despite these relatively nominal u-turning volumes, the existing and future congestion at the intersection of and along both San Vicente Boulevard and Saltair Avenue caused by these vehicles, as well as the project’s potential effects to the operations of the intersection, are fully analyzed and disclosed in the discussion of the traffic signal warrant analyses prepared for this intersection (Draft EIR pages IV.L-98 to 109).

#### **Comment No. 4-13**

The DEIR’s best attempt at dealing with this traffic nightmare is to require a signal at the project’s exit. The DEIR fails to provide any analysis of the effects of this signal on upstream westbound traffic, ignoring the driveways just east of the project on San Vicente. Will drivers be able to exit the CVS driveway when the traffic on San Vicente is stopped? What effect will this have on queuing in the CVS parking lot? On San Vicente? Will drivers be able to exit the CVS lot and merge to make a U-turn at San Vicente? Further upstream, will the signal at the project cause congestion at the intersection of Montana and San Vicente? Will the intersection of Barrington and San Vicente be affected? These questions must be addressed in the FEIR.

#### **Response to Comment No. 4-13**

The traffic signal proposed for the project’s exit-only driveway is a project feature designed to address the potential “worst case” blockages of the driveway, as described earlier, in order to avoid any possible project-related vehicular queuing onto San Vicente Boulevard. As detailed in the Draft EIR, the proposed signal is recommended for operation only during the highest traffic congestion periods (in the late afternoon/evening) along San Vicente Boulevard, and then only when on-site project traffic would queue sufficiently to activate the signal; at all other times of the day, the signal would provide a green indication to through traffic on westbound San Vicente Boulevard. Any such signal would be coordinated with both the upstream signal at San Vicente Boulevard and Montana Avenue, and with the downstream signal at San Vicente Boulevard and Bundy Drive, and shall be linked via the City’s ATSAC and ATCS signal coordination systems. The location of the proposed signal would not preclude vehicles exiting from the western CVS Pharmacy driveway, although when it is activated, westbound vehicles on San Vicente Boulevard would be required to stop briefly in front of the CVS Pharmacy driveway to allow vehicles to exit the project driveway. However, the eastern CVS Pharmacy driveway is located sufficiently distant from the proposed signal (approximately 170 feet to the east) such that normal operations of this access point would be unaffected. As such, no significant impacts to the operations of the CVS Pharmacy site

access or to overall traffic flows along San Vicente Boulevard are anticipated due to the proposed new traffic signal at the Green Hollow Square project exit-only driveway.

**Comment No. 4-14**

The DEIR essentially throws up its hands and concludes that no mitigation is possible for *any* of the significant impacts caused by this project. BHA has previously suggested that the City consider eliminating the parking lane on San Vicente, and additionally suggests that the City study widening San Vicente by four feet to create a passenger drop-off lane in front of the project. The DEIR did not engage in serious analysis of the feasibility of removing the parking lane to add an additional traffic lane to San Vicente, especially in light of the increased parking that will be provided by the project. Further study is needed of the complex localized issues created by the location of the project's exit driveway and proposed signal.

**Response to Comment No. 4-14**

Measures to address the project's potential traffic impacts at the four signalized intersections identified in the traffic study (i.e., San Vicente Boulevard/Bundy Drive, Montana Avenue/Bundy Drive, San Vicente Boulevard/Montana Avenue, and San Vicente Boulevard/Barrington Avenue) were fully explored and discussed with LADOT, which concurred that no feasible roadway or traffic signal improvements are available at any of the locations. That determination was based on a comprehensive review of the area roadway and intersection network. That review indicated that no feasible physical roadway and/or traffic signal improvements are available for any of the four significantly impacted intersections due to insufficient roadway width or other geometric conditions preventing restriping or reconfiguration of the intersections, lack of available rights-of-way to accommodate new roadway widenings, high utilization of on-street parking (preventing removal of on-street parking to implement additional lanes), and/or fully improved traffic signal operations (including traffic signal coordination at all of the City of Los Angeles study intersections).

The removal of on-street parking along westbound San Vicente Boulevard was not suggested or evaluated, since such a measure would not result in any real traffic operational improvements in the project vicinity, and could actually create additional congestion. First, the BHA has suggested that parking be prohibited along the project frontage only. While such restrictions would make it possible to create a right-turn lane into the project site (allowing any entering vehicles to slow down outside the through traffic lanes on San Vicente Boulevard), such limited parking removals would not provide any additional capacity for through traffic on San Vicente Boulevard, since parking would continue to be permitted both to the west and to the east of this relatively short area (approximately 300 feet). While an additional westbound through lane could be realized along the segment of San Vicente Boulevard between Montana Avenue and Bundy Drive (or for that matter, extended throughout the Brentwood commercial district, from Barrington Avenue or farther east) with implementation of parking restrictions during the critical PM peak period, it is important to note that this new lane would ultimately terminate as a "trap lane" into the westbound right-turn only lane at Bundy Drive (west). As such, while some additional "through" capacity may result in the mid-block areas, drivers continuing westward into Santa

Monica would be required to merge back into the westbound through lane, creating additional congestion and vehicle queues along westbound San Vicente Boulevard beginning at or around Saltair Avenue, thereby exacerbating the current operational difficulties at that location. As a result, the removal of the existing on-street parking along westbound San Vicente Boulevard would not result in any traffic operational improvements in the vicinity, and could further result in the creation of potentially significant secondary impacts due to the removal of existing parking in a parking impacted area. Therefore, this measure was not included in the Draft EIR as a potential project traffic impact mitigation measure or general area traffic improvement.

#### **Comment No. 4-15**

##### 5. The Intersection of Saltair Avenue and San Vicente Requires Further Study

The intersection nearest the proposed projects receives very little detailed analysis simply because it is not a signal controlled. Saltair Avenue on San Vicente is a T-intersection controlled by a stop sign. The DEIR acknowledges the high level of congestion and delay present at the intersection under existing conditions: “Vehicles entering or exiting Saltair Avenue often experience substantial delays due to blockages of the intersection by westbound San Vicente Boulevard traffic, which queues westward from the nearby intersection at Bundy Drive into the Saltair Avenue intersection during peak periods.” (DEIR IV.L-98.) The DEIR describes how vehicles are essentially trapped on Saltair during peak periods, unable to exit in any direction and unable to return:

“[V]ehicular queues routinely exceed the approximately 200-foot distance between Bundy Drive and Saltair Avenue during the peak 15 to 30 minutes of the commute hours, restricting or preventing exiting Saltair Avenue vehicles from accessing westbound San Vicente Boulevard, as well as affecting the ability of vehicles either inbound to Saltair Avenue to eastbound San Vicente Boulevard to cross the westbound traffic flow during these periods.” (DEIR IV.L-98-99.)

In spite of its recognition that the intersection is essentially rendered nonfunctional during significant periods of the day, the DEIR excludes it from its analysis simply by the virtue of the fact that it is not signal controlled. CEQA does not support this determination. Courts have recognized that “industry practice” does not trump CEQA’s mandate that the actual impacts of a proposed project be identified and analyzed. (See, e.g., *Sunnyvale West Neighborhood Association*, 190 Cal.App4th at pp.1380-1381.) There is no reason that the City is unable to determine whether the volumes of traffic that will be added to this intersection, beyond the volumes that use it at present day, will cause significant impact to the functionality of the intersection. If it is determined in the FEIR that the intersection is significantly impacted by the project, mitigation measures must be evaluated to alleviate those impacts. The DEIR studies implementation of a traffic signal at this intersection as part of the analysis of Concepts 1a and 2, and notes that such a signal might improve functionality of the intersection. As discussed below, further analysis is required of the “concepts.” The fact that the DEIR discusses mitigation measures for Saltair, albeit in the context of optional features that are not planned to be implemented at this time, it is highly probative of the fact that impacts at Saltair do, indeed, need to be mitigated. The FEIR must study this

intersection and determine whether it is significantly impacted by the proposed project. If there is a significant impact, the FEIR must evaluate measures that will mitigate the impacts.

#### **Response to Comment No. 4-15**

The assertion that the intersection of Saltair Avenue and San Vicente Boulevard “receives very little detailed analysis” is incorrect. In compliance with LADOT’s current traffic study policy, this intersection was not evaluated to determine specific project-related incremental impacts in the same manner as the other signalized intersections examined in the traffic study. However, the operations of this intersection were examined in detail as part of the traffic signal warrant analyses included in the “Mitigation” section of the traffic study, as summarized on pages IV.L-98 to 109 (see Response to Comment 4-12). It is of note that the preparation of a traffic signal warrant analysis is more intensive and detailed than the analyses prepared for signalized intersections due to the number of complex factors associated with the operations of unsignalized intersections. In that regard, LADOT’s current policies acknowledge the fact that truly effective improvements to unsignalized intersections are limited, especially at two-way STOP sign controlled intersections where the major thoroughfare traffic does not stop (such as the subject location). Typical roadway/intersection improvements at signalized intersections may include such measures as restriping or widening one or more of the approach legs of the intersection to provide more vehicular capacity, or to install exclusive left-turn or right-turn lanes. However, at two-way STOP-sign controlled (“unsignalized”) intersections such as San Vicente Boulevard and Saltair Avenue, installing additional lanes on the “minor” street approach (Saltair Avenue) would not create any additional capacity or improve the ability of vehicles exiting from this street to cross or enter San Vicente Boulevard traffic (since this improvement would not slow or stop San Vicente Boulevard traffic). Similarly, providing additional lanes on the “major” street (San Vicente Boulevard) at such intersections simply creates an additional conflicting lane of traffic for the minor street approach, which can actually increase delays experienced by vehicles on the minor street. In such circumstances, installation of a new traffic signal is examined as the best remedy for potential significant impacts or other operational problems. Therefore, the analysis approach presented in the project traffic study and DEIR are consistent with LADOT’s policies, and reflect best engineering practices regarding effective improvements to unsignalized intersections. It is also of note that the Draft EIR did identify that the intersection of Saltair Avenue and San Vicente Boulevard would warrant installation of a new signal under the forecast “With Project” conditions (the only scenario evaluated), although installation of a new signal was not recommended due to a number of physical and operational constraints, including the necessary installation of a new eastbound left-turn lane on San Vicente Boulevard (in addition to a left-turn lane for westbound traffic) at Saltair Avenue, vehicular queuing, and limited distance from the Bundy Drive intersection, which creates signal timing and coordination difficulties. These factors are fully discussed and detailed in pages IV.L-98 to IV.L-109 of the Draft EIR and pages 95 to 100 of the supporting traffic study.

However, the determination that a signal is warranted is not indicative that the project results in a significant impact. In order to determine whether additional traffic generated by the project itself would be responsible for this intersection meeting the signal warrants, several supplemental signal warrant analyses were prepared for this intersection, including the “Existing (2010)”, “Existing (2010) With Project”, and “Future (2014) Without Project” conditions (note that the preparation of the “Existing

(2010) With Project” analyses are also consistent with the directives resulting from the “Sunnyvale” case). As shown in the attachments, the intersection of Saltair Avenue and San Vicente Boulevard will meet the technical warrants for installation of a new traffic signal under each of the conditions analyzed, including the two “no project” analysis conditions. Therefore, while project traffic would exacerbate existing congestion at the intersection, it would not be expected to substantially alter the operations of this location, and does not, in itself, create the need for a traffic signal. However, as noted above, such implementation is still not recommended for the reasons noted in the Draft EIR. It is of note that the commenter reference to the language in the Draft EIR (page IV.L-98 and 99) acknowledges the current operational issues related to the intersection of San Vicente Boulevard and Saltair Avenue, which is supported by both the original signal warrant analysis in the Draft EIR and the supplemental signal warrant analyses contained in this response. However, such acknowledgement does not override the technical issues associated with the potential installation of a traffic signal at this location, which as described above, identify sufficient obstacles such that installation of a signal cannot be supported.

#### **Comment No. 4-16**

##### 6. The Analysis of the Six “Concepts” is Inadequate

The DEIR presents six “concepts” for traffic improvements, one of which *may* be selected for implementation at another time. The analysis of these plans is inadequate under CEQA, and will not support an effort at a later date to merely select one of these alternatives without further review.

None of the “concepts: contains sufficient analysis of the conflict between drivers exiting the project and the parking lots immediately to the east of the project. None of the discussion acknowledges that facilitating left turns on Saltair from eastbound San Vicente will encourage cut-through traffic on Saltair by vehicles trying to get to I-405 at Sunset and avoid congestion at Montana or Barrington. The analysis of the “concepts” employing a signal at Saltair need to consider the interplay between that signal and the signal proposed for the project’s exit driveway. The analysis of Concept 4 also fails to include the effect on local streets of changing the project’s parking circulation to permit entry on the east and west sides of the subterranean parking lot. Further review and analysis of these concepts should be provided in the event that the City intends to implement any of these proposals. The analysis in the DEIR is too cursory to reveal whether these suggestions will help or hurt the complex web of traffic in this area.

#### **Response to Comment No. 4-16**

The six San Vicente Boulevard median island modification concepts contained in the Draft EIR are fully evaluated and analyzed, including identification and detailed analyses of the potential effects on vehicular traffic flows at all affected intersections (including Saltair Avenue), as shown in Tables IV.L-17 and IV.L-18, each of the conceptual improvements could improve traffic flow at different intersections and roadway segments in the project vicinity, although the improvements could also worsen traffic flow at other intersections, as shown in Appendix K-2 of the Draft EIR. The inclusion of these concepts in the project traffic analyses is intended to address concerns expressed by the community (especially those residents living along or utilizing Saltair Avenue as an access route) regarding current congestion and access difficulties due to the existing u-turn traffic using the Saltair Avenue median island opening. As

discussed in the Draft EIR, the concept plans will provide a mid-block u-turn opportunity for both existing San Vicente Boulevard traffic (including patrons of existing developments along the north side of the street west of Montana Avenue) as well as potential new project traffic to reorient from westbound to eastbound San Vicente Boulevard travel without impacting the existing Saltair Avenue median island opening. Removal of this existing and future traffic at this location will reduce some of the existing congestion from this location and improve access for residents to Saltair Avenue. Additionally, each of the concepts includes a storage lane for the u-turn vehicles, moving them out of the through traffic lanes on San Vicente Boulevard, and thereby facilitating smoother traffic flow on westbound San Vicente Boulevard and reducing the likelihood of congestion in the immediate project vicinity.

The commenter asserts that the anticipated operational improvements at this intersection resulting from implementation of any of the identified concepts will encourage additional cut-through traffic on Saltair Avenue (by facilitating eastbound left-turns from San Vicente Boulevard). However, while the anticipated reduction in congestion at the San Vicente Boulevard/Saltair Avenue intersection resulting from implementation of one of the conceptual improvements would be expected to result in more efficient access for Saltair Avenue residents (especially for southbound traffic “exiting” onto eastbound San Vicente Boulevard), none of the concepts are expected to significantly increase the amount of cut-through traffic on Saltair Avenue originating from eastbound San Vicente Boulevard. Such traffic would have to travel past Bundy Drive in order to access Saltair Avenue, and still have to contend with delays encountered in attempting to cross westbound San Vicente Boulevard traffic, thereby reducing the efficiency of this route as a time-saving alternative to Bundy Drive.

The commenter also raises the question of coordination between the potential new signal at Saltair Avenue included as part of Concept 1a and Concept 2 and the proposed new signal at the project’s exit-only driveway as well as the existing signals at San Vicente Boulevard/Bundy Drive and San Vicente Boulevard/Montana Avenue. Such coordination would occur (see also Response to Comment 4-13) if such a signal is approved by the City. Note that a new signal at Saltair Avenue and San Vicente Boulevard, whether as part of a median island modification plan or separately, is not recommended due to the reasons identified and described in detail on pages IV.L-98 to IV.L-109 of the Draft EIR.

#### **Comment No. 4-17**

##### 7. Parking Demand is Incorrectly Analyzed

Lastly, the DEIR does not adequately analyze the demand for parking that will be created by the proposed project. The analysis understates the need for parking because, unlike the trip generation calculation, the parking analysis fails to include the significant square footage for outdoor dining in its parking demand calculations. With nearly 4,000 square feet of outdoor dining included in the project, this oversight is significant. The analysis must be conducted properly to determine whether there will be any impacts from insufficient parking.

**Response to Comment No. 4-17**

The parking requirement analyses contained in the Draft EIR (Table IV.L-13) was prepared according to current City Zoning Code and San Vicente Boulevard Scenic Corridor Specific Plan procedures (which do not require additional parking for outdoor restaurant seating), and indicates that the project would provide approximately 103 parking spaces in excess of the requirements (324 spaces required, 427 spaces provided). However, in addition to the Code parking requirements, a supplemental parking analysis has been prepared to identify and evaluate the potential anticipated parking demands and utilizations of the project's parking, independent of the City's parking requirements. These supplemental analyses utilize the Urban Land Institute ("ULI") parking demand assumptions and analysis methodologies, as described in their Shared Parking (2<sup>nd</sup> Edition) publication, which is both locally and nationally recognized as an applicable tool in determining parking needs for mixed-use projects. These supplemental analyses also included the assumption that the 3,700 square feet of outdoor dining area referenced by the commenter would generate specific parking demands in addition to the approximately 6,800 square feet of enclosed restaurant area, plus the highly conservative assumption that the 7,000 square feet of commercial storage area would generate parking demands at the same level as for the traditional retail "sales floor" area (note that the Specific Plan does identify parking requirements for storage areas, but at a reduced rate, as shown in Table IV.L-13). The results of these supplemental parking demand analyses indicates that on weekdays, the project could result in a maximum parking demand of approximately 339 spaces, about 88 spaces (nearly 21%) fewer than are provided. Similarly, on weekends, the supplemental analyses identify a maximum parking demand of approximately 358 parking spaces, 69 spaces (about 16%) fewer than are provided. Therefore, the project will provide substantially more parking than is required by the City or is anticipated to be utilized.

**Comment No. 4-18**

The DEIR also fails to consider the existing neighborhood parking problems, documented in photos included in the letter prepared by Allyn Rifkin, PE. In light of the already existing parking constraints, the DEIR should consider how the cost of parking in the proposed project might increase the demand for street parking and impact neighboring residential streets.

**Response to Comment No. 4-18**

While it is acknowledged that existing public parking in the project vicinity is either insufficient or is ineffectively located, resulting in parking "spill over" into adjacent residential areas, no project-related parking impacts in the residential areas surrounding the project are anticipated due to the provision of substantial on-site parking by the project, in excess of both City parking requirements and anticipated actual utilization. Further, while specific details of the project's parking operations and management are not known at this time, the costs are expected to be in line and competitive with parking charges for other existing commercial parking in the area, and this factor is not anticipated to increase the likelihood of off-site parking by project employees or patrons.

**Comment No. 4-19****B. THE IMPACTS FROM CONSTRUCTION PHASE ACTIVITIES ARE INADEQUATELY ANALYZED**

The DEIR fails to consider and mitigate the significant adverse impacts associated with the construction phase of the project. The DEIR's analyses of impacts from construction noise and air emissions are inadequate, and the document contains *no* analysis of impact from construction-related transportation. Such potential impacts include staging, hauling, sidewalk and lane closures, and parking of construction crews. BHA raised the issue of construction-related traffic in its scoping comments, and although the DEIR's discussion of "Areas of Controversy" promises to address construction related traffic issues in Section L, "Traffic, Transportation, and Parking," the section contains no discussion of construction-related traffic impacts. The FEIR must contain such an analysis, or else all of the impacts of the project will not be identified, analyzed, and mitigated.

**Response to Comment No. 4-19**

An additional analysis of construction impacts of the proposed project (including construction staging and the proposed haul route) has been added to Section III, Additions and Corrections, of this Final EIR (see "Project Description" and "Traffic, Transportation, and Parking").

**Comment No. 4-20**

The FEIR must include the specific mitigation measures for construction related traffic and associated issues. In particular, it is necessary to impose measures to protect the residential properties immediately to the north of the project from impacts from construction traffic and staging. Mitigation measures should include, at a minimum:

- A requirement that the residential parcels on Saltair Avenue shall not be used for construction staging at any time to preserve the residential environment for neighboring residences
- A prohibition on construction vehicles accessing the San Vicente parcels via the Saltair Avenue residentially zoned parcels.
- A prohibition on construction crew parking on nearby residential streets, including, but not limited to Saltair and Westgate.
- A prohibition on construction staging on San Vicente Boulevard, Saltair Avenue, or Saltair Terrace.
- A prohibition on construction vehicle idling on residential streets, including Saltair Avenue, Saltair Terrace, and Westgate Avenue.

There are several issues related to the above measures that must be analyzed in greater detail in the FEIR. Where will construction crews park? Parking in the residential neighborhood would be an inappropriate

intrusion on the residents. Yet San Vicente Boulevard contains only one-hour metered parking. The FEIR must provide a plan for worker parking during the multi-year construction phase. Construction staging should be analyzed as well, since the relatively narrow width of San Vicente Boulevard may make it difficult for long flatbed trucks with construction materials to turn into the site. This difficulty should be considered, and appropriate mitigation measures should be imposed so that trucks are not permitted to inappropriately intrude into the residential neighborhood for parking and loading. Construction equipment, delivery and hauling vehicles must be confined to the private property during all phases of demolition and construction.

#### **Response to Comment No. 4-20**

The project will be required to submit a detailed construction management plan to the City for review and approval prior to the initiation of any construction activities. This plan will include identification of hours of construction, construction vehicle and equipment staging areas, construction employee parking, and haul route information. The City typically does not permit haul routes along residential streets (with the exception of construction activities occurring on such streets), and it is expected that the project haul route for the commercial portions of the proposed project would be prohibited from using Saltair Avenue or other residential streets in the project vicinity. Additionally, while it is also typical that the City would limit or prohibit construction-related parking or staging along residential streets or in residential areas, it may be necessary, in order to minimize or eliminate other construction-related impacts, to utilize the project's residential parcels along Saltair Avenue as a staging area for materials, equipment, or other items during some phases of construction; this site will be fenced so as to prevent public access and to shield views of such activities to the extent possible. Although specific construction phasing has not been identified, it is expected that the project's entire subterranean garage (which occupies nearly the entire site) will be excavated and constructed first, and that subsequent construction employee parking, as well as equipment and materials staging will be moved to the primary project site following completion of the parking garage. Additionally, a construction traffic management plan will be prepared, detailing any temporary lane closures, parking prohibitions, signage or striping that may be necessary due to the project's construction activities. Further, as part of the standard conditions of approval applied throughout the City, the project will be required to implement measures to address construction-related impacts.

The commenter has also suggested a number of construction-related "mitigation measures" to address potential issues. These measures include:

- A requirement that the residential parcels on Saltair Avenue shall not be used for construction staging at any time to preserve the residential environment for neighboring residences;
- A prohibition on construction vehicles accessing the San Vicente parcels via the Saltair Avenue residentially zoned parcels;
- A prohibition on construction crew parking on nearby residential streets, including, but not limited to Saltair and Westgate;

- A prohibition on construction staging on San Vicente Boulevard, Saltair Avenue, or Saltair Terrace; and
- A prohibition on construction vehicle idling on residential streets, including Saltair Avenue, Saltair Terrace, and Westgate Avenue.

While not currently required by City protocol, the project applicant has indicated that such conditions would be acceptable, with the exception of construction staging on San Vicente Boulevard. During several phases of the project's construction, including site excavation and construction of the project parking garage, which will cover the entire commercial portion of the project site, the use of the project site for off-street staging of vehicles will not be feasible, and haul trucks (for excavated soil or demolition materials), materials transport trucks, and concrete trucks are anticipated to require the use of the parking lane in front of the project site to load/unload. Additionally, such vehicles are anticipated to wait at an off-site location (to be approved by the City) until needed at the project site. However, such trucks are not expected to block any of the westbound travel lanes along this portion of San Vicente Boulevard during these activities, and no trucks will be staged in front of other businesses along this roadway.

#### **Comment No. 4-21**

The DEIR also fails to provide any details or analysis on the required haul route. The project proposes to excavate 59,000 cubic yards of soil, requiring nearly 6,000 truckloads to transport the excavated material from the site. The hauling route for the disposal of debris during the demolition of the existing buildings and existing foundations must also be detailed in the FEIR. If the FEIR does not analyze the haul route and potential impacts from it, nor mitigate those impacts on the residential neighborhood adjacent to the project, the EIR will be vulnerable to challenge for failing to identify all of the potential impacts of the project.

#### **Response to Comment No. 4-21**

An additional analysis of construction impacts of the proposed project (including construction staging and the proposed haul route) has been added to Section III, Additions and Corrections, of this Final EIR (see "Project Description" and "Traffic, Transportation, and Parking").

#### **Comment No. 4-22**

Although the DEIR includes some analysis of the air quality and noise impacts from construction phase operations, neither analysis passes muster. The DEIR concludes that the air quality impacts are insignificant, but admits that there are "sensitive receptors" such as single family residences and preschools closer than the 82 feet that it used to calculate air emissions. Because the DEIR concludes that the construction phase will have no air quality impacts on the basis of this false 82-foot assumption, there are *no* mitigation measures proposed for air quality impacts. This determination puts the residents and school children nearest the project at risk for inhalation of particulate matter and exposure to excessive carbon monoxide, among other concerns. The FEIR must address mitigation measures to protect the nearest sensitive receptors from adverse air quality impacts.

**Response to Comment No. 4-22**

The commenter is referred to page IV.C-30 in Section IV.C (Air Quality) of the Draft EIR that identifies the following sensitive receptors closest to the project site:

- The single-family residential uses located adjacent to the project site on the north;
- The four-story office and bank building located immediately west of the project site;
- The Chabad Jewish Center of Brentwood fronting Bundy Drive located approximately 289 feet west of the project site;
- The Gan Chaya Jewish Early Childhood Center located approximately 105 feet west of the project site, across Saltair Avenue;
- The Brentwood Science Magnet School playfield located approximately 472 feet southwest of the project site;
- The Brentwood Presbyterian Church located approximately 140 feet south of the project site, across San Vicente Boulevard;
- The single- and multi-story office and commercial buildings located approximately 140 feet south of the project site, across San Vicente Boulevard; and
- The single-story retail uses and CVS Pharmacy located approximately 108 feet east of the project site.

Also, as discussed on page IV.C-30, although some of the off-site receptors nearest to the project site identified above are closer than 82 feet, the SCAQMD's Localized Significance Thresholds (LSTs) methodology states that projects with boundaries located closer than 82 feet (25 meters) from the nearest receptor should use the LSTs for receptors located at 82 feet. As shown on Table IV.C-10 on page IV.C-31, the project would not generate localized construction-related emissions in excess of SCAQMD's significance thresholds. Therefore, no significant impacts related to LSTs during the project's construction phase would occur. Section 15126.4(a)(3) of the *CEQA Guidelines* states, "Mitigation measures are not required for effects which are not found to be significant." Because the project would not result in any significant impacts related to this issue, no mitigation measures are required.

**Comment No. 4-23**

The DEIR concedes that noise impacts from the construction phases will be significant even with mitigation, for the residences located closest to the project. Similarly, it acknowledges that vibration impacts will be significant for these residences. It does not appropriately analyze these impacts on the nearest "institutional" use by the project, however. Because the nearest institutional use is a preschool, occupied by small children who are more sensitive to noise and who require sleep during daytime hours,

the FEIR must analyze noise and vibration according to the impacts standards for residential uses, not institutional ones, in order to ensure adequate protection for the most sensitive members of the population.

**Response to Comment No. 4-23**

Regarding construction-related vibration impacts on institutional land uses, including the preschools located near the project site, as discussed in Section IV.I (Noise) of the Draft EIR, preschools located closest to the project site include those at Gan Chaya Jewish Early Childhood Center and at the Brentwood Presbyterian Church. As shown on Table IV.I-11 on page IV.I-24, construction-related groundborne vibration levels that could be experienced at the preschools during the project's construction phase are 45.5 VdB and 72.0 VdB, respectively. The Federal Transit Administration's (FTA) vibration impact threshold for institutional land uses (which include schools, churches, and hospitals) is 75.0 VdB. Because the preschools are considered institutional land uses, the Draft EIR correctly applies FTA's significance threshold of 75.0 VdB. Based on this threshold, construction-related vibration impacts to the preschools would be less than significant, as noted in the Draft EIR.

Additionally, the project would be required to comply with Mitigation Measures I-1 through I-11 (refer to pages IV.I-32 and IV.I-33) that would further reduce the amount of construction-related vibration that could be experienced at the preschools.

Regarding construction-related noise impacts on the preschools, as shown on Table IV.I-9 on page IV.I-21, construction-related noise levels both preschools would exceed the City's significance threshold, and impacts would be significant. As discussed on page IV.I-33, with compliance with Section 41.40 of the LAMC and the implementation of the Mitigation Measures I-1 through I-11, which would require the implementation of noise reduction devices and techniques during construction at the project site, construction-related noise impacts associated with the proposed project would be substantially reduced to the maximum extent feasible. Nevertheless, because construction noise levels are likely to exceed existing ambient noise levels by more than 5 dBA for more than 10 days in a three-month period and by more than 10 dBA for more than one day at the identified noise-sensitive receptors, construction noise impacts would be significant and unavoidable.

**Comment No. 4-24**

**C. THE PROJECT IS INCONSISTENT WITH THE POLICIES OF THE GENERAL PLAN'S  
LAND USE ELEMENT AND THE SCENIC CORRIDOR PLAN**

The DEIR ignores and downplays relevant policies and requirements set forth in the Brentwood/Pacific Palisades Community Plan (Community Plan), the San Vicente Scenic Corridor Specific Plan (Scenic Corridor Plan), and the Los Angeles Municipal Code when it concludes that the project presents a less-than-significant impact with respect to non-conformity with several key policies and provisions embraced in those documents. CEQA requires that the EIR discuss any inconsistencies between the proposed project and the applicable land use plans. (Cal. Code Regs, tit. 14 (Guidelines), § 15125, subd. (d).) The FEIR must therefore address these land use conflicts in a more thorough manner.

**Response to Comment No. 4-24**

Based upon criteria established in the Los Angeles CEQA Thresholds Guide, the determination of significance for the project's impacts on land use consistency shall be made on a case-by-case basis considering whether the project is consistent with the adopted land use/density designation and whether the project is consistent with the applicable portions of the adopted General Plan or other applicable environmental goals and policies of other adopted plans. A project is consistent with the General Plan if, considering all aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment. State law does not require perfect conformity between a proposed project and the General Plan; rather, to be consistent, the project must be compatible with the objectives, policies, general land uses, and programs specified in the applicable plan, in general agreement or harmony with the applicable plan. (See generally, *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4<sup>th</sup> 807, 817.)

The project is consistent with the development standards contained in the San Vicente Scenic Corridor Specific Plan, as discussed on Page IV.H-36 to IV.H-38 of the Draft EIR. Consistency with the Brentwood-Pacific Palisades Community Plan is discussed on Page IV.H-27 through IV.H-36 of the Draft EIR. There are Community Plan policies related to historic resources and transportation with which the proposed project is inconsistent, and these are identified as such and the impacts fully disclosed in the Cultural Resources and Transportation, Traffic, and Parking sections of the Draft EIR. On the whole, however, the project is in general agreement with the Plan, meeting the vast majority of the applicable policies. Consistency with the Los Angeles Municipal Code is discussed on Page IV.H-38 through IV.H-41, including permitted land use and density. As stated, the project is well below the maximum allowable floor area. With respect to land use, the proposed retail, office, and restaurant uses and associated parking are consistent with the C4 zoning and Neighborhood Commercial land use designation, as is the proposed single family dwelling unit with the RS zoning and Low Density Residential land use designation. However, there is a portion of the proposed parking lot which currently lies within the residential zoning and land use designation, and for which a Zone Change and General Plan Amendment are requested. Additional discretionary approvals have been requested for alcoholic beverage sales, outdoor dining, and outdoor sales areas. If granted by the Department of City Planning, these proposed uses would also be consistent with the Los Angeles Municipal Code.

**Comment No. 4-25**

The Brentwood/Pacific Palisades Community Plan constitutes the Land Use Element of the General Plan for this area of the City. As such, it serves as "the constitution" for land use planning and future development in the area. (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 553, 570-571.) The DEIR simply *ignores* the Community Plan's policy statements regarding the preservation of historic resources. Goal 17 of the Community Plan is "a community which preserves and restores the monuments, cultural resources, neighborhoods and landmarks which have historical and/or cultural significance." (See Community Plan at p. III-29.) Objective 17-1 is "[t]o ensure that the Plan Areas[sic] significant cultural and historical resources are protected, preserved and/or enhanced." (*Ibid.*) These broad goals are implemented in two policies. Policy 17-1.1 is to "[i]dentify all designated City of Los Angeles Historic and Cultural Monuments in order to foster public appreciation of the City of Los Angeles'

valuable historic resources and to promote education to the public.” (*Ibid.*) The DEIR does not mention policy 17-1.1. It notes only that the proposed project is consistent with policy 17-1.2 which relates only to Native American archaeological sites (See DEIR at Table IV.H-4, p. IV.H-32.)

The exclusion of policy 17-1.1 from the DEIR’s analysis is conspicuous. Is it the City’s position that the policy extends *only* as far as the *identification* of historic resources? And thus that it is not applicable to the instant plan to *demolish* an identified historic resource? The Community Plan explains that the purpose of the policies set for regarding “Preservation of Historic and Cultural Amenities” is “to effectively *preserve, enhance, and maintain sites and structures which have been deemed culturally and/or historically significant.*” Ignoring the Community Plan’s obvious intent to protect historic resources by a hyper-technical reading of policy is disingenuous at best, and downright misleading at worst. The FEIR must address the fact that the demolition of the Barry Building is inconsistent with the Community Plan’s policies regarding historic preservation. Such a severe inconsistency – the complete removal of an historic resource in the face of a policy to *preserve* such resources – cannot be deemed an “insignificant” impact.

#### **Response to Comment No. 4-25**

An analysis of the project's consistency with Policy 17-1.1 has been added to Section III, Additions and Corrections, of this Final EIR. In short, the proposed project is consistent with this policy, as the policy only applies to identifying historic and cultural monuments for the purpose of fostering public appreciation and public education, and the Barry Building is identified as a City of Los Angeles Historic-Cultural Monument. Despite the fact that the project is consistent with Policy 17-1.1, the project is not consistent with the overarching objective, which is to ensure that historic and cultural resources are preserved. However, that does not create a new significant land use impact since inconsistency with this objective is duplicative of the impact caused by being inconsistent with Policy 1-4.1.

#### **Comment No. 4-26**

The project is also inconsistent with other goals and objectives of the Community Plan. These include Objective 2-3, which focuses on protecting pedestrian-oriented areas, specifically, Policy 2-3.3, “Ensure that commercial projects achieve harmony with the best of existing development.” The DEIR’s insufficient analysis of the project’s access driveways along San Vicente does not assure that the protection of pedestrian nor harmony with the existing development.

#### **Response to Comment No. 4-26**

The program by which Community Plan Policy 2-3.3 is intended to be applied is through implementation of the San Vicente Scenic Corridor Specific Plan and Design Guidelines. The proposed project is consistent with the development standards contained in the San Vicente Scenic Corridor Specific Plan, as discussed on pages IV.H-36 to IV.H-38 of the Draft EIR. The Specific Plan allows driveways on lots located on the north side of San Vicente Boulevard, when no other means of access to parking exists. Although the project site extends to Saltair Avenue, the proposed project does not take access off of this side street at the specific request of the local community. The corresponding Design Guidelines also

recommend that vehicular egress should be located along a side street wherever possible, but do not mandate this. The Design Guidelines state only that entrances to parking areas should be minimal in size and their pedestrian impacts minimized. The driveways were designed to strike a balance between the pedestrian experience and adequate capacity to serve the anticipated access demands of the project without resulting in unacceptable vehicular queuing and traffic delays on the adjacent streets. Two driveways are not atypical or unreasonable within a 350-foot street frontage along the project site. The proposed driveways were separated in order to maximize the pedestrian-friendly paseos and plazas within the project frontage, and the driveway widths are as required to accommodate Fire Department access. Consistency with the Specific Plan and Design Guidelines will also be reviewed in detail by the Department of City Planning as part of the Project Permit Compliance Review and Design Review processes.

#### **Comment No. 4-27**

The project also fails to conform to Community Plan Objective 13-1, which requires conformance with performance standards for traffic, and appropriate road improvements. As explained in Policy 13.1.1, the Community Plan requires maintenance of an LOS E in commercial districts. The project will cause traffic to reach LOS F at key intersections. Policy 13-1.2 requires that “[n]ew development projects...be designed to minimize disturbance to existing traffic flow with proper ingress and egress to parking.” The project’s ingress and egress have been insufficiently studied to assure that this policy will be satisfied. Policy 13-1.3 requires that non-residential traffic be discouraged from traversing residential areas by traffic control measures. The project is inconsistent with this policy because it employs *no traffic control measures* to discourage cut-through use of Saltair Avenue.

#### **Response to Comment No. 4-27**

The Brentwood-Pacific Palisades Community Plan was updated in June 17, 1998, and has not been comprehensively updated or revised since that time. In that regard, it should be noted that the current Plan provides that: “Goals, objectives, policies and programs are created to meet the existing and future needs and desires of the community through the year 2010.” Specific as to Policy 13-1.1 of the Community Plan, that Policy provides as follows:

*“Maintain a satisfactory LOS for streets and highways not to exceed LOS “D” for secondary arterials, collector streets; not (to) exceed LOS “E” for Major Highways, and not to exceed LOS “E” in the community’s major business districts.*

*“Program: Capital Improvement Program (TIMP)”*

LADOT’s policy is to calculate the Level of Service for intersections and not street segments. Accordingly, the traffic study for the proposed project analyzed Level of Service for intersections. Yet, assuming that the Level of Service for those studied intersections were used to determine the project’s consistency with this Policy, the traffic study indicates that the Level of Service for those intersections would be worse than the Level of Service indicated in the Policy. However, the Community Plan’s program to implement this Policy is through the City’s Capital Improvement Plan and the West Los

Angeles Traffic Improvement and Mitigation Plan (TIMP). The project is subject to the TIMP and the TIMP's transportation impact assessment fees. The proposed project will be obligated to pay about \$854,772 in TIMP fees. Therefore, the proposed project will comply with this standard.

It should also be noted that the Community Plan designates most of the project site for "neighborhood commercial" land uses with a corresponding zoning of C4. The Community Plan currently allows for 105,000 square feet of commercial floor area, and the applicant is requesting only 73,300 square feet. Therefore, the project is consistent with the Community Plan's land use designation and zoning.

Finally, as discussed more generally in Section IV.H, Land Use and Planning of the Draft EIR, simply because a proposed project does not comply with one policy in a General Plan does not mean that the project is inconsistent with the General Plan. There are many other General Plan policies noted in the Draft EIR with which the project does comply and, on balance, the Draft EIR correctly determines that the project is consistent with the Brentwood-Pacific Palisades Community Plan.

The commenter questions the proposed project's consistency with the Policy 13-1.2. Although it is acknowledged that the project could result in several of the study intersections deteriorating to LOS E to LOS F; Sunset Boulevard and Barrington Avenue, San Vicente Boulevard and Bundy Drive (west), Montana Avenue and San Vicente Boulevard during the PM peak hour, and Wilshire Boulevard and San Vicente Boulevard/Federal Avenue during the AM peak hour, it is important to note that only two of these locations, San Vicente Boulevard and Bundy Drive (west), and Montana Avenue and San Vicente Boulevard, are significantly impacted by the project. (Note also that if the installation of ATCS is not assumed in the future, as indicated in Table IV.L-12 in the Draft EIR, only two intersections would deteriorate to LOS F due to project traffic, Montana Avenue and San Vicente Boulevard, and Wilshire Boulevard and San Vicente Boulevard/Federal Avenue (the other two intersections would be forecast to operate at LOS F conditions prior to development of the proposed project). As described in detail in the Draft EIR and project traffic study, the project's driveway access, internal circulation, and on-site parking supply has have been designed so as to minimize disruption of the existing traffic flows in the area, in that the site provides adequate on-site vehicular storage for both entering and exiting vehicles (approximately 160 feet for each move), as described in detail in the Draft EIR and project traffic study. Finally, with respect to the commenter's concern about Policy 13-1.3, the proposed project is not expected to produce nor encourage additional traffic in the surrounding residential neighborhoods, other than that traffic originating within these areas, and as such, no significant project-related traffic impacts in these neighborhoods are anticipated, and as such, traffic control measures to discourage such traffic are not warranted.

#### **Comment No. 4-28**

The project is also insufficiently protective of adjacent residential uses, as required by the Community Plan. Policy 1-6.5 requires that "any proposed development be designed to enhance and be compatible with adjacent development." The project's compatibility with the residential neighborhood must be reconsidered.

**Response to Comment No. 4-28**

The objective that Community Plan Policy 1-6.5 is intended to promote is the limitation of development density in hillside areas to that which can be reasonably accommodated by infrastructure and topography, and the program by which it is applied is implementation of the Citywide Hillside Ordinance. The project site is not within the City's designated Hillside Area as defined in Ordinance 181,128 adopted in March of 2010. Neither is the project site subject to infrastructure constraints, as it fronts on San Vicente Boulevard, a Secondary Highway and main thoroughfare through the community of Brentwood.

Despite the questionable applicability of Policy 1-6.5 to the proposed project, the project has been designed to maximize compatibility with adjacent development, more specifically the adjacent residential neighborhood. This is done through: (1) incorporating a well-landscaped parking area to the rear of the site, which would provide an approximately 100-foot buffer between the commercial buildings and the residential properties; (2) orienting the commercial buildings toward San Vicente Boulevard; (3) establishing building heights consistent with the transitional height protections in the Los Angeles Municipal Code; (4) limiting all vehicular and pedestrian access to San Vicente Boulevard, away from the residential properties; (5) making parking invisible from, or otherwise unobtrusive on, the residential properties via the incorporation of a cantilevered landscape area with planters and screening walls along the north and northwest perimeters of the project site; and (6) retaining the residential land use on Saltair Avenue through development of one residential unit on the westernmost portion of the project site.

**Comment No. 4-29**

The DEIR takes at face-value the applicant's claim to be providing "local serving" businesses as required by the Scenic Corridor Plan. The FEIR should contain mitigation measures to ensure that the tenant mix of the proposed project is truly composed of "local serving" businesses (of which there are already many on San Vicente Boulevard, calling into question the veracity of the applicant's plans), as opposed to destination shops drawing shoppers from around the region. This is an important component of the Scenic Corridor Plan and the City should not take the developer's word for it that it will provide a local serving mix of tenants.

**Response to Comment No. 4-29**

One of the stated objectives of the proposed project is to "provide a mix of retail, office and restaurant uses that cater to the Brentwood community." The ultimate tenant mix will be determined by market conditions/demands, namely what businesses are needed and supported by the local Brentwood community. Assurances as to the tenants within the project is not appropriately imposed as a mitigation measure, as mitigation measures must be directly tied to an environmental impact. Rather, the commenter's statement is noted for the record and will be provided to the decision-makers for their review and consideration.

**Comment No. 4-30**

The DEIR also does not discuss the need for the Board of Public Works to approve any changes to the median or any roadway alignment changes along the San Vicente Scenic Corridor pursuant to the Scenic Corridor Plan (*Id.* At pp. 10-11; 15.) The DEIR should include this among the requirements necessary for project approval.

**Response to Comment No. 4-30**

Six various median alteration concepts are included in the Draft EIR as an optional project design feature. No roadway alignment changes are proposed. The commenter is correct in stating that, pursuant to the San Vicente Scenic Corridor Specific Plan, the Board of Public Works must hold a public hearing prior to any major alteration to the San Vicente Boulevard median. Although not expressly stated in Section II.E (Discretionary Actions and Approvals) of the Draft EIR, it is noted in Section II.F on Page II-48 that the “EIR is intended to cover all...local government discretionary or ministerial permits or approvals that may be required to develop the proposed project, whether or not they are explicitly listed above.” It is also noted on page II-48 that the Los Angeles Board of Public Works is among the City departments that may have jurisdiction over the proposed project.

**Comment No. 4-31**

D. THE DEIR DOES NOT ADEQUATELY ANALYZE THE IMPACTS OF THE REQUESTED APPROVALS FOR THE SERVICE AND SALE OF ALCOHOLIC BEVERAGES

The DEIR notes that the applicant seeks approval of a Conditional Use Permit (CUB) for the sale of on-site and off-site alcoholic beverages in three restaurants and a wine shop. The DEIR fails to evaluate the impacts of this application or its consistency with the requirements of the Los Angeles Municipal Code. The DEIR contains no information on the size, seating, or hours of operation of any of these establishments, rendering it impossible to assess the impacts as required by CEQA. Nor does the DEIR disclose what findings are required to be made and how the City purports to make them.

**Response to Comment No. 4-31**

Please refer to Response to Comment 6-15 regarding the established “Master Conditional Use Permit” and Plan Approval processes. Refer also to Response to Comment 6-19 regarding findings for the CUB as required by the Los Angeles Municipal Code.

**Comment No. 4-32**

The likely impacts of the issuance of a CUB for *four* separate establishments are through noise (from patrons, not only while dining, but while departing in their vehicles, including the surface parking lot), through increased traffic, and through the contribution to the overabundance of such establishments along the San Vicente corridor. Such premises can easily become a public nuisance if not properly conditioned and regulated. The potential for such impacts needs to be studied and analyzed in the DEIR.

**Response to Comment No. 4-32**

Please refer to Response to Comment 6-15 regarding traffic and noise impacts relative to the requested CUB, as well as the imposition of conditions of approval.

**Comment No. 4-33**

Under Los Angeles Municipal Code section 12.24, the Zoning Administrator is required to make a series of findings in order to approve a request for a CUB. All seven mandated findings must be found in the affirmative:

1. The proposed location will be desirable to the public convenience or welfare.
2. The location is proper in relation to adjacent uses or the development of the community.
3. The use will not be materially detrimental to the character of the development in the immediate neighborhood.
4. The proposed location will be in harmony with the various elements and objectives of the General Plan.
5. The proposed use will not adversely affect the welfare of the pertinent community.
6. The granting of the use will not result in an undue concentration of premises for the sale of dispensing of alcoholic beverages in the area.
7. The proposed use will not detrimentally affect the nearby residentially zoned communities in the area of the City involved or other sensitive uses.

The Zoning Administrator must be required to make each of these findings separately for each premises for which the CUB is requested, but must view these findings in light of the fact that *four* separate premises will be selling and serving alcohol within the same parcel. It is questionable whether the Zoning Administrator will be able to make all of the required findings. The Area Planning Commission has already questioned whether San Vicente Boulevard is “saturated” with alcohol licenses. Moreover, there are sensitive uses adjacent to the project site, including a church which hosts several meetings for recovering alcoholics (AA meetings) each week, an elementary school, and two pre-schools. The DEIR needs to address the impact of approving alcohol sales at four establishments under these circumstances.

**Response to Comment No. 4-33**

Please refer to Response to Comment 6-19 regarding findings for the CUB as required by the Los Angeles Municipal Code.

**Comment No. 4-34**

The DEIR does not appear to have considered the potential noise impact from many of the operational aspects of the proposed project. These impacts need to be assessed and appropriate mitigation measures identified to protect the neighboring residents from the adverse impact of such operations. The FEIR must include mitigation measures to shield the residential community from the adverse effects of the alcohol serving businesses. These measures should include at least the following requirements:

- Any outdoor dining area where alcohol is permitted to be served must be shielded from the residential neighborhoods to the north, east, and west.
- Any music or source of noise in excess of permitted volumes shall be confined to indoor seating spaces, and shall not be permitted to operate with opened doors or windows such that the interior noise is audible beyond the borders of the project site.
- The closing hours of alcohol-serving establishments should be identical to other area businesses, with the close of outdoor dining by 9 p.m., and the close of the restaurant by 11 p.m.
- Deliveries and trash pick up must be limited to reasonable hours (not early in the morning or late at night) that will not disturb nearby residents.

**Response to Comment No. 4-34**

Analysis of noise from the proposed outdoor dining uses is analyzed on Draft EIR pages IV.I-28 and IV.I-29. As stated therein, all of the proposed outdoor dining areas would be facing San Vicente Boulevard and would be shielded by the proposed commercial buildings from the existing off-site residential uses located to the north of the project site. The comment also provides suggested mitigation measures with respect to outdoor dining, closing times, and delivery/trash pick up times. As the proposed project would result in a less than significant impact with respect to operational noise, no additional mitigation measures are required. Nevertheless, the commenter's suggestions for conditions of approval for the project's entitlements are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 4-35**

E. THE DEIR DOES NOT ANALYZE HOW INCREASED TRAFFIC WILL IMPACT EMERGENCY RESPONSE

While the DEIR's traffic analysis extensively discusses the highly congested conditions along San Vicente Boulevard in the vicinity of the project, the discussion of traffic conditions is literally confined to the traffic impact analysis. Unfortunately, for the residents of the area, traffic impacts are not so neatly cabined. Heavy traffic has an effect on all facets of life for those forced to endure it, but the effect is nowhere more devastating than when congestion delays the delivery of emergency response services. Yet

the DEIR ignores this potential impact to emergency response services when analyzing the proposed project's impact on emergency response capacity.

The DEIR concludes that four intersections near the project are significantly impacted by the additional traffic attributable solely to the project. These intersections are: San Vicente and Bundy, San Vicente and Montana, Montana and Bundy, and San Vicente and Barrington. It is thus beyond dispute that the project will contribute to the already congested conditions at the four locations, and doubtless at the intersections that were not studied, such as Saltair and San Vicente. BHA's scoping comments of May 2010 specifically asked that the DEIR assess the impact of increased traffic on emergency vehicles in and around the project area. Yet the DEIR addresses only whether there will be enough emergency personnel to provide emergency services based on the number of additional employees and patrons that are expected at the project. The analysis does not consider how an ambulance or fire engine may be delayed on San Vicente during the hours of the day when the intersections along San Vicente are operating at LOS E and F. If there is gridlock between Montana and Bundy – and there is an emergency within that area – what is the predicted delay in response time? How will emergency vehicles be able to pass through intersections which the DEIR considered unmitigable and frequently gridlocked?

#### **Response to Comment No. 4-35**

The comment states that increased traffic will impact emergency response. The Los Angeles Fire Department information report for the proposed project, included in Appendix J of the Draft EIR, states that response time from Fire Station No. 19 would be 4.2 minutes, Fire Station No. 37 would be 6.2 minutes, and Fire Station No. 59 would be 7.2 minutes, which meets the desired response times. The LAFD response times already take into account traffic in the area. Moreover, with respect to the commenter's question concerning the ability of emergency vehicles being able to maneuver through crowded intersections, the LAFD has experience responding to emergencies in congested areas throughout Los Angeles, through the use of lights/sirens, ability to direct traffic to the side of the road, and to drive on the wrong side of the road, if necessary.

#### **Comment No. 4-36**

In addition to the need to revise the analysis of impacts on emergency response, the City should address in the FEIR the current "brown-out" of 30 percent of the City's fire stations, caused by current budget shortfalls. This significant reduction in service requires a second look at the availability of fire protection in the area in light of a large new development. Finally, the emergency access to the site, during operation and construction is not disclosed in the DEIR, which simply refers to the requirements of other agencies without any detail. These details should be provided for analysis in the FEIR.

#### **Response to Comment No. 4-36**

The comment discusses the current brown-outs, or Modified Coverage Plan, which will remain in place until the July 5, 2011 implementation of the LAFD Deployment Plan. The Deployment Plan uses data analysis to determine neighborhood services and ensures that no fire stations are closed, no firefighters are removed, no apparatus are removed, and every station maintains both a fire engine and paramedic

resource. Under the Deployment Plan, no fire stations would be closed, including Fire Station No. 19, which would serve the proposed project.<sup>3</sup> The CEQA guidelines state that a significant impact would be caused by the project if a new or physically altered fire protection facility would be needed. The proposed project would not require a new or physically altered facility. Emergency access and the direct route of Fire Station No. 19 to the project site are discussed on Draft EIR pages IV.K-7 to IV.K-8.

#### **Comment No. 4-37**

##### F. THE CUMULATIVE IMPACTS OF THE PROPOSED PROJECT ARE NOT ADEQUATELY DISCLOSED

CEQA contains specific requirements for the analysis of a project's cumulative impacts. An EIR must discuss "cumulative impacts" of a project, meaning those impacts "created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." (Guidelines, § 15130, subd. (a)(1).) The EIR must identify an appropriate geographic scope for cumulative impacts analysis and generate a list of past, present, and future projects that are likely to contribute to the cumulative impacts from the project at issue (*Id.* At subd. (b).) "Proper cumulative impact analysis is vital 'because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.'" (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184, 1214 (*BCLC*) [quoting *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4<sup>th</sup> 98, 114.) "[C]onsideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment." (*Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300,306.) The DEIR is deficient with respect to analysis of the cumulative impacts of the various commercial projects slated for approval in the area of the project, including the compounding effects of additional restaurants, alcohol serving establishments, and new retail establishments in the area.

#### **Response to Comment No. 4-37**

The comment states that the cumulative impacts of the proposed and related projects are not adequately disclosed. Probable future projects are listed in Table III-1 and sourced from City of Los Angeles Department of Transportation, City of Santa Monica Planning Department, and a field survey of the study area to identify other projects. The list of 32 related projects within 2.0 miles is used to evaluate future traffic impacts and other impact categories, most notably utilities and service systems. The list includes

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<sup>3</sup> Los Angeles Fire Department, website: <http://lafd.org/lafd-spotlight/136-spotlight-articles/416-the-new-lafd-deployment-plan>, accessed July 12, 2011.

residential, office, retail, and restaurant uses. The comment states that the Draft EIR is deficient in analysis of the compounding effects of additional restaurants, alcohol serving establishments, and new retail in the area. The Draft EIR examines the physical environmental impacts of all related projects. CEQA does not examine the economic impact of these uses, except in cases of urban decay that could lead to significant impacts attributable to aesthetic blights and empty stores. The proposed project would consist of neighborhood-serving retail and restaurants and would likely not have an effect on other retail and restaurants identified in the related projects list.

### **Comment No. 4-38**

## II. THE DEIR'S ALTERNATIVES ANALYSIS IS INADEQUATE

An analysis of alternatives to a proposed project is a critical component of an EIR, yet the analysis of alternatives in the DEIR is considerably lacking, particularly with respect to analysis of alternatives that would preserve the Barry Building. As discussed above, the Barry Building was designated a Los Angeles City Historic-Cultural Monument by the Cultural Heritage Commission in 2007. No similarly designed building is located anywhere near this stretch of San Vicente, yet the proposed project intends to demolish it. The demolition of this architecturally and historically significant structure would be nearly without precedent in the City (the last such instance of destruction of a designated monument for purposes of new development that is known to historic preservationists was 1985). The Barry Building is not a vacant hull or an unattractive nuisance in the community – it is a vibrant space that is already occupied by neighborhood serving businesses. The DEIR acknowledges that the demolition of the Barry Building would be a significant, and unmitigable, impact on historic resources. Because there is no way to mitigate this impact of the lost cultural resource, an analysis of alternatives to demolition is particularly important to fulfill CEQA's mandate of informed decisionmaking.

“One of [CEQA's] major functions...is to ensure that all reasonable alternatives to the proposed projects are thoroughly assessed by the responsible official.” (*Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190,197.) CEQA requires an analysis of a reasonable range of alternatives to a proposed project, “which could feasibly attain the basic objectives of the project....” (Guidelines, § 15126, subd. (d).) Additionally, the EIR's discussion of alternatives must focus on the alternatives that are capable of avoiding or substantially lessening any significant environmental impacts, even if those alternatives would be more costly. (*Id.*, § 15126.6, subd. (b).) As one court explained:

“The [alternatives] discussion must ‘focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.’ A major function of the EIR is to ensure thorough assessment of all reasonable alternatives to proposed projects by those responsible for the decision.” (*Kings County Farm Bureau V. City of Hanford* (1990) 221 Cal.App.3d 692, 733 (quoting Guidelines, § 15126.6, subd. (d)(3)).)

The alternatives analysis is particularly important where it may demonstrate that a feasible alternative has fewer impacts than a proposed project. “An environmentally superior alternative cannot be deemed

infeasible absent evidence the additional costs or lost profits are so severe the project would become impractical.” (*Kings County*, 221 Cal. App.3d at p. 736.) “An EIR which does not produce adequate information regarding alternatives cannot achieve the dual purpose served by the EIR, which is to enable the reviewing agency to make an informed decision and to make the decisionmaker’s reasoning accessible to the public, thereby protecting informed self-government.” (*Id.* At p. 733.) The CEQA Guidelines require that the EIR identify any impacts that cannot be mitigated without implementation of an alternative, and to state why the project is being proposed in spite of these impacts (Guidelines, § 15126.2, subd. (b).) The DEIR falls short of these mandates.

#### **Response to Comment No. 4-38**

The comment raises the issue of whether Alternative 4 is feasible. Therefore, see Responses to Comments 4-41 (off-site preservation) and 62-5.

#### **Comment No. 4-39**

##### A. THE PRESERVATION ALTERNATIVE (ALTERNATIVE 4) IS INSUFFICIENTLY ANALYZED

The DEIR presents, as Alternative 4, a sketchily conceived and sparsely detailed proposal that preserves the Barry Building and constructs nearly 60,000 square feet of retail establishment around that building. The analysis of Alternative 4 is as notable for what it omits as for what it includes. The chart on DEIR page VI-3 illustrating the breakdown in square footage between the different types of uses proposed for the site reveals that there is *no information* in the DEIR providing any breakdown by types of use for Alternative 4. Meanwhile, each of the other alternatives studied is carefully broken down between retail, storage, restaurant, and outdoor dining, where applicable. The DEIR contains no data other than total square footage for Alternative Four.

CEQA guidelines require that there be “sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.” (Guidelines, § 15126.6 (d).) Insufficient information is presented to adequately analyze Alternative 4, particularly as compared to the other alternatives studied in the DEIR. The discussion of Alternatives 1B, 2, and 3 spans 15 to 17 pages of the DEIR; the discussion of the impacts of Alternative 4 only covers 7 pages. While the other alternatives’ impacts are analyzed and data is presented showing trip generation calculations, critical movement analysis, wastewater generation, water consumption, solid waste generation, and electricity consumption for the other alternatives, *not one* of those impacts is analyzed in detail for Alternative 4. The DEIR does not even purport to explain why the analysis of Alternative 4 is so lacking. It contends that the uses would be in the same proportion as uses for the proposed project (DEIR p. VI-57) but goes no further to analyze impacts on this basis, making statements that suggest that the impacts of Alternative 4 will be “slightly less” than the impacts of the proposed project. (See, e.g. *ibid.* [analysis of traffic having “slightly fewer daily trips” than proposed project].) Reading the discussion of Alternative 4, one has the sneaking feeling that this analysis was slapped onto the DEIR at the last minute and that the drafters just didn’t have the time to analyze it properly. CEQA requires more, especially where the impacts avoided by the implementation of this alternative are otherwise unmitigable.

**Response to Comment No. 4-39**

The comment states that Alternative 4 (preservation alternative) lacks a breakdown of land uses, such as amount of retail, storage, restaurant, outdoor dining, and office, while retaining the 13,856 sf Barry Building. Since the projected square footage of Alternative 4 is only approximately 4% less than the proposed project (70,4534 sf versus 73,300), the Draft EIR properly assumed that Alternative 4 would have a similar proportion and mix of uses as the proposed project. The project applicant has submitted a report prepared by the Concord Group (see Comment Letter 62). This report assumes the following mix of uses for Alternative 4: retention of the 13,956 square foot Barry Building, 7,000 square feet of storage uses, 8,000 square feet of office uses, and 55,454 square feet of retail/restaurant uses.

With similar proportions of uses and a smaller overall project, the analysis for trip generation and utility consumption and generation would be slightly reduced compared to the proposed project, which is why full trip generation and utility consumption tables were not required for this alternative. In that regard, it should be noted that the size of the reductions in total square footage in the other alternatives were substantially greater than under Alternative 4, which warranted separate impact analyses for those other alternatives. However, a more detailed traffic analysis for Alternative 4 has been added to this Final EIR (see Section III, Additions and Corrections, under “Alternatives”). This traffic analysis shows that Alternative 4 would result in the same significant and unavoidable traffic impacts as the proposed project. In addition, Alternative 4 is the only alternative where draft plans were prepared. Further, additional information regarding Alternative 4 is included in Response to Comment 8-1, below.

**Comment No. 4-40**

The DEIR concedes that Alternative 4 would have fewer impacts than the proposed project in several critical respects. The historic preservation alternative “would not result in a significant and unavoidable impact with respect to loss of a scenic resource. Overall, implementation of this alternative would result in less than significant impacts with respect to views, shade/shadow, and light/glare. Visual resource impacts would be reduced to less than significant levels because of the preservation of the Barry Building compared to the proposed project’s significant and unavoidable impact resulting from the demolition of the Barry Building.” (DEIR p. VI-56.) Alternative 4 would also avoid impacts to historic resources. (DEIR, p. VI-58.) While the DEIR drums up several implausible impacts of Alternative 4, such as impeding the ability of the project to achieve its environmental goals, these arguments are specious at best. There is no reason that Alternative 4 could not rehabilitate the Barry Building (and conserve resources in so doing) using green building standards and materials. The DEIR already identifies Alternative 4 should be fully conducted so that the decision makers have the benefit of a full and complete analysis, as required in order to conclude, as the developer’s plans would require, that the alternative that preserves an historic resource should be rejected in favor of demolition. That decision should be a weighty one, and, if undertaken without a full documentary record, will be subject to legal challenge.

**Response to Comment No. 4-40**

As stated on page VI-65 of the Draft EIR, Alternative 4 is concluded to be the environmentally superior option compared to the other alternatives. However, by retaining the Barry Building, the project may not fully achieve project objective 1, which seeks architectural integration. Also, Alternative 4 may affect the ability to be competitive and achieve the economic goals under project objective 4. Further, additional information about Alternative 4 has been added to Response to Comment 8-1, below. Nonetheless, the analysis of Alternative 4 does explain to decision-makers that the preservation of the Barry Building would occur and reduce a significant impact to a less than significant level with respect to historic resources.

**Comment No. 4-41****B. THE DEIR PREMATURELY REJECTS OFF-SITE PRESERVATION OF THE BARRY BUILDING**

On the basis of a single inquiry with the Los Angeles City Parks Department, the DEIR concludes that off-site preservation of the Barry Building is infeasible and ceases any analysis of this alternative. This analysis is insufficient. In *Laurel Heights I*, 47 Cal.3d at pp. 403-404, the Supreme Court explained why it is critical to provide adequate information regarding the feasibility of an alternative. The EIR in that case provided neither an assessment of existing sites where the facility at issue could be located, nor any discussion of the possibility of located such a site. (*Ibid.*) “[T]he EIR’s statutory goal of public information regarding a proposed project has not been met; the EIR provides no information to the public to enable it to understand, evaluate, and respond to the bare assertion of nonavailability of alternative space.” (*Id.* at p. 404. The Court explained that the key issue in an EIR’s discussion of alternatives is informed decision-making and public participation. By providing inadequate information, both of these functions were diminished. Such is the case here. By providing only a cursory assessment of the ability to identify an appropriate “receiving location” for the Barry Building, the DEIR fails to provide sufficient information to show that this alternative is genuinely infeasible. Because of the off-site preservation of the Barry Building would avoid a significant and unmitigable impact – indeed, an irreversible impact – the alternative must be studied in greater detail.

**Response to Comment No. 4-41**

The commenter raises issues concerning the analysis of the feasibility of the potential alternative of relocating the Barry Building to a different site. The commenter is incorrect that the Draft EIR’s analysis of the feasibility of such an alternative relied solely on one inquiry to the City’s Department of Recreation and Parks. In analyzing this alternative, the Draft EIR also relied on technical analysis from Galvin Preservation Associates (historical consultants), which concluded that the Barry Building would have to be relocated to a property within 2 to 3 miles of the project site along a commercial boulevard in order to maintain its historical significance. (Refer to Appendix N.) Based on another technical report included in the Draft EIR, the cost of acquiring such land would range from \$200 to \$500 per square foot. (Refer to Appendix L.) In addition to land acquisition costs, the applicant’s expert has opined in comment letter that it would an additional \$6,482,000 to render the Barry Building operational at that new location. Thus,

the total costs of relocating the Barry Building to a new location and making it operational would be significant. For those reasons, this alternative was considered infeasible.

**Comment No. 4-42**

**C. EXISTING ZONING ALTERNATIVE (ALTERNATIVE 1B) INAPPROPRIATELY “STACKS THE DECK” IN FAVOR OF THE PROJECT**

The DEIR includes, as required, a “No Project” Alternative (denominated Alternative 1A), which it appropriately analyzes as maintaining all land uses present on the site at this time. The DEIR also contains a different “No Project” Alternative (Alternative 1B), which is known as the “Existing Zoning Scenario.” Alternative 1B is clearly an effort to drum up the largest possible project that could be conceived within the existing zoning, but is not a valid “no project” alternative. The “no project” alternative in 1B still requires the demolition of the Barry Building, a component requiring approval of the Cultural Heritage Commission even under the existing zoning. Moreover, from the limited information provided, it is unclear whether the uses proposed in Alternative 1B require rezoning of part of the residential parcels for parking. The skewed analysis presented by the inclusion of a massive office building project that demolishes a protected historic resource as a “no project” alternative results in a “thumb on the scale” when the alternatives are being weighted against each other, and “mislead[s] the public and decision makers about the project’s advantages and disadvantages.” (*Woodward Park Homeowners Assoc. Inc. v. City of Fresno* (2007) 150 Cal.App. 4<sup>th</sup> 683, 719 [invalidating EIR which presented an alternatives analysis heavily skewed towards showing impacts from alternatives].) Alternative 1B should be eliminated as a “no project” alternative because it is not truly an alternative that is available to the applicant without significant discretionary approvals.

**Response to Comment No. 4-42**

The commenter raises issues concerning the analysis of Alternative 1B. That alternative was analyzed as one variation of the “no project” alternative required under CEQA. CEQA Guideline 15126.6(e) provides that an EIR must consider at least one type of no project alternative. Generally speaking, the no project alternative looks at what “would be reasonably expected to occur in the foreseeable future if the proposed project were not approved, based on current plans and consistent with the available infrastructure and community services.” (Guideline 15126.6(e)(2).) The no project may mean a “no build” alternative in certain circumstances, but it may also mean “the proposal of some other project.” (Guideline 15126.6(e)(3)(B).)

As stated in the Draft EIR for the proposed project, Alternative 1B would be consistent with the existing General Plan, Specific Plan and zoning. The “entitlements” that would be needed for Alternative 1B would be required for any project in the project area, such as design review, site plan review and project permit compliance (refer to Draft EIR, page VI-13) are not “significant” discretionary approvals (as claimed by the commenter). Consequently, even though this alternative would need those approvals, the alternative is still “reasonably expected to occur in the foreseeable future if the proposed project were not approved.” Further, while an application for a permit to demolish or otherwise alter a historical monument under City Code may be subject to a temporary stay by the Cultural Heritage Commission, a

demolition permit remains ministerial in nature. For these reasons, a project similar to Alternative 1B is “reasonably expected to occur in the foreseeable future if the proposed project were not approved.”

Finally, it should be noted that the Draft EIR also included a variation of the no project alternative where the existing uses at the project site are maintained.

### **Comment No. 4-43**

#### III. THE DEIR IS LEGALLY FLAWED IN OTHER CRITICAL RESPECTS

##### A. THE PROJECT DESCRIPTION IS INADEQUATE AND UNCLEAR

The DEIR’s description of the project is inconsistent in several respects, but most notably with regard to the various “concepts” proposed for mitigating traffic impacts on the project. “An accurate, stable and finite description of a project is a basic to an informative and legally sufficient EIR. A curtailed or distorted description of the project may “stultify the objectives of the reporting process.” (*Kings County*, 221 Cal.App.3d at p. 738.) An EIR must contain a general description of a proposed project along with “a clear statement of the objectives sought by the proposed project, which will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App 4<sup>th</sup> 645, 654 (internal quotations omitted); see also Pub. Resources Code § 21061.) The repeated discussion in the DEIR of the six “concepts” for alterations to the median of San Vicente is confusing. The project description states that “[t]he project applicant has proposed for the project to include an optional project design feature that could be implemented to improve traffic flow and accessibility for both the project site and for other nearby businesses.” Are those “concepts” part of the project? Are they alternatives to some component of the project? Are they mitigation measures? Is the applicant required to fund and implement these? Or are they mere window-dressing to demonstrate that some modest effort has been employed to evaluate the traffic nightmare that will be created by this development? The EIR should be revised to make clear what, exactly, is being proposed at this time. The EIR should not, by including in the project this broad set of six “concepts,” provide a springboard for significant changes to the San Vicente median without further environmental review. However, as discussed below, the EIR must not segment the project improperly. The project description must be revised to clarify the status of the “concepts” discussed therein.

### **Response to Comment No. 4-43**

The Draft EIR accurately described the proposed project as including an “optional project design feature” that would be one of the six suggested changes to the existing raised median along San Vicente Boulevard. (Draft EIR, p. II-33.) The applicant is suggesting these features as “options” to the design of the proposed project in recognition of the differences in the community concerning the advisability of making any changes to that median. However, the Draft EIR clearly described these potential changes to the median as part of the proposed project. For example, in Section II of the Draft EIR entitled Project

Description, these medians are described as part of the project description at pages II-33 and 34, and are shown in Figures II-14 through II-19.

In addition, the environmental impacts of this optional project design feature are analyzed throughout the Draft EIR. For example, both the Aesthetics and Cultural Resources sections in the Draft EIR discuss the effect of this project feature on existing coral trees along the median. (Refer to pages IV.B-8 and IV.E-22 through IV.E-24.) The Traffic section of the Draft EIR analyzes in detail the impact that these features may have on local traffic. (Refer to pages IV.L-92 through IV.L-99 of the Draft EIR.) Further, the construction impacts with respect to air quality and noise have been added to this Final EIR (see Section III, Additions and Corrections under “Air Quality” and “Noise”). For these reasons, the Draft EIR adequately discussed this optional project design feature and its potential environmental effects.

#### **Comment No. 4-44**

##### **B. THE DEIR INAPPROPRIATELY DIVIDES THE ANALYSIS OF THE PROJECT’S IMPACTS BY FAILING TO PROVIDE FULL ANALYSIS OF THE IMPACT OF THE IMPLEMENTATION OF THE “CONCEPTS”**

Although the DEIR’s project description is far from clear as to whether the “concepts” are a component of the project, the Los Angeles Department of Transportation (LADOT) appears to view the matter differently. In Appendix K-3, LADOT’s October 4, 2010, letter to Hadar Plafkin explains that these “concepts” are part of a “Voluntary Improvement Package,” which the applicant is required to guarantee as a condition of project approval. (See p.4.) As such, the “concepts” are very much a part of the project, and must be analyzed together with the project, so that the decision makers are aware of the sum total of the project’s impacts, together with *all* of the potential means for mitigating those impacts.

A “project” under CEQA is “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” (Guidelines, § 15378 (a).) The CEQA Guidelines specify that “where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project...” (*Id.*, § 15165.) As the Supreme Court has held, “[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Laurel Heights I*, 47 Cal.App.3d 1145, 1171.) “A public agency is not permitted to subdivide a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole.” (*Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145,1171.) All reasonable foreseeable components of a project must be considered together because “the later the environmental review process begins, the more bureaucratic and financial momentum there is behind a proposed project, thus providing a strong incentive to ignore environmental concerns that could be dealt with more easily at an early state of the project.” (*Laurel Heights I*, 47 Cal.3d at p. 395.) The changes to the San Vicente median and/or other roadway improvements considered in the six “concepts” are

“reasonable foreseeable consequences” of the project; indeed, the applicant is required to *guarantee* their construction as part of the conditions of approval. BHA has been informed that the analysis of the six concepts in the DEIR is not intended to serve as final environmental review for these plans (and indeed, is too skimpy to be a final environmental review). Because the implementation of one of these concepts is part of the overall project, the EIR must provide the full information and analysis about these projects, and the City may not put these off for discussion in a separate, subsequent review. Such an approach downplays the overall impacts of the construction of *this* project, without which there would be *no need* for the median cuts and roadway improvements, and is contrary to the intent of CEQA that *all* of the impacts of a project be considered in one environmental document.

#### **Response to Comment No. 4-44**

The commenter contends that the Draft EIR did not analyze the environmental effects of the optional alterations to the existing median. Refer to Response to Comment 4-43 for a discussion of that issue. Further, contrary to the commenter’s suggestion, that environmental analysis is intended to be the final environmental review of those optional alterations to the median.

#### **Comment No. 4-45**

##### C. THE DEIR INAPPROPRIATELY DEFERS MITIGATION MEASURES

The DEIR contends that *no* mitigation measures are available to improve the traffic congestion that will be caused by this project. By failing to consider the implementation of *any* of the six concepts,” the DEIR ignores the incontrovertible fact that some of the measures evaluated in the concept *will* improve area traffic, even if it is impossible to mitigate the impacts to less than significant. CEQA requires the consideration of mitigation measures that will *minimize* impacts, even if such measures do not *eliminate* the impact. (Pub. Resources Code, §§ 21002.1, subd. (a) & 21100, subd. (b)(3).) By deferring consideration of the six “concepts” to an unspecified later date, the DEIR ignores a fundamental requirement of an EIR: proposed mitigation measures must be made available for public review and comment before the EIR is certified. (*Gentry v. City of Murietta* (1995) 36 Cal.App.4<sup>th</sup> 1359, 1393.) This requirement furthers the policy behind CEQA that environmental review should be conducted at the earliest possible point in the planning process. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 301.) Delaying a decision on the “concepts: defers the determination of mitigation measures until a point well beyond the certification of the DEIR. This is unacceptable and in violation of clearly established requirements of CEQA. In *Sundstrom*, the Court of Appeal concluded that a mitigated negative declaration that required the applicant to impose mitigation measures recommended by a future study was illegal under CEQA:

“The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. California Code of Regulations, title 14, section 15070, subdivision (b)(1) provides that if an applicant proposes measures that will mitigate environmental effects, the project plans must be revised to incorporate these mitigation measures “*before* the proposed negative declaration is released for public review...” (Italics added.) Here, the use permit contemplates that project plans may be revised to incorporate

needed mitigation measures after the final adoption of the negative declaration. This procedure, we repeat, is contrary to law.” (202 Cal.App.3d at pp. 306-307.)

The CEQA Guidelines explain that “[f]ormulation of mitigation measures should not be deferred until some future time.” (Guidelines, § 15126.4, subd. (a)(1)(B).) Although the determination of what improvements to make to area roadways may be fraught with controversy, if the City avoids making it now, it will violate CEQA for the reasons outlined above, leaving the EIR subject to judicial invalidation.

#### **Response to Comment No. 4-45**

The commenter claims that the City is deferring consideration of the proposal for alterations to the existing median. As stated in Responses to Comments 4-43 and 4-44, the Draft EIR analyzed the potential effects of that optional project design features and that analysis is intended to be the final analysis of those potential impacts under CEQA needed for the City decision-makers to take action on those optional project design features.

The commenter also asserts that the Draft EIR must consider the environmental effects of the proposed alterations to the median, as well as their feasibility to mitigate the project’s significant traffic impacts. As discussed in Response to Comment 4-43, the environmental effects of the proposed median alterations were fully discussed in the Draft EIR. Also, as would be the case with mitigation measures, the Draft EIR analyzed the effect of the proposed median alterations to mitigate the project’s significant traffic impacts. As stated at pages IV.L-98 and IV.L-99 of the Draft EIR, the proposed median alterations would lessen the significant impacts at certain intersections, but not to an extent where those impacts would become less than significant. Further, the some of the proposed median alterations (1, 1(a), 2 and 2(a)) would worsen the significant impact at one intersection (Montana Avenue and San Vicente Boulevard), and all of the proposed median alterations would worsen the impact at the intersection of Montana Avenue and Barrington Avenue (although not to the degree that the impact would become significant). Further, all of the proposed median alterations would cause an adverse impact to the coral trees in the median along San Vicente Boulevard since some of those trees would have to be removed to construct the median alterations. These adverse impacts that would occur only by virtue of implementing the median alterations could constitute a basis for the City decision-makers to conclude that the proposed median alterations are not feasible measures to reduce the project’s other significant traffic impacts, when it acts on the entire project.

#### **Comment No. 4-46**

##### **D. AFTER THE DEIR IS REVISED AS OUTLINED ABOVE, IT MUST BE RECIRCULATED TO ALLOW FOR ADDITIONAL PUBLIC REVIEW AND COMMENT**

The BHA has raised significant issues in its comment letter, and disclosed a number of ways in which the DEIR is inaccurate. Responding appropriately to the BHA’s comments will require significant revisions and new analysis in the FEIR. Thus, the FEIR cannot be certified until it has been re-circulated for public review and comment upon a substantial number of new issues evaluated for the first time in the FEIR. A lead agency must reissue the notice, re-circulate the EIR, and permit additional public comment prior to

certification “[w]hen significant new information is added to an environmental impact report” after notice and comment from the public but “prior to certification[.]” (Pub. Resources Code, § 21092.1.) Information is “significant” if its addition to the FEIR after circulation “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (*Laurel Heights Improvement Assoc. v. Regents of the Univ. of Calif.* (1993) 6 Cal.4<sup>th</sup> 1112, 1130 (*Laurel Heights II*)). The California Supreme Court has recognized that re-circulation is required where new information discloses:

“(1) a new substantial environmental impact resulting from the project or from a new mitigation measures proposed to be implemented; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project’s proponents decline to adopt; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.” (*Ibid.* (citations omitted); see also Guidelines, § 15088.5, subd. (a)(1)-(4).)

#### **Response to Comment No. 4-46**

The commenter accurately describes the legal test for determining when a Draft EIR has to be recirculated for additional environmental review under CEQA. However, neither the responses to the commenter’s comments nor to any other person’s comments raise the type of “significant new information” as to require recirculation of the Draft EIR.

#### **Comment No. 4-47**

When the draft EIR has been significantly modified after the close of the comment period, re-circulation is essential to provide the public with the full information and disclosures required by CEQA. “The revised environmental document must be subjected to the same ‘critical evaluation that occurs in the draft stage,’ so that the public is not denied an ‘opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.’” (*Save Our Peninsula Comm. v. Board of Supervisors* (2001) 87 Cal.App.4<sup>th</sup> 99, 131 [quoting *Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822].) Recently, the Court of Appeal required re-circulation of an EIR where the EIR failed to implement adequate mitigation measures. (*Gray v. County of Madera* (2008) 167 Cal.App.4<sup>th</sup> 1099, 1118.) the FEIR will require recirculation due to the need to augment and improve the analysis and discussion of many issues inadequately discussed in the DEIR.

#### **Response to Comment No. 4-47**

The commenter requests that the Draft EIR be revised and recirculated for additional public review. Please refer to Response to Comment 4-46.

**Comment No. 4-48**

## IV. CONCLUSION

The DEIR's numerous deficiencies must be remedied – and the document recirculated for further comment – before the EIR can be certified. The impacts to traffic are predicted to be dire, yet are inadequately studied. The loss of a designated historic resource is an impact that can never be reversed or mitigated, yet the analysis of the alternatives that would preserve it are skimpy and illegally foreshortened. The discussion (it cannot be called an analysis) of the six “concepts” violates CEQA; it is either inadequate to support a decision on one of the six or an illegal segmentation and deferral of the project for later review. BHA looks forward to reviewing and commenting upon the recirculated FEIR.

**Response to Comment No. 4-48**

The comment reiterates the commenter's opinions that have already been responded to above. Nevertheless, the commenter's opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 4-49**

Please find enclosed the document, “Review of Draft EIR for Traffic and Circulation Issues” re: the subject case, as prepared by Traffic Engineer, Allyn D. Rifkin, PE.

Brentwood Homeowners Association has also engaged as our Attorney, the firm of Strumwasser & Woocher, LLP, who will submit their “comments” re; the subject case, under separate cover to you.

Thank you for your kind attention to these Response Documents, submitted per the City Planning Department's requirements.

**Response to Comment No. 4-49**

The comment states that the traffic engineer Allyn D. Rifkin has enclosed comments regarding traffic and circulation, which are provided below. The comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 4-50**

I am pleased to submit the following technical comments related to the Traffic and Circulation issues addressed in the Draft Environmental Impact Report (DEIR), which is in-turn based upon a traffic study prepared by Hirsch/Green Transportation Consulting, Inc (Revised Mar, 2010). The DEIR traffic analysis major conclusions are: that there are four arterial intersections impacted by the proposed development; that there are no feasible physical mitigation measures for these impacts; that there are no residential street impacts; and that there are no regional street impacts (pursuant to the Congestion Management

Program). The impacted intersections are: San Vicente/Bundy; Montana/Bundy; San Vicente/Montana; and San Vicente/Barrington. The City of Los Angeles Department of Transportation has commented on the traffic study, concurring with the conclusions and endorsing the voluntary improvement (subject to further design review) of a traffic signal at the project south-easterly driveway.

#### **Response to Comment No. 4-50**

The comment states that what follows are technical comments related to traffic and circulation. The individual comments are addressed below.

#### **Comment No. 4-51**

My major conclusion is that the DEIR is inadequate due to a number of inconsistencies in the analysis. These should be addressed in the final EIR. One important concern is the exclusion of San Vicente/Saltair Avenue intersection as a study intersection – with no disclosure of likely project impacts to that intersection. Equally important is the lack of disclosure of the likely up-stream congestion impacts of the proposed traffic signal at the easterly project driveway.

#### **Response to Comment No. 4-51**

The comment regarding “exclusion of San Vicente/Saltair...as a study intersection” is addressed previously in Response to Comment 4-15. The comment regarding analysis of potential “upstream” impacts on San Vicente Boulevard as a result of the proposed project’s exit-only driveway signal is addressed previously in Response to Comment 4-13. Therefore, no further responses to this comment are necessary.

#### **Comment No. 4-52**

The following comments are numbered for the convenience of review and discussion. The numbers are not meant to imply priority or importance.

#### **Response to Comment No. 4-52**

The comment provides an introduction to specific comments listed and responded to below, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

#### **Comment No. 4-53**

1. The traffic analysis appears to be inconsistent with a recent California Court of Appeal decision regarding the preparation of Environmental Impact Reports. The “Sunnyvale” case (Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council) suggests that an EIR must make the comparison of project impacts to the existing environmental setting. There is no table in the DEIR or in the accompanying traffic study and appendices that makes such a comparison

**Response to Comment No. 4-53**

This comment is addressed previously in Response to Comment 4-6. Therefore, no further responses to this comment are necessary.

**Comment No. 4-54**

Further, the reported “future” analyses throughout the DEIR assume that a public improvement (the implementation of the City’s Adaptive Traffic Control System – ATCS) would be in place by the time the project is constructed (see page IV-L.44). A 3% credit in the Volume/Capacity (V/C) ratio for the surface streets was assumed. This is in conflict with the necessary procedures implied by the “Sunnyvale” decision.

**Response to Comment No. 4-54**

The potential impacts of the project under the forecast “Future (2014) With Project” conditions, assuming that the future installation of ATCS does not occur, are described on page IV.L-48 and summarized in Table IV.L-12 of the Draft EIR (note that the commenter actually recognizes that this supplemental “No ATCS” analysis is provided in Comment 4-59).

**Comment No. 4-55**

2. The traffic counts used for the baseline of this DEIR are not representative of the existing environmental setting. They were taken during the year 2008 and extrapolated to the stated baseline year of 2010. The current traffic study policies and procedures promulgated by the Los Angeles Department of Transportation (LADOT) – “Traffic Study Policies and Procedures, December, 2010” – requires that traffic counts be no older than 2 years from the date of the traffic study. While these are barely within the limits of the LADOT’s policy, they are outdated for a description of the existing environmental setting which should include impacts from the construction on the nearby I-405 freeway, not reflective in the 2008 traffic counts. This freeway construction has negatively affected traffic circulation in the project study area.

**Response to Comment No. 4-55**

As noted by the commenter, the year 2008 traffic counts utilized in the traffic study are within LADOT’s 2-year time limitation for use of such data at the time the traffic study was prepared and approved. The comment regarding the effects of the currently ongoing construction on the I-405 Freeway (including the reconstruction of the Sunset Boulevard overcrossing and Wilshire Boulevard ramps) is addressed previously in Response to Comment 4-6 (footnote). No further responses to this comment are necessary.

**Comment No. 4-56**

3. The analysis of the Bundy/San Vicente intersection as two separate intersections understates the level of service. The Critical Movement Analysis (CMA) methodology for assessing level of service is tailed for 4-legged intersections because it is dependent on the summation of the through plus opposing left turn

traffic volumes. When treated as two 3-legged intersections, the opposing left turns for north-south traffic are left out of the analysis. The traffic analysis reduced the capacity at these separate intersections arbitrarily by 20% as part of an overall congestion acknowledgment.

#### **Response to Comment No. 4-56**

The analysis methodology utilized to evaluate the intersection(s) of San Vicente Boulevard and Bundy Drive was approved by LADOT. The CMA analysis methodology is not "...tailored for 4-legged intersections..." as suggested by the commenter, and is effectively utilized to evaluate intersections with both fewer and more approach legs. While the critical lanes at most intersections do consist of through traffic versus an opposing left-turn lane, the CMA analyses do not rely on this specific configuration to accurately assess the operations of any intersection, and are instead based on the highest combination of traffic volumes entering the intersection from opposite (or "opposing") directions. A key example of such conditions involves intersections equipped with "split" signal phasings, where all traffic in one direction is given the green indication while all traffic from the opposite direction is fully stopped, then the first approach is stopped and the opposite direction of travel moves through the intersection unopposed. In such circumstances, the highest volume of traffic in the "critical lanes" in each direction is calculated and used to determine the CMA value; in many instances, the critical lanes are the "through" moves in each direction, which would otherwise not conflict with each other if the signal did not exhibit "split" phasing.

Further, the San Vicente Boulevard/Bundy Drive intersections exhibit a number of unique geometric and signal phasing conditions that require their analysis as two separate intersections. First, the approach lanes along San Vicente Boulevard for both directions of travel are different at each intersection, and cannot be accurately evaluated if treated as a single location. The eastbound approach at San Vicente Boulevard/Bundy Drive (west) provides a left-turn lane and two through lanes, while the San Vicente Boulevard approach to the Bundy Drive (east) intersection exhibits two through lanes and a right-turn only lane; the approach configurations along westbound San Vicente Boulevard exhibit similar conditions, with the approach at Bundy Drive (west) providing one left-turn lane and two through lanes, while at Bundy Drive (east), two through lanes and a right-turn only lane are provided. If these two intersections were to be treated as a single intersection, the San Vicente Boulevard approaches would either have to be assumed to provide one left-turn lane and two through lanes (with the outer lane also allowing right-turns), or the approaches would have to be assumed to provide a left-turn lane, two through lanes, and a right-turn lane. The first scenario understates the capacity of the operations of the "downstream" Bundy Drive intersection by eliminating the exclusive right-turn lane. The second scenario overstates the capacity of the intersection because it assumes that the right-turning vehicles have their own approach lane at the "upstream" intersection, which is not the case. (For clarification, "upstream" refers to the first intersection encountered in the subject direction of travel, for example, Bundy Drive (east) when traveling westbound on San Vicente Boulevard, while "downstream" refers to the second intersection, or Bundy Drive (west) in the cited example.) As such, it is appropriate to evaluate the operations of these intersections separately in order to accurately identify not only the correct capacity but specific operations of each location.

Additionally, “through” traffic continuing either northbound or southbound on Bundy Drive through this location is provided with a ‘right-turn on red’ green arrow (identified as “right-turn overlap” in the CMA calculation worksheets contained in the appendix of the project traffic study in Appendix K-1 of the Draft EIR) at the downstream intersection in each direction from the exclusive right-turn only lanes, allowing such traffic to continue travel without stopping. This factor decreases congestion on both Bundy Drive and San Vicente Boulevard by essentially providing a “through” move for Bundy Drive traffic even though the two intersections are offset by approximately 150 feet. This operation could not be accurately “modeled” if the location were assumed to operate as a single intersection.

It is also of note that due to the offset configuration of the intersection, the northbound and southbound left turns do not conflict with the “through” moves, and left-turning traffic at the upstream intersection that does not turn right at the downstream intersection (representing traffic traveling on Bundy Drive that wishes to continue on San Vicente Boulevard) is stopped at the downstream location in order to allow the northbound/southbound “through” traffic to continue throughout the applicable signal phase. However, an examination of the CMA calculation worksheets contained in the appendix of the traffic study (Appendix K-1 of the Draft EIR) indicates that contrary to the commenter’s statement, the Bundy Drive left-turns for both intersections – the southbound approach at San Vicente Boulevard and Bundy Drive (west), and the northbound approach at San Vicente Boulevard and Bundy Drive (east) – are identified as the “critical lanes” (or exhibit volumes identical to the critical lane) for these approaches, and are therefore not “left out” of the analyses, but rather contribute directly to the calculation of the CMA value and associated LOS at both intersections.

It should also be noted that the Draft EIR (Table IV.L-11) identifies a significant impact during the PM peak hour at both intersections, and is therefore not “avoiding” potential significant project impacts due to the treatment of this location as two separate intersections.

As described in detail beginning on page IV.L-9 of the Draft EIR, the capacities of several of the study intersections, including San Vicente Boulevard and Bundy Drive, were adjusted (reduced) to account for observed congestion at the intersections which slows traffic progression through these locations. The adjustments vary by location, based on differences between the “baseline” CMA calculated level of service and the observed operations of that intersection. These adjustments therefore decrease the theoretical capacity of the subject intersections and produce a higher CMA value and associated LOS condition than would otherwise be identified without such adjustments, and therefore present a conservative analysis of the operations of these locations. It is also of note that the assumed reductions in capacity produce higher incremental impacts due to the project at these intersections as compared with the “typical” intersection capacities. The assumed intersection capacity adjustment methodology is consistent with LADOT traffic study methodologies, and the individual intersection adjustment factors were reviewed and considered to be appropriate by LADOT.

#### **Comment No. 4-57**

4. The estimation of net trips generated by the project is understated because assumptions for the existing traffic use differ from those of the proposed project. The analysis takes a 10% walk-in/pedestrian

discount for the project restaurant while stating that the existing restaurant use has only a 5% discount (see page IV-L.25). Similarly, the pass-by discounts have been inconsistently applied. The DEIR correctly (per LADOT Traffic Study Policies and Procedures, Attachment H (December 2010)) applies a 40% pass-by discount to retail for the proposed project, but varying discounts are applied to the separated parts of the existing project. The attached Exhibit 1 is an analysis of what the conclusions would be if more consistent discounts were applied to the existing and proposed projects. Applying more consistent assumptions would increase the net daily trips by 260 trips (or 17.9%). Similar results could be extrapolated to the peak hour analyses.

#### **Response to Comment No. 4-57**

This comment is addressed previously in Response to Comment 4-7. No further responses to this comment are necessary.

#### **Comment No. 4-58**

5. The assumed trip distribution from the east (10%) is significantly lower than assumed from the west (30%). This unequal distribution effects the conclusions regarding the need for mitigating return trips from the project driveway to the east and the need for a proposed break in the San Vicente Boulevard median (see Figure IV.L.3).

#### **Response to Comment No. 4-58**

This comment is addressed previously in Response to Comment 4-8. No further responses to this comment are necessary.

#### **Comment No. 4-59**

Table IV-L.12 of the DEIR is a presentation of future conditions without ATCS leaves out intersection #7 – Montana/Bundy. The reader is unable to conclude what the effect the erroneous assumption of ATCS has on this impacted intersection.

#### **Response to Comment No. 4-59**

As noted on page IV.L-44 of the Draft EIR, many of the study intersections located within the City of Los Angeles are currently equipped with both ATSAC and the subject ATCS upgrades, including the intersection of Montana Avenue and Bundy Drive (along with Sunset Boulevard and Kenter Avenue, Montana Avenue and Barrington Avenue, Wilshire Boulevard and Bundy Drive, Wilshire Boulevard and Barrington Avenue, and Wilshire Boulevard and San Vicente Boulevard/Federal Avenue), while the intersection of San Vicente Boulevard and 26<sup>th</sup> Street is within the City of Santa Monica, which does not exhibit either ATSAC or ATCS coordination. As a result, these intersections are not affected by the assumed future installation of ATCS, and the operations of these intersections would not change from the conditions shown in Table IV.L-20 if ATCS were not installed. As noted in the Draft EIR, Table IV.L-12 lists only those locations where ATCS is not currently implemented.

**Comment No. 4-60**

7. The parking analysis understates the need for parking. While the trip generation acknowledged the proposal to have a significant patio service for restaurant (see page IV-L.25), the parking generation does not (see page IV-L.51). Further, the assessment of parking needs for the ancillary storage (7,000 square feet) as a separate use ignores this as an integral part of the other related uses in the project. The conclusion that the project will provide approximately 103 parking spaces in excess of the City parking code is misleading. While the City municipal code and specific plan requirements may be appropriate metric there is evidence that those requirements may not be realistic or adequate. The parking concerns expressed in the Brentwood Homeowners Association scoping comments refer specifically to a recently proposed close-by 3,000 square foot restaurant relying on all off-site parking and needing a valet service (Letter to David J. Sommers, May 13, 2010, page 3). Further evidence of parking impacts is the multitude of parking restrictions on the adjacent residential community (see attached photos). The public and decision makers should be apprised of a more independent assessment of parking need, such as included in the ITE's Parking Generation reports.

**Response to Comment No. 4-60**

This comment is addressed previously in Response to Comment 4-17. No further responses to this comment are necessary.

**Comment No. 4-61**

8. The analysis of residential street impacts appears inadequate and also to be in violation of the Sunnyvale court decision. The analysis utilizes future traffic volumes to determine thresholds of significance and impacts while ignoring a discussion of the existing environmental setting. There is no discussion of the extremely substandard roadway width of parts of Saltair Avenue, which, in the presence of parked cars on either side of the street, restricts traffic flow to one single lane of traffic. There is substantial evidence of existing impact as evidenced by, for example, the attached pictures of parking and congestion impact on the adjacent Saltair Avenue, (see attached photos).

**Response to Comment No. 4-61**

This comment is addressed previously in Responses to Comments 4-6 and 4-10. No further responses to this comment are necessary.

**Comment No. 4-62**

9. Because of the parking impacts on Saltair Avenue, Westgate Avenue and other residential streets as well, the construction staging and need to prohibit project construction traffic and parking on local residential streets has been noted and requested in the project scoping letters.

**Response to Comment No. 4-62**

This comment is addressed previously in Responses to Comments 4-19 through 4-21. No further responses to this comment are necessary.

**Comment No. 4-63**

10. The analysis of residential street impact specifically to Saltair Avenue appears to be understated. The analysis assumes that none of the inbound trips would use Saltair Avenue (see page IV-L.85). The residential trips, a house on Saltair, would not be subject to this assumption and it is likely that the majority of the 5% locally generated traffic assigned to that neighborhood might use Saltair inbound as well.

**Response to Comment No. 4-63**

This comment is addressed previously in Response to Comment 4-9. Additionally, the trips generated by the proposed residential component of the project (1 single-family house) are included in the net project trips assumed to utilize Saltair Avenue. It is of note that the proposed project will replace 2 existing houses with a single house, thereby resulting in a slight reduction in traffic (9 net daily trips, including 1 outbound trip during the AM peak hour, and 1 inbound trip during the PM peak hour) along Saltair Avenue.

**Comment No. 4-64**

11. The existence of a licensed pre-school on Saltair Avenue, just north of the proposed project increases the concerns regarding traffic impacts on Saltair Avenue. The DEIR does not discuss the conflicts of project peak hour trips with the loading and unloading of school children proximate to the project site. The existence of the pre-school adds to the Community's concerns for construction staging impact mitigation on Saltair Avenue, Westgate Avenue and on residential streets in general.

**Response to Comment No. 4-64**

This comment is addressed previously in Responses to Comments 4-9, 4-10, 4-19, and 4-20. No further responses to this comment are necessary.

**Comment No. 4-65**

12. The proposed traffic signal for the exit driveway (at the south/east corner of the project) is likely to have traffic circulation impacts. The need for this driveway and signal is described as a project feature. Immediately south/east of the proposed project driveway there is evidence of significant driveway conflict (CVS and Bank of America/Soup Plantation driveways) affecting the flow on San Vicente Boulevard (see attached pictures). These congestion effects would be exacerbated by the new traffic signal, which would be placed at a less than ideal spacing to the existing traffic signals and would have a negative impact on the existing adjacent tow-way driveway for the CVS parking lot. Further, there is substantial pedestrian traffic on to the sidewalk crossing the new driveway. The congestion and

pedestrian safety impacts of an unusual and unexpected mid-block traffic signal should be included in the DEIR. Given the observations expressed, both in scoping letters and in the DEIR regarding the queuing effects on congestion of nearby intersections, a traffic simulation model might be required to properly evaluate the projected impacts.

#### **Response to Comment No. 4-65**

This comment is addressed previously in Responses to Comments 4-11, 4-12, 4-13, and 4-26. Additionally, contrary to the commenter's statement, the proposed signalization of the project's exit-only driveway is located nearly equidistant from the existing traffic signals at San Vicente Boulevard and Bundy Drive (east) (approximately 690 feet) and at San Vicente Boulevard and Montana Avenue (512 feet), and therefore present an appropriate location for a new signal. The signalization of the project's driveway is not "...an unusual [or] unexpected..." condition, as there are a number of signalized mid-block driveway locations throughout the region, with the most notable nearby examples being the Pico Boulevard parking entrance to the western portion of the Westside Pavilion, and the Broadway entrance to the Santa Monica Place parking garage, both of which utilize traffic signals to control both pedestrian and vehicular traffic. It is also of note that such signalized driveways provide "walk/don't walk" indications for pedestrians crossing the driveways, warning pedestrians when vehicles are about to receive the "green light" to enter or exit the driveways, and thereby increasing pedestrian safety at these locations. Additional measures such as "pedestrian approaching" warnings for vehicles exiting the driveway (similar to measures installed at various parking garage exits in Century City and downtown Los Angeles) could also be implemented to further minimize potential pedestrian and vehicular conflicts. It should be noted that the entire stretch of San Vicente Boulevard through the Brentwood community exhibits a number of uncontrolled driveways, including the Bank of America and CVS Pharmacy driveways noted by the commenter in photos attached to the comments. Those photos show relatively few pedestrians, but the one photograph that does indicate pedestrian activity clearly notes that the exiting vehicle (at the CVS Pharmacy westerly driveway) is, as noted by the commenter, "...waiting for pedestrians to pass by..." The proposed project driveways are not expected to present any unique pedestrian/vehicular conflicts, and as described above, the proposed signalized driveway would actually reduce such conflicts. As such, no significant pedestrian safety issues are anticipated.

#### **Comment No. 4-66**

13. The traffic analysis did not include the intersection of Saltair Avenue and San Vicente Boulevard as a possible impacted intersection. The fact that the DEIR contains significant discussion about the potential signalization of this congested intersection acknowledges the scoping concerns expressed in the Brentwood Homeowners Association in its scoping comments listing San Vicente Boulevard/Saltair as an intersection of concern (Letter to David J. Somers, May 13, 2010, page 4), yet there is no analysis of the project's potential impacts on the intersection.

#### **Response to Comment No. 4-66**

This comment is addressed previously in Response to Comment 4-15. No further responses to this comment are necessary.

**Comment No. 4-67**

14. The evaluation of the need for a traffic signal at Saltair Avenue and San Vicente Boulevard is flawed in that it implies that none of the project generated traffic would make U-turns at this intersection to make the return trip to the east. (see Figure IV-L.21/22). Instead, the analysis assumes that project traffic would use the traffic signal at the project driveway or at a new U-turn bay southeasterly of Saltair Avenue. The reader cannot verify the amount of assumed project U-turns at Saltair if these improvements are not implemented (per alternatives 2 or 2a).

**Response to Comment No. 4-67**

The traffic signal warrant analyses prepared for the intersection of San Vicente Boulevard and Saltair Avenue evaluated “With Project” conditions at this intersection prior to the potential implementation of any of the conceptual San Vicente Boulevard median island u-turn lane modifications. The commenter’s statement that “...project traffic would use the traffic signal at the project driveway or [the] new u-turn lane...” is incorrect. In fact, a substantial amount of the project’s traffic was assumed to travel through this intersection. As shown in referenced Figures IV.L-21 and IV.L-22, during the AM peak hour, all 52 of the project’s outbound trips and 23 of the total 59 inbound project trips would travel through this intersection, while during the PM peak hour, all 204 outbound project trips and 91 of the total 234 inbound project trips would travel through this location. These values accurately represent the project trips assumed in the analysis of the signalized study intersections, as shown in Figures IV.L-5 and IV.L-6.

It should be noted that the project traffic study does not assign any project-generated trips to the westbound-to-eastbound u-turn move at San Vicente Boulevard and Saltair Avenue. However, this assumption was included in the traffic study in order to maximize the amount of project traffic traveling through the signalized intersections of San Vicente Boulevard and Bundy Drive, Bundy Drive and Montana Avenue, and San Vicente Boulevard and Montana Avenue, as shown in Figure IV.L-5 and IV.L-6, therefore providing a conservative analysis of the potential project impacts to these locations. This assumption does not minimize the effects of the proposed project on the intersection of San Vicente Boulevard and Saltair Avenue with regard to the signal warrant analysis, which is primarily based on total traffic volumes through the intersection (regardless of the specific move). Further, as described in the Draft EIR, the signal warrant analyses for this intersection indicate that it would meet the technical warrants for installation of a new signal, although no signal is recommended due to the reasons detailed in the Draft EIR. See also Response to Comment 4-15.

**Comment No. 4-68**

15. There does not appear to be sufficient distance for exiting project traffic to weave across two lanes of traffic on San Vicente Boulevard to utilize the alternative U-turn described as Alternative 1.

**Response to Comment No. 4-68**

The design of the San Vicente Boulevard median island u-turn lane referenced by the commenter (Concept 1, as well as Concept 1a) also includes the signalization of the project’s exit-only driveway (as

shown in the plans in Appendix K-2 of the Draft EIR). As described in the Draft EIR and project traffic study (pages IV.L-96 and page 89, respectively), the proposed signal at the project's exit-only driveway "...will permit project traffic to utilize the proposed new u-turn lane without having to attempt an unaided crossing of both a parking lane and two lanes of westbound San Vicente Boulevard traffic." Other median island u-turn concepts identified in Appendix K-2 of the Draft EIR provide sufficient distance between the u-turn lane and the project's exit-only driveway (Concepts 2 and 2a), or provide direct signalized access across the median island opposite the project driveway (Concepts 3 and 4).

#### **Comment No. 4-69**

16. The proposed driveway configuration (inbound at the west side of the project and outbound at the east side of the project) appears to be a reasonable proposal considering the level of blockage on San Vicente Boulevard and Saltair Avenue. To minimize the project impacts, the inbound and outbound driveways should be wide enough for at least two cars of traffic in the event that parking ticket gates are to be utilized. The project PM peak hour traffic at this driveway will be an estimated 278 vehicle per hour inbound and 285 vehicles per hour outbound, while the nominal capacity of a coin operated gate is approximately 175 vehicles per hour (see LADOT Manual of Policies and Procedures, Section 321 – Driveway Policies, Appendix A, page 8).

#### **Response to Comment No. 4-69**

The commenter's support for the proposed project driveway operation scheme (entry-only driveway at the western end of the site and exit-only driveway at the eastern end of the site) is acknowledged and is provided to the decision-makers for their consideration. Regarding the comment discussing the number of driveway lanes, as indicated on page IV.L-52 of the Draft EIR, "...although both the internal site entry and exit drive aisles connecting the driveways to the on-site parking lot are wide enough to accommodate two lanes...it is recommended that both of the drive aisles be limited, through pavement striping or signage, to a single travel lane for safety and operational purposes." However, it is possible to provide two lanes on both the entry and exit driveways at or near the project parking lot itself (at the northern ends of both driveways) in order to improve access efficiency and/or provide for an alternative access lane in the event of temporary blockage or failure of one of the driveway gates.

#### **Comment No. 4-70**

17. The DEIR does not address an alternative significant congestion relief measure that could create a third west-bound lane on San Vicente Boulevard. This could be accomplished by parking restrictions that would limit parking to loading/unloading during non-peak times and a prohibition for any parking during the PM peak hour. Or, if the need to retain on-street parking is deemed too important, then the development could provide a third west-bound lane by setting back the building line another ten feet and setting back the curblin another ten feet (preserving the sidewalk width) along the project frontage. This improvement would relieve anticipated congestion issues in front of the building and better serve the ingress/egress.

**Response to Comment No. 4-70**

This comment is addressed previously in Response to Comment 4-14. No further responses to this comment are necessary.

**Comment No. 4-71**

Repeating my overall conclusion regarding the DEIR, the DEIR is inadequate due to a number of inconsistencies in the analysis. I would recommend that all of the above-mentioned issues be addressed in the final EIR.

**Response to Comment No. 4-71**

All of the comments have been addressed above. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. No further responses to this comment are necessary.

**LETTER NO. 5**

Marilyn Krell  
South Brentwood Residents Association  
149 South Barrington Ave. #104  
Los Angeles, CA 90049

**Comment No. 5-1**

I am writing on behalf of the South Brentwood Residents Association (SBRA). SBRA represents approximately 3,000 home-owners and renters who reside in the area south of San Vicente Blvd., north of Wilshire Blvd., east of Centinela Avenue and west of Federal Avenue. Additionally, SBRA represents the interests of all residents living in multi-family dwellings throughout the Brentwood community.

Because SBRA includes the residential areas immediately south of San Vicente, our neighborhood is strongly impacted by the project design, and we are particularly concerned about traffic and pedestrian safety.

We have reviewed the letter prepared by the Brentwood Community Council and agree with its issues and recommendations. In particular, we believe that the DEIR is insufficient in the following areas:

**Response to Comment No. 5-1**

The comment provides general introductory information about the South Brentwood Residents Association. Responses to the specific comments that are mentioned in this introduction are provided in Responses to Comments 5-2 through 5-8, below.

**Comment No. 5-2**

The DEIR understates the impact on traffic in the area because it only takes into account the impact on signalized intersections. [In determining the number of intersections that are significantly impacted, the DEIR ignores the intersection of San Vicente and Saltair, which does not have a signal. It also ignores the magnitude of the increased traffic on San Vicente that results when all cars entering the project are required to drive all the way to the west driveway in order to enter the project, and then again to drive from the east driveway to the west end of the building when exiting the project. *The DEIR needs to take into account the impact on San Vicente and at Saltair in order to design the project in a way that minimizes traffic in the area.* It is not sufficient to accept that the project will significantly impact four intersections that cannot be mitigated (plus non-significant impacts at six other intersections that were studied) without considering all alternatives that might reduce or eliminate the potential traffic problems caused by the project. The DEIR is deficient unless it incorporates recommendations that its traffic expert makes that benefit the community and improve traffic in the area, even if the benefits do not, by the City's guidelines, mitigate impacts to a level of insignificance.

**Response to Comment No. 5-2**

The comment that "...the Draft EIR ignores the intersection of San Vicente and Saltair..." is addressed previously in Response to Comment 4-15. The comment regarding impacts to San Vicente Boulevard resulting from the proposed project driveway design and operations is addressed previously in Responses to Comments 4-11, 4-12, 4-13, and 4-26. The comment regarding project traffic mitigation is addressed previously in Responses to Comments 4-14, 4-16, and 4-45. No further responses to this comment are necessary.

**Comment No. 5-3**

The DEIR includes several "concepts" that include cuts to the median in order to allow people exiting the project to make left turns into and out of the project, plus U-turns on San Vicente more easily. The DEIR points out that not only could these cuts decrease the impact of traffic from the project, but they might also allow people exiting the buildings immediately to the east of the project to make V-turns more easily, thus reducing traffic in the area. *The DEIR is insufficient because it does not fully analyze the environmental impacts and potential benefits from these concepts. We believe that concept #4 in particular might reduce the impact of traffic from implementing the project. Therefore, it should be studied as part of the DEIR in order to determine whether it might mitigate traffic beyond what is shown in the current DEIR.*

**Response to Comment No. 5-3**

This comment is addressed previously in Responses to Comments 4-16, 4-44, and 4-45. No further responses to this comment are necessary.

**Comment No. 5-4**

The DEIR is not sufficient because it considers a "full service" driveway (one that allows both entry and exit from the same driveway) only in concept #4. This concept is not fully analyzed as part of the DEIR. The potential reduction in traffic by including a full service driveway to the east should be studied in any alternative that is proposed for the project, as having this "full service" driveway may mitigate the traffic problems caused by requiring all cars to drive the full length of the project both on entry and exit.

**Response to Comment No. 5-4**

This comment is addressed previously in Response to Comment 4-16. No further responses to this comment are necessary.

**Comment No. 5-5**

The DEIR is insufficient because it neglects to consider the hazards for pedestrians in a "Hazards" section. This is a serious omission that must be remedied in any future EIRs for the project. Currently, Pedestrians are unable to legally cross San Vicente between Saltair and Montana, and many, many pedestrians jaywalk. Saltair is also not a safe crossing, as it lacks a crosswalk. Adding in a project with

three new restaurants and a lot of retail space encourages many more pedestrians to cross San Vicente to access the project, thus significantly increasing the hazards to pedestrians. The traffic section of the DEIR assumes that 10% of the restaurant trips are pedestrians, which appears to be based on city-wide averages which are likely to understate the walk-in traffic in a commercial district such as San Vicente. Therefore, *the DEIR is insufficient in that it does not take into account hazards to pedestrians in its analysis. It also needs to study whether including a cut in the median which could incorporate sidewalks and crosswalks for pedestrians could reduce this hazard.*

#### **Response to Comment No. 5-5**

This comment is addressed previously in Responses to Comments 4-26 and 4-65. No further responses to this comment are necessary.

#### **Comment No. 5-6**

Table IV.L-18, which analyzes the concepts 3 and 4 (cuts in the median at the eastern driveway) incorrectly states that the concepts would cause degradation in PM peak traffic at Montana and San Vicente instead of an improvement. Based on the numbers provided, it should show -0.065 (improvement), not +0.065 (degradation).

#### **Response to Comment No. 5-6**

The commenter is correct. The value shown in the “Improvement (-)/Degradation (+)” column of Table IV.L-18 of the Draft EIR for the PM peak hour at the intersection of Montana Avenue and San Vicente Boulevard should read “-0.065” rather than “+0.065”, reflecting improvement in the operations of this intersection due to implementation of Concept 3 or Concept 4. However, this is a typographical error in the table only, and does not change the results of the analyses or conclusions regarding the effectiveness of these measures, as summarized on pages IV.L-97 and IV.L-98 of the Draft EIR.

#### **Comment No. 5-7**

The DEIR is insufficient because it does not consider the traffic impact mitigation improvement that would result from restricting parking during PM peak hours on the north side of San Vicente from the eastern driveway to Bundy.

#### **Response to Comment No. 5-7**

This comment is addressed previously in Response to Comment 4-14. No further responses to this comment are necessary.

#### **Comment No. 5-8**

The DEIR is insufficient because it did not incorporate the impact of a new traffic signal at the project exit on westbound PM peak traffic congestion and delay, and on pedestrians crossing the entrance and exit driveways

**Response to Comment No. 5-8**

This comment is addressed previously in Responses to Comments 4-13 and 4-65. No further responses to this comment are necessary.

**Comment No. 5-9**

Thank you for addressing our concerns. SBRA is supportive of creating local serving neighborhood projects such as this one whose retail and restaurant space will be a benefit to South Brentwood residents. However, we want to ensure that new projects are implemented in ways that minimize traffic increases in this often congested area, and new projects do not increase danger to pedestrians. As such, each of the preceding deficiencies in the DEIR must be addressed. Without adequate assessment, the City will not be able to determine whether project conditions can be designed and implemented that will mitigate project impacts, and unless the Draft Environmental Impact Report ("DEIR") is modified to study and describe each of the following items, the City cannot legally determine whether the project should be approved as proposed

**Response to Comment No. 5-9**

The comment provides general concluding information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

## **LETTER NO. 6**

Nancy Freedman, Chair  
Brentwood Community Council  
149 South Barrington Ave  
Box 194  
Los Angeles, CA 90049

### **Comment No. 6-1**

Please file the attached letter of comments by the Brentwood Community Council on the Green Hollow Square Project.

### **Response to Comment No. 6-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 6-2**

The Brentwood Community Council (“BCC”) is the broadest based Brentwood community organization. The BCC has 25 seats, including 14 from homeowner groups, 1 multi-family, 2 members-at-large, and 8 from organizations including public and private schools, religious, public safety, volunteer, environmental, and business districts. The stakeholders of all these organizations would realize significant adverse environmental impacts from the proposed project.

Each of the following deficiencies in the DEIR must be addressed. Without adequate assessment, the City will not be able to determine whether project conditions can be designed and implemented that will mitigate project impacts. Unless the Draft Environmental Impact Report (“DEIR”) is modified to study and describe each of the following items, the City cannot legally determine whether the project should be approved as proposed.

### **Response to Comment No. 6-2**

The comment introduces the Brentwood Community Council and states that specific comments follow. Each specific comment is responded to, below.

### **Comment No. 6-3**

#### **Traffic Impact Analysis Report**

The Traffic Impact Analysis [Appendix K-1] is inadequate and deficient because it does not study or disclose:

1. The traffic and transportation issues discussed above under Reduced Project Alternative 2.

**Response to Comment No. 6-3**

The potential traffic impacts of all project alternatives, including the “25% Reduced Project Alternative (Alternative 2)” referenced by the commenter, are summarized in Appendix K-2 of the Draft EIR. These analyses also include the effects of each of the potential San Vicente Boulevard median island u-turn concepts. The summary indicates that the 25% Reduced Project Alternative would eliminate the impact at San Vicente Boulevard and Barrington Avenue that occurs due to the proposed project, and would reduce the impacts at the 3 other significantly impacted locations, but not to less than significant levels.

**Comment No. 6-4**

2. The difference in the actual number of daily trips at all the intersections studied, and the difference in time delay between (a) San Vicente and 26th, and (b) San Vicente and Wilshire, in each direction, for the proposed project.

**Response to Comment No. 6-4**

Neither increases in daily traffic nor difference in travel time are used as parameters for evaluating the “significance” of the potential traffic-related impacts of the proposed project on signalized intersections by LADOT, nor by any other jurisdiction in Southern California. Daily traffic increases *are* used to evaluate potential project impacts to local/residential streets such as Saltair Avenue, and this data and the results of the analyses are contained in the Draft EIR beginning on page IV.L-83.

**Comment No. 6-5**

3. The traffic impact mitigation improvement that would result from restricting parking during PM peak hours on the north side of San Vicente from, at least, the proposed project exit to Bundy, and the impact of such a traffic mitigation on adjacent businesses.

**Response to Comment No. 6-5**

The comment is addressed previously in Response to Comment 4-14. No further responses to this comment are necessary.

**Comment No. 6-6**

4. The potential area roadway improvement of a new left/U-turn lane within the median opposite the proposed project for eastbound San Vicente traffic and, in particular, the impact it would have on the left/U-turn pocket at San Vicente and Montana for eastbound traffic. Only such a left/U-turn lane for westbound traffic is discussed on page 5 of Appendix K-1.

**Response to Comment No. 6-6**

The reference to “page 5 of Appendix K-1” is unclear. However, the provision of an eastbound San Vicente Boulevard left-turn lane opposite the project site is evaluated as “Concept 3” in the Draft EIR (beginning on page IV.L-92) and the results are summarized in Table IV.L-18, as well as in the table on page 5 of Appendix K-2.

**Comment No. 6-7**

5. Why the potential roadway improvements that the Traffic Impact Analysis [page v] states “would improve overall traffic flow along westbound San Vicente Boulevard, and provide improved local accessibility for both the project site and for other nearby businesses”, are not part of the discretionary approvals requested for the proposed project. The same deficiency is true for eastbound traffic.

**Response to Comment No. 6-7**

The comment is addressed previously in Responses to Comments 4-43 and 4-45. As such, no further responses to this comment are necessary.

**Comment No. 6-8**

6. Why the project applicant has omitted project design features that its traffic expert states in the DEIR would mitigate traffic by improving overall traffic flow in the community (albeit not mitigate impacts to a level of insignificance), including the “Optional Project Design Features” on page II- 33 of the DEIR and, in particular, Concepts 3 and 4 favored by the BCC Land Use Committee. The exact extent of mitigation of existing overall traffic, and mitigation of impacts from estimated proposed project traffic, from implementing either Concept 3 or 4 should be disclosed, as well as impacts on the protected median and Coral trees, for the benefit of decision makers and the community, even if not required by LADOT.

**Response to Comment No. 6-8**

The comment regarding traffic is addressed previously in Responses to Comments 4-16, 4-44, and 4-45. Further, the impacts to coral trees are addressed previously in Response to Comment 4-43. Therefore, no further responses to this comment are necessary.

**Comment No. 6-9**

7. The nature and degree of mitigation of project impacts on the Saltair/San Vicente intersection and on local/residential roadways from implementing each of the “Optional Project Design Features” on page II- 33.

**Response to Comment No. 6-9**

The effects on the intersection of San Vicente Boulevard and Saltair Avenue from implementation of the conceptual median island u-turn proposals is discussed beginning on page IV.L-92 in the Draft EIR.

None of the identified concepts is anticipated to change the amount of traffic (either project-related or non-project traffic) on any of the local/residential streets in the project vicinity, and therefore, these concepts would have no effect on the local/residential street impact analyses provided in the Draft EIR.

**Comment No. 6-10**

8. The impacts of a new traffic signal at the project exit on westbound PM peak traffic congestion and delay, and the impacts of such a signal on pedestrians crossing the entrance and exit driveways of the project where they intersect with the sidewalk, and the impacts of such a signal on Concepts 3 and 4 .

**Response to Comment No. 6-10**

This comment is addressed previously in Responses to Comments 4-11, 4-12, 4-13, 4-65, and 4-68. Additionally, as shown in Appendix K-2 of the Draft EIR, both Concept 3 and Concept 4 include signalization of the project's exit driveway, and as such, its effects are included in the analyses of these concepts. No further analyses are necessary.

**Comment No. 6-11**

9. The impacts, generally, on pedestrians, particularly the impacts from pedestrians jay-walking across San Vicente, which already occurs, and crossing San Vicente at Saltair where there is no crosswalk. The DEIR is deficient with respect to describing impacts on pedestrian safety from a traffic signal and/or median cut at the east end of the proposed project.

**Response to Comment No. 6-11**

The comment is addressed previously in Responses to Comments 4-26 and 4-65. No further responses to this comment are necessary.

**Comment No. 6-12**

**LADOT Letter dated 10/4/2010**

The LADOT letter, dated 10/4/2010 to Planning (Appendix K-3) states:

“Therefore, if the development of an alternative land-use configuration that would remove the potential traffic impacts projected to occur under the current project proposal is not possible, then it is DOT's recommendation that the applicant be required to provide equitable mitigation to the impacts identified above, in the form of a “voluntary improvements package” that will serve to support other regional and sub-regional projects in the area surrounding the project site, including consideration of additional access to eastbound San Vicente Boulevard, as identified in the traffic study report.”

The DEIR is deficient without a detailed description of the voluntary improvements package referred to by DOT, and a detailed description of the “additional access to eastbound San Vicente” referred to by DOT.

**Response to Comment No. 6-12**

The “voluntary improvements package” referred to in the LADOT letter, including the “additional access to eastbound San Vicente Boulevard”, refers to implementation of one of the 6 median island u-turn lane concepts identified in the Draft EIR, or similar improvements designed to the satisfaction of the Department, or in lieu of these measures, a “fair share” contribution toward future transportation improvements as identified in the West Los Angeles Specific Plan Update Nexus Study.

**Comment No. 6-13**

The DEIR is deficient without a disclosure of the details of the “construction work site traffic control plan” and “Transportation Demand Management Plan” referred to in the DOT letter.

**Response to Comment No. 6-13**

The preparation of a construction worksite traffic control plan is typically prepared following approval of a project, to be submitted for review and approval by LADOT prior to issuance of any construction permits for the project. This timeline allows for the necessary details, phasings, and durations of the project’s construction activity to be identified, so that appropriate traffic controls (including temporary lane closures and/or roadway striping and signage) can be designed, and will be included as a condition of approval for the project. Requirement of this plan prior to issuance of construction permits is a standard condition of projects located within the City of Los Angeles. Similarly, the preparation of a Transportation Demand Management (“TDM”) plan, as identified in Section 4.G of the West Los Angeles Transportation Improvement and Management Specific Plan (“WLA TIMP”) and referenced in the LADOT letter, is also typically required prior to the issuance of a project building permit, and will be included as a condition of approval for the project, ensuring that the project cannot be constructed without such a plan. However, it is of note that the project does not rely upon any TDM-related trip reductions as traffic impact mitigation, and inclusion of this condition is a standard condition of approval for projects within the City of Los Angeles per Ordinance 168,700.

**Comment No. 6-14**

The DEIR is deficient without an explanation of why the intersection at Sunset and Barrington is not listed in the DOT letter as a significantly impacted intersection by the project in view of that intersection on Attachment B to the DOT letter going from a LOS E at PM peak without the project to a LOS F with the project.

**Response to Comment No. 6-14**

As identified in LADOT’s current Traffic Study Policies and Procedures (December 2010), and summarized in Table IV.L-4 of the Draft EIR, “significant” traffic impacts are deemed to occur if the intersection CMA value increases due to project-related traffic by 0.010 or more and the final (“With Project”) intersection Level of Service is LOS E or F, by 0.020 or more when the final Level of Service is LOS D, or by 0.040 or more at LOS C, with no significant impacts are deemed to occur at LOS A or B.

As shown in Table IV.L-11 (and Table IV.L-12), the project's anticipated incremental impact during the PM peak hour at the intersection of Sunset Boulevard and Barrington Avenue is +0.008, with a final "With Project" level of service of LOS F. Therefore, despite a change in forecast intersection operations from high LOS E (CMA = 0.998) to low LOS F (CMA = 1.006), the incremental project-specific CMA increases are less than the applicable +0.010 CMA increase threshold, and are therefore not considered to be significant. Note that as shown in Table IV.L-12, which identifies the intersection levels of service and project-related impacts assuming that the programmed future implementation of the ATCS signal coordination upgrades are not implemented in the study area, including at the subject location, the forecast future "Without Project" operations for the intersection are identified at LOS F, and as such, the project would not result in a change in level of service. The incremental project would continue to remain at +0.008, and would still not be significant.

### **Comment No. 6-15**

#### **Conditional Use Permit to Permit Sale of Alcohol**

The DEIR lists on page II-47 one of the discretionary actions and approvals as "Conditional Use Permit pursuant to Section 12.24.W.1 of LAMC to permit on-site and off-site sales of alcoholic beverages at three restaurants and a boutique wine/liquor store". The DEIR describes the proposed project as including 6,800 sq ft of restaurant space and 3,700 sq ft of outdoor dining area.

The DEIR is inadequate and deficient because it does not study or disclose the traffic and noise impacts of the "blanket" CUB requested, or the restaurant details necessary to assess the impacts, in particular:

### **Response to Comment No. 6-15**

The Department of City Planning has an established "Master Conditional Use Permit" process which enables the consideration of multiple permits for alcohol sales for individual operators within a multi-tenant development. This process allows applicants to file for a Master CUB when tenant-operators of individual alcohol establishments within a development project are not known and, thus, the establishment details are not known. In such cases, a determination granting approval of such request must include a requirement for Plan Approval for the individual tenant spaces, pursuant to LAMC Section 12.24-M. Through both the Master CUB and Plan Approval processes, the Department of City Planning may impose any conditions necessary to assure that the establishments operate in a manner consistent with the required findings and adopted environmental analysis.

In regard to traffic impacts in particular, none would result from the CUB request in and of itself. The project traffic study conservatively assumed that the restaurants would be "high-turnover sit-down restaurants", which is the most traffic-intensive restaurant use. Further, this is the procedure utilized by LADOT for projects throughout the City, and is compatible with best engineering practices for estimating potential project trip generation and its associated impacts.

In regard to noise, the specific concerns of the commenter are addressed in the responses below (see Responses to Comments 6-16 through 6-23).

**Comment No. 6-16**

1. The location of each indoor and outdoor dining area, including its proximity to adjacent residences and noise impacts on those residences.

**Response to Comment No. 6-16**

Noise impacts with respect to the proposed outdoor dining locations are discussed on pages IV.I-28 and IV.I-29 of the Draft EIR. As concluded on page IV.I-29, impacts with respect to outdoor dining would be less than significant.

**Comment No. 6-17**

2. Whether alcohol will be sold in the outdoor dining area and, if so, until what hour in the evening, which is relevant to noise impacts.

**Response to Comment No. 6-17**

The applicant has requested that alcohol sales/service be allowed in the outdoor dining areas. Although specific tenants have not been identified, the applicant has requested that the hours of operation for the restaurants be permitted until 2:00 AM. Both the Department of City Planning, through the Master CUB and Plan Approval processes, and California Department of Alcoholic Beverage Control will have the opportunity to review the request and impose conditions of approval as deemed necessary to address any appropriate concerns. Noise impacts with respect to the outdoor dining areas are discussed in Response to Comment 6-16.

**Comment No. 6-18**

3. Whether parking for patrons and employees of late evening restaurants will be required to be subterranean which would mitigate noise impacts.

**Response to Comment No. 6-18**

The applicant is not proposing that parking for the patrons and employees of the restaurants be restricted to subterranean. Typically, projects such as this have employees park in a subterranean level so that the more convenient parking is more available for patrons. Patrons, however, may park either in the surface parking lot or in the subterranean level. Valet parking is also anticipated to be provided at the southern edge of the surface parking lot adjacent to the commercial center, and it is likely that evening patrons of the restaurants will use the valet service.

**Comment No. 6-19**

4. Whether there is a need for any one of three restaurants serving alcohol, or whether an analysis of the land use findings required by the LAMC to be made by a Zoning Administrator before issuing a CUB can be made in the affirmative

**Response to Comment No. 6-19**

There is no statutory requirement to demonstrate a need for a proposed use. Findings for the CUB, as required by the LAMC, were prepared by the Applicant and submitted to the Department of City Planning. The Department will review these findings and may modify and/or supplement them, as appropriate, during the decision-making process. The Department must make the necessary findings in the affirmative in order to grant the CUB request.

**Comment No. 6-20**

5. Which of the “standard” Zoning Administrator CUB land use, noise and aesthetics impact conditions will be accepted by the applicant and included in the Staff Report Recommendation.

**Response to Comment No. 6-20**

The Department of City Planning will determine what conditions of approval will be imposed on the Master CUB during their review of the application and based on the particulars of the project. If there are any conditions of approval recommended by the Department with which the applicant cannot comply, this will be addressed during the public hearing/decision-making process. If the Master CUB is approved, separate determinations will be issued for a Plan Approval for each individual tenant space proposing to sell alcoholic beverages. During this Plan Approval process, the Department of City Planning can re-evaluate the conditions of approval based on the details of each establishment.

**Comment No. 6-21**

6. Which of the master list of CUB land use, noise, and aesthetic conditions used by the BCC in connection with CUB applications, and submitted with the BCC scoping letter and attached again to this letter, the applicant will accept and will be included in the Staff Report Recommendation, particularly those conditions that an applicant must volunteer because they may not be imposed by a Zoning Administrator. For example, the restriction on advertising the sale of alcohol which affects aesthetics, and the restriction on sound being able to be heard beyond the premises which affects noise impacts.

**Response to Comment No. 6-21**

Please refer to Response to Comment 6-20 regarding the imposition of conditions of approval. The Department of City Planning may consider conditions volunteered by the applicant and/or suggested by others such as the BCC.

**Comment No. 6-22**

7. A process and timing for Plan Approval for each separate restaurant proposing to sell alcohol prior to its opening and a certificate of occupancy being issued in order to enable input on land use, noise, and aesthetic conditions appropriate to each restaurant’s specific operations and impacts which are not identified and are unknown at this time, including aspects of operations such as square footage size,

number and location of seating, hours of operation, type of license (full or beer and wine), drinks served at a bar or only with food.

### **Response to Comment No. 6-22**

As noted in the Department of City Planning Zoning Administrator Memorandum No. 126, dated January 13, 2011, “a specific condition of approval shall be included in the determination for the Master CUP requiring a Plan Approval for the individual tenant space, pursuant to LAMC 12.24-M, at the time that the tenant-operator has been identified for the individual tenant space, prior to the establishment of the use within the subject tenant space.” The memo also states that Plan Approval applications for specific tenant spaces within Master CUBs must also be filed within the time limits stipulated in LAMC Section 12.24-J. The Plan Approval may also be further defined within the Master CUB determination.

### **Comment No. 6-23**

Without study and disclosure of each of the above items, the DEIR does not disclose whether the proposed project conflicts with applicable land use plans, policies, and regulations of the Department of Planning adopted for the purpose of avoiding or mitigating the environmental effects of a CUP to serve alcohol at the proposed three restaurants.

### **Response to Comment No. 6-23**

The comment reiterates the specific comments which are responded to above in Responses to Comments 6-15 through 6-22.

### **Comment No. 6-24**

#### **Mitigation Measures the DEIR Fails to Consider**

The DEIR is insufficient and needs to be modified by including or considering the following mitigation measures on aesthetic, traffic, noise, and land use impacts:

1. No increase in project size permitted in the future - with limitations incorporated in architectural plans to prevent the addition of more stories.

### **Response to Comment No. 6-24**

The comment proposes a mitigation measure that there should be no allowed increase in size in the future. However, CEQA requires analysis of only the proposed project and any reasonably foreseeable future expansion of the project. The applicant has indicated that it has no current plans for any future expansion of the project after its development. Nevertheless, the commenter’s suggestion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 6-25**

2. Tenant and tenant employee onsite parking requirements will be provided in all leases, and required to be subterranean at all times.

**Response to Comment No. 6-25**

The comment proposes a mitigation measure regarding tenant and employee parking. However, there is no identified impact in the Draft EIR that would warrant such a mitigation measure. Nevertheless, the commenter's suggestion for additional conditions of approval in the project's entitlements is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 6-26**

3. Over code parking will not be leased or covenanted to any specific offsite development, but may be part of a San Vicente business district pool of parking.

**Response to Comment No. 6-26**

The comment proposes a mitigation measure regarding parking. However, there is no identified impact in the Draft EIR that would warrant such a mitigation measure. Nevertheless, the commenter's suggestion for additional conditions of approval in the project's entitlements is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 6-27**

4. If a left/U turn in the median opposite the Project is not approved at this time, there shall be a requirement for a Bond paid for by applicant in an amount sufficient to cover the full cost of approval, appeal, and construction of a median cut, with a required Plan Approval scheduled for one year after the certificate of occupancy for the Project, and the term of the Bond should be at least 12 years.

**Response to Comment No. 6-27**

The comment proposes conditions for the applicant to post a bond to cover the cost of implementation of one of the optional project design features. The commenter's suggestion for additional conditions of approval for the optional design feature is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 6-28**

5. Parking will be validated and/or the cost will not exceed the average in the San Vicente business district.

**Response to Comment No. 6-28**

The comment proposes a mitigation measure regarding parking. However, there is no identified impact in the Draft EIR that would warrant such a mitigation measure. Nevertheless, the commenter's suggestion for additional conditions of approval in the project's entitlements is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 6-29****Construction Impacts**

The DEIR is inadequate and deficient with respect to its description of the construction stage of the proposed project, and the impacts on the nearby neighbors and the impacts on traffic and transportation on the surrounding streets. The DEIR is deficient unless it describes mitigation of those impacts, including haul routes and hours, hours of work on construction, amount of staging on-site and off-site, parking of worker vehicles, parking and holding of vehicles for delivery of equipment and materials, noise, and air quality. The DEIR needs to describe whether construction staging will occur on the residential lots on Saltair that are part of the proposed project and, if so, the impacts on the other residences on Saltair north of San Vicente. In view of the existing poor LOS at nearby intersections and the traffic counts for westbound PM peak traffic on San Vicente, it is essential that the DEIR describe the construction impacts on westbound PM peak traffic on San Vicente.

**Response to Comment No. 6-29**

See Responses to Comments 4-19 through 4-21 (and the information added to Section III, Additions and Corrections, of this Final EIR) with respect to construction traffic impacts, including construction staging, hauling, and parking.

Construction noise impacts are analyzed on pages IV.I-18 through IV.I-23 of the Draft EIR, and construction air quality impacts are analyzed on pages IV.C-27 through IV.C-31. The comment does not state a specific question with respect to construction noise and air quality and therefore, no further response is necessary.

**Comment No. 6-30**

The DEIR is inadequate with respect to describing the differences between the construction impacts and mitigation of those impacts with respect to the proposed project compared with the Alternatives, particularly the Preservation Alternative 4.

**Response to Comment No. 6-30**

The comment states that the Draft EIR does not describe the differences between construction impacts and mitigation of those impacts with respect to the proposed project compared with the alternatives. Draft EIR Section VI, Alternatives, analyzed the construction impacts with respect to air quality and noise for each alternative. Table VI-25 compares whether each impact would be similar, greater, or less than the

proposed project's construction impacts. Further, additional analyses concerning the project (including an analysis of haul route, construction staging, etc.) have been added to this Final EIR in Section III, Additions and Corrections, under "Project Description." As Alternative 4 is essentially the same size as the proposed project, the analysis of construction impacts added to this Final EIR for the project also applies to Alternative 4.

### **Comment No. 6-31**

#### **Cumulative Impacts**

The DEIR is deficient with respect to its description of the cumulative impacts from the proposed project together with other possible projects with applications now pending. The following are pending projects of which we are aware.

The EIR for the proposed Bundy Village project at Bundy and Olympic disclosed significant impacts as far north as Bundy and San Vicente, and Barrington and San Vicente. The DEIR for this Green Hollow Square project must include those impacts in the study of cumulative impacts.

### **Response to Comment No. 6-31**

As indicated in Draft EIR Table IV.L-9 and shown in Figure IV.L-10, the Bundy Village project is included in the cumulative development ("related projects") list (project no. 15), and its associated traffic effects on the study area streets and intersections is included in the analysis of future conditions described in the Draft EIR.

### **Comment No. 6-32**

The large projects proposed near 26th and Olympic in Santa Monica will create traffic through Brentwood heading to the I-405, and will impact Bundy, Barrington, Montana, San Vicente, and Sunset Blvd - - the DEIR needs to study the cumulative impact of this additional traffic. It is clear that the existing developments in Santa Monica, such as the Water Garden, follow this traffic pattern through Brentwood heading to the I-405. Since traffic does not start or stop at city borders on a map, the regional statistics must be studied and disclosed, particularly when the pending EIRs along Olympic in Santa Monica could add 27,000 more daily car trips. **See map of planned development in Santa Monica on next page.**

Without data on all pending projects, it is not possible to determine impacts and determine whether conditions for the proposed project can be defined that would alleviate those impacts.

### **Response to Comment No. 6-32**

The related projects list contained in the project traffic study and Draft EIR included all reasonably-foreseeable projects within the study area at the time the project traffic study was prepared, including 8 projects located within the City of Santa Monica, based on lists of potential development provided by LADOT and the City of Santa Monica. The commenter provides no specific information regarding the

sizes or trip-generating potential of the projects shown in the map attached to this comment (other than the general description associated with the “Olympic and Centinela/Bundy Project” (Bundy Village), which is already included in the project traffic study (see Response to Comment 6-31). Additionally, the potential development locations shown in the commenter’s map does not necessarily suggest that any actual development of these sites is anticipated within the timeline of the proposed Green Hollow Square project (horizon year 2014), as the map appears to simply identify past and potential future development sites that have or may have “development agreements” that permit development that exceeds the current City of Santa Monica zoning for the sites rather than identifying any specific development projects. In fact, the sites identified with any information at all (shown in red) note that they are sites with “pending” development agreements, but do not specify any development timelines. Further, the map includes speculative development locations noted as “unannounced redevelopment”, while other locations on the map note projects already developed, or exhibiting only the potential for “future development agreements” and as such, do not represent any identifiable projects.

It is also important to note that, in addition to the cumulative developments (“related projects”) contained in the project traffic study, the forecasting of potential future traffic conditions in the study area included the assumption of a 1.0 percent annual “ambient” traffic growth factor. As described on page IV.L-37 of the Draft EIR, this assumption is considered to be highly conservative, since, as documented in the Los Angeles County Congestion Management Program (“CMP”), the actual anticipated traffic growth in the “Westside” area encompassing and surrounding the study vicinity, is forecast to be approximately 0.80 to 0.85 percent annually, inclusive of both ambient growth and traffic from cumulative area development. Further, this traffic growth factor is used to account for expected increases in traffic resulting from general ambient traffic growth in the study vicinity due to ongoing regional population growth, *or from potential development projects not yet proposed or outside of the study area*. As a result, the estimation of potential traffic volumes in the study area under the forecast future year 2014 conditions is reasonable.

The commenter suggests that the potential developments identified would “...create traffic through Brentwood heading to the I-405...” and produce impacts in the project vicinity in a manner similar to the earlier-referenced Bundy Village project. A review of the earlier Bundy Village project traffic study indicates that traffic from that project seeking to travel on the I-405 Freeway primarily utilized Olympic Boulevard directly (Olympic Boulevard provides access to the Freeway via ramps on Sawtelle Boulevard and Cotner Avenue at Tennessee Avenue), or via the I-10 Freeway south of the site (via either Centinela Avenue or Bundy Drive). Some minor percentage of Bundy Village traffic did utilize Santa Monica Boulevard to access the I-405 Freeway, but no project traffic was anticipated to travel as far north as Wilshire Boulevard, San Vicente Boulevard, or Sunset Boulevard to reach the freeway. The potential cumulative projects noted by the commenter, like the Bundy Village project, are located primarily along Olympic Boulevard, and would likely access the I-405 Freeway via either Olympic Boulevard or the I-10 Freeway via the convenient Cloverfield Boulevard ramps. It is not anticipated that any traffic from these development areas would travel through Brentwood in order to reach the I-405 Freeway, and as such, would not be expected to substantially affect the traffic analyses contained in the Green Hollow Square project Draft EIR.

**Comment No. 6-33****Reduced Project Alternative 2**

The DEIR is insufficient because the reduced project alternative simplistically reduces all elements - retail, restaurant, office, storage, and parking – by exactly 25%, and because the methodology is flawed that was used to conclude that this reduced alternative is not better because the impacts at 3 of the 4 impacted intersections would still be significant and unavoidable.

Common sense, as well as the DEIR, tells us that the reduction of total net new daily trips to 696 in the reduced project alternative, which is less than half the trips of the proposed project's 1,456 daily trips [Page VI-31] is going to significantly reduce the impacts on transportation and traffic, air quality, and public services. But the deficient and inadequate LOS (Level of Service) methodology states, for example, that the PM LOS at San Vicente and Bundy (west) is E without the project and F with the project [Table IV.L-11], and F with the reduced project alternative [Table VI-11]. It makes no sense to conclude that a LOS of F (Failed), which cannot be any worse, in both cases, means that a reduction of 52% of daily trips can be ignored because the impacts at the intersection would still be significant. The DEIR should disclose the difference in the actual number of daily trips at all the intersections studied, and the difference in time delay between (a) San Vicente and 26th, and (b) San Vicente and Wilshire, in each direction. Merely to say that an F is an F is an F results in an inadequate and deficient DEIR.

**Response to Comment No. 6-33**

The comment states that it makes no sense that the intersection at San Vicente Boulevard and Bundy Drive (west) would operate at Level of Service (LOS) F with the proposed project and the reduced project alternative, despite the reduction in trip generation of roughly 52 percent. The LOS of "F" applies to any Critical Movement Analysis (CMA) greater than 1.000, as illustrated in Table IV.L-2 of the Draft EIR. Once that threshold is reached, the LOS is classified as "F." Thus, it is possible for a large reduction in trip generation to not be enough to reduce an intersection's threshold CMA to below 1.000, as is the case with the proposed project and reduced project alternative. The Draft EIR does recognize that the reduction in trips at these intersections would produce an impact that was less in degree than the proposed project, although the impact would still be significant. The CMA summary for each intersection is shown in Draft EIR Appendix K-1 for the proposed project and K-2 for the alternatives.

**Comment No. 6-34**

Also, as stated above, presenting one reduced project alternative that reduces all elements by an equal percentage is insufficient. At the very least, the DEIR needs to study a re-allocation of square footage that reduces the restaurant and outdoor dining elements, which generate the most daily trips, by a greater percentage than the other elements, such as office, which obviously has fewer relative daily trips.

**Response to Comment No. 6-34**

The comment states that the Draft EIR needs to study an alternative that reduces the restaurant and outdoor dining elements at a greater percentage than the other elements such as office. As discussed on Draft EIR page VI-1, Section 15126.6(a) of the CEQA Guidelines states that an EIR shall describe a reasonable range of alternatives and that an EIR need not consider every alternative to a project. The Draft EIR lists a range of reasonable alternatives that would attain most of the basic objectives of the project. The rationale for the alternatives selected is on page VI-1. The five alternatives present a range of options, from the 25 percent reduction for the reduced density alternative (the smallest development besides the no build scenario) to the largest development as the existing zoning alternative. The proposed project and Alternative 4 (preservation) generally fit in the middle range between the 2 extremes. Further, the amount of restaurant space included in the proposed project has already been reduced from what the applicant originally proposed in response to input from the community.

**Comment No. 6-35**

Also the DEIR is inadequate and deficient because the requested Conditional Use Permit to permit the sale of alcoholic beverages at 3 restaurants in the reduced project alternative, as well as in the proposed project, is not supported by an analysis of the need for such restaurants, or an analysis of the findings required to be made by a Zoning Administrator before issuing a CUB.

**Response to Comment No. 6-35**

This comment is addressed previously in Responses to Comments 6-17 and 6-19. As such, no further response is necessary.

**Comment No. 6-36****Preservation Alternative 4**

The DEIR states on Page VI-65: “Alternative 4 is considered to be the environmentally superior alternative, as it would result in impacts similar to those of the proposed project, and would reduce the significant and unavoidable impacts of the project with respect to both historic resources and aesthetics.”

Both the DEIR and the Gruen Report [Appendix M] refer to new retail and office spaces surrounding the Barry Building. There needs to be an explanation whether the omission of restaurant space was intentional or inadvertent.

**Response to Comment No. 6-36**

The comment states that both the Draft EIR and the Gruen Report in Appendix M refer to new retail and office space but do not mention restaurant space. This is an unintentional omission. Alternative 4 would have a similar proportion and mix of uses (retail, storage, restaurant, outdoor dining, and office) as the proposed project. The project applicant has submitted a report prepared by the Concorde Group (see Comment Letter 62). This report assumes the following mix of uses for Alternative 4: retention of the

13,956 square foot Barry Building, 7,000 square feet of storage uses, 8,000 square feet of office uses, and 55,454 square feet of retail/restaurant uses.

**Comment No. 6-37**

The DEIR is insufficient because it does not disclose in adequate detail the appearance of the preservation alternative. Although there is a verbal description in the Gruen Report, there are no graphic descriptions similar to Figure II-3, Figure II-4, and the other Figures describing the proposed project. Without comparable graphic descriptions, it is not possible to understand the extent the Barry Building will be visible to the public, or the extent it will or will not integrate with the proposed surrounding new development.

**Response to Comment No. 6-37**

See Response to Comment 8-1, below, for an additional view of Alternative 4.

**Comment No. 6-38**

**Inconsistencies with Code**

The DEIR does not adequately describe in detail the ways and the extent the proposed project is inconsistent with the San Vicente Scenic Corridor Specific Plan and the Brentwood - Palisades Community Plan. The DEIR is deficient because it does not describe how the proposed project impacts each element of these Plans wherever there may be a conflict with the purposes and guidelines of the Plans.

**Response to Comment No. 6-38**

No specific references are identified by the commenter as to which policies in the San Vicente Scenic Corridor Specific Plan and Brentwood-Pacific Palisades Community Plan are of concern. This lack of specificity makes a meaningful response impossible.

The project is consistent with the development standards contained in the San Vicente Scenic Corridor Specific Plan, as discussed on Page IV.H-36 to IV.H-38 of the Draft EIR. This consistency will be reviewed in detail by the Department of City Planning as part of the Project Permit Compliance Review and Design Review processes. In granting Project Permit Compliance Review, the Department must make findings that the project substantially complies with the applicable regulations, standards, and provisions of the Specific Plan and that the project incorporates mitigation measures as identified in the EIR which would mitigate the adverse environmental effects of the project, to the extent feasible. In granting Design Review, the Department shall approve a project only if it is in compliance with the specific plan regulations. If there are any inconsistencies, a Specific Plan Exception or Specific Plan Amendment would be required.

Consistency with the Brentwood-Pacific Palisades Community Plan is discussed on Page IV.H-27 through IV.H-36 of the Draft EIR. There are Community Plan policies related to historic resources and

transportation with which the proposed project is inconsistent, and these are identified as such and the impacts fully disclosed in the Cultural Resources and Transportation, Traffic and Parking sections of the DEIR. The project meets a substantial number of the applicable policies in the Community Plan and, therefore, the project, as a whole, is substantially consistent with the Plan. See also Responses to Comments 4-24 through 4-28.

**Comment No. 6-39**

**Local/Residential Roadways, Including Saltair/San Vicente Intersection**

The DEIR needs to analyze and disclose the impacts on possible alternative routes that traffic will take in order to avoid the significantly impacted intersections (such as San Vicente/Montana and San Vicente/Barrington) that cannot be mitigated (according to the DEIR), particularly the impacts on local/residential roadway routes between San Vicente and Sunset that commence with traffic heading north on Saltair from San Vicente and north on Bundy from San Vicente. Traffic already takes these routes to access Sunset going east to the 405, and it is unrealistic to ignore the likelihood that such traffic will increase when the project causes the eastbound San Vicente traffic to increase. Further, the DEIR is deficient because it does not study or disclose the full impact of the proposed project on the Saltair/San Vicente intersection, which is the intersection closest to the proposed project. If the impact would be significant (to vehicles and/or pedestrians), the DEIR will be deficient without such a study, even if compliant with arbitrary LADOT methodology that requires a study of only signalized intersections.

**Response to Comment No. 6-39**

The comment is addressed previously in Responses to Comments 4-8, 4-9, 4-10, 4-15, and 4-16. As such, no further responses to this comment are necessary.

**Comment No. 6-40**

Please include the Brentwood Community Council on the mailing list for future notices pertaining to this project. Please include this letter in the file.

**Response to Comment No. 6-40**

The comment requests that the Brentwood Community Council be included in future notices and that its letter be included in the file. The BCC will be included in future notices and its letter is included in the Final EIR.

**LETTER NO. 7**

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**Comment No. 7-1**

On behalf of the Los Angeles Conservancy, we submit the attached comments on the draft environmental impact report (DEIR) for the Green Hollow Square project which impacts the historic Barry Building.

**Response to Comment No. 7-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 7-2**

On behalf of the Los Angeles Conservancy, we submit these comments on the draft environmental impact report (DEIR) for the Green Hollow Square project which impacts the historic Barry Building. The Los Angeles Conservancy is the largest historical preservation in the United States, with over 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles through advocacy and education. Since 1984, the Conservancy's all-volunteer Modern Committee has worked to raise awareness about Los Angeles' unique collection of mid-twentieth century modernist structures.

The Conservancy has long been an advocate for the protection of the Barry Building and for its ability to continue to function successfully as originally intended, and potential to be adaptively reused. With a feasible and environmentally superior alternative identified in the DEIR that would retain and incorporate the Barry Building as part of the new development, we strongly urge the City and the applicant to adopt a modified version of Alternative 4: Preservation Alternative as the preferred project.

**Response to Comment No. 7-2**

The comment provides general information about the Los Angeles Conservancy and also states its support for a modified version of Alternative 4 as the preferred project. As such, these general comments are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 7-3**

1. The Barry Building is Los Angeles Historic-Cultural Monument #887

The Barry Building was designed by Los Angeles-based architect Milton Caughey (1911-1958) and completed in 1951 when postwar development was beginning to redefine Brentwood's San Vicente Boulevard commercial corridor. The distinctive and highly intact International Style building is arranged around a central courtyard which features integrated planting beds. A notable feature of the buildings sustainable design is the integration of louvers which shield south-and west-facing office windows from the sun's heat and glare.

In addition to its architectural significance, the Barry Building is a beloved community and cultural landmark as evidenced by the hundreds of residents who voiced their support for the nomination in 2007. The Conservancy worked closely with the Brentwood community to support designation of the Barry Building as a City of Los Angeles Historic-Cultural Monument (HCM), having repeatedly met with the Friends of the Barry Building, Councilmember Rosendahl's office, and representatives of the owners.

### **Response to Comment No. 7-3**

The comment provides a general statement of significance of the Barry Building. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). As described therein, the Barry Building is designated Los Angeles Historic-Cultural Monument #887.

### **Comment No. 7-4**

- a. Every effort should be made to avoid demolishing a designated historic resource.

As a designated Historic-Cultural Monument, the City and the Cultural Heritage Commission, its appointed panel of experts, has recognized the Barry Building as important to Los Angeles' heritage. WE believe as a designation historic resource, every effort should be made to retain and reuse the Barry Building. If the Green Hollow Square project is approved the Barry Building were demolished, its loss would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

Although Los Angeles' current Cultural Heritage Ordinance cannot prevent the demolition of a Historic-Cultural Monument, it does allow the City to delay demolition. This delay period allows for further consideration of preservation alternatives, which has been successful in the past. As a result, there have been very few instances when a Historic-Cultural Monument has been demolished to make way for new development (excluding loss because of fire, earthquake damage, etc.).

The 1985 demolition of the Philharmonic Auditorium Building (HCM #61) remains an ever-present reminder that our city's landmarks can be vulnerable. Despite receiving HCM designation in 1969 for its rich cultural heritage and architectural significance, this prominent landmark opposite Pershing Square was demolished for a mixed-use project that never materialized. Twenty-six years after its demolition, the site remains a parking lot.

**Response to Comment No. 7-4**

The comment provides a general statement of opposition to the demolition of the Barry Building, and for consideration of a preservation alternative. The comment does note, however, that the Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments, although demolition can be delayed for the time period specified in the Ordinance.

**Comment No. 7-5**

- b. The Barry Building is also a historic resource under CEQA

As a locally designated landmark, the Barry Building is presumed to be historically significant under the California Environmental Quality Act (CEQA) and its demolition as proposed under the current project would constitute a significant adverse impact. In 2009 and again in 2010, the Conservancy submitted comments on the Notice of Preparation for two versions of the proposed project (previously named Brentwood Town Green), both of which called for the demolition of the Barry Building despite its status as a designated landmark. In addition to the Conservancy's comments, which stressed the need to consider an alternative in the DEIR that would adaptively reuse the Barry Building, letters were submitted by dozens of local residents strongly urging the applicant to retain the landmark Barry Building.

**Response to Comment No. 7-5**

The comment states that the Barry Building is a historic resource under CEQA. The Barry Building is acknowledged as a historic resource under CEQA (see Section IV.E. of the Draft EIR). The comment also provides a general call for preservation of the Barry Building, which is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 7-6**

II. Under CEQA, the Lead Agency Must Deny Approval When Feasible Alternatives or Mitigation Measures Would “Substantially Lessen” Adverse Impacts

A key policy under CEQA is the lead agency's duty to “take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history. “ To this end, CEQA “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.” Courts often refer to the EIR as “the heart” of the CEQA because it provides decision makers with an in-depth review of project with potentially significant environmental impacts and analyzes a range of alternatives that reduce or avoid those impacts. Based on object analyses found in the EIR, agencies “shall mitigate or avoid the significant effects on the environment...whenever it is feasible to do so.”

The DEIR acknowledges that “the project would have a significant impact on historic resources with respect to the demolition of the Barry Building.” Proposed mitigation measures—including HABS and

photo documentation – would not reduce the impact to a less-than-significant level. Additionally, proposed mitigation measure E-2 to make “a good faith effort” to sell the Barry Building to a third party for relocation to a different site, cannot be considered meaningful mitigation unless the applicant provide the financial resources to ensure compliance with the terms of the mitigation measure and identifies and secures an appropriate site as detailed in Galvin Preservation Associations letter in Appendix N of the DEIR. Furthermore, insufficient analysis in the DEIR fails to provide the necessary level of information to assess the feasibility of relocation and the identification of appropriate receiving locations.

#### **Response to Comment No. 7-6**

The comment states that the lead agency must deny the project when feasible alternatives or mitigation measures would substantially lessen adverse impacts. As described in Draft EIR Section IV.E., the proposed project would result in a significant impact with respect to historic resources as a result of demolition of the Barry Building. While the Draft EIR provides Mitigation Measures E-1 and E-2 to lessen the impacts, it is acknowledged that as a result of demolition of the Barry Building, there would be a significant and unavoidable impact with respect to historic resources. There are no available mitigation measures that would completely avoid this impact. While Alternative 4 avoids the significant impact with respect to historic resources, as described on Draft EIR page VI-65, Alternative 4 does not meet all of the project objectives. Therefore, it will be left to the decision-makers to determine whether Alternative 4 is feasible.

The comment also states, with respect to Mitigation Measure E-2, that the applicant should provide financial resources to ensure compliance with the terms of this measure. However, the commenter is mistaken that the financial burden of this measure falls on the applicant. The applicant would comply with Mitigation Measure E-2 in listing the Barry Building for sale prior to demolition, but the financial burden of relocating the Barry Building and acquiring an alternate site would rest with the buyer(s). See also Response to Comment 4-41 regarding the cost of acquiring land and moving the Barry Building off-site.

#### **Comment No. 7-7**

- a. A Feasible preservation alternative exists that would eliminate negative impacts to the Barry Building

Alternative 4: Preservation Alternative has been identified in the DEIR as the environmentally superior alternative that can avoid negative impacts to a historic resource, and slightly reduce the time frame, and impacts from, construction. Under Alternative 4, the Barry Building would be retained and new tenant spaces developed around it. While Alternative 4 would result in slightly reduced square footage when compared to the proposed project (approximately 3,000 square feet or under 5% less space), it would retain the originally planned 427 parking spaces and meet the primary objective for a development that provides a mix of retail, office and restaurant uses catering to the Brentwood community. As the DEIR states “the main difference between this alternative and the proposed project is the retention of the historic-cultural monument, the Barry Building.”

Unlike other alternatives, the DEIR lacks an explicit, definitive statement regarding the feasibility of Alternative 4. Faced with insufficient and incomplete analysis, we can only conclude that Alternative 4 meets most of the project objectives and is feasible. The arguments set forth in the Draft EIR that the preservation alternative might be less effective in architectural design, sustainability, or pedestrian connectivity than the proposed project, or that retaining the Barry Building might impede the owner's competitive or economic goals are imprecise, speculative and largely unsubstantiated. Furthermore, the fact that an environmentally superior alternative, in this case, the preservation alternative, may be more costly or fails to meet all project objectives does not necessarily render it unfeasible under CEQA. The objections against Alternative 4 are not compelling and ultimately fail to establish the infeasibility of the preservation alternative. Ultimately, the lead agency cannot merely adapt a statement of overriding considerations and approve a project with significant impacts; it must first adopt feasible preservation alternatives and mitigation measures.

### **Response to Comment No. 7-7**

The following analysis of whether Alternative 4 meets the project objectives is provided on page VI-65 of the Draft EIR:

#### ***Relationship to Project Objectives***

Alternative 4 would not meet a number of the project objectives to the same extent as the proposed project. With respect to objective 1, retention of the Barry Building may affect the architectural integration of the overall project. Retention of the Barry Building may also affect the energy efficiency and other environmental sustainability goals of the project under objective 1. Retention of the Barry Building may also affect its ability to achieve the competitive goals under objective 2 as well as the economic goals under objective 4. Alternative 4 would also not provide the same type of well-defined pedestrian network that would be provided by the proposed project given the retention of the Barry Building, which network is called for under objectives 1 and 3.

See also Responses to Comments 3-4 and 3-5 regarding the ability of Alternative 4 to meet the project objectives.

With respect to the commenter's statements about the lead agency's authority to reject an alternative studied in an EIR, State CEQA Guideline 15126.6 provides that an alternative must meet most of the project objectives and be feasible. Guideline 15364 defines feasibility as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." If an alternative meets most of the project objectives and is feasible, the agency must adopt the alternative if it would avoid a significant environmental impact that cannot be reduced to a level of less than significant through mitigation measures.

### **Comment No. 7-8**

#### III. Additional Refinements Can Be Made to Improve Alternative 4

The Barry Building, a two-story commercial structure comprised of several retail spaces oriented around a central courtyard, provides the same use as the proposed project. Its elegant design provides great flexibility for being adapted to fit the needs of the Green Hollow Square project while maintaining the building's historic status and meeting most of the project objectives. While Alternative 4 readily offers a feasible preservation alternative, further refinements should be considered to more fully integrate the Barry Building with the proposed new development in terms of scale and massing, architectural design, materials, and shade/shadow. Further design enhancements can also more fully meet the project objectives regarding sustainability and energy efficiency, and pedestrian connectivity.

### **Response to Comment No. 7-8**

The comment asks for more refinement for Alternative 4. See Responses to Comments 3-4, 3-5, 7-10, 7-11, 8-1, 52-4, and 59-1 for additional information and refinement regarding Alternative 4.

### **Comment No. 7-9**

- a. The site can be designed with more integration and compatibility between the Barry Building and new construction

The Gruen Associates report in Appendix M is only one method of incorporating new construction around the Barry Building. It is one that attempts to retain the Barry Building while building the Green Hollow Square design around it. If selected as the preferred project, we urge reconsideration of the project design from the standpoint of retaining the Barry Building in place. By developing the site plan and new construction with the Barry Building as the centerpiece, an improved Alternative 4 can become a project that meets the project objective where “the buildings are integrated with one another and clearly relate to each other in terms of proportion, height, mass, and façade.

As an HCM, the City's Cultural Heritage Commission can offer guidance and feedback on the development of new infill construction that is appropriate and complimentary with the character-defining features of the Barry Building and landscape.

### **Response to Comment No. 7-9**

The comment states generally that the preservation alternative can be redesigned to better incorporate the Barry Building. See Responses to Comments 3-4, 3-5, 7-10, 7-11, 8-1, 52-4, and 59-1 for additional information and refinement regarding Alternative 4. This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 7-10**

- b. Barry Building, which incorporates sustainable design, can be enhanced with additional sustainability elements

One of the project objectives calls for a project “that meets LEED standards and includes energy efficient features that minimize the project's ongoing effects on the environment.” Although an analysis of

Alternative 4 in the DEIR states that “retention of the Barry Building may also affect the energy efficiency and other environmental sustainability goals of the project under objective 1,” the final EIR should scrutinize any claimed environmental benefits of the proposed project through an analytical comparison of analogous benefits achieved through a rehabilitated Barry Building. The Barry Building is equally capable of incorporating most of the sustainable design features planned for the project like high-efficiency toilets, fixtures, and irrigation system, and air conditioning controlled by computerized systems if its rehabilitation coordinated with the overall project to meet LEED certification. In addition, retaining the Barry Building maintains the embodied energy in the structure’s initial construction and reduces the amount of construction waste from wholesale demolition that would otherwise go into a landfill through demolition.

The project can also take advantage of the original design intent of the Barry Building which was built with sustainability principles in mind, including its “green” features in the form of window louvers framing the second floor windows facing San Vicente Boulevard (south) and the louvered screens in the courtyard (west), both of which provide solar shading that allows the building occupants to benefit from passive cooling. The building’s energy efficiency can be enhanced with several types of sustainable design features including solar panels, more efficient heating and cooling systems, and improved glazing performance to reduce operational greenhouse gas emissions.

The selection of drought tolerant landscaping for the Green Hollow Square project will enhance the project’s sustainable design and is commendable. Opportunities exist to achieve the same goal through Alternative 4 by retaining some of the mature plantings and specimens in the courtyard of the Barry Building which also carry historical significance, as called out in the Historic-Cultural Monument designation. The project can meet the intent for sustainable design by incorporating and introducing drought tolerant plants to the existing courtyard in appropriate spaces.

#### **Response to Comment No. 7-10**

The comment states the commenter’s opinion that the Barry Building is equally capable of incorporating most of the sustainable design features. As discussed in a supplemental report from Gruen Associates (included as Appendix D to this Final EIR), there are a number of sustainable features that could be incorporated into the existing Barry Building, such as plumbing fixtures that reduce the use of potable water, water efficient landscaping, insulation for walls and ceilings, and retrofitting existing HVAC systems with more efficient controls and equipment. When discussing energy efficiency in a building, however, the exterior envelope also needs to be taken into consideration. A well performing exterior envelope helps retain conditioned air within the building’s interior spaces, and thereby reduces the amount of operating energy required by the mechanical system to condition the spaces. Much of the inefficiencies associated with the existing Barry Building have to do with its exterior envelope. The existing glazing assemblies and walls with high R values are better suited for a building with a well performing energy envelope, but are contrary to keeping the existing historic window systems and wall configurations due to their additional width. (Refer to the supplemental report from Galvin Preservation Associates which is included in Appendix C to this Final EIR.) A new monolithic glass which incorporates a high performance coating could be used to replace the existing glass, but the new glass

could have a slightly different appearance due to color or reflection. This type of high performance monolithic glass would also not perform as well as an insulated glass assembly with the same glass type.

The window louvers along San Vicente Boulevard do help in reducing the solar heat gain at the window assemblies, but they also restrict the views and amount of daylight that can enter the spaces. Current US Green Building Council (USGBC) LEED rating systems address performance requirements associated with daylight and views, which may be contrary to the non view-preserving louvers currently on the Barry Building.

The comment also states that less construction waste would be generated by preserving the Barry Building. Alternative 4 would generate less construction waste than the proposed project, although both Alternative 4 and the proposed project would have a less than significant impact on solid waste. As for operational energy efficiency, the proposed project would be more efficient than Alternative 4.

#### **Comment No. 7-11**

- c. Barry Building lends itself to project's envisioned pedestrian network and gathering spaces.

Another stated set of project objective calls for a commercial project that both, “creates a sense of place for customers and community,” and “provide[s] a design that emphasizes a cohesive, well-defined pedestrian network, within which there are generous public spaces for walking and sitting.” One of the key features of the Barry Building is its orientation around and a central courtyard that opens onto San Vicente Boulevard. This courtyard, with its numerous integrated planting beds, is a quintessential example of the type of public gathering spaces that architects of the mid-twentieth century often incorporated into the design of commercial buildings. The unique sense of place provided by the Barry Building's courtyard is one of the site's features that the Brentwood community most identifies with: numerous comment letters received on the NOP for this project emphasized the unique layout of this sheltered courtyard and the opportunities it providing as a gathering space.

While the DEIR states that Alternative 4 “would also not provide the same type of well-defined pedestrian network that would be provided by the proposed project given the retention of the Barry Building,” opportunities do exist to adapt the Barry Building to create a more unified pedestrian network throughout the project site. An example of this type of flexibility could include the creation of breezeways, achieved through re-allocation of ground floor retail space, to provide direct access to the courtyard from the western and eastern sides of the building. Opportunities may also exist to convert a portion of the roof into usable space to address the height difference between the Barry Building and the taller new buildings.

#### **Response to Comment No. 7-11**

The comment discusses pedestrian networks. There is an existing breezeway located at the northeast corner of the Barry Building, along with a courtyard that opens onto San Vicente Boulevard. The courtyard is defined primarily by the Barry Building itself, having walls and structural elements which create the building's enclosure. It does not have a configuration that allows it to open up to the adjacent

new development without significant alterations being made. As discussed in the supplemental report from Gruen Associates (Appendix D to this Final EIR), these alterations would result in the elimination of Barry Building tenant space as well as the modification of structural load bearing elements in order to accommodate new openings. Additional alterations at the Ground Level to accommodate more passageways may further compromise the Barry Building's historic building fabric depending on the extent of the structural work that would be needed to create such an additional ground floor passageway. Note, though, that the proposed drawing for Alternative 4 shows pedestrian passageways at Level 2 that connect the Barry Building to the rest of the adjacent development, but with retro-fitted sloping ramps which are atypical of a quality retail experience according to the project applicant.

As discussed in the report from Gruen Associates (Appendix D to this Final EIR), the existing Barry Building's roof is not designed to be an occupied space. The existing roof does not have the live load capacity needed for an assembly occupancy, nor does it have a code compliant guardrail to ensure necessary safety associated with occupying the roof. The existing roof structure would have to be supplemented or replaced altogether in order to provide a roof capable of withstanding the additional loads. A new roof structure sufficient for assembly occupancy would most likely increase in depth from that of the existing roof structure, and potentially impact the Level 2 interior spaces. This roof modification would also affect the rest of the building's structural system in order to transfer loads associated with the new roof use. Depending on the percentage of the existing structural system affected by the new roof, it is possible that a roof structure sufficient for assembly occupancy would trigger a seismic retrofit of the entire building structural system. This seismic retrofit could result in additional bracing and structural member strengthening, which would have additional architectural impacts to the building. The parapet height would also need to be increased to allow the roof to be occupied, since the existing parapet height is not tall enough to provide an adequate guardrail. This additional parapet height would affect the overall exterior appearance of the Barry Building.

#### **Comment No. 7-12**

##### IV. Impacts to the Coral Trees along Median of San Vicente Blvd. (HCM #148)

The Conservancy is also concerned with the project's optional design feature for a mid-block turn lane across the San Vicente median. We concur with the finding that allowing removal of some coral trees for new mid-block crossings could have a cumulative impact on the continuous, uninterrupted nature of this linear monument (HCM#14\*). To avoid setting a precedent, we ask that the optional mid-block turn lane not be adopted as part of any project.

#### **Response to Comment No. 7-12**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including coral trees). It should be noted that the alteration of the San Vicente Boulevard median is an optional project design feature, and would not necessarily be included as part of the proposed project. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 7-13**

The Conservancy remains committed to working with the applicants, members of the community, and the City Council office to develop a plan that meets the project objectives, respects community priorities, and retains the historic Barry Building and landscape. Thank you for the opportunity to comment on the DEIR for the Green Hollow Square project. Please feel free to contact me at (213) 430-4203 or [affine@laconservancy.org](mailto:affine@laconservancy.org) should you have any questions.

**Response to Comment No. 7-13**

The comment provides general concluding information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 8**

Bill Rosendahl, Councilmember, 11<sup>th</sup> District  
City Hall  
200 N. Spring Street, Room 415  
Los Angeles, CA 90012

**Comment No. 8-1**

This letter is in regard to Historic Preservation of the Barry Building located at 11973-11991 W. San Vicente Boulevard. The draft Environmental Impact Report studies four Alternatives to the proposed project. Alternative Four, the "Preservation Alternative," is a feasible and environmentally superior alternative as identified in the DEIR and it must be studied in further detail.

Alternative Four, would retain and reuse the Barry Building while meeting many of the proposed project's goals, including providing the same number of parking spaces and nearly the same amount of square footage as the proposed project. The DEIR describes Alternative Four as the environmentally superior alternative because it can avoid impacts to an historic resource and potentially reduce construction impacts. Alternative Four must be further developed and refined to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

The main difference between the proposed project and Alternative Four, as stated in the DEIR, is the retention of the historic-cultural monument of the Barry Building. Given this information, the DEIR must not just state that Alternative Four would not meet the proposed project's objectives but instead investigate how the retention of the Barry Building could complement the proposed project's objectives.

Thus, I want to re-emphasize the need to find a means to integrate the Barry Building into the proposed project, thereby allowing for the potential adoption of Alternative Four as the proposed project. Every effort should be made to retain and reuse the Barry Building.

Please take into consideration my request for further analysis of Alternative Four. I appreciate the opportunity to comment on this case.

**Response to Comment No. 8-1**

The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887. As such, a "preservation alternative" (Alternative 4) was analyzed in the Draft EIR. As provided in Section VI. of the Draft EIR, Alternative 4 would consist of retention of the 13,956 square foot Barry Building, 7,000 square feet of storage uses, 8,000 square feet of office uses, and 55,454 square feet of new retail/restaurant uses.

The applicant has prepared an additional drawing that depicts Alternative 4, which is included on the following page (this additional drawing is also included in Section III, Additions and Corrections, of this Final EIR under “Alternatives”). In this new depiction of Alternative 4, the Barry Building is clearly shown (in white) with the new project buildings surrounding the Barry Building (shown in tan). Further, this new rendering shows Alternative 4 in three dimensions in a similar fashion to the renderings provided in the Draft EIR for the proposed project. The new rendering shows how the new project buildings would relate to the Barry Building and also shows the difference in building heights between the Barry Building and the new Alternative 4 buildings.

The commenter notes the objectives of the proposed project. One of those objectives concerns the development of a project that is competitive with other retail developments. In that regard, the existing floor-to-ceiling heights of the Barry Building, which are as low as 8'6" clear height and as high as 11' and average between 9' and 10', would be different than the floor-to-ceiling heights of the project's new buildings, which would provide a floor-to-ceiling height of approximately 18 feet. According to the project applicant and its consultant (Concord Group), the existing floor-to-ceiling heights of the Barry Building are inconsistent with the requirements of most quality retail and office tenants, and the new floor-to-ceiling heights of the new buildings (which would be approximately 18 feet) would be consistent with those requirements. The potential to change the existing floor-to-ceiling heights of the Barry Building is discussed at Response to Comment 3-4 and in Appendix C to this Final EIR.

Another project objective concerns the establishment of a well-connected pedestrian network at the project site. With respect to such pedestrian connections, there is an existing breezeway located at the northeast corner of the Barry Building, along with a courtyard that opens onto San Vicente Boulevard. The courtyard is defined primarily by the Barry Building itself, having walls and structural elements which create the building's enclosure. It does not have a configuration that allows it to open up to the adjacent new development without significant alterations being made to the Barry Building. These alterations would result in the elimination of Barry Building tenant space as well as the modification of structural load bearing elements in order to accommodate new openings. Additional alterations at the Ground Level to accommodate more passageways may further compromise the Barry Building's historic building fabric depending on the extent of the structural work that would be needed to create such an additional ground floor passageway. Note, though, that the proposed drawing for Alternative 4 shows pedestrian passageways at Level 2 that connect the Barry Building to the rest of the adjacent development, but with retro-fitted sloping ramps which are atypical of a quality retail experience, according to the project applicant.

Another project objective concerns the development of an energy efficient and environmentally sustainable project. In that regard, the ability to upgrade the Barry Building was also examined. There are many sustainable features that could be incorporated into the existing Barry Building, such as plumbing fixtures that reduce the use of potable water, water efficient landscaping, adding insulation in walls and ceilings, and retrofitting existing HVAC systems with more efficient controls and equipment. When discussing energy efficiency in a building, however, the exterior envelope also needs to be taken into consideration. A well performing exterior envelope helps retain conditioned air within the building's interior spaces, and thereby reduces the amount of operating energy required by the mechanical system to

condition the spaces. Much of the inefficiencies associated with the existing Barry Building have to do with its exterior envelope. The existing glazing assemblies and walls with high R values are better suited for a building with a well performing energy envelope, but are contrary to keeping the existing historic window systems and wall configurations due to their additional width. A new monolithic glass which incorporates a high performance coating could be used to replace the existing glass, but the new glass could have a slightly different appearance due to color or reflection. This type of high performance monolithic glass would also not perform as well as an insulated glass assembly with the same glass type.

The window louvers along San Vicente Boulevard do help in reducing the solar heat gain at the window assemblies, but they also restrict the views and amount of daylight that can enter the spaces. Current US Green Building Council (USGBC) LEED rating systems address performance requirements associated with daylight and views, which may be contrary to the non view-preserving louvers currently on the Barry Building.

Another project objective concerns the development of a project that meets all current codes. In that regard, the ability of Alternative 4 to meet the applicable requirements of the California Historical Building Code is discussed at pages 3-6 of the Gruen Report (Appendix M to the Draft EIR). These pages address modifications to the Barry Building with respect to the following areas: accessibility; guardrails; fire protection; structural system; glazing; mechanical, plumbing, and electrical systems; and modifications to the courtyard. As described therein, any modifications to the existing Barry Building are subject to the 2007 California Historical Building Code.

Finally, please refer to Responses to Comments 3-4 and 3-5 for a discussion of Alternative 4's ability to meet most of the project objectives.

The feasibility of preserving the Barry Building off-site has also been examined. The Draft EIR relied on technical analysis from Galvin Preservation Associates (historical consultants), which concluded that the Barry Building would have to be relocated to a property within 2 to 3 miles of the project site along a commercial boulevard in order to maintain its historical significance. (Refer to Draft EIR Appendix N.) Based on another technical report included in the Draft EIR, the cost of acquiring such land would range from \$200 to \$500 per square foot. (Refer to Draft EIR Appendix L.) In addition to land acquisition costs, the applicant's expert has opined in comment letter that it would take an additional \$6,482,000 to render the Barry Building operational at that new location. Thus, the total costs of relocating the Barry Building to a new location and making it operational would be significant. For those reasons, this alternative was considered infeasible.



Source: R.A. Keller Associates, 2011.

**LETTER NO. 9**

Patty Gioffre

**Comment No. 9-1**

As a long term resident of B.W. I can see how the traffic has taken over the streets and the large buildings have taken over the land. Can we please ask the City to **disallow the large both residential and commercial developments such as the large homes on regular size B.W. lots (variance variance)** You can put a **permanent DEED RESTRICTION on the property**. They should be built so they conform with the landscape size lot and location, and type and regular setbacks to the sides and height restrictions. Just charge them a higher fee whether it is big or little or a commercial development.

**Response to Comment No. 9-1**

The comment requests the City to disallow the large residential and commercial developments on regular sized lots and conform with setbacks to the sides and height restrictions. As described on page IV.H-39 of the Draft EIR, the proposed project would be consistent with setback and lot requirements and height and density limitations as set in the City of Los Angeles General Provisions and Zoning Code. The remainder of the comment provides the commenter's opinion, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 9-2**

I now understand that the Green Hollow Square Project (Mr. Munger development - Barry Building) wants to cut through the existing green belt on San Vicente and have a pass through for traffic to and from his commercial development. Maybe good for him and his development but **not good for B.W.** Don't we have enough traffic backed up on San Vicente, especially in the morning and evenings during the week coming to and from the Palisades and Santa Monica and other places mostly?

**Response to Comment No. 9-2**

This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Also, it should be noted that the proposed alterations to the San Vicente median are proposed as optional features of the proposed project. Nevertheless, this comment is acknowledged for the record and will be provided to the decision-makers for their consideration.

**Comment No. 9-3**

Cars are backed up that are turning left and right now on S.V. Even if you go in to the right lane to pass the stopped left lane turning traffic there are several cars turning along S.V. to shop or pick up someone.

Traffic is also stopped and backed up on that right side. It may not be every minute of the day. No. But, enough times that it can take a lot more time, frustration to go down the street and also to have to switch lanes etc. than it should or used to take. So please **no cut throughs, no more lights, turn lanes, turn lanes with lights or big "destination buildings", clinics, shopping centers, big oversized homes or more restaurants**, We live here and many that come here or even own these big commercial places don't. They just drive here to their destination.

**Response to Comment No. 9-3**

This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 9-4**

P.S. Residents for 22 years.

P.S. P.S. There seems to be constant consideration for the developers and the destination people. We don't have a movie theater here because B.W. didn't want destination crowds here so what is going on?

**Response to Comment No. 9-4**

The comment provides the commenter's opinion about developers, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**LETTER NO. 10**

Robert & Kenneth Nieberg  
11929 Saltair Terrace  
Los Angeles, CA 90049

**Comment No. 10-1**

Having perused the DEIR proposal submitted By Mr. Charles Munger for the Green Hollow Square project, I still am left with the same concerns mentioned in my letter to Mr. David Somers, Environmental Review Coordinator, written on May 10 of 2010.

**Response to Comment No. 10-1**

The comment provides general introductory information but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 10-2**

As regards the noise, environmental, and lighting pollution produced by the Green Hollow Square project having no significant impact on the neighborhood, I believe that to be naive thinking. Not only are the consequences of these factors very real to the neighborhood of surrounding residential homes, but the figures mentioned in the proposal use the distance from the project to the Brentwood Magnet School as the critical measure for evaluation. However, the private houses on Saltair Avenue, and especially Saltair Terrace and rear Westgate Avenue are much closer than the school, literally in the projects "back yard", and would be greatly effected. The plans call for significant outdoor dining facilities on the upper level of the building. This sound will most definitely travel more than sound from the lower level

**Response to Comment No. 10-2**

The comment asks about noise impacts to the residents on Saltair Avenue and Saltair Terrace. As described on pages IV.I-20 through IV.I-23 of the Draft EIR, construction of the proposed project would result in a significant and unavoidable construction noise impact at the nearest residences on Saltair Avenue and Saltair Terrace (see specifically Table IV.I-9). Project impacts as a result of noise from the proposed outdoor dining uses are described on Draft EIR pages IV.I-28 and IV.I-29. As analyzed therein, these impacts would be less than significant as all of the outdoor dining facilities would be facing San Vicente Boulevard and would be shielded by the proposed commercial buildings from the existing homes located north of the project site.

The comment also mentions lighting pollution but does not state a specific concern or comment regarding this issue. Nevertheless, project impacts with respect to lighting and glare are described on pages IV.B-27 through IV.B-29 of the Draft EIR, and as described therein, all impacts would be less than significant.

**Comment No. 10-3**

Regarding the traffic on San Vicente Blvd. anyone who has driven from Barrington Avenue, past Westgate and Saltair to Bundy knows that it is already a horrendous traffic mess during high traffic volume and it can take an excessive amount of time just to travel this distance. The developer's traffic analysis states in excess of 2000 new daily trips to and from the project. If, realistically at least 500 cars, and not the 158 less than significant impact number as stated by the developer's planner, come from North and/or Northwest of the project, it is reasonable that these cars will utilize Saltair Avenue, and not Bundy Avenue after egress from the building. Saltair Avenue is a narrow street without sidewalks and with parking on one side. It is already dangerous to walk the street; and the added vehicles will make it impossible and certainly more unsafe. Egress from the project is adjacent to the CVS exit onto Vicente Blvd. That only complicates and congests that location, dangerous for the cars as well as the pedestrians.

**Response to Comment No. 10-3**

This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, the general areas of concern noted in this comment are addressed previously in Responses to Comments 4-8, 4-9, and 4-10. This comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 10-4**

One variance leads to another. Mr. Munger requests a variance to incorporate part of this land from two residential properties on Saltair Avenue into his parking space. Other variances will occur in time, once a precedence is made, mid a residential neighborhood becomes commercial.

**Response to Comment No. 10-4**

The comment states the commenter's opinion that one variance leads to another and, over time, the residential neighborhood becomes commercial. The variances and discretionary actions being requested are only granted after sufficient review from decision-making bodies, including any necessary public disclosures and CEQA compliance. The comment states that precedent would be made to allow an easier change from residential to commercial, but offers no specific criticism on the adequacy the Draft EIR or the proposed project. As such, the commenter's opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 10-5**

What is and has happened to the Brentwood I moved to 40 odd years ago? It was then a small village, and my street, Saltair Terrace, a charming cul de sac where the children could play. I realize, with time, changes take place; the population and its needs grow. But a shopping center of this scope is not necessary, especially at this time when there are many empty stores on San Vicente Blvd. The country-like atmosphere of Brentwood will be further destroyed with such a project and start to resemble commercial Westwood.

**Response to Comment No. 10-5**

The comment describes the changes to Saltair Terrace and Brentwood over the last 40 years, and opines that a shopping center is not necessary, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 11**

Sharon Cather

**Comment No. 11-1**

I am writing to register my dismay, in the strongest possible terms, that the demolition of the Barry Building (Historic-Cultural Monument #887) could even be contemplated.

As a native Californian [5th generation] I have taught conservation in London for over 25 years [Courtauld Institute of Art, University of London [www.courtauld.ac.uk](http://www.courtauld.ac.uk) <<http://www.courtauld.ac.uk>> ] where our focus is on wall painting conservation. We are therefore directly and perpetually concerned with the preservation of historic buildings. I am also a Vice President of the International Institute for Conservation [www.iiconservation.org](http://www.iiconservation.org) <<http://www.iiconservation.org>> , where similarly we have a global remit for preservation.

As a regular visitor to LA, I am constantly struck by the carelessness with which the built heritage is treated. There is a hugely important tangible heritage and it is quickly and quietly slipping away from your grasp. The Barry Building can simply not be one of those casualties to convenience. The challenge - and surely any architect worth his commission ought to be able to come up with a clever plan - is to adapt and reuse the Barry building *and the development* to provide a viable, sustainable win-win solution.

We are all used to buildings that are reused. Fortunately, we can now also ensure that they are reused sensitively. It is not beyond our wit to figure out how, nor beyond a reasonable expectation of Los Angelinos that their officials will ensure that their built heritage does not disappear willy nilly; when it is gone, it is too late.

Save the Barry Building. Reuse the Barry Building. Be glad in 10 years from now that short-termism was defeated and level heads prevailed to **preserve** what you already have.

**Response to Comment No. 11-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building and the commenter's preference that the building be reused. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 12**

Sheri A Saperstein

**Comment No. 12-1**

I am sadly angered to learn that plans for the proposed Green Hollow Square development (formerly called Brentwood Town Green) continue to call for demolition of the Barry Building. I urge the Cultural Heritage Commission—on behalf of the citizens of the City of Los Angeles—to reject the most current iteration of the redevelopment plans, and insist that the Barry Building **be preserved** within whatever plans are finally accepted by the City of Los Angeles. The integrity and vision of the Barry Building deserve to be preserved for future generations, and the building's key structural elements—well defined by Diane Caughey and the City of Los Angeles' own Office of Historic Resources—must be preserved in whatever development plan is finally accepted by the City of Los Angeles.

The Barry Building has such rich historic and cultural significance. It physically expresses the idealism that animated scores of people who moved to Los Angeles after World War II, hoping for a better life, one in which their lives would be enriched by well-engineered buildings and communities. The building represents an optimism that architecture can further community and civil society by ennobling the ways we live and by engaging with the local environment.

Eschewing ostentation and grandiosity, the Barry Building is one that is first experienced and later reveals its architectural cunning upon reflection and consideration. One takes for granted features—both functional and aesthetic—that include:

- \*the flow between its indoor and outdoor spaces, exemplified by the courtyard
- \*the natural light permeating the interior
- \*its overlapping and hovering rectangular planes, slender columns, and flat roof
- \*its use of cross-ventilation
- \*a screen on its eastern side
- \* its outdoor hallways
- \*its use of simple, readily-available and easily-maintained materials for its construction

I am troubled by the apparent destruction of the patio landscaping since the Monument's designation. It feels almost like an act of arson.

Architecturally, the Barry Building has unique significance to Southern California as one of the last remaining commercial examples of the internationally-admired "mid-century California modern" architectural style. Architects such as Richard Neutra, Pierre Koenig, and John Lautner revolutionized

domestic architecture after the war, and the style was further expressed in modern religious architecture, the college campus, and art museums. There are far fewer surviving examples of this style in commercial architecture, and this is yet another reason it is so important to preserve the Barry Building for future generations.

### **Response to Comment No. 12-1**

The comment provides information about the Barry Building. However, the history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resources Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887. The remainder of the comment provides the commenter's opinion to preserve the Barry Building. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 12-2**

As an aside, it seems worth noting to me that two significant examples of the mid-century California Modern style in religious architecture in Brentwood and nearby Bel Air—University Synagogue and Leo Baeck Temple—have both been razed and rebuilt in recent years.

### **Response to Comment No. 12-2**

The comment provides the commenter's opinion about other buildings that have been demolished, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 12-3**

With the Barry, one enjoys a glimpse into Los Angeles history. Brentwood has long been known as a neighborhood with progressive ideals. Above the Barry Building lies Crestwood Hills, which began as a utopian experiment in the late 1940s. It required all its buildings be designed by architects, and emphasized community spaces. Today, **16** of these mid-century modern homes are listed as Historic-Cultural monuments of the City of Los Angeles. Below this community the commercial strip of San Vicente Blvd. was built. I understand this strip was also developed with community-minded (and issued) restrictions in place, including limitations on building heights and hours of operation. The median strip with its Coral Trees (designated monument #148) added beauty and grassy pedestrian space for all to enjoy. Beauty and Aesthetics were clearly considered integral to the well-being of a healthy community and healthy society.

Within this context, the Barry Building was completed in 1951. It was designed not to be grandiose or self-important, but to be an integral part of both its environmental and civic community. To integrate into its environment, it maximized natural light, used cross-ventilation to minimize the need for air

conditioning, and featured a screen on its eastern side to mitigate the effects of the harsh afternoon sun. Its landscaping emphasized plants that would thrive naturally in its setting. To serve its community, outdoor hallways were designed specifically to encourage camaraderie amongst building inhabitants. Its courtyard opened both into the shops and offices and out onto the street. And while humble, it was beautiful—with overlapping and hovering rectangular planes, slender columns, and a flat roof that "lightened" the building, all in an understatedly elegant style.

These are the reasons the Barry Building deserved to become City of Los Angeles Historic-Cultural Monument No. 887. And this is why the Cultural Heritage Commission should insist that the Barry Building and its key structural elements be preserved intact.

The community has demonstratively outpoured its support for the Barry Building. Sadly, its developer persists in believing this treasure has no intrinsic value and is not worth saving. I urge Mr. Munger to capitalize upon this support and affection, leverage it, and by so doing, even become a local hero.

Designation of the Barry Building would further enhance and preserve the historic character of Brentwood and the San Vicente Corridor. In the words of Mahasti Afshar, "Landmarks let people share a sense of place, identity and cohesiveness, both literally and figuratively. Without them, we are alone, with them, we are a community."

### **Response to Comment No. 12-3**

The comment provides information about the Barry Building, San Vicente Boulevard median, and the Brentwood community. However, the history and significance of the Barry Building and the coral trees in the San Vicente Boulevard median are acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resources Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887, and the coral trees are designated Los Angeles Historic-Cultural Monument #148. The remainder of the comment provides the commenter's opinion to preserve the Barry Building and the coral trees. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 13**

Mary Brooks

**Comment No. 13-1**

I am writing to oppose the proposed demolition of the Barry Building in Brentwood as part of the Green Hollow Square (formerly known as Brentwood Town Green) development plan. Doing so would not only forever and irretrievably eliminate a Los Angeles Historic-Cultural Monument, but also set a dangerous precedent for ignoring the significance of Monument designation, and further weaken the City's preservation laws. I understand that with the exception of the destruction of a single historic bridge, no other LA City Historic Monument has been demolished.

This humble but idealist building is not only a significant example of the California post-modern architectural style, but an uncommon example of its expression in a commercial building. The height of the proposed new mall of 73,300 sq. ft. will have a severe negative impact on the low profiles of the buildings in the area. The mall is also estimated to bring at least 2,000 daily new motor trips to this already over-congested street having a major environmental impact on the health and well-being of the community.

I urge the preservation of this significant part of the Los Angeles cityscape.

**Response to Comment No. 13-1**

The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887. The Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments; however, demolition can be delayed for the time period specified in the Ordinance. Further, the comment mistakenly states that only other City monument has been demolished.

With respect to the portion of the comment about the height of buildings, the parapet of the Barry Building is approximately 26-28 feet high from the sidewalk line. The proposed project is approximately 39.5 feet high. Thus, as further described on Draft EIR page IV.B-11, it is reasonable to conclude that the new development is compatible with the scale and proportion of the Barry Building and other buildings in the vicinity.

**LETTER NO. 14**

Jeremy Berg  
c/o Inland Industries Group, LP  
964 Fifth Avenue, Suite 314  
San Diego, CA 92101-6102

**Comment No. 14-1**

The Marie Berg Trust commissioned Mr. Arthur L. Kassan, P.E., a Consulting Traffic Engineer, to examine the impacts of the Green Hollow Square (GHS) Project (Case No. ENV-2009- 1065-EIR) on our neighboring property located at 11941 San Vicente Blvd., Brentwood. The property is currently occupied by a CVS drug store. Mr. Kassan's report is attached and enumerates several concerns in regard to the traffic plan suggested in the Draft Environmental Impact Report (DEIR) for the GHS Project. Please accept this letter and Mr. Kassan's attached letter and analysis as comments on the GHS DEIR.

**Response to Comment No. 14-1**

The comment provides general introductory information and also states that the Marie Berg Trust commissioned a traffic study by Arthur L. Kassan on the impacts of the proposed project to the neighboring CVS drug store. However, the comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 14-2**

The proposal of the GHS Project to locate a traffic signal on the GHS Eastern exit driveway creates numerous negative and unmitigated impacts on our property and its tenant CVS. The sole purpose of this traffic Signal is to facilitate the egress of GHS clients. No concern for CVS patrons is evidenced. As the San Vicente Blvd. traffic is stopped by a red Signal to allow free exit by the GHS patrons, CVS patrons will be gridlocked from entering San Vicente Blvd. Further, when the San Vicente Blvd. traffic has a green Signal, the congestion created by the signal will negatively affect the abilities for CVS patrons to exit.

**Response to Comment No. 14-2**

The comment is addressed previously in Responses to Comments 4-11 through 4-13, 4-65, and 4-69. Therefore, no further responses to this comment are necessary.

**Comment No. 14-3**

The proximity of the GHS Project driveway is too close to the existing CVS driveway. The DEIR proposal to construct a major egress point approximately 21 feet from the existing CVS driveway is a

potential hazard. The two car length distance combined with the reduced visibility associated with the physical GHS project will potentially create an unsafe environment both for drivers and pedestrians alike.

**Response to Comment No. 14-3**

The comment is addressed previously in Responses to Comments 4-11 through 4-13, 4-65, and 4-69. Therefore, no further responses to this comment are necessary.

**Comment No. 14-4**

In general, the traffic impacts on the existing establishments have not been examined. The gridlock and hindered entry and egress will potentially reduce the willingness of customers to utilize the tvs store . The CVS store is one of the last remaining convenient stores in Brentwood that offers unstructured parking, facilitating easy and quick access for customers. The GHS Project's proposed traffic plan has the potential to render that access no longer convenient and rapid.

While we respect Mr. Charles Munger and admire the quality of his GHS Project, it does not appear the designers have considered or attempted to mitigate in any fashion the traffic impacts that it will create on us and the community.

**Response to Comment No. 14-4**

The comment is addressed previously in Responses to Comments 4-11 through 4-13, 4-65, and 4-69. Therefore, no further responses to this comment are necessary.

**Comment No. 14-5**

At your request, I have evaluated the potential impacts that may result from the development of the Green Hollow Square (GHS) Project directly adjacent to the western boundary of your property. In particular, I have evaluated the impacts that would occur to traffic using your western driveway on San Vicente Boulevard as result of the new exit-only driveway that is being proposed for the eastern edge of the GHS Project, that is, immediately adjacent to the property line between the two properties.

As a foundation for my analysis and evaluation, I have reviewed the *Draft Environmental Impact Report, Green Hollow Square Project (DEIR)*, particularly "Section L. Traffic Transportation, and Parking" and "Appendix K, Traffic Impact Analysis Report". I have also investigated the site and its vicinity, and we have counted the peak-period traffic that is currently using the pharmacy driveways

**Response to Comment No. 14-5**

The comment states that the commissioned traffic engineer has evaluated the potential impacts from the proposed project on the adjacent property, the CVS drug store. However, the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 14-6****Description of San Vicente Boulevard**

San Vicente Boulevard has two 34-foot wide one-way roadways separated by a 38-foot wide curbed, landscaped median. The northern roadway, on which the existing and proposed driveways will be located, is for westbound traffic, providing two traffic lanes and metered parking spaces at the north curb. The southern roadway, for eastbound traffic, has two lanes and metered parking during most of the day, with a third lane added in the morning peak period (7 to 9 a.m.) when parking is prohibited at the south curb.

The curbed median in front of the two properties assures that all traffic entering or leaving either property will do so by means of right turns from or to the westbound lanes.

**Existing Pharmacy Driveways**

The pharmacy surface parking lot is served by two driveways, both on San Vicente Boulevard. Each driveway is approximately 24 feet wide, providing one entry lane and one exit lane. Neither driveway has access controls - entry or exit gate, ticket dispenser, fee collection system, etc. On-site parking is free.

The edge of the western driveway is located 21 feet from the property line that separates the pharmacy site from the GHS site. The edge of the eastern driveway is located 224 feet from that property line.

**Response to Comment No. 14-6**

This comment provides a summary of the existing conditions along San Vicente Boulevard and at the site-adjacent CVS Pharmacy. This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 14-7**

We counted the traffic entering and exiting the pharmacy driveways during the peak period (4:00 to 6:00 p.m.) on Monday, March 28, 2011. The peak hour occurred between 4:30 and 5:30 p.m., and the volumes during that hour at each driveway are tabulated below.

Pharmacy Driveway	Peak Hour Number of Vehicles		
	Entering	Exiting	Total
Western	12	118	130
Eastern	112	4	116

The drivers favor, by large majorities, the eastern driveway for entering the pharmacy site and the western driveway for exiting. (The western driveway is 21 feet from the proposed location of the exit driveway for GHS.)

**Response to Comment No. 14-7**

This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 14-8**

The designers of Green Hollow Square have proposed two driveways to serve the commercial component of the project. Both driveways will be on San Vicente Boulevard.

- The western driveway will be adjacent to the western property line and will serve entering traffic only. There will be a gate and ticket dispensing machine.
- The eastern driveway will be adjacent to the eastern property line (and the pharmacy site property line) and will serve exiting traffic only. There will be a fee-collection kiosk for on-site drivers approaching that driveway.

According to the DEIR traffic impact report [DEIR Figure IV.L-7], the two driveways will attract the following peak-hour volumes:

<u>Proposed Project Driveway</u>	<u>Peak Hour</u>	<u>Number of Vehicles</u>
Western (Entry Only)	Morning	98
	Afternoon	278
Eastern (Exit Only)	Morning	71
	Afternoon	285

It should be noted that all of the entering traffic must pass along San Vicente Boulevard across the exit driveway (and the two pharmacy driveways), because the only approach to the entry driveway is the westbound-only roadway of San Vicente Boulevard. That will reduce the number of gaps in San Vicente Boulevard traffic available for exiting traffic.

**Response to Comment No. 14-8**

This comment simply summarizes the proposed project's driveway location and operations, as detailed in the Draft EIR. This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 14-9****Proposed New Project Driveway****B. Evaluation of Operations and Impacts**

The DEIR traffic impact report includes the recommendation that a traffic signal should be installed at the intersection of San Vicente Boulevard and the new project exit driveway. The purpose of that signal would be to interrupt the westbound flow on San Vicente Boulevard in order to provide gaps for traffic exiting GHS to turn right onto the street. According to the DEIR, "During these periods of heavy traffic demands and congestion [specified as the afternoon peak commute periods], vehicular queuing can extend sufficiently eastward from Bundy Drive or Saltair Avenue that it occasionally blocks the project's exit driveway location for short periods. Additionally, such vehicular queues can also restrict the exiting capacity of the project's exit-only driveway regardless of whether the driveway itself is physically blocked by the queue;" [page IV.L-531 The numbers of vehicles that will be able to exit and join the on-street queue will be limited; back-ups into the on-site circulation system will result in on-site congestion that could cause blockage of traffic entering the project at its western driveway, according to the DEIR.

The DEIR has revealed that the driveway system that has been proposed for GHS will not work adequately to serve the estimated project traffic volumes within the current or future street traffic environment unless the signal is installed. In a conference with City Department of Transportation (LADOT) personnel, I learned that the City is not planning to approve the traffic signal installation. LADOT will observe traffic operations in the vicinity of GHS after it is completely open for business and will determine if the signal installation can be justified in the future.

The signal, if installed as described in the DEIR, will stop westbound San Vicente Boulevard traffic immediately east of the new GHS exit driveway. Considering the proximity of that driveway to the pharmacy driveway - only approximately 21 feet between the edges of the two driveways - the traffic stopped on the street will completely block the traffic trying to exit from the pharmacy. Therefore, for the convenience of the GHS drivers, the pharmacy drivers will have reduced opportunities to find gaps in street traffic for their exiting right turns:

- when the signal indications are red to the street and green to the GHS exit driveway, street traffic will be stopped and queued across the pharmacy driveway; during that period, the street traffic queue will concentrate east of the new signal; and
- when the signal phasing changes to green for the street and red for the GHS exit driveway, the on-street queue will be so concentrated east of the signal as to reduce the number of gaps that would have been available for pharmacy traffic.

The afternoon peak-hour exiting traffic volume estimated by the traffic engineer for the DEIR is 285 vehicles per hour. On average, that is one vehicle every 12 Y, seconds. But, traffic doesn't flow "on average"; it is subject to wide variations within any hour. For design purposes, a statistical analysis (such as the Poisson Distribution) should be used to address the variations in random events, such as traffic

flow. Using that analysis method, there will be times during the afternoon peak hour when vehicles will arrive at the exit driveway at a rate of one every 7 Y, seconds. Based on the DEIR description of street traffic flow and queuing, there will not be a sufficient number of gaps in San Vicente Boulevard to accommodate traffic exiting the new driveway at that rate.

#### **Response to Comment No. 14-9**

The first paragraph of this comment simply summarizes the proposed project's driveway location and operations, as detailed in the Draft EIR. This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR.

The commenter's excerpted statement that the "...DEIR has revealed that the driveway system...proposed for GHS will not...serve the estimated project traffic volumes...unless the signal is installed" is taken out of context, and the comment has been previously addressed in Response to Comment 4-11. Further, the statement that the commenter has discussed the proposed project driveway signal installation with (unnamed LADOT staff) and that the "...City is not planning to approve the traffic signal installation" is not supported by the information provided in the Draft EIR. As shown in the LADOT project traffic study assessment letter contained in Appendix K-3 of the Draft EIR (page 3, Section D.1), the installation of the driveway traffic signal is identified as a requirement of the project by LADOT, following observations and evaluations by LADOT to determine whether such a signal is, in fact, warranted. This condition is based on the understanding by LADOT that the driveway operations analysis contained in the Draft EIR and project traffic study reflect "worst case" operational conditions that are not reasonably anticipated to occur but are provided for purposes of full disclosure of all possible project-related impacts in the project vicinity. The final determination by LADOT regarding whether to install the signal is a standard caveat of such conditions (all traffic signal and roadway improvements are required to be installed to the satisfaction of LADOT), and does not imply that the measure will not be approved. Additionally, it is important to recognize that LADOT's field analysis of the operations of the project driveway and the project's effects on San Vicente Boulevard traffic flows (including the operations of the nearby CVS Pharmacy driveway), following occupancy of the project site, will determine whether such a signal is necessary. Should field observations conclude that the project traffic study's "worst case" conditions forecasts are accurate, the signal will be installed. However, should the observations conclude that the forecast "worst case" conditions do not materialize, then it is likely that LADOT will determine that installation of the proposed project's exit-only driveway traffic signal is unnecessary.

The issues noted in the third paragraph of this comment have been previously addressed in Responses to Comments 4-12, 4-13, 4-26, 4-65, and 4-69. No further responses to this comment are necessary.

#### **Comment No. 14-10**

It is not clear from the plans included in the DEIR as to how the boundary between the new project and the existing pharmacy site will be treated. Will there be tall landscaping or a wall or something similar within the new project immediately adjacent to the property line? If so, the boundary treatment must be designed so as not to block the vision of exiting drivers. They must be able to see vehicles within the

pharmacy site exiting at the nearby driveway, pedestrians using the San Vicente Boulevard sidewalk, and vehicles traveling in the street. Additionally, the curb between the two driveways should be painted red to prohibit vehicle stopping and to enhance visibility for drivers exiting the new project.

#### **Response to Comment No. 14-10**

The project's exit-only driveway will be designed such that no sight visibility obstructions for exiting drivers will occur. Such operational and safety considerations are part of the City's normal site plan and driveway design review and approval processes.

#### **Comment No. 14-11**

##### **Other Relevant Issues**

The DEIR traffic impact study evaluated the potential impacts of GHS traffic at 12 intersections. The traffic engineering consultant found that there will be four intersections near the site at which the impacts will be significant and at which measures to mitigate the impacts will not be feasible. Therefore, " ... the project's impacts at each of the four intersections would remain significant and unavoidable." [page IV.1-113]

Two of the intersections - San Vicente Boulevard/Montana Avenue; and San Vicente Boulevard/Bundy Drive - are the two nearest signal-controlled intersections to the pharmacy site. The impacts of GHS traffic will increase congestion at those two intersections, which will impede traffic flow to the pharmacy (through the San Vicente Boulevard/Montana Avenue intersection east of the site where afternoon peak-hour operations will be at level of Service E) and from the pharmacy (through the San Vicente Boulevard/Bundy Drive intersection west of the site where afternoon peak-hour operations will be at level of Service F).

#### **Response to Comment No. 14-11**

This comment provides a summary of the traffic study analyses and results contained in the Draft EIR. This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

#### **Comment No. 14-12**

The proposed GHS on-site parking supply will exceed the City's Code requirement for parking by 103 spaces or 32%. Among the possible reasons for the excess spaces are: 1) a perceived need for above-Code parking to satisfy the potentially higher-than-normal customer and employee demands of the project tenants, or 2) the intent to provide members of the general public, who have no destination at the development, with parking for a fee. If the latter is the reason for the excess parking, then the trip generation estimates in the traffic impact study are too low. The estimates are based on the specific potential users (customers/employees/servicers) of the development, and do not take into account

members of the general public who will park on-site and use the entry and exit driveways, but will not patronize the on-site businesses. The generation estimates would have to be adjusted upward, and the impacts of project traffic would be worse than those stated in the DEIR.

#### **Response to Comment No. 14-12**

The comment speculates regarding the possible reasons for providing surplus parking on the project site, including suggesting that excess parking would be for general public parking use, and subsequently notes that in such circumstance, the project trip generation should be recalculated. It is not anticipated that the excess on-site parking provided for the proposed project will be used for general (non-project) public parking, and as noted on page II-34 of the Draft EIR, one of the project objectives is to provide parking in excess of City Code requirements in order to assure that adequate and convenient on-site parking is available to project patrons and employees at all times, thus minimizing the potential for project patrons and employees to park in the surrounding residential neighborhoods. The comment regarding the adequacy of the proposed on-site parking supply is previously addressed in Responses to Comments 4-17 and 4-18. No further responses to this comment are necessary.

#### **Comment No. 14-13**

##### **Recommendation**

The DEIR should be expanded to address the potential impacts that have been discussed above, specifically:

1. What will be the impacts of providing the new Green Hollow Square exit driveway in proximity to the existing pharmacy driveway that is used primarily for exiting traffic?
2. How will the installation of a traffic signal at the Green Hollow Square exit driveway impact traffic operations at the existing pharmacy western driveway?

#### **Response to Comment No. 14-13**

This comment is a summary of the commenter's previous concerns (Comment 14-9), and has been addressed previously in Response to Comment 14-9. No further responses to this comment are necessary.

#### **Comment No. 14-14**

3. If the traffic signal is not approved for installation by the Department of Transportation, as] is the current situation, how will the new Green Hollow Square exit driveway operate successfully considering the street traffic flow? What measures will be implemented to prevent the severe queuing problems described in the DEIR?

**Response to Comment No. 14-14**

This comment is a summary of the commenter's previous concerns (Comment 14-9), and has been addressed previously in Response to Comment 14-9. No further responses to this comment are necessary.

**Comment No. 14-15**

4. How will any architectural or landscaping feature along the Green Hollow Square property line be designed to optimize the sight distance for drivers exiting the development?

**Response to Comment No. 14-15**

This comment is a summary of the commenter's previous concerns (Comment 14-10), and has been addressed previously in Response to Comment 14-10. No further responses to this comment are necessary.

**Comment No. 14-16**

5. How will the increase in congestion at the San Vicente Boulevard/Montana Avenue and] San Vicente Boulevard/Bundy Drive intersections resulting from the Green Hollow Square traffic impact the accessibility of the pharmacy and the other developments along San Vicente Boulevard?

**Response to Comment No. 14-16**

This comment is a summary of the commenter's previous concerns (Comment 14-11), and has been addressed previously in Response to Comment 14-11. No further responses to this comment are necessary.

**Comment No. 14-17**

6. Will the excess parking spaces to be provided at Green Hollow Square attract the general public to park within that development, thereby increasing the numbers of trips that will use the new driveways and increasing the impacts on the adjacent pharmacy site driveway?

**Response to Comment No. 14-17**

This comment is a summary of the commenter's previous concerns (Comment 14-12), and has been addressed previously in Responses to Comments 4-11, 4-12, 4-14, and 14-12. No further responses to this comment are necessary.

**Comment No. 14-18**

If you have any questions about my analyses and recommendation, please contact me at your convenience, I will be available to discuss this matter with City officials and staff, as you request.

**Response to Comment No. 14-18**

The comment provides general concluding information but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 15**

Diane K Good  
11910 Goshen Avenue  
Brentwood, CA 90049

**Comment No. 15-1**

I oppose the proposed demolition of the Barry Building in Brentwood as part of the Green Hollow Square (formerly known as Brentwood Town Green) development plan. This is a Los Angeles historic-cultural monument and should be preserved.

**Response to Comment No. 15-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 16**

Lori Anglin

**Comment No. 16-1**

I write to urge the rejection of the current redevelopment plans for the proposed Green Hollow Square development as long as it continues to entail the demolition of the Barry Building on San Vicente Boulevard in the community of Brentwood, Los Angeles. Accordingly, I urge the City of Los Angeles to require the inclusion of the significant Barry Building in any future development plan.

The Barry Building's architectural merit and recognized structural composition are worthy of preservation, as is the contribution that the building makes to the civic streetscape. Architecturally, the Barry Building has significance to Los Angeles as one of the last remaining commercial examples of the internationally admired "mid-century California modern" architectural style. Post-war, leading architects such as Richard Neutra, Pierre Koenig, and Rudolph Schindler revolutionized the international style in their domestic architecture, and thereafter the style was adapted further for religious, institutional and cultural purposes. The Barry Building is one of comparatively few surviving examples of this style applied to commercial function - thus rapidly becoming a 'rare' item. Any approval to obliterate this landmark *would be* a very untimely reflection on the assessment capacities of the City of Los Angeles' Office of Historic Resources and a perilous precedent for all LA landmarks.'

Completed in 1951, the Barry Building was designed to be a contextual part of its environmental and civic community. To integrate into its environment, it maximized natural light, used cross-ventilation to minimize the need for air conditioning, and featured a screen on its eastern side to mitigate the effects of the harsh afternoon sun. Within this context, the Barry Building was decades ahead of its time - in the 21st century, we speak of sustainable development principles that endeavor to accomplish this! To further aggravate the contempt for such principles, the current developer's rogue intent to demolish all active, and still useful, energy resources embodied in this complex is wrong, from any angle.

**Response to Comment No. 16-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 16-2**

Brentwood has long been known as a neighborhood with progressive ideals. May the City of Los Angeles rule against awarding short term gains to an enterprising land developer who has clearly held the historic designation in contempt for years. The Barry Building should have its due opportunity to be integrated and continue its service to its community, whilst expressing its architectural and cultural significance.

Thanking decision makers in advance for your prudent actions,

**Response to Comment No. 16-2**

Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. See also Response to Comment 8-1 for additional information on Alternative 4.

**LETTER NO. 17**

Ainslee De Wolf

**Comment No. 17-1**

For years I have admired and enjoyed the courtyard of the Barry Building. On a hot day it is delightfully cool and restful, a lovely place to sit and have a coffee and refreshing to just pass through on your way to an appointment. I imagine that it provides a surprising amount of btu's of cooling for the shops and offices surrounding it. The Barry Building is something that is unique to Southern California and should be preserved.

**Response to Comment No. 17-1**

The comment provides the commenter's opinion that the Barry Building should be preserved. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 17-2**

I was part of the original contingent who worked to preserve this valuable piece of Architecture and I am perplexed by how ephemeral that protection appears to be.

- The Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887. Every effort should be taken to avoid the demolition of this designated landmark.

**Response to Comment No. 17-2**

The comment provides the commenter's opinion that the Barry Building should be preserved. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, the history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, and in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). As described therein, the Barry Building is designated Los Angeles Historic-Cultural Monument #887. The Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments; however, demolition can be delayed for the time period specified in the Ordinance.

**Comment No. 17-3**

- With its numerous retail spaces and large central courtyard, the Barry Building can be adapted to fit the needs of the Green Hollow Square project.

**Response to Comment No. 17-3**

The comment provides the commenter's opinion that the Barry Building can be adapted to fit the proposed project. Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. The commenter's opinion is nevertheless acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 17-4**

- The Barry Building can be sensitively upgraded for enhanced energy efficiency to meet the project's sustainability goals.

**Response to Comment No. 17-4**

The comment states that the Barry Building can be upgraded for enhanced energy efficiency. According to the Gruen Report (included as Appendix M to the Draft EIR), certain upgrades can be made, although additional information would be needed to determine the feasibility of many of these upgrades. See also Responses to Comments 7-10 and 7-11.

**Comment No. 17-5**

- Alternative 4, the preservation alternative, should be the preferred project as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

**Response to Comment No. 17-5**

The comment provides the commenter's opinion that Alternative 4 should be the preferred project. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 17-6**

- Demolition of the Barry Building, a city landmark, calls into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 17-6**

The comment provides the commenter's opinion about the City's ability to protect landmarks. As such, the commenter's opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See also Response to Comment 17-2.

**Comment No. 17-7**

Please preserve this wonderful example of Southern California's Architectural Heritage.

**Response to Comment No. 17-7**

The comment provides the commenter's opinion that the Barry Building should be preserved. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 18**

Steven E. Murphy

**Comment No. 18-1**

I am writing to you in response to learning that Brentwood's Berry Building is again in peril of being demolished. I began visiting Los Angeles from the Bay Area as a child in the 1960's. My grandparents lived in Brentwood and we often walked to the Berry Building to shop and relax in the courtyard. My lifelong interest in architecture began at about this time and I remember being fascinated by the suspended staircase, it is one of my fondest early memories of Los Angeles.

In a city that is often chided for obliterating its past and not having an identity, how can this building continue to be in jeopardy? As a transplant from San Francisco for the past ten years, I have always had a great affinity for Los Angeles and love my adopted city. I do get tired though of always having to defend LA to my friends in the north. The loss of an architectural treasure like the Berry Building will only perpetuate the myth that Los Angeles is a place that cares nothing about its own history. The Berry Building is quintessential Los Angeles and I hope it will be here for many future generations to enjoy and be inspired by.

**Response to Comment No. 18-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 18-2**

Please consider these points in your review:

- The Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887. Every effort should be taken to avoid the demolition of this designated landmark.

**Response to Comment No. 18-2**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

**Comment No. 18-3**

- With its numerous retail spaces and large central courtyard, the Barry Building can be adapted to fit the needs of the Green Hollow Square project.

**Response to Comment No. 18-3**

The comment is the same as Comment 17-3. Therefore, see Response to Comment 17-3.

**Comment No. 18-4**

- The Barry Building can be sensitively upgraded for enhanced energy efficiency to meet the project's sustainability goals.

**Response to Comment No. 18-4**

The comment is the same as Comment 17-4. Therefore, see Response to Comment 17-4.

**Comment No. 18-5**

- Alternative 4, the preservation alternative, should be the preferred project as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

**Response to Comment No. 18-5**

The comment is the same as Comment 17-5. Therefore, see Response to Comment 17-5.

**Comment No. 18-6**

- Demolition of the Barry Building, a city landmark, calls into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 18-6**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 18-7**

Please preserve this wonderful example of Southern California's Architectural Heritage.

**Response to Comment No. 18-7**

The comment is the same as Comment 17-7. Therefore, see Response to Comment 17-7.

**LETTER NO. 19**

Jean Svoboda  
3535 Lathrop Ave.  
Simi Valley, CA 93063

**Comment No. 19-1**

Don't demolish **The Barry Building! It is a designated Los Angeles landmark**, Historic-Cultural Monument #887, and these historical buildings are important!. They are living history, real, tangible, informative, beautiful! I have taken walks with the Conservancy to see all the wonderful historic buildings in L.A. In fact, they are the best experiences I've had downtown on the streets of L.A. I come from Simi Valley into L.A. for many cultural events, and when I walk the city, I fall in love with it! These historic buildings are so interesting, and for those of us unfamiliar with the streets of L.A. they provide a great (safe) opportunity to see the wonderful parts of the real L.A., the living, breathing L.A. Interesting that historical buildings bring life to these contemporary times. I realize you may have to the Barry Building for something else. With its numerous retail spaces and large central courtyard, **the Barry Building can be adapted** to fit the needs of the Green Hollow Square project. **The Barry Building can be sensitively upgraded** for enhanced energy efficiency to meet the project's sustainability goals. **Alternative 4, the preservation alternative, should be the preferred project** as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project. Please, think of future citizens who want to walk the streets of L.A. and will be able to continue to feel the past in the present. These historic buildings give L.A. a better reputation, considerate of the past, appreciative of the architecture of the past and it reinforces the belief that the city can and will protect our cultural heritage when clear adaptive reuse options exist. When I read about the Philharmonic Auditorium Building (HCM #61) being demolished in 1985 and that the site remains a parking lot today, I felt so disappointed and sad. Please, don't let something like this happen again. These historic buildings are one of the main reasons that I come into L.A. Don't ruin that for those of us who enjoy visiting your wonderful city for the history as well as the museums, concerts, festivals and neighborhood sites.

**Response to Comment No. 19-1**

The comment duplicates comments provided in Comment Letter 17 regarding the Barry Building. Therefore, see Responses to Comments 17-1 through 17-7. See also Responses to Comments 7-10 and 7-11.

**LETTER NO. 20**

Robin Shine

**Comment No. 20-1**

I just cry when I drive the streets of Los Angeles. I recall the way it used to be. The historic May Company building is now gone, a victim of the fricken LACMA which is not a cultural haven as the curator allows crap. Other wonderful old Los Angeles buildings (well old for L.A.) are being demolished in droves. It is horrible, there is nothing here to relate to anymore.

**Response to Comment No. 20-1**

The comment provides the commenter's opinion regarding historic buildings in Los Angeles, but does state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Further, the comment mistakenly states that May Company building has been demolished. However, the May Company building still exists as part of the Los Angeles County Museum of Art (LACMA West Building).

**Comment No. 20-2**

Worse still is the trees and whomever is chopping them down. Why? There is no shade, no oxygen being generated, no breeze and no greenscaping. I frankly think Terrorists are behind the destruction of Los Angeles. I thought it was> corporate greed, but I am beginning to wonder now.

**Response to Comment No. 20-2**

The comment provides the commenter's opinion, but does state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 20-3**

The Barry Building is not much of an architectural gem, but it is better than the monstrosity you plan in its place. Enough with the overbearing highrises. We cannot be another New York and certainly don't have the charm of New York. At least there is street scaping there. That is a city designed for cold steel and concrete. Los Angeles is a city designed for charm and comfort and to take in the outdoor feel.

**Response to Comment No. 20-3**

The height of the proposed project would be approximately 39.5 feet, which is not a high rise as the commenter opines. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 21**

Kelly Ireland

**Comment No. 21-1**

I'm writing to express my concern over the potential destruction of the Barry Building on San Vicente Blvd. in Brentwood. The building is a designated Historic-Cultural Landmark and we should take care to protect our city's heritage.

**Response to Comment No. 21-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 21-2**

The building should instead be incorporated into the Green Hollow Square Project design. Alternative 4 is the project that should be used.

**Response to Comment No. 21-2**

The comment provides the commenter's opinion that Alternative 4 is the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

## **LETTER NO. 22**

John Ballon

### **Comment No. 22-1**

As a lifelong resident of Brentwood, I grew up blocks away from Barry Building. Until a few years ago, the Barry Building's Dutton Books was a key gathering place for the local community. Now that it's gone, there is a hole in the fabric of our community. But the building, with all its cultural and architectural significance, remains. With its abundant retail space and inviting central courtyard, the Barry Building can readily fit the stated needs of the Green Hollow Square project.

As you know, the Barry Building is a designated Los Angeles landmark (Historic-Cultural Monument #887). Every possible effort should be made to prevent the demolition of yet another designated landmark. I urge you to seek 'Alternative 4,' the preservation alternative, as it would retain and reuse the Barry Building while providing the same number of parking spaces and a comparable amount of square footage as the proposed project.

It goes without saying that demolition of the Barry Building would seriously call into question the City's ability to protect our cultural heritage when attractive alternative options exist.

I am not just a Brentwood resident but also a politically active constituent. In my humble opinion, retaining the architecturally significant Barry Building--one of the area's few remaining commercial Historic-Cultural Monuments—should be a priority.

We will be remembered by future generations not just for what we build, but for what we tear down. Please do the right thing.

### **Response to Comment No. 22-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 23**

Debora Dale

**Comment No. 23-1**

I live in the neighborhood of the Barry Building, own a business in Santa Monica and am very concerned with our west side community. I fought long and hard to help Dutton's be able to continue in the building and have been following the progress of this project very closely since then.

I think it would be a tragedy to do anything with the Barry Building other than to adapt its existence into the overall plan for the development and upgrade it to meet sustainability requirements. It can easily be seen as an enhancement to the project and preservation of gems like the Barry Building is the epitome of sustainability!

The Barry Building is already "Historical Cultural Monument #887" and should stay that way. Los Angeles has made great strides in the near past to disavow its reputation as a landmark destroyer, unable of appreciating or valuing its architectural gifts. Please don't weaken and sell out to a billionaire developer!

**Response to Comment No. 23-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

Further, with respect to the ability to upgrade the Barry Building to meet sustainability requirements, see Responses to Comments 7-10, 7-11, and 17-4.

**LETTER NO. 24**

Don and Donna Faxon

**Comment No. 24-1**

My wife and I are very concerned that a building already listed as an L.A. Cultural Monument and as significant as the Barry Building (listing no. 887) would be targeted for demolition to allow for even more over-scale development. Please act responsibly and save this property!

**Response to Comment No. 24-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 25**

Carol Cetrone

**Comment No. 25-1**

Please, do not demolish the Barry Building !!

There are clear, workable options for adaptive reuse of this building !!

The landmarked Barry Building must be **reused** as part of the Green Hollow Square project.

**Response to Comment No. 25-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and its inclusion as part of the proposed project. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 25-2**

- **The Barry Building is a designated Los Angeles landmark**, Historic-Cultural Monument #887. Every effort should be taken to avoid the demolition of this designated landmark.

**Response to Comment No. 25-2**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

**Comment No. 25-3**

- With its numerous retail spaces and large central courtyard, the Barry Building **can be adapted** to fit the needs of the Green Hollow Square project.

**Response to Comment No. 25-3**

The comment is the same as Comment 17-3. Therefore, see Response to Comment 17-3.

**Comment No. 25-4**

- **The Barry Building can be sensitively upgraded** for enhanced energy efficiency to meet the project's sustainability goals.

**Response to Comment No. 25-4**

The comment is the same as Comment 17-4. Therefore, see Response to Comment 17-4.

**Comment No. 25-5**

- **Alternative 4, the preservation alternative, should be the preferred project** as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

**Response to Comment No. 25-5**

The comment is the same as Comment 17-5. Therefore, see Response to Comment 17-5.

**Comment No. 25-6**

- **Alternative 4 can be further developed and refined** to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

**Response to Comment No. 25-6**

See Response to Comment 8-1 for additional information regarding Alternative 4.

**Comment No. 25-7**

- **Demolition of the Barry Building, a city landmark, would call into question the City's ability** to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 25-7**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 25-8**

- **The proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided.** This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.

**Response to Comment No. 25-8**

The comment provides the commenter's opinion of general opposition to alterations in the San Vicente Boulevard median. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 26**

Torr Leonard

**Comment No. 26-1**

I am writing you today to voice my displeasure with the plans to demolish the 1951 Barry Building in Brentwood to make way for the Green Hollow Square project.

This demolition occurring despite its designation as LA Historic-Cultural Monument #887 would be unnecessary, misguided, and detrimental to the City's program of local landmarks.

There have been very few instances in which a designated Historic-Cultural Monument has been demolished to make way for new development. In fact, the draft environmental impact report for the project includes a preservation alternative, "Alternative 4," that would reuse the Barry Building for retail space while retaining its landmark designation. Demolishing the building in spite of this option would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist. The Barry Building can be sensitively upgraded for enhanced energy efficiency to meet the project's sustainability goals.

Every effort should be taken to avoid the demolition of this designated landmark. Thank you.

**Response to Comment No. 26-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 27**

HM

**Comment No. 27-1**

do **NOT** demolish the Historic Landmark "BARRY" bldg in Brentwood. It is a RESOURCE, and has been DESIGNATED a Cultural Monument. (#887) This wonderful space and be '**re-newed**' ~ '**Re-used**' ~ **Sensitively Upgraded**, with other SUSTAINABLE & adoptive options.

Don't REPEAT the same HORRIBLE, *AWFUL* mistake that was made with the HISTORIC LANDMARK Building that *WAS* located on Wilshire and La Brea.

The Barry Building can be Developed and Refined to make all parties in the matter happy.

Los Angeles Needs it's Cultural Heritage PROTECTED, **NOT** destroyed.

Natural Trees should NEVER be touched, for ANY Project, for any reason.

It should be very clear that the Barry Bldg os Architecturally Significant.

I want this email listed as an official comment to the EIR Draft for the Green Hollow Square Project.

**Response to Comment No. 27-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. Further, the commenter opines that the coral trees in the San Vicente Boulevard median should remain untouched. As such, the commenter's opinions are noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 28**

Martha Gravoves  
Metro Report, Los Angeles Times

**Comment No. 28-1**

When is the Barry Building project next up for consideration? Is it coming before the Planning Commission?

**Response to Comment No. 28-1**

The commenter asks when the proposed project is up for consideration before the Planning Commission. The City will set a Planning Commission date after the Final EIR has been released. All commenters who have provided addresses will receive notices of any hearings.

**LETTER NO. 29**

Rachel Potucek  
426 N. Gardner St.  
Los Angeles, CA 90036

**Comment No. 29-1**

I recently moved to Los Angeles and one of my favorite things about my new hometown is its surprisingly beautiful architecture. The Barry Building (of the future Green Hollow project) is a great example.

I'm really concerned that although the Green Hollow project draft EIR Alternative 4 is recommended, and would keep true to the mission of LA's historic preservation, Alternative 4 is on the chopping block?

Don't give up on adaptive reuse for the green hollows project. Adapt the Barry Building and upgrade it sensitively - do not destroy it for the sake of the owner's pocketbook.

There will always be new owners or developers...never another Barry Building.

**Response to Comment No. 29-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 29-2**

The Barry Building's destruction reminds me of Long Beach unfortunately (I lived there for five years). I know in Long Beach, if one project gets that coveted "one special variance" for parking, height or other things, it opens the flood gates to myriad developers who seek optimum return on their projects...they use the variance as precedent and convincingly say, "I deserve it too." In the long run, that "just one project" wiped out Long Beach's charm...And similarly, the Barry Building is potentially pandora's box for historic preservation in Los Angeles...

**Response to Comment No. 29-2**

The comment provides the commenter's opinion that if the Barry Building is demolished, it would open the "flood gates" for other historic buildings to be demolished. However, each historic resource is evaluated separately and the demolition of the Barry Building would have no bearing on other historic resources. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 29-3**

Lastly I believe the proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided.

**Response to Comment No. 29-3**

The comment provides the commenter's opinion of general opposition to the alteration of the coral trees in the San Vicente Boulevard median. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 30**

Shirley Akawie  
12301 Deerbrook Lane  
Los Angeles, CA 90049

**Comment No. 30-1**

Please don't let the Barry building be demolished. I am a resident of the local neighborhood. I live on the corner of Tigertail Rd and Deerbrook Lane. I have lived here for fifty years. San Vicente is a very lovely street and where I do most of my shopping. Please don't let them demolish a historical building that I visit all the time. Let them upgrade the building but not tear it down.

**Response to Comment No. 30-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 31**

Shannon Ryan  
205 Washington Avenue, Suite 406  
Santa Monica, CA 90403

**Comment No. 31-1**

I strongly urge you to help preserve Los Angeles designated Historic-Cultural Monument #887, the Barry Building. This beautiful building with its large central courtyard and numerous retail spaces can easily be adapted to meet the needs of the “Green Hollow Square” project. The building already attracts many local residents who get their coffee at Luxxe Café, shop in the stores, work, or go to pilates classes in the building. The Barry Building was the successful home of Dunton’s Books for years. The developers can sensitively upgrade the building to enhance its energy efficiency to meet the projects sustainability goals; after all, buildings which are already in existence have much less of an impact on the environment than the demolition and construction of a new building.

**Response to Comment No. 31-1**

The comment provides the commenter’s opinion of general opposition to the demolition of the Barry Building. As such, this portion of the comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

Further, Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. See also Responses to Comments 7-10, 7-11, and 17-4 regarding the feasibility of upgrading the Barry Building to enhance its energy efficiency.

**Comment No. 31-2**

The EIR Alternative 4, the preservation alternative, should be the preferred project. It retains the use of the Barry Building, while meeting the project’s goals. The Barry Building should not be torn down, just to be recreated in a more contemporary way. Alternative 4 can be further developed and refined to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

**Response to Comment No. 31-2**

The comment provides the commenter’s opinion that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration. Also, see Response to Comment 8-1 regarding additional information on Alternative 4.

**Comment No. 31-3**

If the Barry Building, a designated city landmark, were to be demolished it would call into question the ability for the city to protect its cultural heritage, especially when clear adaptive reuse options exist.

**Response to Comment No. 31-3**

The comment provides the commenter's opinion about the demolition of a historic resource. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 31-4**

Additionally, the proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided. This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.

**Response to Comment No. 31-4**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including coral trees). As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 32**

Shannon Ryan  
205 Washington Avenue, Suite 406  
Santa Monica, CA 90403

**Comment No. 32-1**

I strongly urge you to help preserve Los Angeles designated Historic-Cultural Monument #887, the Barry Building. This beautiful building with its large central courtyard and numerous retail spaces can easily be adapted to meet the needs of the “Green Hollow Square” project. The building already attracts many local residents who get their coffee at Luxxe Café, shop in the stores, work, or go to pilates classes in the building. The Barry Building was the successful home of Dunton’s Books for years. The developers can sensitively upgrade the building to enhance its energy efficiency to meet the projects sustainability goals; after all, buildings which are already in existence have much less of an impact on the environment than the demolition and construction of a new building.

**Response to Comment No. 32-1**

The comment provides the commenter’s opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 33**

Judith Randall

**Comment No. 33-1**

Do not allow the demolition of the Barry Building in Los Angeles. Whatever new structure replaces this retro-gem cannot possibly make up for its loss. It would be like looking into the mirror and seeing nothing. Save the Barry and save our past, present and future memories.

**Response to Comment No. 33-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 34**

Rose Cote

**Comment No. 34-1**

Please preserve the integrity of the Barry Building that already has been recognized and designated as a Historic-Cultural building. As a member of the Los Angeles Conservancy I am made aware of this City's declining historic architectural footprint.

**Response to Comment No. 34-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 35**

Lucy McBain

**Comment No. 35-1**

Dear Sirs, My professional opinion is that the Barry Bldg. is ugly and not at all the best use of the space. It was a travesty of justice when the neighbors had it declared an historic or cultural landmark. Everyone knew that they did so only because they wanted to keep the bookstore in their neighborhood, but the bookstore couldn't make enough money to stay n business. Mr. Munger did everything possible to help keep the bookstore in the neighborhood, including having a space for them during and after demolition and construction. The business just couldn't survive. The neighbors don't want anything successful there if it means more people coming to that site because of their fear of increased traffic. The beauty of the building was never an issue, and I think everyone knows that! Mr. Munger has excellent taste and anything he builds would be a great asset to the area.

**Response to Comment No. 35-1**

The comment provides the commenter's opinions in favor of demolition of the Barry Building and in support of the proposed project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 36**

Regina O'Brien

**Comment No. 36-1**

I am writing to show my support for the Barry Building and its HCM landmark status. Not only is the Barry Building architecturally significant, but it is also beloved by the community. It would set a disastrous precedent were you and the committee to allow the demolition of an Historic Cultural Monument, whose very purpose is to remain in perpetuity a standing Historic Cultural Monument. Will this open the floodgates for others who temporarily have ownership of the city's Cultural and Architectural History to demolish these sites at their will, never to be enjoyed by future generations?

Please recognize the Landmark status of this building, and make the owner consider the reuse of this building in future site plans.

**Response to Comment No. 36-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 37**

Barbara Kostos  
5255 Abbeyfield St.  
Long Beach, CA 90815

**Comment No. 37-1**

Why would this plan still even be in a consideration phase? Demolishing the Barry Building to make room for the Green Hollow Square building would be unnecessary, misguided, and detrimental to the City's program of local landmarks as well as to our cityscape.

As a longtime resident of the city who has seen too much such destructive activity, I beg you to stop this plan from becoming reality. The Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887. What is the point of designating special buildings as landmarks if they will continue to meet such a fate? It makes no sense.

The current building and space can be modified to suit the purposes which are intended for Green Hollow Square. Consider that instead. Know that I am just one resident but that I am sure that I represent the majority opinion. We can't continue to delete our history, short-lived as it may be.

**Response to Comment No. 37-1**

The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as the Historic Resource Report prepared by Galvin Preservation Associates (which is included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887. The Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments; however, demolition can be delayed for the time period specified in the Ordinance.

Further, Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development.

The remainder of the comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this portion of the comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 38**

Thomas R. Ryan  
1035 Georgina Avenue  
Santa Monica, CA 90402

**Comment No. 38-1**

I would appreciate your strong consideration in preserving the Barry Building.

The EIR Alternative 4, the preservation alternative should be followed. It will retain the use of the Barry Building while till meeting the projects goals.

Please do not allow this designated city landmark to be demolished on your watch!

**Response to Comment No. 38-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 39**

Jaimie Korody

**Comment No. 39-1**

I am a resident of the 11th Council District and am writing to urge the City of Los Angeles to preserve the Barry Building (Historic-Cultural Monument #887). It would be a catastrophe if this building was to be demolished.

It's my belief that the city must support preservation of our architectural treasures such as the Barry Building. As current day stewards, we owe future generations of Angelenos the opportunity to experience our precious architectural history.

**Response to Comment No. 39-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 40**

Mary O'Reilly

**Comment No. 40-1**

I am writing in reference to the upcoming Green Hollow Square Project. This project is a threat to the culture, history, aesthetic and pride of our community in Brentwood. The Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887, and every effort should be taken to avoid the demolition. This town offers very little by way of stories of those before us that still remain as it is and taking down this architectural gem is only contributing to that sad fact.

**Response to Comment No. 40-1**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

**Comment No. 40-2**

With its numerous retail spaces and large central courtyard, the Barry Building can be adapted to fit the needs of the Green Hollow Square project. It can be upgraded for enhanced energy efficiency to meet the project's sustainability goals. Alternative 4, the preservation alternative, should be the preferred project as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project. This is clearly the more "sustainable" route if sustainability is truly the issue at hand.

**Response to Comment No. 40-2**

The comment is the same as Comments 17-3 through 17-5. Therefore, see Responses to Comments 17-3 through 17-5.

**Comment No. 40-3**

**Demolition of the Barry Building, a city landmark, would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist. Further, the proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided. This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.**

Please do not further harm our local community with more unsustainable construction and take away our pride in our history and architecture.

**Response to Comment No. 40-3**

The comment is the same as Comments 17-6 and 25-8. Therefore, see Responses to Comments 17-6 and 25-8.

**LETTER NO. 41**

Richard Noel

**Comment No. 41-1**

Why can't we just leave some of the original structures in Brentwood since that's what made it a charming "village" to begin with. The Barry Building is a great example of Mid-Century Modern retail space which we have precious few of. Aren't there enough oversized and basically unpleasant new buildings in Brentwood? Gee let's make it look like every other modern retail area in Los Angeles and lose all of its original atmosphere and charm! I say enough is enough. I'm sure with all his financial assets, Charles Monger can find many other places to build that don't impact historical sites..

**Response to Comment No. 41-1**

The comment provides the commenter's opinions that the Barry Building is a great example of Mid-Century Modern retail and that there are enough oversized, modern retail buildings in Los Angeles. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resources Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR. Nevertheless, the commenter's opinions are noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 42**

Donald J. Alschuler  
13104 Nimrod Place  
Los Angeles, CA 90049

**Comment No. 42-1**

I don't believe that the Barry Building is worthy of being named a Historic-Cultural Monument. The building as it currently stands offers nothing to the community. I don't understand why this building could not be replaced with something more beneficial to the community.

My wife and I are members of the LA Conservancy. We object to their position on this issue.

**Response to Comment No. 42-1**

The comment provides the commenter's opinion in favor of demolition of the Barry. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 43**

Robert and Kenneth Nieberg

**Comment No. 43-1**

Please find attached letter to Hadar Plafkin, Project Coordinator, Department of City Planning

Although we sent you a previous letter, dated March 27, 2011, concerning the DEIR on the project, Green Hollow Square, being developed by Mr. Charles Munger, there are several other concerns that I would like to address. We live at 11929 Saltair Terrace, directly behind the parking lot of the designated project, and are therefore very concerned about any potential development on this site.

**Response to Comment No. 43-1**

The comment provides general introductory information but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, all letters received during the public NOP review period are included as part of Appendix B to the Draft EIR.

**Comment No. 43-2**

The Barry Building which now sits on the site of the proposed Green Hollow Square has been designated by the City of Los Angeles as a Historic Cultural Landmark, #887. It is not often that such an opportunity arises that a building can be preserved so that younger generations can see and appreciate classical architecture from the mid 20<sup>th</sup> century. The style is such that it provides a significant relaxing courtyard where people of the community meet and chat, have coffee, and even study. It would indeed be a pity not to save the building. The DEIR for Green Hollow Square makes no mention of saving or incorporating this Historic Landmark into its construction.

**Response to Comment No. 43-2**

The commenter provides the commenter's opinion that the Barry Building should be preserved. Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. The commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 43-3**

Mr. Munger has made no mention of construction logistics in the DEIR as it relates to Saltair Terrace, at present a quiet cul de sac, on which Mr. Munger also owns an empty lot adjacent to the parking lot. He has not assured the residents that the street will not be opened to accommodate the construction vehicles. Besides the congestion from the trucks and building machines, imagine the dirt and noise this would

produce, especially affecting this street but also the entire surrounding neighborhood. I can hear the announcements made by the Brentwood Magnet School principal on her bullhorn which is considerably further away than the proposed Green Hollow Square. Imagine the level of noise coming from this project reaching Saltair Terrace.

**Response to Comment No. 43-3**

See Response to Comment 10-2 regarding project impacts with respect to construction noise. See Responses to Comments 4-19 through 4-21 regarding construction impacts including the issue of construction staging. Further, additional construction analyses (including construction staging, hauling, etc.) have been provided in Section III, Additions and Corrections, of this Final EIR.

**Comment No. 43-4**

Being a large commercial project accommodating stores, businesses and restaurants, the traffic produced would completely clog up San Vicente Blvd and Saltair Avenue, already compromised by some of the heaviest traffic in a residential area. San Vicente Blvd. was once designated a scenic corridor; but now is one of the most heavily trafficked and congested streets in West Los Angeles. Such a project as designed would only make it like the Van Wyck expressway in N.Y.C. at peak traffic hours. This certainly does not signify “no significant impact” as stated in the DEIR. Saltair Avenue would be similarly effected and used as a “short cut” to and from the commercial area. At present Saltair Avenue is a dangerous street barely allowing residents to walk on the street due to cars passing in a narrow roadway with no sidewalks and with car parking. It is an accident waiting to happen.

**Response to Comment No. 43-4**

The commenter’s statement that the Draft EIR identifies that “no significant impact[s]” will occur along San Vicente Boulevard due to development of the proposed project is incorrect. The potential project-related traffic impacts in the study area are fully evaluated in the project traffic study (Appendix K-1 of the Draft EIR), and the results are summarized in Table IV.L-11 of the Draft EIR. As shown in this table, the project would be anticipated to result in significant impacts at three intersections along San Vicente Boulevard, including Bundy Drive (both the east and west intersections), Montana Avenue, and Barrington Avenue. See also Response to Comment 4-6. The comment regarding impacts to Saltair has been addressed previously in Responses to Comments 4-9, 4-10, 4-15, and 14-63.

**Comment No. 43-5**

The coral tree median on San Vicente Blvd, has already been designated an Historic Cultural Monument, #148. It is sad enough when natural forces destroy a tree, but to deliberately remove some of the trees to accommodate an insane traffic plan would be completely unreasonable. None of the traffic designs make any sense. Walking along San Vicente would become dangerous with more busy egresses and ingresses.

**Response to Comment No. 43-5**

The comment provides the commenter's opinion that none of the concept designs for the optional project design feature (median alteration) makes sense. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 43-6**

Such a large commercial enterprise as being proposed does not belong in this neighborhood. The needs of the residents are already met. Many stores have become redundant so that empty storefronts dot San Vicente Blvd. More restaurants are not necessary; there is a plethora of them now, and they only attract people from outside the neighborhood, increasing the congestion. I can imagine other restaurants in the area which have trouble parking their own customers using the Green Hollow Square parking lot for their own purposes.

**Response to Comment No. 43-6**

The comment provides the commenter's opinion that this project does not belong in the neighborhood and that the needs of the residents are already met. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, it is not anticipated that the excess on-site parking provided for the proposed project would be used for general (non-project) public parking.

**Comment No. 43-7**

We see nothing positive to come from such a large commercial project. Rather renovate and utilize the Barry Building and add to the attractiveness and desirability of the neighborhood.

**Response to Comment No. 43-7**

The comment provides the commenter's opinion that the Barry Building should be renovated. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 44**

Erin Hartigan

**Comment No. 44-1**

I write to you as a call to action in hopes that you will save the Barry Building. Please make every effort to preserve this cherished part of my childhood.

I grew up in Brentwood, just blocks from the Barry Building. It housed not only my favorite bookstore, Duttons, but also a makeshift community gathering place and represented a place of many milestones for me. My first job was at Duttons and I spent many hours making friends, studying for tests, researching papers and growing up there. I was heartbroken when Duttons was forced to close, but will be fully devastated if the beautiful, unique building that housed it is obliterated, too.

When I drive through Brentwood now, I hardly recognize the neighborhood that raised me. So many of the original, character-filled buildings have been demolished to make way for new development. The buildings that caused my parents--and by extension me--to initially fall in love with West Los Angeles have mostly disappeared to make way for commercial opportunities, condo buildings and general new growth.

With the demolition of those buildings, many small businesses disappeared, all casualties of a thriving neighborhood's growth. But the Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887. It deserves our protection and recognition.

Further, even though Duttons has closed, this continues to be a community center for learning, exercising and gathering. We must support its continued role in the unique community of Brentwood.

Please do not let a short-sighted developer destroy a place that has brought so much joy to my life. I know that it will continue to enrich and foster the lives of so many more people if we give it that chance.

**Response to Comment No. 44-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and fondness for Dutton's Books that was housed in the Barry Building. As such, the commenter's opinions are noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 45**

Lois Becker  
3100 Corda Drive  
Los Angeles, CA 90049

**Comment No. 45-1**

As a Southern California native, I have heard time and again people crying out over the degradation or outright destruction of an extraordinary and historic building which should have been designated as a landmark but hadn't been. This, however, is the first time that I can recall an appropriately designated landmark (the Barry Building, Historic- Cultural Monument #887), one where protection was actually applied for and granted in a timely manner, being slated for the wrecking ball.

This is crazy. It's bad for San Vicente. It's bad for Brentwood. It sets a terrible precedent for Historic-Cultural Monuments throughout LA. Styles may change (and like a pendulum they will swing back and forth), but respect for our city's history should not be subject to fads. If something has been designated worthy of preserving, then we should do everything in our power to preserve it. That is why Alternative IV, the preservation alternative of the draft EIR, should be the preferred choice. In addition, it will have the least adverse environmental impacts, the least construction impacts and the least adverse impacts on the community.

With its light, clean mid-century design, abundant retail spaces, and wonderful indoor-outdoor flow, the Barry Building can be preserved and respectfully adapted to improve its energy efficiency and to fit the Green Hollow Square Project needs.

**Response to Comment No. 45-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, see Responses to Comments 7-10, 7-11, and 17-2 regarding the feasibility of upgrading the Barry Building to improve energy efficiency.

**Comment No. 45-2**

And please do not allow the proposed alternative alterations to the median strip and coral trees (Historic-Cultural Monument #148), which are the signature of San Vicente Boulevard.

**Response to Comment No. 45-2**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including the coral trees). As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 45-3**

As a concerned resident of the Brentwood area and a CD11 constituent, I ask that these historic architectural and landscaping treasures of the Westside be respected and protected (as their designated status requires). World class cities recognize that preservation and development are compatible values and it is time for Los Angeles to grow up and recognize this as well. The Green Hollow Square Project needs to embrace Alternative IV of the Draft EIR and incorporate preservation of the Barry Building and of the San Vicente median. Alternative IV may be in need of further refinement (aren't we all?), but it is a superior solution in so many ways, not least because it honors the past while building for the future.

**Response to Comment No. 45-3**

The comment provides the commenter's opinion that Alternative 4 should be the preferred project. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, see Response to Comment 8-1 for additional information regarding Alternative 4.

**LETTER NO. 46**

Matthew Tager  
11525 Rochester Ave., #2  
Los Angeles, CA 90025

**Comment No. 46-1**

As a longtime resident of the area I writing to note my support of the conservation and restoration of the Barry Building in Brentwood. It would be criminal to consider the demolition of this architecturally significant building, one of Brentwood's few commercial Historic-Cultural Monuments. Preserving it should be a priority for the City. Although it is difficult to legislate taste as a design professional I object to getting rid of such a stylistically distinctive building in favor of what has become the norm for new development- a bland mash-up of misc. Mediterranean styles. It is also crucial to consider the fact that this part of the city is one of the most congested especially during peak rush hour times. The infrastructure cannot take any more density.

**Response to Comment No. 46-1**

The first portion of the comment provides the commenter's opinion against the demolition of the Barry Building. As such, this portion of the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment also states that this part of the City is one of the most congested, especially during peak rush hour times. Traffic is discussed in Section IV.L of the Draft EIR and acknowledges that four intersections have been identified as having significant and unavoidable impacts during peak traffic hours.

The comment also states a concern regarding infrastructure. As described in Section IV.M of the Draft EIR (Utilities and Service Systems), impacts to utility infrastructure (wastewater, water, solid waste, electricity, and natural gas) would be less than significant and no mitigation measures are required.

**LETTER NO. 47**

David and Estelle Felber  
575 South Barrington Avenue, #403  
Brentwood, CA 90049

**Comment No. 47-1**

As a native Californian and a resident living in Council District 11 my wife and I take great interest in the Barry Building. Retaining the architecturally significant Barry Building and preventing the demolition of one of Brentwood's few commercial Historic-Cultural Monuments we feel should be a priority for the City. **The Barry Building, Historic Cultural Monument #887 is a designated Los Angeles Landmark. With its numerous retail spaces and large central courtyard the Barry Building can be adapted to fit the needs of the Green Hollow Square project. Alternative 4, the preservation alternative, should be the preferred project** as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project. **Alternative 4 can be further developed and refined** to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

**Response to Comment No. 47-1**

The comment is the same as Comments 17-2 through 17-5. Therefore, see Responses to Comments 17-2 through 17-5.

**Comment No. 47-2**

Demolition of the Barry Building, a city landmark, would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 47-2**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 47-3**

**The proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided.** This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.

**Response to Comment No. 47-3**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including coral trees). As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 47-4**

I urge the Los Angeles Department of City Planning and Councilman Rosendahl to preserve the legacy of the Barry Building and prevent the demolition of Brentwood's few commercial Historic Cultural Monuments. This commitment should be a priority for the City.

**Response to Comment No. 47-4**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 48**

Carli Greenebaum  
11906 Saltair Terrace  
Los Angeles, CA 90049

**Comment No. 48-1**

I am a resident in the Brentwood neighborhood abutting the project referenced above.

Please find attached my letter with significant concerns regarding the Green Hollow Square Project as proposed.

Please call me if you have any questions regarding my letter and thank you very much for your consideration of my concerns as a neighbor in this community.

**Response to Comment No. 48-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 48-2**

I am writing to you with regard to the proposed "Green Hollow Square Project" on San Vicente Boulevard in Brentwood. My home is located on the small cul de sac Saltair Terrace that abuts the parking area that currently sits behind the small neighborhood Barry Building. The existing building and parking lot are visible from my front yard due to the Green Hollow Square project developers' purchase of and subsequent immediate demolition of the SFD previously located at the end of our cul de sac. The tearing down of this home and old growth, privacy providing foliage on the property were the first signs we had of this developer's impending complete lack of regard for our existing r-1 zoned neighborhood.

I have lived here for almost 8 years. I bought this house to raise my young children due primarily to the quiet nature of this old neighborhood with small homes and convenient access to our neighborhood schools. Over the past 7 years several very troubling changes have begun taking place that make absolutely no sense in an r-1 zoned quiet residential neighborhood. The worst of course is the unreasonably oversized mall being proposed to replace the existing neighborhood appropriate Barry Building development. I implore the City to seriously take into consideration the potentially horrible impact this could have on an increasingly untenable traffic situation on the already often-gridlocked rush hour traffic at the corner of Saltair Avenue and San Vicente Boulevard.

**Response to Comment No. 48-2**

The comment provides the commenter's opinion that the project is "unreasonably outsized" for the neighborhood. However, the proposed project would contain neighborhood-serving uses such as restaurants, retail, and offices to complement the existing residential neighborhood areas. The project is not designed to be a "destination" project in terms of either use or size. The discussion of land use and zoning compatibility is contained in Section IV.H of the Draft EIR. It was concluded therein that the proposed project would have a less than significant impact with respect to land use and planning. Further, the proposed project would not provide access on any residential streets and the parking area would be shielded from view of the surrounding residential properties through the implementation of foliage cover. For a discussion of traffic at the intersection of Saltair Avenue and San Vicente Boulevard, see Response to Comment 4-9.

**Comment No. 48-3**

At peak rush hour right now (between 8-10 am and 3- 6 pm) it can be virtually impossible to get through the intersection of San Vicente Boulevard and Saltair Avenue. In spite of giant white letters painted on west bound lanes stating "DO NOT BLOCK" the intersection, westbound cars on San Vicente are almost continuously idling on top of the words and blocking this intersection. The westbound San Vicente traffic is trying to make it past the Bundy/San Vicente light (an intersection often blocked by traffic headed south on Bundy trying to get across San Vicente headed to the 1-10 access on Bundy and Pico). Other westbound drivers are blocking the intersection while waiting to make a u-turn at the cut through located here to get to businesses on the south side of San Vicente. Making that u-turn requires waiting for an opening in the grid locked traffic headed east on the other side of San Vicente. There are also cars trying to use Saltair Avenue as a pass through to access the grid locked Sunset Boulevard traffic headed to the I-405 on ramps.

**Response to Comment No. 48-3**

This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 48-4**

It is imperative that any traffic study undertaken with regard to the Green Hollow Square Project MUST take place during the academic year and include the hours of 3-6 pm. There is a large elementary school less than one block from the Saltair & San Vicente intersection, a nursery school housed in the Brentwood Presbyterian Church located directly at the intersection on the south side of San Vicente and a middle school of 2,700 students not more than 1 mile away. During those peak hours the number of cars commuting to and from work and driving children home and to after school activities brings this area to a gridlocked stop on a daily basis already. does not even take into account the nearly 10 other nursery schools and public and private schools with in a 5-mile radius form this intersection that are accessed by San Vicente.

There are also 2 crowded 5-story office buildings on each side of this corner with parking for both buildings accessed on the first block of South Saltair Avenue just north of San Vicente. In addition, the first "residence" on the west side of Saltair after the office building parking lot is owned by a Chabad house who have already obtained some kind of conditional use permit. This organization has excessive attendant traffic all day long including the drop off and pick up of small children for some kind of daycare/early childhood education services. This group has also made some kind of arrangement with several of the homes across the street on the east side of Saltair (632, 634 and 640 Saltair) avenue to use those homes' driveways for loading unloading of kids and overflow parking. The first two southern most homes on the east side of the Saltair Avenue are owned by the Green Hollow developer and, in addition to allowing Chabad house drop off parking, are sublet to multiple tenants also adding to the increasingly dangerous amount of congestion at the south end of Saltair Avenue where it meets San Vicente. This existing traffic congestion is only growing more and more dangerous while neighborhood adult and children pedestrians continue to use Saltair to walk to and from San Vicente to access our local neighborhood grocery store among other small businesses at the corner of San Vicente and Bundy (less than half of a block from this same intersection).

#### **Response to Comment No. 48-4**

Regarding the comment that the traffic analyses for the proposed project "...must take place during the academic year and include the hours of 3 – 6 PM", as shown in the appendix of the project traffic study (Appendix K-1 of the Draft EIR), and noted on page IV.L-7, the intersection traffic counts utilized in the project traffic study were performed under typical mid-week conditions when area schools were in normal operations (May, early June, and November). Further, the peak period intersections traffic counts used in the study were conducted during the hours of 7:00 AM to 10:00 AM, and again from 3:00 PM to 6:00 PM. The remainder of this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

#### **Comment No. 48-5**

The idea of a major mall being developed half a block east of this existing gridlocked traffic is truly unimaginable. It is almost impossible to imagine life for the residents of this area of the city to continue in any reasonable manner. On my small cul de sac we are terrified of the scenario this developer has already set up by tearing down a home at the end of our street. It appears very likely he intends to use this R-1 lot for the construction of his 90,000 square foot mall either to park construction equipment, worker vehicles or even for the massive trash dumpsters the project will require. I have spoken with a city planning official in the West Los Angeles Building Department who said that in spite of the highly restrictive protections afforded to homeowners, a developer of this magnitude would ride roughshod over residents by putting his ample resources to work. My daughter has severe allergies and asthma and I am already losing sleep imagining the impact on her health of the additional dirt and noise of construction equipment sitting on and being used as egress to the giant development just one house away from our home.

**Response to Comment No. 48-5**

The comment states the commenter's concern that the project would be a major mall in a residential area. The proposed project would contain neighborhood-serving uses such as restaurants, retail, and offices to complement existing residential neighborhoods in the area. The project is not designed to be a destination-type project in terms of uses or size. See also Response to Comment 48-2, above, for a discussion on land use compatibility.

The comment also states concern about construction equipment parking and construction worker parking. The comment erroneously states that the development would be a 90,000 square foot mall. The proposed project would be approximately 73,300 square feet of neighborhood-oriented uses in addition to 3,700 sf of outdoor dining space, or a total of 77,000 square feet. Further, see Responses to Comments 4-19 through 4-21 for information regarding construction staging and construction worker parking. Further, additional construction analyses (including construction staging, hauling, etc.) have been provided in Section III, Additions and Corrections, of this Final EIR. The comment states the commenter's concern regarding noise from construction equipment. Section IV.I. discusses construction noise impacts and provides Mitigation Measures I-1 to I-11 to reduce construction-related noise and vibration, which include some of the following: the use of restrictions on hours and days, reducing multiple devices running simultaneously, sound control curtains, and other noise and muffler concealing devices. Nevertheless, because construction noise levels are likely to exceed existing ambient noise levels by more than 5 dBA for more than 10 days in a three-month period and by more than 10 dBA for more than one day at the identified noise-sensitive receptors, construction noise impacts would be significant and unavoidable. A Statement of Overriding Considerations would be prepared if the City decides to approve this project, despite significant and unavoidable construction noise impacts. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment also states the commenter's concern regarding dust from construction activities. The project would be required to comply with the South Coast Air Quality Management District (SCAQMD) Rule 403, which governs fugitive dust. Rule 403 reduces fugitive dust through a variety of activities including frequent watering down, covering stockpiles, limiting vehicle speeds onsite, and suspending grading when winds exceed a certain speed. The full list is provided on page C-22 of the Draft EIR. Section IV.C. of the Draft EIR discusses construction and operation-related air quality impacts, including dust and concludes that the dust control measures are appropriate and impacts would be less than significant.

**Comment No. 48-6**

My concerns expressed thus far only reflect my severe anxiety about the overwhelmingly negative impact of an enormous, long-term construction project. That is nothing compared to the horrible ongoing environmental impact that will result once a mall of this magnitude is operational abutting our single family dwellings. Aside from the obvious loss of our basic right to quiet enjoyment in this old R-1 zoned sleepy neighborhood the negative impact of a massive increase in the night time noise, light and exhaust fumes from the cars this place will attract in the evening will be devastating. On a personal note, I moved

my children here with the understanding that the local businesses in the Brentwood community near our home for the most part respected their proximity to homes and abided by reasonable early evening closing hours. The garbage dumping and collection noise, patrons gathering late at night virtually in our backyards and requisite parking lot safety lighting for two levels of additional mall style parking will be overwhelming to this area. The access point for the proposed second level of parking will also be approximately 50 feet from my asthmatic daughters bedroom window. How can the city deem this a reasonable project? We are hoping against hope that City Planning will insure there are more exhaustive studies undertaken to determine appropriate restrictions for the use of this space given the existing density of homes and small businesses

#### **Response to Comment No. 48-6**

The comment states additional concerns with the project site's proximity to residential homes and the impacts on noise, light, and exhaust during operation. As described in section IV.I., operational noise from vehicles, HVAC and other building units, the parking facility, and outdoor dining areas would be less than significant with the thresholds set by CEQA and the City of Los Angeles. As described in section IV.B.3, nighttime lighting would be well-shielded and focused onto the project site and designed so as to not spill directly onto other light-sensitive areas.

As described on page IV.C-38, the project would not create objectionable odors affecting a substantial number of people during construction or operation. The project does not include any uses identified by the SCAQMD as being associated with odors. Vehicle exhaust would be typical and indistinguishable to the existing and future exhaust along San Vicente Boulevard and the other uses along the north side of the street. The existing site already has parking in the rear along the residential homes to the north. The proposed project would not change this site arrangement with parking at grade, but would include subterranean parking.

#### **Comment No. 48-7**

We respect that the owner of this project site has the legal right to develop it but we have been pleading with them to consider a development in appropriate proportion to the existing one with sensitivity to the culturally significant existing structure and to the impact of additional business density on the neighborhood as a whole given existing geographic limitations. There are already many restaurants and a variety of retail establishments lining the San Vicente corridor many of which are already having a hard time remaining viable. There are simply so many practical considerations that make the proposed development an untenable disaster waiting to explode. PLEASE, please insure that proper studies are undertaken to truly reflect the current composition of traffic and the business needs of this small community. I would be happy to answer any questions you may have and thank you so much for your anticipated assistance.

#### **Response to Comment No. 48-7**

The comment provides the commenter's opinions that the proposed project is too large to be located near residential uses, and that the Barry Building should be preserved. The comment also provides the

commenter's opinion that the area has enough restaurants and retail uses. As such, the commenter's opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment asks that proper studies are undertaken to reflect the current traffic conditions. A current traffic study was undertaken which looked at existing, future with and without the project, as well as a number of related projects that could contribute to traffic. The Traffic study is included as Appendix K of the Draft EIR. Further, the Department of Transportation (DOT) completed its review of the traffic study on October 4, 2010, and determined that the traffic study adequately describes the project-related impacts of the proposed project. The DOT approval letter is also included in Appendix K to the Draft EIR.

**LETTER NO. 49**

Cheryl Drasin

**Comment No. 49-1**

To whom it may concern: I am a local resident and constituent, retaining the architecturally significant Barry Building and preventing the demolition of one of Brentwood's few commercial Historic- Cultural Monuments should be a priority for our City. Every effort should be taken to avoid demolition.

**Response to Comment No. 49-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 49-2**

With its many retail spaces and large courtyard our little oasis here in Brentwood. The Barry Building can be adapted to fit the needs of the Green Hollow Square Project. The Barry Building could also be upgraded for enhanced energy efficiency to meet the project's sustainability goals to retain and reuse the Barry Building while meeting many of the project goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project. Demolition of the Barry Building, a city landmark, calls into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 49-2**

The comment is the same as Comments 17-3 through 17-6. Therefore, see Responses to Comments 17-3 through 17-6.

**LETTER NO. 50**

Evelyn Stern

**Comment No. 50-1**

I am a 44-year resident of Brentwood, the owner of two homes designated Los Angeles cultural-historical monuments (#721 and #797), a former president and director of Brentwood Homeowners Association, and currently a member of the San Vicente Scenic Corridor Design Review Board.

I most strongly urge you to reject the Munger plan to demolish the Barry Building on San Vicente Boulevard, an intact example of the International Style on a relatively modest scale and a designated Los Angeles landmark . It is the only commercial structure so recognized in Brentwood, as far as I know.

**Response to Comment No. 50-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 50-2**

Unfortunately our experience in Brentwood has been that malls such as that proposed by Munger swamp the visual landscape to the detriment of the boulevard, which the San Vicente Scenic Corridor Plan envisions first and foremost as a pedestrian-friendly thoroughfare where local residents can gather, meet their neighbors, and relax. These malls are inevitably out of scale with the nearby structures, to the detriment of the aesthetics of the boulevard. The block where the Munger mall would be located has so far almost entirely escaped over-building. The San Vicente Scenic Corridor Plan was instituted specifically to retain small shops and avoid Brentwood's becoming a "shopping destination."

**Response to Comment No. 50-2**

The comment states that the proposed project would be visually detrimental to San Vicente Boulevard and out of scale with nearby structures. The proposed project would be shorter than the existing 4-story Coldwell Bank building immediately west of the project site. The proposed project would also be shorter than the 7-story Comerica Bank building located to the west, across Saltair Avenue. Further, the proposed project would be shorter than the 9-story building on the south side of San Vicente Boulevard across the street from the project site. See also Response to Comment 66-5 regarding the project's consistency with the San Vicente Scenic Corridor Scenic Plan.

The comment also states that the purpose of the Specific Plan is to avoid Brentwood becoming a "shopping destination." In fact, the Specific Plan recognizes that "development along the boulevard should preserve, protect and encourage retail shops and personal services and grocery stores on the ground floor of buildings for the benefit of the local community" (Specific Plan, page 1). The proposed

project would contain neighborhood-serving uses such as restaurants, retail, and offices to complement existing residential neighborhoods in the area. The project is not designed to be a destination-type project in terms of uses or size.

**Comment No. 50-3**

I am informed that the Barry Building can be sensitively adapted and upgraded for reuse. There is no justification for adding to traffic and parking problems in the area. Brentwood has apparently the least amount of parking available of all neighborhood commercial areas in the city. Last year I was involved in counting the number of restaurants on San Vicente Boulevard in connection with another issue. We already have something like 49 eating establishments in a span of a little over a mile. I seriously doubt we need the additional six restaurants Munger promises to bring us. (It may be more or less than six now; it was six the last time I saw a description of the project.)

**Response to Comment No. 50-3**

The comment provides the commenter's opinion that the Barry Building should be adapted and upgraded for re-use. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 50-4**

Just as most of us, individually, value our heritage by gathering and preserving family histories, we need to educate Angelenos that the city's built environment is part of our community heritage. We all stand on the shoulders of others who came before. A city without a memory is a city without a soul.

**Response to Comment No. 50-4**

The comment provides the commenter's opinion about the City's heritage. As such, the comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

## **LETTER NO. 51**

William H. Johnston, M.D.  
13600 Marina Pointe Drive  
Marina del Rey, CA 90292

### **Comment No. 51-1**

- Every effort should be taken to avoid the demolition of this designated landmark.

### **Response to Comment No. 51-1**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

### **Comment No. 51-2**

- With its numerous retail spaces and large central courtyard, **the Barry Building can be adapted** to fit the needs of the Green Hollow Square project.

### **Response to Comment No. 51-2**

The comment is the same as Comment 17-3. Therefore, see Response to Comment 17-3.

### **Comment No. 51-3**

- **The Barry Building can be sensitively upgraded** for enhanced energy efficiency to meet the project's sustainability goals.

### **Response to Comment No. 51-3**

The comment is the same as Comment 17-4. Therefore, see Response to Comment 17-4.

### **Comment No. 51-4**

- **Alternative 4, the preservation alternative, should be the preferred project** as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

### **Response to Comment No. 51-4**

The comment is the same as Comment 17-5. Therefore, see Response to Comment 17-5.

**Comment No. 51-5**

- **Alternative 4 can be further developed and refined** to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

**Response to Comment No. 51-5**

The comment is the same as Comment 25-6. Therefore, see Response to Comment 25-6.

**Comment No. 51-6**

- Demolition of the Barry Building, a city landmark, would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 51-6**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 51-7**

- **The proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided.** This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.

**Response to Comment No. 51-7**

The comment is the same as Comment 25-8. Therefore, see Response to Comment 25-8.

**LETTER NO. 52**

Ty Miller

**Comment No. 52-1**

Please find my comments regarding the Draft EIR for the Green Hallow Square Project (The Barry Building) attached for the public record.

**Response to Comment No. 52-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 52-2**

I am writing this letter to urge the City of Los Angeles to insure that every effort be taken to avoid the demolition of the Barry Building. The demolition of the Barry Building, a designated city landmark (HCM #887), would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist to the developer. With its numerous retail and creative office spaces and large central courtyard, the Barry Building can be adapted to not only meet the needs of the Green Hallow Square Project, but become a focal point for the project, making it unique among the other numerous restaurant/retail projects lining the San Vicente Scenic Corridor.

**Response to Comment No. 52-2**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 52-3**

Alternative #4, the so-called preservation alternative as outlined in the draft EIR, should be the preferred project, as it's stated objective is to retain and creatively reuse the Barry Building while meeting many, if not most, of the project's original goals. These include providing the same number of parking spaces and nearly the same amount of square footage as programmed for the currently proposed project.

The draft EIR states, "...Alternative 4 is considered to be the environmentally superior alternative, as it would result in impacts similar to those of the proposed project, and would reduce the significant and unavoidable impacts of the project with respect to both historic resources and aesthetics." I urge the City of Los Angeles require the developer to take the intent of Alternative 4 seriously. The developer, as required by CEQA, must in good faith, develop and refine a viable Alternative 4, both in program and schematics, that results in an overall project based on sound principals of retail planning that, at the same

time, insures any new surrounding construction be appropriately designed to integrate with the Barry Building in a complimentary and sensitive manner.

### **Response to Comment No. 52-3**

The commenter provides the commenter's opinion that Alternative 4 should be the preferred project. The commenter also asks for additional information and refinement of Alternative. Additional information about Alternative 4 is provided in Response to Comment 8-1.

### **Comment No. 52-4**

The Barry Building can be upgraded for enhanced energy efficiency while leveraging the building's original use of day lighting, passive solar control and cross ventilation, thus meeting the developer's sustainability goals. Accessibility issues can be resolved through creatively linking the second levels of the Barry Building with the elevator and stairwell cores serving the new surrounding construction.

Upon review of the "The Preservation Alternative" as documented in the Gruen Report in Appendix M, I have several concerns.

The schematic drawings referenced are simply the developer's original design with the footprint of the Barry Building "cut in." No effort has been made to integrate with new construction three dimensionally with the Barry Building in regards to meaningful pedestrian circulation patterns, viable servicing networks, spatial sequence, sight lines, daylighting or building massing. A realistic building program, including square footages and proforma, can not be evaluated until this work is accomplished.

1. Options to the original building organizational parti should be investigated. The original parti of two parallel driveways and two parallel pedestrian paseos might not be the optimal solution when the Barry Building and it's courtyard and kept in place.
2. The organization of proposed tenant spaces to the rear surface parking lot and circuitous pathways is very questionable in terms of tenant exposure and degree of pedestrian foot fall. The location of proposed office and retail uses which could help with these issues are not made clear.
3. The mix of office use to retail could be used to reduce traffic "trip" counts which could help mitigate some traffic concerns.
4. The proposed floor to floor heights and how they relate to the Barry Building are not addressed seriously. Elevators and new stairs should be kept in the new construction zones, with bridging to the Barry Building a possibility to be explored as well as the possibility of linking some new open space to portions of the Barry Building roof area(s).
5. The close proximity of the proposed exit driveway to the existing driveway of the retail facility to the east of the site is not good traffic design.

6. Building new underground parking below the Barry Building is cost prohibitive and should be solved in the schematic phase for evaluation. Supplying more parking than required should be evaluated in terms of its cost to keeping the Barry Building as a cultural resource for the community. The developer is not clear if the over park will be used by adjacent properties or for future conversion of proposed storage space to retail gla..

7. Tenant retail signage should be treated as a design element and how it would relate to the Barry Building explored.

In summary, Alternative #4 is the preferred project in concept for Green Hollow Square, but it must be further developed to mitigate the impacts stated in the draft EIR and fulfill the City's obligation to preserving one of Los Angeles's cultural gems. Many of the concerns I have stated for Alternative #4 as currently presented in the draft EIR are inherited from the original base scheme and represent flaws in good retail design practices. In a time where market conditions indicate an overbuild in retail and restaurant square footage for the next several years, Alternative #4 and its reuse of the Barry Building gives the developer the opportunity to create a unique retail/office destination along San Vicente Boulevard which continues the pedestrian scale and quality of urban experience sponsored in the San Vicente Scenic Corridor Design Guidelines, while at the same time preserving the Barry Building for the benefit of generations of Angelenos to come.

#### **Response to Comment No. 52-4**

The first portion of the comment discusses the ability to upgrade the Barry Building, which is previously discussed in Response to Comment 17-4. Further, see Response to Comment 8-1 for additional information regarding Alternative 4.

Regarding bullet point number 4, according to the applicant as well as an economic study submitted by the applicant's consultant (see Comment Letter 62), the proposed floor-to-ceiling heights for the new development are based on the tenant needs of today's market. Tall floor-to-ceiling heights allow for flexibility with prospective tenants, and gives them the type of spacious and proportionate to potential large floor areas space that is needed to establish a successful retail environment. The lower floor-to-ceiling heights with the existing Barry Building restrict the universe of potential tenants. Further, elevators and new stairs are in fact shown within the new construction zones, with bridging to the Barry Building. Due to the difference in elevation between existing Barry Building tenant spaces at Level 2, handicap lifts are proposed for the purpose of providing disabled access to these spaces, thereby increasing connectivity for all potential patrons. These handicap lifts are located near core areas of the Barry Building in order to maximize existing tenant space and minimize impacts to the existing structure.

The remainder of the comment provides the commenter's opinion that Alternative 4 should be the preferred project. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 52-5**

In closing, I would like to point out several other matters of concern for the record. Sincerely,

1. The draft EIR states that the buildings surrounding the Barry Building slated to be demolished have been evaluated by the developer's preservation consultant as being of no historical or cultural significance. This was in part based on the claim that no architect of record was discovered for two of the buildings. It is my understanding that the architect for the Barry Building, Milton Caughey AIA, was also the architect for two of these buildings. I would ask that preservation consultant's evaluation be revisited in light of this information.

**Response to Comment No. 52-5**

See Responses to Comments 55-4 through 55-7 for an additional evaluation of the historic significance of the buildings surrounding the Barry Building.

**Comment No. 52-6**

2. Traffic leaving the proposed project and wanting to travel eastbound would be required to make a u-turn at the intersection of San Vicente Blvd. and Saltair. Although Saltair is evaluated for traffic flow, the intersection itself is not evaluated. This seems to be a major flaw in that the stacking capacity for the intersection as it exists is minimal and blockage would be strong possibility during peak hours.

**Response to Comment No. 52-6**

The comment is addressed previously in Response to Comment 4-15. Therefore, no further response to this comment is necessary.

**Comment No. 52-7**

3. The proposed alterations to the median and coral trees (HCM #148) as an optional plan along San Vicente Blvd. should be avoided. The removal of six very mature coral trees and mitigating this with replacement with 36" box specimens is not mitigation. This would set a precedent that would invite further deterioration to this linear historic landscape monument for sole personal gain of a few.

**Response to Comment No. 52-7**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including the coral trees). As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 53**

Nakaquan (email)

**Comment No. 53-1**

The Barry Building, which is a designated Los Angeles Landmark, should be preserved as an architectural treasure of the city of Brentwood. I feel that the Barry Building can be sensitively reused to maintain the existing character of this building without having to destroy it to build a new structure.

**Response to Comment No. 53-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that the Barry Building can be integrated into the project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development.

**Comment No. 53-2**

I am a resident of Pasadena California where historical preservation has been a priority in this community. The City of Pasadena has taken pride of its architectural and cultural heritage and has worked with developers to maintain the unique character of this city.

I live a few blocks away from the Macy's building in Pasadena. When Macy's and the surrounding properties were re-developed not that long ago, the community chose to preserve this building and incorporate it into a new development design even though the developers want to demolish this historic building.

Last year the Macy's building won the 2010 Pasadena Historic Preservation award. The City of Pasadena website states (<http://www.ci.pasadena.ca.us/EkContent.aspx?theme=Navy&id=8589934953&bid=2970&style=news>), "Award winners will exemplify the best in preservation, restoration and rehabilitation of historic properties in Pasadena. The awards will be presented by the Pasadena Historic Preservation Commission, which serves as an advisory body to the Pasadena City Council, proactively seeking to raise awareness of preservation as a desired land use option through development review and nomination of individual landmarks and landmark districts."

**Response to Comment No. 53-2**

The comment provides information about the City of Pasadena, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 53-3**

The Barry Building can be adapted to fit the needs of the Green Hollow Square project. The City of Los Angeles has already designated the Barry Building as a historical landmark (Historic-Cultural Monument #887), as such the City of Los Angeles should make every effort to preserve this building. If this building is demolished then what is the use of a historical designation if it does not provide any protection to this architectural treasure. I would like to use the City of Pasadena as an example of a City that has embraced its architectural heritage and maintained its unique character. By preserving the Barry Building the City of Brentwood would retain part of the architectural past that makes Brentwood unique to Los Angeles.

As an aside, Last summer we visited Florida where we were surprised to see replicas of the Pan Pacific and the Brown Derby at Disneyworld. It brought back fond memories. At least Florida values these Los Angeles landmark buildings and we can still visit the replicas but the originals are long gone. When a community does not value its architectural heritage then the visual richness of our neighborhoods suffer.

There would be a significant negative impact to the Brentwood community if the Barry Building were to be destroyed. Please preserve and reuse the Barry Building for future generations to enjoy and use.

**Response to Comment No. 53-3**

The first portion of the comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. The remainder of the comment provides information about the City of Pasadena and the State of Florida, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 54**

Steven Keylon  
Village Green Board of Directors  
5300 Rodeo Road  
Los Angeles, CA 90016

**Comment No. 54-1**

My name is Steven Keylon, I'm on the Board of Directors at Baldwin Hills Village/Village Green, a National Historic Landmark community in Los Angeles.

I urge the City of Los Angeles to consider all of the options before permitting the demolition of the Barry Building for construction of the Green Hollow Square Project.

Our City's historic and cultural landmarks are valuable resources, especially those that have remained intact over the years. The demolition of the Barry Building and alteration of the adjacent median strip and Coral Trees (both of which have already been recognized by the City as historically and culturally significant) would be a sad loss to Brentwood and the rest of the City. The City should take seriously its responsibility to help preserve and protect important architectural, historic or cultural landmarks.

**Response to Comment No. 54-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and the alteration of the San Vicente Boulevard median (including the coral trees). As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 54-2**

Change is inevitable, but change doesn't have to mean complete obliteration. The Barry Building, with its wonderful human-scale courtyard and retail spaces, can and should be sensitively adapted and upgraded to harmonize with the new construction. Alternative 4, the Preservation Alternative, is the most sensible solution, and would meet the objectives of the overall project, while still retaining a building whose elegant spaces have become loved by those who have experienced them.

Not only should the Barry Building be preserved and repurposed so that others may enjoy these spaces, but the rest of the Green Hollow Square project should be further refined to more successfully harmonize with the Barry Building.

**Response to Comment No. 54-2**

The comment provides the commenter's opinion that Alternative 4 should be the preferred project. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-

making bodies for their review and consideration. Further, see Response to Comment 8-1 for additional refinement and analysis of Alternative 4.

**Comment No. 54-3**

The preservation of one of Brentwood's few remaining commercial landmarks would benefit the City. When something significant is lost, it is lost forever. Also, jeopardizing and diminishing the historic character of the Coral Tree median would set a dangerous precedent and possible future threat. It appears an option exists to meet everyone's needs, which would retain the historic Barry Building. In my opinion, it would seem the destruction of the Barry Building isn't the best or only option. Please protect this building.

**Response to Comment No. 54-3**

The comment reiterates the commenter's opinions provided in Comment 54-1. Therefore, see Response to Comment 54-1.

**LETTER NO. 55**

Charles J. Fisher

**Comment No. 55-1**

I am sending you my comments on the Green Hollow Square project in Brentwood that calls for the demolition of the historic Barry Building.

Please address the issues that are noted in this letter in any final EIR for this project proposal.

**Response to Comment No. 55-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts pursuant to CEQA. Nevertheless, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 55-2**

I am writing this letter to comment on the irreversible negative impact that the present proposal for the demolition of the Historic Barry Building at 11973 San Vicente Boulevard. As a historian who has successfully researched, written and or advocated over 130 successful Historic Cultural Monument nominations for the City of Los Angeles I have been actively involved in the field of historic preservation for almost three decades. My resume is attached to the end of this letter.

**Response to Comment No. 55-2**

The comment provides the commenter's opinion that demolition of the Barry Building would result in a negative impact to historic resources. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). As described therein, the Barry Building is designated Los Angeles Historic-Cultural Monument #887. Nevertheless, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 55-3**

The California Environmental Quality Act requires that various alternatives to any demolition of a historic resource be properly vetted during the EIR process in order to allow for a serious process to allow for the preservation of any threatened historic resource. This process has resulted in the preservation of many historic structures as a part of new projects.

However, while alternatives 1a and 4 note the preservation of the resource, the document rejects both alternatives as being infeasible. The real problem is that the proposals play no more than lip service to a

preservation alternative and fail to adequately explore any real proposals for the preservation of the historic resource. Alternative 1a is the no-build scenario, which would preserve the Barry Building by default. The preservation benefits here are obvious; However, the option has no analysis of the significance of the current setting.

### **Response to Comment No. 55-3**

The comment provides the commenter's opinions with respect to Alternatives 1(a) and 4. The comment states that while Alternative 1(a) "no build", and Alternative 4 "preservation" would retain the historic Barry Building, both alternatives are rejected as infeasible. Alternative 1(a) was rejected as it would not meet any of the project objectives. As stated on page VI-65 of the Draft EIR, Alternative 4 is concluded to be the environmentally superior alternative. However, by retaining the Barry Building, the project may not fully achieve project objective 1, which seeks architectural integration. Also, Alternative 4 may affect the ability to be competitive and achieve the economic goals under project objective 4. As an alternative, the level of detail required for analysis is not as defined as with the proposed project (as described in Response to Comment 4-39). Nonetheless, the analysis of Alternative 4 does explain to decision-makers that the preservation of the Barry Building would occur under this alternative, and reduce a significant impact to a less than significant level. Further, see Response to Comment 8-1 for additional information on Alternative 4.

### **Comment No. 55-4**

It is important to note that the other buildings that surround the Barry Building may also have significance. Two of them were designed by Milton Caughey, the architect of the Barry Building. Also, the building to the East, at 11961-69 San Vicente, was engineered by Edgardo Contini. The report then fails to mention anything further about Contini or his collaboration with Caughey on this building. Contini is well known for his work in Modernism, first as an engineer and later as an architect/engineer. Concurrent with this design was his work with A. Quincy Jones and Whitney R. Smith in the Crestwood Hills homes, a number of which are designated as Los Angeles City Historic Cultural Monuments. Contini later worked with Victor Gruen as one of the founders of Gruen and Associates in 1951. His innovative designs are well documented, yet his work on the 11961 San Vicente Building is only noted once in the Galvin Report with no data on his significance related. The report refers to additions in 1958 and 1993, but makes no mention of the architect Kenneth Anderson designing the 1958 addition. Anderson, who had his early training under Mies Van Der Rohe, is also a known Modernist who should have been discussed in the report. These omissions leave one to wonder what else has been left out when describing the surrounding buildings.

### **Response to Comment No. 55-4**

The biographical information on Edgar Contini and Kenneth Anderson is noted for the record. However, it fails to change the conclusion in the Historic Resource Report prepared by Galvin Preservation Associates. The purpose of the report was not to write the definitive history of each building in the study area, but rather to determine if they were historic resources subject to CEQA. While Edgar Contini may or may not be a master engineer, the building at 11961 San Vicente Boulevard is not considered to be an

important example of his work. According to National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (1995, page 20) “The property must express a particular phase in the development of the master’s career, an aspect of his or her work, or a particular idea or theme in his or her craft.” In the context of Contini’s body of work, the building at 11961 San Vicente Boulevard is not a notable example. Kenneth Anderson is not recognized as a master architect. Also, he played a marginal role in the design of the building. Furthermore, the prior alterations to the street-facing elevation negatively affected the integrity of the building.

#### **Comment No. 55-5**

The building at 11977 has an interesting history as well. David Barry operated a nursery on this site prior to the building of the adjacent structures. A 1947 permit has Milton Caughey designing an addition to an existing building at the site. There is a site plan on the rear of the permit that is almost unreadable on the film, but it appears that this addition may have resulted in the present façade of the building. It is the earliest record that we have of the working relationship between David Barry and Milton Caughey. From 1951 into the 1980s this building, which is an art gallery today, was the home of “California Jungle Gardens”, a specialty exotic plant nursery. None of this information is even mentioned in the Galvin Report.

#### **Response to Comment No. 55-5**

The fact that the building at 11977 San Vicente Boulevard was designed by Milton Caughey, does not necessarily mean that it is eligible for designation under Criterion C. According to National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (1995, page 20) “The property must express a particular phase in the development of the master’s career, an aspect of his or her work, or a particular idea or theme in his or her craft.” The building at 11977 San Vicente Boulevard does not meet that standard. It is representative of the work of Caughey, but is not as notable in design as the Barry Building.

#### **Comment No. 55-6**

Taken together, these buildings, which flank the Barry Building to the East and West, form a consistent and cohesive setting for the historic resource. The December 2010 Galvin Report on the historic resources describes these buildings and supply some of their history, as well as some of the history of the Bonner School building, to the West of the other structures. However, the report reviews all of the existing resources individually and not as a grouping, and therefore fails to show how the historic and architectural links between them help to enhance the significance of each of the individual buildings.

#### **Response to Comment No. 55-6**

Groups of buildings are evaluated as potential historic districts at the national and state levels and as Historic Preservation Overlay Zones at the local level. According to National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (1995, page 5) “A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or

aesthetically by plan or physical development.” The area on San Vicente Boulevard around the Barry Building was not evaluated as a potential historic district because it was the professional opinion of Galvin Preservation Associates that there were not enough contributing buildings to constitute a significant concentration and that the area was not an identifiable entity.

#### **Comment No. 55-7**

Furthermore, as building permits prior to 1947 were never found on the Bonner School property, it appears that the early history of the school has been glossed over, diminishing its potential significance in the report. No history is given on Esther Bonner, who originally founded and ran the school for its entire 46 year existence. The report states that the original building dates from 1933, but County records show a date of 1924. The building shows in a 1928 aerial view of the area, which again leads one to question the accuracy of the report. How was the 1933 date arrived at with no building permits being found prior to 1947? These aspects and the potential impacts must be adequately vetted and analyzed in the EIR process

#### **Response to Comment No. 55-7**

The Los Angeles County Office of the Assessor website indicates the year built/effective year built as 1924/1933. There are no building permits on record prior to 1947 for the property at 11991 San Vicente Boulevard. In the professional opinion of Galvin Preservation Associates, the property as it stands today represents the Bonner Elementary School campus during the period 1947 to 1962. Any improvements to the property made in 1924 are not apparent.<sup>4</sup> Mrs. Bonner, apart from her establishment of the school, was not found to have made a significant contribution to the history of education at the local, state, or national levels.

#### **Comment No. 55-8**

Alternative 4, which is presented as the “preservation alternative”, states that the new project would be built to integrate the Barry Building allowing for its preservation. However, the option appears to only pay lip service to a true preservation option, with the conclusion being that “While every attempt has been made to integrate the Barry Building, the development of this alternative would not be as cohesive as the proposed project...” The option goes on to state that Alternative 4 would be the “environmentally superior alternative”. The report then states that an alternative site for the project is impossible as the developer only owns the subject property and the describes a feeble effort to relocate the Barry Building by offering it to the Los Angeles Department of Recreation and Parks, which is hardly a “good faith” effort to find a true preservation alternative to the present project proposal.

This is important, as there really is no argument among experts in historic preservation that retention of the historic resource is the best solution. I made a simple comment at the Cultural Heritage Commission hearing, April 7, 2011, that the developer needs to design a project that makes the Barry Building its centerpiece. The current proposal that was presented at that meeting shows a project where the new two-

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<sup>4</sup> While the assessor year built date is 1924, the building does not look like it was constructed in 1924. The building permit history picks up in 1947, so it can be assumed that the building was altered post-World War II.

story buildings basically smother the historic structure by surrounding it in a manner that is not cohesive by erecting taller structures. The first thing in good design is to make the new structures complement the historic one. There has been no attempt to do that in the current proposal for Alternative 4. Until that is done, the option is not properly vetted, leaving the environmental process incomplete. The Cultural Heritage Commission has noted that in their comments as well.

This is a project that has an obvious preservation solution, yet it appears to be the developer's vision not to do it. Therefore it must be the City of Los Angeles, as the lead agency, that demands a project that does preserve our historic past.

**Response to Comment No. 55-8**

The comment provides the commenter's preference for a preservation alternative, and also the commenter's opinion that the design of the preservation alternative should be improved. See Response to Comment 8-1 regarding additional design information for the preservation alternative (Alternative 4).

**Comment No. 55-9**

The idea of tearing down the historic structure and then creating a slightly larger building that incorporates some of the design elements of the historic building is not a preservation solution. This idea has been rejected as inadequate mitigation in many earlier projects and would set a very bad precedent if allowed to stand.

We have successfully preserved and adaptively reused other historic structures as the centerpiece of successful projects many times. One can look at both the Janes House and the Cinerama dome in Hollywood (The latter of which is still under its original use.) as examples of these projects. This project has fewer impediments than others have, considering that the current use of the Barry Building is consistent with the proposed project.

**Response to Comment No. 55-9**

The comment states the commenter's opinion that the Barry Building should be adapted and re-used as part of the project, and mentions other adaptive re-use projects. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 55-10**

The report that was prepared by Gruen Associates in January of this year describes a number of accepted mitigation measures for the preservation and incorporation of the Barry Building into the project, yet none of these mitigations have been incorporated into the DEIR document. In addition, a letter from Teresa Grimes of Galvin Preservation Associates, concurs with the conclusions of the Gruen Report. Preservation here is so obvious that it should be the primary goal of the new project, not an afterthought that was proposed because the CEQA process requires it.

**Response to Comment No. 55-10**

The comment states that the “mitigation measures” described in the report prepared by Gruen Associates (included as Appendix M to the Draft EIR) were not incorporated into the Draft EIR. The commenter is referring to the modifications to the existing Barry Building necessary as part of Alternative 4/preservation alternative (see page 6 of the Gruen Report). According to CEQA Guidelines Section 15370, a mitigation measures must avoid, minimize, or reduce over time an impact from the proposed project. Therefore, according to this definition, this list of modifications would not be considered mitigation measures, but rather modifications to the Barry Building to bring it up to current Code requirements.

**Comment No. 55-11**

The analysis of Historic and Cultural resources in the DEIR is inadequate. It is incomplete and has contradicting information regarding the buildings located at 11961, 11977, and 11991 San Vicente Boulevard. These buildings must be studied in greater detail. Also, the preservation alternatives for the Barry Building must be addressed appropriately and fully.

**Response to Comment No. 55-11**

The comment reiterates some of the comments provided above. Therefore, see Response to Comment 55-4 regarding the building at 11961 San Vicente Boulevard, Response to Comment 55-5 regarding the building at 11977 San Vicente Boulevard, and 55-7 regarding the building at 11991 San Vicente Boulevard. See also Response to Comment 55-8 regarding Alternative 4.

**LETTER NO. 56**

Mary-Margaret Stratton

**Comment No. 56-1**

Please uphold the Barry Building Historic-Cultural Monument #887 as well as the San Vicente Coral Trees Historic-Cultural Monument #148.

I am a resident of Westwood Village and currently live in the Landmarked Gayley Terrace building. I consider Brentwood Village and the San Vicente Corridor to also be part of my my community. I am also the owner and operator of [www.LottaLiving.com](http://www.LottaLiving.com) <<http://www.LottaLiving.com>> an online web 2.0 community for Mid Century Modern architectural enthusiasts from across the country that gets up to 25,000 monthly visitors.

I do not desire to go into the significance of the Barry Building as its importance has already been established. This cultural asset was clearly found to be worthy of Monument Status. What is concerning to me is how easily a designated landmark can be demolished. I am actually appalled that the City would even consider this building's demolition and potential alteration to the coral tree median when there are more acceptable and appropriate options available.

**Response to Comment No. 56-1**

The first portion of the comment provides the commenter's opinion of general opposition to the demolition of the Barry Building and alteration of the San Vicente Boulevard median. As such, this portion of the comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

With respect to the portion of the comment that questions how a historic resource can be demolished, the Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments. However, demolition can be delayed for the time specified in the Ordinance.

**Comment No. 56-2**

I am not anti-development, nor anti-business. I am pro-win-win for the community and property owners. The Barry Building can be adapted to fit the needs of the Green Hollow Square project. Alternative 4 should be the preferred project as it retains the building and meets many of the project's goals.

Any other choice sets a precedent for weakening and eventual trivialization of the Historic- Cultural Monument program for the entire city.

Thank you for your consideration.

**Response to Comment No. 56-2**

The comment provides the commenter's opinion that Alternative 4 should be the preferred project. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 57**

Richard H. Platkin, AICP  
6400 W. 5<sup>th</sup> Street  
Los Angeles, CA 90048

**Comment No. 57-1**

My written testimony in response to the Draft Environmental Impact Report for Green Hollow Square, also known as the Brentwood Town Green (ENV-2009-1065 EIR), is attached.

Please contact me if you have any questions or need additional information.

Also, could you please contact me to acknowledge receipt of this email and attachment.

**Response to Comment No. 57-1**

The comment provides general introductory information but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 57-2**

In my comments to the scoping study for the Draft Environmental Impact Report for the Brentwood Town Green / Green Hollow Square (Case No. ENV-2009-1065-EIR), I raised a series of planning issues which have not been adequately responded to in the Draft Environmental Impact Report for this project. The thrust of my original comments to **Category IX – Planning and Land Use**, focused on the following question:

**Sub-category b), environmental impact issues related to conflicts with local planning policies as follows:**

***“Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?”***

**Response to Comment No. 57-2**

Please refer to Response to Comment 4-24 regarding the issue of project consistency with the General Plan as it relates to environmental impacts. In terms of the requisite finding of General Plan consistency as it relates to the discretionary actions necessary to facilitate the proposed project, the applicant has prepared and submitted findings for each of the discretionary actions, as required by the Los Angeles Municipal Code, to the Department of City Planning. These findings address consistency with various

elements of the General Plan, including the Framework Element, Land Use Element (Brentwood-Pacific Palisades Community Plan), and Transportation Element, as well as the San Vicente Scenic Corridor Specific Plan. The Department will review these findings during the decision-making process. The decision-makers must make the necessary findings in the affirmative in order to approve the various discretionary actions. The commenter also asserts that the request for Site Plan Review necessitates a finding of full compliance with the General Plan. This is not in keeping with the standard found elsewhere in the Los Angeles Municipal Code and City Charter that projects be “in substantial conformance with” or “in harmony with” the General Plan, and State law does not require perfect conformity between a proposed project and the General Plan. There is no rationale as to why Site Plan Review requests would be held to a higher standard.

### **Comment No. 57-3**

I answered this question by analyzing the legally required findings which would be required for the project’s eight (8) separate land use entitlements. I noted that all of them – directly or indirectly -- require a legal finding of consistency with the General Plan of the City of Los Angeles. I then proceeded to list the precise legal findings for each of the eight requested discretionary actions by quoting from the relevant sections of the new City of Los Angeles Charter and/or the Los Angeles Municipal Code (LAMC). Most importantly, I referenced Sections 556 and 558 of the City Charter which clearly state that projects, such as the one under study, must be, **“IN SUBSTANTIAL CONFORMANCE WITH THE PURPOSES, INTENT AND PROVISIONS OF THE GENERAL PLAN.”**

Other sections of the code have deleted the word “substantial”, and therefore require full compliance for discretionary actions such as Site Plan Review. Furthermore, other legally required findings, for example Conditional Use Permits, require discretionary actions to be in **“harmony with the General Plan.”**

As reviewing the General Plan consistency findings for the project’s eight (8) discretionary city planning actions, I then discussed the central organizing element of the General Plan, the discretionary General Plan Framework Element. It was adopted in 1996 to integrate all of the General Plan’s required and optional elements. It continues to be the definitive legally adopted statement of planning principles for the City of Los Angeles, and it is unambiguously clear that the city’s underlying planning principle is growth neutrality. This means that all plans, all ordinances, and all discretionary planning actions can only deviate from legally adopted policies and ordinance provisions when they demonstrate that planned and zoned densities are no longer adequate for a particular community. More particularly, a local community must demonstrate that documented population growth and housing demand have outstripped the planned and zoned capacity of a specific geographical area.

In the case of this project, the San Vicente Corridor Specific Plan, the Brentwood-Pacific Palisades Community Plan, and the General Plan Framework Element, no such data is presented in the DEIR or, as far as I am aware, even exists. In fact, all evidence is to the contrary, that these local plans have more than enough planned and zoned capacity to meet all existing and projected growth scenarios without any increases in planned and zoned density. This means that this project’s discretionary actions cannot meet

the legally required findings that its eight requested discretionary actions (fully) comply, substantially comply, or are in harmony with the General Plan of the City of Los Angeles.

To do so, the applicant would need to clearly document the inadequacy of existing plan designations and zoning ordinances. Even though existing plan designations and existing zoning, including zoning overlay ordinances, do not permit this project, as it is currently proposed, relief from them cannot be granted because they impede a business model. Likewise, relief from legally adopted plans and zones cannot be granted by citing scattered General Plan provisions unless there is also consistency with the PURPOSES AND INTENT of the General Plan. To explain this more fully, it is worth looking at the exact words of the General Plan Framework Element on what exactly is meant by growth neutrality:

EXECUTIVE SUMMARY: “The Framework Element does not mandate or encourage growth.”

“The City is not promoting... population growth. Rather, pursuant to conformity requirements, it has developed this Element to establish policies to best accommodate this growth when and if it should occur.”

“LAND USE: The primary objectives of the policies in the Framework Element's Land Use chapter are to support the viability of the City's residential neighborhoods and commercial districts, and, when growth occurs, to encourage sustainable growth in a number of higher-intensity commercial and mixed-use districts, centers and boulevards and industrial districts particularly in proximity to transportation corridors and transit station.”

“INFRASTRUCTURE AND PUBLIC SERVICES: Maintain an adequate system/service to support the needs of population and employment. This encompasses the upgrade and replacement of existing facilities as they deteriorate as well as the expansion of facilities/services to accommodate growth.”

“IMPLEMENTATION PROGRAMS: Establish master plans for infrastructure and public services to upgrade existing deficiencies and meet the needs of future growth.”

CHAPTER ONE. THE GENERAL PLAN SYSTEM: The General Plan Framework Element is a guide for communities to implement growth and development policies by providing a comprehensive long-range view of the City as a whole. . . It provides a comprehensive strategy for accommodating long-term growth should it occur as predicted.

“CHAPTER TWO: GROWTH AND CAPACITY: The theoretical capacities of the existing general plan at buildout, as shown in the Framework Element technical reports and Environmental Impact Report, are adequate to accommodate growth to the year 2010. While its housing capacity is more constrained than commercial and industrial uses, the Plan's capacity for growth considerably exceeds any realistic market requirements for the future. For example, there is sufficient capacity for retail and office commercial uses for over 100 years even at optimistic, pre-recession, market growth rates. At the same time, the impact assessments of the current general plan indicate that if all lands were to be developed with the uses at the maximum densities permitted, an unrealistic jobs/housing relationship would result and supporting infrastructure and public services would be unable to support this level of growth.

CHAPTER THREE: LAND USE: “The City's commercially-zoned corridors, districts, and centers have the capacity to accommodate growth that considerably exceeds economic market demands well into the 21st Century. While densities at a 1.5:1 floor area ratio (FAR) are generally permitted, existing development averages approximately 0.58:1 and market demand forecasts indicate increase of only 10 to 15 percent.

CHAPTER THREE: LAND USES (ON SPECIFIC PLANS): In many respects, these plans advance the fundamental goals of the Framework Element for focusing growth, increasing mobility, reducing air pollution, and establishing a higher quality built environment for the City's residents . . . Adoption of the Framework Element does not supersede nor alter adopted specific plans. Adopted specific plans are consistent with the General Plan Framework Element.

### **Response to Comment No. 57-3**

The commenter contends that a finding of General Plan consistency cannot be made relative to the discretionary actions requested in conjunction with the project because discretionary actions “can only deviate from legally adopted policies and ordinance provisions when they demonstrate that planned and zoned densities are no longer adequate for a particular community” as supported by the General Plan principal of growth neutrality. First, the proposed project does not constitute an increase in either planned or zoned density. The combination of C4-1VL and P-1VL zoning, which is applicable to the commercial development site, allows for a maximum floor area ratio of 1.5:1, or in this case a maximum of 105,000 square feet of development. The project is approximately 73,300 square feet in size, which is well within the permitted density. In addition, the proposed retail, office, and restaurant uses and associated parking are consistent with the C4 zoning and Neighborhood Commercial land use designation, as is the proposed single family dwelling unit with the RS zoning and Low Density Residential land use designation. A Zone Change and General Plan Amendment have been requested for a portion of the proposed parking lot which currently lies within the residential zoning and land use designation, and for which the P (automobile parking) zone classification and corresponding Neighborhood Commercial land use designation is desired. There is no density allocation associated with the P zone and, thus, this discretionary action would not grant any density increase to the project. The other requested discretionary actions are unrelated to planned or zoned density.

Further, in regards to growth neutrality, in general, the General Plan is intended to accommodate growth, when and if it occurs. As discussed in the Executive Summary of the Framework Element, as well as other chapters, the General Plan does not mandate or encourage growth, nor does it represent a limit on growth, in the City or its community plan areas. Rather, it responds to the State mandates to plan for growth by establishing a citywide comprehensive long-range growth strategy. Nowhere in the Executive Summary, Chapter 1 (The General Plan System), Chapter 2 (Growth and Capacity), or the introduction of Chapter 3 (Land Use) of the General Plan does it state that projects cannot induce growth. The Brentwood-Pacific Palisades Community Plan does not state that new projects cannot induce growth. In fact, as noted in Chapter 1 of the General Plan, “community plans and their implementing zoning set forth how property may be used and form the basis for decisions on discretionary permits.” The goals, objectives, and policies of the Brentwood-Pacific Palisades Community Plan do not speak to the

appropriate amount of any particular land use. On the contrary, they acknowledge new development and focus on the location, arrangement, intensity, compatibility, and design standards appropriate for various land uses. In the General Plan Framework Element language quoted by the commenter, there are multiple acknowledgements that growth will occur and should be accommodated. It is also worth noting that population, housing, and employment forecasts which are used as the basis for the General Plan elements are only best estimates derived from regional data and may represent more or less growth than actually occurs depending on economic trends, demographics, and other factors.

#### **Comment No. 57-4**

In light of this review of previously submitted remarks, the following DEIR section, IV.H. Land Use and Planning, does not present an adequate response to the above sections. For example,

**Page IV. H-5 The DEIR states that the General Plan (i.e., the General Plan Framework Element) does not supersede the more detailed community and specific plans.**

This statement is misleading because the Framework clearly called for the systematic updating of community plans and specific plans based on its policies, principles and provisions, and these have not yet taken place in the intervening 15 years. Inconsistencies, therefore, between the growth neutrality principles of the Framework Element and other legally adopted plans, in this case a community plans and a specific plan, is not a result of the Framework's intent, but the failure of the Los Angeles Department of City Planning to implement the General Plan Framework Element after its legal adoption in 1996.

For example, the General Plan Framework Element's Chapter 10, Implementation, presents the following policy:

**Program 1: Comprehensively review and amend the community plans as guided by the citywide policies and standards of the General Plan Framework Element. The Framework Element's Long-Range Diagram may be amended to reflect the final determinations made through the Community Plan Update process, should the determinations be different from the adopted Framework Element.**

In terms of local plans, Chapter 10 also states:

**Program 2: Amend/revise other City Planning documents to ensure their consistency with the Framework Element. Among these would be . . . The Coastal Plan, Consolidated Plan, and other related documents, including possible amendments of Specific Plans to reflect transit corridors and stations where appropriate.**

#### **Response to Comment No. 57-4**

The statement on Page IV.H-5 of the Draft EIR is entirely accurate, as per the General Plan Framework Element. More specifically, Figure 3-3 of the Framework Element (Long Range Land Use Diagram) states: "The Citywide General Plan Framework Element neither overrides nor supersedes the Community

Plan. It guides the City's long range growth and development policy, establishing Citywide standards, goals, policies and objectives for Citywide elements and community plans." It goes on to state: "Adoption of the Framework neither overrides nor mandates changes to the Community Plans...As community plans are updated utilizing future population forecasts and employment goals, the Framework is to be used as a guide..." Relative to specific plans, Figure 3-3 of the Framework Element states: "The General Plan Framework is consistent with and does not supersede nor override these local requirements." Page II-3 and II-4 of the Brentwood-Pacific Palisades Community Plan includes similar language.

The City of Los Angeles has the responsibility and discretion to revise its General Plan, including the community plans and other elements. The project must base its components and design, and the EIR must base its analysis, on the General Plan elements as they currently exist. Contrary to what the commenter suggests, both the Brentwood-Pacific Palisades Community Plan and the San Vicente Scenic Corridor Specific Plan have been updated after the adoption of the General Plan Framework Element. The Framework Element was originally adopted by City Council on December 11, 1996. The most recent Community Plan update was adopted on June 17, 1998, and the most recent amendment to the Specific Plan was effective on August 7, 2000. Those amendments were found to be consistent with the principles of the Framework Element.

#### **Comment No. 57-5**

Pages IV. H 22-26. This section of the DEIR notes many detailed provisions of the General Plan Framework Element which the DEIR authors contend support the requirement that discretionary actions demonstrate General Plan consistency. A careful look at these claims, however, reveals two separate types of weaknesses.

First, the project's eight discretionary actions require findings demonstrating consistency with the purposes and intent of the General Plan, not only scattered General Plan provisions. Since the DEIR makes no effort to address the central growth neutrality principle of the General Plan Framework Element, as outlined above and in more detailed in the testimony presented at the scoping meeting, the DEIR has failed to meet this requirement.

Second, the argument of project consistency often does not follow from the restatement of the General Plan Framework Element's specific provisions. For example, Provision 3.1.7, as quoted on page IV.H.22 indicates that Specific Plan amendments should be in response to new transit routes and stations, yet the DEIR offers no evidence of any transit plans in the Specific Plan area. Hence, the justification for Specific Plan amendments in the quoted section is not there.

#### **Response to Comment No. 57-5**

Please refer to Response to Comment 57-3 regarding the issue of growth neutrality in the Framework Element of the General Plan. The Framework Element is a comprehensive, long-range document containing purposes, policies, and programs for the development of the City. As stated in the Executive Summary of the Framework Element: "The Framework Element refines adopted City policy and is

intended to update Concept Los Angeles. The central theme of Concept Los Angeles was to preserve single-family neighborhoods by focusing any growth away from them and into centers.” It is important to point out that the project site is within one of these centers, more specifically a “Community Center” area. The Community Center in which the project site is located is a linear area that stretches east from the intersection of Bundy Drive and San Vicente Boulevard to the City’s boundary at Bringham Avenue. As defined by the Framework Element, the Community Center is to be a focal point for surrounding residential neighborhoods and contain a diversity of uses such as small offices and overnight accommodations, cultural and entertainment facilities, and schools and libraries, in addition to neighborhood-oriented services. The project is consistent with this concept because it would provide office space as well as neighborhood-oriented retail and restaurant services. Furthermore, as with any plan, the goals, policies, and objectives of the Framework Element are included in order to advance the purpose and intent of the Element. By way of being consistent with a vast majority of the applicable objectives of the Element, it is reasonable to conclude that the project is consistent with the purpose and intent of the Element.

Also, as stated in Chapter 10 of the Framework Element, “...not all plan policies can be achieved in any given action, and in relation to any decision, some goals may be more compelling than others. On a decision-by-decision basis, taking into consideration factual circumstances, it is up to the decision-makers to decide how to best implement the adopted policies of the general plan in any way which best serves the public health, safety and general welfare.” The Framework Element is only one land use document of many which govern the proposed project and which were reviewed as part of the consistency analysis in the Draft EIR. A review of specific, applicable policies within each of the relevant land use documents results in a comprehensive analysis, that is in keeping with the land use consistency criteria established in the Los Angeles CEQA Thresholds Guide, namely the consideration of whether the project is consistent with the applicable portions of the adopted General Plan or other applicable environmental goals and policies of other adopted plans. In the example given by the commenter relative to the aspect of Objective 3.1.7 of the Framework Element regarding updating Specific Plans to recognize new transit routes and stations, the Draft EIR analysis did not focus on that as part of Objective 3.1.7 since no new transit routes or stations are proposed as part of the project/ Instead, the Draft EIR noted that if the optional project design feature of modifying the street median is adopted, a Specific Plan Exception may be needed. The analysis notes that the project is in conformity with the San Vicente Scenic Corridor Specific Plan.

#### **Comment No. 57-6**

#### **San Vicente Scenic Corridor Specific Plan and San Vicente Scenic Corridor Design Guidelines**

In addition to General Plan issues, including the Brentwood-Pacific Palisades Community Plan, this project is also subject to the San Vicente Scenic Corridor Specific Plan and the adopted San Vicente Scenic Corridor Design Guidelines.

This Specific Plan is unique because unlike other Specific Plans, it presents legally adopted ordinance language protecting and regulating the public right-of-way. For example, the plan states that one of its purposes to preserve and enhance the inherent beauty and value of its landscaped media strip:

## **PURPOSES**

This Scenic Corridor Specific Plan is hereby established to implement expressed policies mandated by the Scenic Highways Plan and the Brentwood-Pacific Palisades Community Plan, two portions of the City's General Plan. According to the policies of the Scenic Highways Plan, the provisions of this Plan are individually tailored to address the unique character of the designated Scenic Highway, San Vicente Boulevard. As such, specific criteria are established to guide the ongoing and future development of that portion of the City of Los Angeles as shown on the accompanying Specific Plan Area Map. It is the purpose of these design and development standards to provide appropriate measures for maintaining the existing ambiance of San Vicente Boulevard, preserving and enhancing the inherent beauty and value of its landscaped median strip, and assuring that commercial signage along the Boulevard is appropriately scaled and properly placed so as not to dominate the existing streetscape.

After presenting this purpose related to the public right-of-way, the Specific Plan then includes ordinance language specifically protecting the Coral Trees (the official tree of the City of Los Angeles) in the San Vicente media strip.

## **LANDSCAPING**

A. The existing Coral Trees which line the median strip of San Vicente Boulevard shall be preserved and maintained with proper irrigation and pruning. In the event that disease or disaster necessitates the removal of a Coral Tree, it shall be replaced by the City of Los Angeles with a healthy specimen which is at least a 24-inch box size Coral Tree.

This means that a project, such as the one analyzed in the DEIR, which would require the removal of (some) Coral Trees is clearly not consistent with either the purpose or the provisions of the San Vicente Scenic Corridor Specific Plan. To achieve consistency the project would need to amend the Specific Plan to modify both its purposes and provisions to protect the landscaped public media strip, as well as the Coral Trees planted on the median strip. While the project does propose a Specific Plan amendment to expand the Plan's boundaries, to include the easternmost portions of lots 642 and 644, these amendments do not include the elimination of the purpose of the Specific Plan or its protection of the median strip and the Coral Trees.

Furthermore, because this project is subject to the San Vicente Scenic Corridor Specific Plan, it also must be reviewed and approved by the Department of City Planning for a Project Permit Compliance Review and Preliminary and Final Design Review. In order to obtain these discretionary actions without two amendments to the Specific Plan, the applicant would have to request a ninth discretionary action, a Specific Plan Exception. Because the project so obviously conflicts with the purposes and intent of the Specific Plan, obtaining such an approval would be highly problematic.

Furthermore, these issues related to the Specific Plan have not be raised or analyzed in the Draft Environmental Impact Report' discussion of the San Vicente Scenic Corridor Specific Plan.

**Response to Comment No. 57-6**

The proposed project itself does not require the removal of any coral trees in the median of San Vicente Boulevard. The Draft EIR includes six various median alternation concepts, one of which could be implemented as an “optional project design feature.” This optional project design feature is presented as a means of improving traffic flow and accessibility for both the project site and other nearby businesses. The Applicant is not proposing that any of the median concepts be done; rather, the Applicant has included the optional project design feature in the Draft EIR so that the community and/or City decision-makers can choose to implement one of the concepts if they determine that the benefits outweigh the impacts. Should the decision be made to pursue one of the median concepts, the provisions in the San Vicente Scenic Corridor Specific Plan noted by the commenter would need to be addressed. The assumption stated in the Draft EIR in Section II.E (Discretionary Actions and Approvals) is that a Specific Plan Exception would be required. The Department of City Planning, however, will ultimately determine whether a Specific Plan Exception or Specific Plan Amendment is the most appropriate discretionary action.

**LETTER NO. 58**

John W. Paulsen

**Comment No. 58-1**

I was very unhappy to hear that the city may allow a developer to demolish the Barry Bldg. in Brentwood for the Green Hollow Square Project. I really think this building needs to be saved since its an L.A. Historic-Cultural Monument and that clear adaptive reuse options exist, "Alternative 4" of the draft EIR (building has numerous retail spaces and a large central courtyard). I think it sets a very bad precedent to allow an L.A. Historical-Cultural Monument to be razed. This designation needs to keep its "claws". Also proposed alterations to the median and coral trees should be avoided.

**Response to Comment No. 58-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 59**

Diane Caughey

**Comment No. 59-1**

Following are my comments in response to the DEIR for the Brentwood Green Hollow Square Project.

Alternative #4: Preservation of the Historic Barry Building

**I strongly support the preservation of the City's Cultural Resource, the historic Barry Building within the new commercial development of the Brentwood Green Hollow Square project.** #4, while preserving the Barry Building, does not take into consideration the necessary connections and integrations of the historic Barry building within a new development scheme. A very positive alternative integrating the historic and the new architecture can be successfully achieved. **A serious preservation alternative, using the Secretary of the Interior's Guidelines should be developed addressing such issues as:**

1. The pedestrian connections between the historic Barry Building and the new retail development.
2. The integration of the Mid Century Modern architecture style of the historic building with a contemporary reflection of this style in the new portions of the project.
3. The new development, although noted as only two stories high, is actually 3 stories high, as the first floor has a mezzanine level. This is an entire floor higher than the Barry Building. The present alternative #4 simply surrounds the Barry building with higher buildings with no consideration for the integration of building heights. Although portions of the new development within a preservation alternative could be higher than the Barry Building, careful consideration must be taken to design into the project variations in the height of the new portions so as not to dwarf the historic Barry Bldg. Furthermore, building heights need to respond to sun and wind patterns in order to maintain the environmentally sensitive courtyard of the Barry Building.

**Response to Comment No. 59-1**

The comment provides the commenter's opinion in support of the Barry Building and a preservation alternative. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. The specific numbered comments are responded to below.

1. The pedestrian connections between the Barry Building and the new development are proposed in a configuration which has a minimized impact to the historic Barry Building. The existing passageway at the northeast corner of the Barry Building Ground Level has been maintained in the proposed alternative to allow for a pedestrian connection between the Barry Building and the new development to the north. The pedestrian connections also position new primary vertical circulation elements such as elevators and stairs only

within the areas of new development, thereby maximizing tenant space within the existing Barry Building. Additional circulation pathways bridge these vertical circulation elements with the Barry Building. Redundancy of these vertical circulation elements is eliminated by having elevator and stair landings that accommodate both the new development and the existing Barry Building, resulting in a more efficient core layout solution.

2. The architecture for the new development complements the Mid Century Modern style of the Barry Building through its use of simple, elegant architectural expression done with a contemporary flair. The new development is not intended to mimic or replicate the style of the Barry Building, but rather visually complement it through the use of simple fenestration and building massing expression.
3. The new development is only two stories in height. Any mezzanine that may be built would happen at the tenant's discretion. The proposed floor-to-ceiling heights for the new development are based on the tenant needs of today's market, as discussed in Response to Comment 52-4. It is not expected that the heights of the new building would significantly affect air and sunlight in the Barry Building courtyard.

See also Responses to Comments 7-10 and 7-11.

#### **Comment No. 59-2**

4. Preservation of the Barry Building is the environmentally superior choice as it reduces the environmental impact of new construction materials, demolition waste and disruption of city infrastructure. Preserving the historic building also saves an already environmentally "green" building as its design took into account passive solar controls, a variety of sun screening devices, natural cooling through a central open and landscaped courtyard, and natural air flow through operable windows on two sides of every office/retail space. Additional air conditioning can be added as required for today's standards. Why demolish a perfectly viable and environmentally sensitive building just to replace it with a modern building, which would create a much greater negative environmental impact.

#### **Response to Comment No. 59-2**

See Response to Comment 7-10 regarding the potential to upgrade the Barry Building for greater energy efficiency, as well as in response to the claim that preserving the Barry Building is more "environmentally friendly" than a new building.

#### **Comment No. 59-3**

5. Preserving the Barry Building within the new development is extremely important in preserving the quality of life, small scale and historic character of place along that limited portion of San Vicente Blvd. This area is the only section of the San Vicente scenic corridor left that maintains the intimate, pedestrian oriented and peaceful quality of post war 50's commercial development. The Barry Building is a

landmark within the Brentwood community. It still today serves the community as a gathering place and an oasis from the busyness of street activity and traffic while providing viable retail space.

### **Response to Comment No. 59-3**

The comment provides the commenter's opinion that the Barry Building should be preserved as a landmark within the community. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 59-4**

6. The DEIR states that the Barry Building is significant as a historical building but claims that the impact of the proposed new project on the existing visual character of the site and the area's aesthetic value would have less than a significant impact. However, the Barry Building along with the other two buildings designed by Milton Caughey that edge that portion of San Vicente Blvd do seriously impact the visual character and aesthetic quality of the street both at the pedestrian level and at the vehicular level. San Vicente is a scenic corridor and destroying all the physical references to the small scale, quaint, and historic Brentwood will have a significantly negative aesthetic impact on the neighborhood and on the views from passing cars. The great majority of San Vicente has already been replaced with large scale, impersonal, and visually nondescript buildings. The proposed project will become more of the same unless the Barry building is preserved and seriously respected for its historical, architectural, and neighborhood value.

### **Response to Comment No. 59-4**

The comment provides the commenter's opinion that the demolition of the Barry Building would have a significant effect on the visual character of the street. As described on page IV.B-8 of the Draft EIR, the proposed project would result in a significant aesthetic impact with respect to loss of a scenic resource, namely the Barry Building. Impacts with respect to visual character and quality of the site and its surroundings are discussed on Draft EIR pages IV.B-8 through IV.B-12, and as described therein, these impacts would be less than significant. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 59-5**

7. The Barry Building had been cosmetically upgraded at this time and successfully houses wonderful small boutique shops off the courtyard and small second floor offices (many of them still there from 20-30 years ago) reminiscent of the 50's Mom and Pop businesses. These kinds of small, personal and unique shops well serve the population of Brentwood and limit the possibility of destination shopping, which would increase traffic and congestion. Preserving the Building can benefit the new development by giving it a distinctive, familiar and heart felt atmosphere and landmark identity. The building's current and past success as a commercial space proves it can remain an asset to the developer. A serious and well worked out preservation alternative would benefit the community, the City and the developer.

**Response to Comment No. 59-5**

The comment provides the commenter's opinion about the current state of the Barry Building and advocates for a preservation alternative. As such, the commenter's opinions are noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 59-6**

The mitigation measure (E-2) for the removal of the Barry Building by relocation is insufficient and impractical. It does not mitigate the loss of the building and is not a real solution. 30 days advertised in local papers and online is not a feasible time period to find a buyer. The developer at his own expense should relocate the Barry Building and assure its continued existence. Only a successful relocation of the building to an appropriate site would be a mitigation worthy of less than significant impact.

**Response to Comment No. 59-6**

The commenter criticizes Mitigation Measure E-2 as insufficient and impractical. This criticism is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. It should also be clarified that Mitigation Measure E-2 does not purport to mitigate the significant historic impact to less than significant *unless* a buyer is found who can relocate the Barry Building to another site.

Further, the comment provides the commenter's opinion that the applicant should move and maintain the building at his own expense. As described on page VI-5 of the Draft EIR, this off-site preservation alternative is not feasible, due to the cost of an alternative site as well as the cost to move the Barry Building. See also Response to Comment 4-41 regarding the cost of acquiring land and moving the Barry Building off-site.

**Comment No. 59-7**

Comments regarding the adjacent buildings of the Historic Monument, The Barry Building are: (You can find references in Appendices Vol.1 pgs 647-655)

11977 San Vicente Blvd:

1. Correction: No architect is noted for the Gallery building address: 11077 San Vicente Blvd. However, the plans I have in my possession from the office of Milton H. Caughey, Architect, clearly show that the Gallery building (11977) was designed by Milton H. Caughey, architect of the Barry Building. The plans note the address as 11977 (probably there were several address for the same site.) The county map # appears to be 4404-025-009 <tel:4404-025-009>. Title blocks of these plans by Milton Caughey for 11979 San Vicente Blvd. are in the attachment to this email and are considered a part of this letter. Full plans are available upon request.

2. Under Criteria C of the evaluation for Historic Significance of the DEIR states, “the 11977 San Vicente Blvd. is not considered the work of a master, as the original building permits are not on file and the architect or engineer is unknown. Therefore, 11977 San Vicente Blvd. does not appear eligible for listing in the National Register under Criteria C.” This statement is untrue since it is known that the architect for the Gallery building (11877 San Vicente Blvd) is the same master architect that designed the Barry Building, Milton Caughey. Criteria C is no longer valid and must be reevaluated and researched in light of this information.

3. Criteria A regarding the building’s “potential significance as part of a historic trend” must also be reevaluated since this building was designed by the same architect as the Historic Monument, the Barry building, its significance in contributing to the Mid Century Modern architectural trend along the San Vicente Corridor is validated. It was the first in a series of 3 commercial buildings designed in the Mid-Century Modern architecture style by one young master architect, and its design reflects many important characteristic elements of this style.

4. The date on the plans for the gallery building is May 21, 1947. This date agrees with the Zimas Parcel Profile Reports found on page 86 of appendices 1 in the DEIR. Later in the evaluation portion of the DEIR, it says the 11977 building was built in 1950. I believe it was built earlier as it served as David Barry’s offices while the Barry building was being designed and built. The plans in my possession indicate on the title block that the original building was the office building for David Barry and Company. David Barry moved into the Barry building afterwards. I recall I got this information about David Barry’s office from a recorded interview I heard that the Brentwood Historic Society did with David Barry and they have archived. They also have one with Mrs. Bonner.

5. Plans Available for Review: Since I received my set of plans for the Barry Building copied from a set Ray Keller, architect for Charles Munger, had, I would imagine Mr. Keller has the plans for the Gallery Building at 11977 as well. Otherwise I am happy to submit copies of the plans for the 11977 San Vicente Blvd. for review upon request.

### **Response to Comment No. 59-7**

The following responses are provided in response to each numbered comment:

1. The Historic Resource Report prepared by Galvin Preservation Associates was based upon research conducted at the City of Los Angeles Building and Safety Department, Los Angeles Public Library, and other archives and on-line sources. Information about the properties in the study area, such as building plans, in the position of private individuals was not available. The fact that the building at 11977 San Vicente Boulevard was designed by Milton M. Caughey is noted for the record.
2. The fact that the building at 11977 San Vicente Boulevard was designed by Milton Caughey does not necessarily mean that it is eligible for designation under Criterion C. According to National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (1995, page 20) “The property must express a particular phase in the development of the master’s career, an

aspect of his or her work, or a particular idea or theme in his or her craft.” The building at 11977 San Vicente Boulevard does not meet that standard. It is representative of the work of Caughey, but is not as notable in design as the Barry Building.

3. Architectural significance in the context of Mid-century Modern architecture was considered under Criterion C, which is consistent with the standard methodology for the evaluation of historic resources. It was concluded that the building at 11977 San Vicente Boulevard is a relatively intact but ordinary example of Mid-century Modern architecture.
4. In absence of an original building permit for the building at 11977 San Vicente Boulevard, the date of construction was estimated as 1950. The Los Angeles County Office of the Assessor website indicates two improvements on the property with dates of construction as 1947/1947 and 1948/1950. As it was unclear as to which date belonged to which improvement, the 1950 date of construction was used. The fact that the plans for the building are dated 1947 does not necessarily mean that the building was constructed in 1947. In any event, the comment is noted.
5. The fact that the commenter would be willing to submit the plans is noted for the record.

### **Comment No. 59-8**

11991 San Vicente Blvd

1. The significance of this building (possibly the Brentwood Green Grammar School) as one of the oldest building in the area has not been considered. According to the Zimas Parcel Profile (pg 86) it was built in 1924. According to the Brentwood Historic Society information this is the second oldest building in Brentwood. This should be taken into consideration in regards to the historic significance of this building within this area.

2. Hap Gilman was a well-known architect of the area, as stated in the DEIR, known primarily for residential work. His architecture in the Mid Century Modern style reflected the architectural trend of the era. His residential work was well known for its Mid Century Modern style. The fact that he only did a few commercial buildings is not a reason to disregard the design he did for the Bonner school, in particular as it represents another example along the same edge of the San Vicente corridor that the three Milton Caughey buildings occupy. 11991 San Vicente Blvd. building with its additions by a reputable Mid Century Modern architect, from 1947 through 1962 aided in creating a historic architectural trend which made a significant contribution to the broad patterns of our history.

### **Response to Comment No. 59-8**

The following responses are provided in response to each numbered comment:

1. The Los Angeles County Office of the Assessor website indicates the year built/effective year building as 1924/1933. There are no building permits on record prior to 1947 for the property at 11911 San Vicente Boulevard. The property as it stands today represents the Bonner Elementary School campus during the period 1947 to 1962. Any improvements to the property made in 1924 are not apparent. Furthermore, age alone is not a criterion for determining significance.

2. Hap Gillman was a well-known architect, but is not considered a master. According to National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (1995, page 20) “A master is a figure of generally recognized greatness in a field...” Further, “A property is not eligible as the work of a master, simply because it was designed by a prominent architect.”

### **Comment No. 59-9**

#### **11961 San Vicente Blvd.**

I believe this small commercial building was built after the Barry Building and not in 1950. Ray Keller, architect for Charles Munger, most likely has plans for this building and could give you the correct date for it. The engineer, Edgardo Contini is well known for his work with architects of the Mid Century Modern era. His contributions to the architecture of this period should be considered in this EIR. The 11961 building retains much of the detailing of the Barry Building and features a small side courtyard to address the same environmental and open air concerns that the Barry Building celebrates. Although a smaller and more compact building, the architect Milton Caughey included many of the Mid Century Modern style features as seen in the Barry Building. Furthermore it is clearly a companion building to the Barry Building, intentionally repeating details as well as general massing concerns. It was to be considered part of a cohesive group of buildings adjacent to the Barry Building. It needs to be reevaluated in light of its relationship to the Barry Building and not just as a separate entity.

### **Response to Comment No. 59-9**

The building permit records indicate that the building at 11961 San Vicente Boulevard was constructed in 1950. It visually relates to the Barry Building as it was designed by the same architect (Caughey) and located on an adjacent parcel. Yet, this was not addressed in the Monument application for the Barry Building or the meeting minutes of the Cultural Heritage Commission. At any rate, these are not criteria for landmark designation at the national, state, or local levels. Furthermore, the prior alterations to the street-facing elevation have negatively affected the integrity of the building.

### **Comment No. 59-10**

#### **The commercial enclave along the San Vicente Corridor**

The 3 buildings (referred to as 11961, 11977, 11991 in the DEIR) adjacent to the Historic Barry Building along the San Vicente Corridor have been evaluated as completely isolated buildings. However their value is related to their adjacency to each other and to the Barry Building. The quality and life style of the 50ies is expressed through this series of buildings along San Vicente. The demolition of these Mid Century Modern Style buildings has a cumulative impact on the visual character, historical architectural style and the valuable reflection of a past era.

11961, 11977 and 11991 San Vicente Blvd. must be reevaluated for their significant architectural and historic contribution to the creation of a small commercial enclave along San Vicente, which together with the Barry Building provide a significant piece of 1950ies cultural and architectural history.

**Response to Comment No. 59-10**

Groups of buildings are evaluated as potential historic districts at the national and state levels and as Historic Preservation Overlay Zones at the local level. According to National Register Bulletin #15, How to Apply the National Register Criteria for Evaluation (1995, page 5) “A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.” The area on San Vicente Boulevard around the Barry Building was not evaluated as a potential historic district because it was the professional opinion of Galvin Preservation Associates that there were not enough contributing buildings to constitute a significant concentration and that the area was not an identifiable entity.

The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as Appendix E, the Historic Resource Report prepared by Galvin Preservation Associates.

**Comment No. 59-11**

Historic monument: Coral Trees

The replacement of 6 coral trees with 36” box specimens as a mitigation measure does not address the existing maturity and quality of trees and the visual impact on the roadway. It would take many many years to grow these trees to the maturity and beauty they have today. Occasionally a coral tree needs to be replaced along the corridor, but replacing one tree among the row of trees has very little impact compared to replacing 6 trees all in one section.

**Response to Comment No. 59-11**

The comment provides the commenter’s opinion that replacing coral trees with 36” box specimens is not sufficient mitigation, as it does not address the maturity of the existing trees. However, the coral tree report (included as Appendix F to the Draft EIR) recommends replacement with 36” box trees so that the trees have a better chance of survival. According to the consulting arborist, replacement with larger trees is not recommended as the smaller trees would have a better success rate.

**LETTER NO. 60**

Julie Andrews  
11948 Saltair Terrace  
Brentwood, CA 90049

**Comment No. 60-1**

My name is Fredrick Salas. I am an assistant to Julie Andrews. I am forwarding an email from Ms. Andrews, who is currently out of town. She was aware to the deadline and did not want it to pass without voicing her feelings on the Green Hollow Square Project. Thank you for your time.

**Response to Comment No. 60-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 60-2**

I am writing to you with my concerns about the above project that would literally be in the back yard of our quiet and lovely cul-de-sac, Saltair Terrace. We have been in our home since 2001, and my family and I find our neighborhood a good place to live.

My worries about the development proposed by Charles Munger and Associates are many - the serenity and quietness of our street and the surrounding community being one of them. It is all but certain that this peace would be greatly disrupted and most likely lost forever if construction were to proceed.

**Response to Comment No. 60-2**

The comment states the commenter's concern that the proposed project would disrupt the serenity and quietness of the Saltair Terrace cul-de-sac. As described in Section IV.I. of the Draft EIR, construction noise impacts would be significant and unavoidable at the residences directly north of the project site on Saltair Terrace (see Draft EIR pages IV.I-20 through IV.I-23). However, this impact will be temporary, as it would only occur during project construction. Further, as described in Draft EIR Section IV.I, operational noise impacts from vehicles, HVAC and other mechanical units, the parking facility, and outdoor dining area would be less than significant.

**Comment No. 60-3**

Traffic, which is at present congested on Saltair Avenue, would greatly increase. Children attending local area schools would face additional traffic hazards, and noise levels in the community would rise.

**Response to Comment No. 60-3**

The comment states that traffic congestion occurs on Saltair Avenue and would increase as a result of the proposed project. See Response to Comment 4-6 regarding impacts on Saltair Avenue.

The comment also states that children attending local schools would face additional traffic hazards and noise. The Draft EIR contains Mitigation Measures K.3-1 to K.3-13, which address student safety, among other impacts.

**Comment No. 60-4**

Our cul-de-sac has already been discovered by businessmen and shoppers as a free parking area for quick access to San Vicente, and if the project goes ahead, we can expect even more cars to overwhelm our small residential street.

**Response to Comment No. 60-4**

The comment is addressed previously in Responses to Comments 4-9, 4-10, 4-17, 4-18, and 14-12. Therefore, no further responses to this comment are necessary.

**Comment No. 60-5**

We have recently suffered from the closing of Dutton's Book Store, located in the Barry Building, which was one of the most important and pleasant landmarks in Brentwood. Of great importance to us are the many historic and magnificent Coral Trees along the San Vicente corridor, which would be placed in jeopardy.

**Response to Comment No. 60-5**

The first portion of the comment states that the area has suffered from the closure of Dutton's Books. However, the comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The remainder of the comment states the commenter's opinion of opposition to the removal of any coral trees in the San Vicente Boulevard median. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 60-6**

The upheaval and destruction this development would bring are too much for our neighborhood to sustain. This commercial enterprise will not, in any way enhance or serve our small community, and will most certainly destroy the peace, serenity and beauty of this residential neighborhood which we so appreciate and enjoy.

As a concerned member of the community, I hope you will seriously consider denying approval for the Green Hollow Square project.

**Response to Comment No. 60-6**

The comment provides the commenter's opinion that the commercial uses included in the project would not enhance or serve the community. However, the project has been designed to consist of neighborhood-serving uses including restaurants, retail, and offices to complement the existing neighborhood. The project is not designed, nor does it have the size or mix of uses, to be the type of project that would be a regional draw.

**LETTER NO. 61**

Robert B. Blue

**Comment No. 61-1**

I am formally submitting my comments for the above referenced project as comments for the Draft EIR and for responses as a pdf file titled "Comments, Green Hollow Square, ENV-2009-1065-EIR.pdf"

Please acknowledge receipt of this file

**Response to Comment No. 61-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 61-2****1. INTRODUCTION**

My family has resided since 1954 at 640 S. Saltair Avenue, which is located immediately north of the proposed Green Hollow Square project site. Due to our home's proximity to the proposed development, in particular its proximity to the project's proposed subterranean parking structure, my property will arguably be the residence most impacted by development and operation of the project. As such, I and other members of my family are gravely concerned about the inadequate analysis offered by the Draft Environmental Impact Report ("DEIR") for Green Hollow Square.

The project site currently consists of five one- and two-story commercial structures totaling 34,856 square feet on a multi-parcel lot of approximately 95,000 sq. ft., in addition to two single-family homes on two separate lots totaling approximately 21,000 sq. ft. The tallest height of the existing buildings is 30 feet. The project site includes the Barry Building, which is a designated Los Angeles Historic-Cultural Monument.

The project proposed by Charles T. and Nancy Barry Munger (hereinafter, "Applicants,") involves the construction of three two-story commercial retail/office buildings totaling 73,300 sq. ft., in addition to a 4,520 sq. ft., two-story single-family home. Parking would total 427 spaces, with 362 stalls in a subterranean garage and 65 on a surface lot. The building height of the commercial development would be approximately 40 feet, with an additional five feet for rooftop accessories. All structures on the site would be demolished, including the historic Barry Building (hereinafter the "Project").

**Response to Comment No. 61-2**

The comment reiterates general information about the existing conditions and the proposed project, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 61-3**

As a resident of this community for my entire life, I consider the Project as proposed to be oversized, ill conceived, and inconsistent with both the City of Los Angeles General Plan, Brentwood-Pacific Palisades Community Plan, San Vicente Scenic Corridor Specific Plan, the Los Angeles Historic-Cultural Monument ordinance, and proper land use and planning. Specifically, as a member of the Board of Directors of the preservation organization Hollywood Heritage, I recognize that it is unprecedented for a private developer to seek City approval for the complete demolition of a Historic-Cultural Monument. I also recognize that the Applicants' efforts to intrude upon our protected single-family residential zoning with commercial development would establish major precedents for Brentwood's historically protected neighborhoods.

**Response to Comment No. 61-3**

See Responses to Comments 4-24 and 57-2 regarding the project's consistency with the City of Los Angeles General Plan and the Brentwood-Pacific Palisades Community Plan. See Responses to Comment 66-5 regarding the project's consistency with the San Vicente Scenic Corridor Specific Plan. Further, the history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). As described therein, the Barry Building is designated Los Angeles Historic-Cultural Monument #887. The Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments. However, the demolition can be delayed for the time period specified in the Ordinance.

**Comment No. 61-4**

If the Project is approved as proposed, it is the firm belief of myself and my family that the quality of life for our community will dramatically deteriorate, due both to the development's significant impacts on established land use and planning, and also to Project's permanent effects on traffic, noise, safety, and public services and infrastructure.

Please note that my family is not opposed to proper development of the Project site. We firmly believe, however, that the Project as proposed would severely strain the resources of our City and would severely impact the health and welfare of those of us who have lived in this community for generations.

**Response to Comment No. 61-4**

The comment states that if the proposed project is approved, the community would deteriorate due to significant impacts on land use and planning, traffic, noise, safety, and public services and infrastructure. First, the proposed project would not result in a significant impact with respect to land use. See Response to Comment 61-3, which addresses land use and planning, Response to Comment 48-5 for construction noise, and Response to Comment 48-6 for operational noise. Traffic is discussed in Section IV.L. of the Draft EIR and acknowledges that 4 intersections have been identified as having significant and unavoidable impacts. Section IV.K. of the Draft EIR addresses public safety and other public services and concluded that none would have a significant impact after mitigation. Section IV.M. of the Draft EIR address utility infrastructure and capacity and concluded that all impacts would be less than significant. The comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed project with respect to these issues. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 61-5****II. ENVIRONMENTAL OBJECTIONS****A. The analysis and conclusions in the DEIR Noise section incorrectly list operational noise as a “Less than Significant Impact with Mitigation.”**

The DEIR states on page I-45 that no mitigation measures are required to reduce noise levels from the proposed 362-stall subterranean parking facility and 65-stall surface parking lot. The DEIR bases this claim on the contention that the landscaped buffer proposed for the north end of the surface parking lot where it abuts residential property will nullify any significant vehicle noise, as will the reduction in the number of parking spaces available for the surface lot. This conclusion, however, ignores the proximity of the proposed subterranean parking garage’s exit ramp to my home, and the natural tendency of shoppers to circulate frequently through the surface lot in search of one of its 65 parking spots rather than enter the subterranean garage.

DEIR Figures II-5 and II-8 illustrate the subterranean garage’s exit as immediately adjacent to the rear yard of my family’s residence. The proposed 8-foot-tall sump wall at the property line would not provide effective mitigation for the consistent noise of vehicles in the subterranean garage accelerating up the exit ramp, nor would it provide any significant reduction in the constant noise of circulating and idling vehicles, and honking horns and car alarms. This is especially pertinent since the DEIR acknowledges on page II-3 that Saltair Ave. properties are 10 to 12 feet above grade level of the Project site.

This problem would be particularly acute during weekday PM hours and throughout the weekends, when patronage of the Project’s retail component would be highest, and would be aggravated by the Applicants’ request for Conditional Use Permits for the on-site and off-site sale and dispensing of alcoholic beverages at three restaurants and a liquor store. The DEIR fails to assess the likely scenario of intoxicated patrons congregating at the rear of the parking area during late hours.

**Response to Comment No. 61-5**

The comment provides the commenter's concerns associated with parking noise from the proposed project. As discussed on Draft EIR page IV.I-28, this noise analysis accounts for engines accelerating, doors slamming, car alarms, and people talking. The analysis further states that there would be no noise impacts from the subterranean parking as this portion of the parking would be fully enclosed on all sides. Further, the commenter's claim regarding the location of the exit from the subterranean garage is incorrect. Both the entrance and exit to the project's subterranean parking garage would be accommodated from driveways on San Vicente Boulevard. In addition, while at-grade parking would also be provided in the northern portion of the site, the noise levels generated would not represent a new source of noise for the existing single-family residences that are located directly north of the project site since the northern portion of the project site is currently occupied with a surface parking lot providing approximately 101 spaces. Under the proposed project, this portion of the project site would be redesigned with a new surface parking lot that would be at a lower grade level and would only provide a total of approximately 65 spaces. Given the reduction in available parking spaces at the new surface parking lot, the noise levels generated by this new surface parking lot would also be reduced when compared to the existing surface parking lot. Further, as acknowledged in the comment, the proposed at-grade parking level would be separated from the existing single-family homes to the north by a wide landscape buffer. However, the commenter's concerns are nevertheless acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 61-6**

The DEIR acknowledges that the Project will create elevated operational noise levels, yet only discusses the operational noise impacts on the proposed single-family dwelling planned adjacent to my home. Mitigation Measure I-13 requires that all exterior windows of this dwelling be constructed with double-pane glass and that exterior wall construction provide a Sound Transmission Class of 50 or greater. While this may benefit the developer's residence, it leaves my 1949 home and rear yard without any effective means for mitigation.

DEIR Figure IV.H-2 shows that my residential property is currently buffered from the Project site's existing parking lot by the two Saltair Avenue properties owned by the Applicants. Since the rear portions of these properties are proposed for a Zone and Height District change from RS-1-O to (V)P-1VL-O in order to facilitate development of the proposed parking area, both my home and rear yard would be permanently exposed to the noise impacts created by the Project.

Furthermore, Table IV.I-9 purports to show existing daytime ambient noise of my property as 62.0 dBA Leq. This figure, however, was measured at my property's public street frontage on Saltair Avenue. It therefore does not represent the ambient noise level of my rear yard family space, where our patio is located, which is the area that will be most impacted by development of the Project. The recorded ambient noise level on Saltair Avenue is also significantly higher than the noise level at the rear of our house, where our sliding glass door and kitchen windows are left open for air circulation. In contrast, the single-family residence at 11900 W. Saltair Terrace has a measured daytime ambient noise level of 51.3

dBA Leq, or almost 11.0 dBA less than accorded to my property. The base ambient noise level established in the DEIR for my property is therefore grossly incorrect.

### **Response to Comment No. 61-6**

The commenter is incorrect in stating that the Draft EIR only addresses “operational noise impacts on the proposed single-family dwelling planned adjacent to my home.” The commenter is referred to pages IV.I-18 through IV.I-29 in section IV.I (Noise) of the Draft EIR that include a discussion of the likely noise levels associated with the project and the impact those noise levels could have on off-site land uses. Mitigation Measure I-13 is related to the project’s requirement to comply with Title 24 standards for interior noise levels. In addition to that analysis of operational noise impacts, the Draft EIR analyzed the impact of construction noise on sensitive receptors including the single family residences directly to the north of the project site (see Draft EIR pages IV.I-20 through IV.I-23).

With respect to the commenter’s concern over ambient noise levels, the noise level measurements shown on Table IV.I-3 on page IV.I-6 provide a representative sampling of noise levels near sensitive receptors in proximity to the project site, taken at publicly-accessible locations. The measurements are not meant to represent all noise levels within the general proximity of the project site. Thus, the noise level in the rear yard of the residence at 640 South Saltair Avenue may be lower than the noise level measured at the residence’s street frontage and even more similar to the noise level measurement taken at 11900 West Saltair Terrace. However, the assumed distance from the project site to the commenter’s residence was conservatively determined by the shortest distance between the closest boundaries of the two properties, namely, 8 feet (see Table IV.I-3). That distance would not have been materially less, if at all, if the noise measurement was taken in the commenter’s rear yard. Further, a lower ambient noise level at a different portion of the commenter’s residence would not have changed the significance determination of noise impacts to this receptor.

As disclosed on Table IV.I-9 on page IV.I-21, the peak construction noise level increases experienced by the sensitive receptors at 640 South Saltair Avenue and 11900 West Saltair Terrace would be approximately 39.9 dBA  $L_{eq}$  and 46.4 dBA  $L_{eq}$  (respectively), and construction-related noise impacts would be significant and unavoidable.

Also, as disclosed on Table IV.I-11 on page IV.I-24, during the project’s construction phase, groundborne vibration levels experienced by the sensitive receptors at 640 South Saltair Avenue and 11900 West Saltair Terrace would be approximately 67.9 VdB and 63.7 VdB (respectively) with implementation of Project Design Features (PDFs), and the project would not result in significant groundborne vibration impacts at the referenced sensitive receptor locations (or the other sensitive receptor locations identified on the table).

Further, as discussed on pages IV.I-25 through IV.I-29, the project’s operational activities (i.e., traffic, mechanical equipment use, parking, and outdoor dining) would not result in a noticeable increase in the ambient noise levels at off-site locations, and project noise impacts associated with operational activities would be less than significant.

**Comment No. 61-7****B. The DEIR doesn't specify what mitigation measures should be required to reduce construction noise impacts to abutting residential properties.**

Development of the proposed Green Hollow Square requires excavation of the entire project site and multi-year construction activity. The DEIR acknowledges that construction noise impacts will be significant, but does not clarify what type of mitigation will be employed to reduce impacts to adjacent residential properties. Mitigation Measure I-7 instead states: "*Barriers such as plywood structures or flexible sound control curtains extending eight feet high shall be erected around the project site boundary to minimize the amount of noise on the surrounding noise-sensitive receptors to the maximum extent feasible during construction.*" This Mitigation Measure needs greater clarification to protect our residential neighborhood.

The DEIR notes at Table IV.I-9 that my property will experience an estimated peak construction noise level of almost 102 dBA, or an increase of 50 dBA over my home and rear yard's current ambient noise level of approximately 51 dBA. Table IV.1-1 shows a level of 102 dBA as comparable to a jet flyover at 100 feet. This impact is absolutely unacceptable for a multi-year construction development.

At a minimum, any development of the Project site must require that a sound attenuation blanket of at least 10 feet in height and minimum Sound Transmission Class Rating of 20 be erected along the north and west property lines. Construction and demolition work also must be prohibited on Saturdays, rather than the permissive work schedule allowed by Mitigation Measure I-2.

**Response to Comment No. 61-7**

While the commenter is accurate in summarizing the peak construction noise levels, it should be noted that these peak noise levels at nearby sensitive receptors during project construction represent the highest peak noise levels that would be generated periodically during a worst-case construction activity. This does not represent continuous noise levels occurring throughout a typical construction day or multi-year period. For example, these worst-case calculations do not account for "acoustical usage factors" which estimate the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during construction. Based on the Federal Highway Administration (FHWA) Roadway Construction Noise Model User's Guide, typical construction equipment is only operating at peak noise levels between 10-50% of the time.<sup>5</sup> Furthermore and consistent with LAMC Section 41.40, construction hours would be limited to 7:00 A.M. to 6:00 P.M. Monday through Friday, 8:00 A.M. to 6:00 P.M. on Saturday, and prohibited on all Sundays and federal holidays. Thus, the peak noise levels estimated in the Draft EIR provide a worst-case scenario and the average daily construction noise levels would be less than the disclosed peak levels.

Nevertheless, in an effort to reduce construction noise impacts upon adjacent uses to the maximum extent feasible, the project applicant will revise Mitigation Measure I-7 as follows:

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<sup>5</sup> FHWA Roadway Construction Noise Model User's Guide, Table 1, Final Report January 2006.

- I-7 A ½-inch thick plywood barrier extending ten-feet high shall be erected around the project site boundary to minimize the amount of noise on the surrounding noise-sensitive receptors to the maximum extent feasible during construction.

As shown in Table 3 of the FHWA Noise Barrier Design Handbook,<sup>6</sup> ½-inch thick plywood has a sound transmission loss value of 20 dBA and properly-designed noise barriers should attain an Insertion Loss (IL) approaching 10 dBA, which is equivalent to a perceived halving in loudness for the first row of homes directly behind the barrier. Generally, a 5 dBA IL can be expected for receivers whose line-of-sight to the source is blocked by the barrier and each additional meter of barrier height above line-of-sight blockage will provide about 1.5 dBA of additional attenuation. Thus, assuming a line-of-sight of 6 feet, a 10-foot barrier would provide an approximate 7 dBA reduction. With the proposed barrier, the Project Design Features, and Mitigation Measures I-3 through I-6 and I-8 through I-11, it is reasonable to assume an approximate 10 dBA reduction would be achieved at the adjacent noise sensitive receptors. Table 4 of the FHWA Noise Barrier Design Handbook indicates the design feasibility of a sound barrier that reduces noise by 5 dBA is considered “simple” and a reduction of up to 10 dBA as “attainable.” It should be noted that reductions of 15 and 20 dBA are considered “very difficult” and “nearly impossible,” respectively. Thus, the PDFs combined with the proposed Mitigation Measures would reduce construction noise impacts on adjacent sensitive receptors to the maximum extent feasible.

Additionally, the City has requested that in lieu of the plywood material specified in Mitigation Measure I-7, the project applicant also shall consider the use of LSE Absorptive Noise Barrier Walls (or similar material/product) produced by Sound Fighter Systems (or similar company). According to Sound Fighter Systems, the company’s LSE Absorptive Noise Barrier Walls could provide noise attenuation of approximately 15 to 20 dBA in commercial applications (no noise attenuation levels were provided for construction-related noise) and that the “exact performance [of the LSE System] is difficult to predict.”<sup>7</sup> Thus, the effectiveness of LSE Absorptive Noise Barrier Walls (or similar material/product) to reduce the project’s construction-related noise levels beyond the attenuation associated with Mitigation Measure I-7 is not known at this time, and the project’s construction-related noise impacts would remain significant and unavoidable, as identified in the Draft EIR.

Additionally, it should be noted that Section 15126.4(a)(1) of the CEQA Guidelines states the following:

*An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.*

The degree to which LSE Absorptive Noise Barrier Walls (or similar material/product) are already in existence and readily available in the appropriate dimensions to accommodate the project is unknown at this time. It is possible that in order for the project to use this material/product, it would first have to be manufactured and transported to the project site (Sound Fighter Systems is located in Louisiana), whereas

<sup>6</sup> FHWA Noise Barrier Design Handbook; webpage updated July 14, 2011; accessed August 10, 2011  
[http://www.fhwa.dot.gov/environment/noise/noise\\_barriers/design\\_construction/design/design03.cfm](http://www.fhwa.dot.gov/environment/noise/noise_barriers/design_construction/design/design03.cfm)

<sup>7</sup> <http://www.soundfighter.com/>, January 23, 2012,

plywood (refer to Mitigation Measure I-7) is a common construction material known to exist within the project region. Use of plywood for construction-noise attenuation purposes would likely result in the consumption of less energy than would the use of LSE Absorptive Noise Barrier Walls (or similar material/product). Additionally, at this time there is no evidence that LSE Absorptive Noise Barrier Walls (or similar material/product) would be more effective at attenuating the project's construction-related noise levels than ½-inch thick plywood.

### **Comment No. 61-8**

#### **C. The DEIR defers analysis and mitigation for possible contamination by leaking underground storage tanks of the former gas station at 11999 San Vicente Blvd.**

The DEIR acknowledges that a gas station operated adjacent to the Project site from at least 1958 to 1980, yet only a Phase I Environmental Site Assessment was conducted. Mitigation Measure G-1 calls for a Phase II Assessment prior to construction activities, which, if contaminants are discovered, would defer mitigation until after the city approval process is complete. Deferred analysis and mitigation is a clear violation of the California Environmental Quality Act ("CEQA").

The very purpose of an EIR is to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "*identify ways that environmental damage can be avoided or significantly reduced.*" (Cal. Code of Regulations, Title 14, §15002(a)(2). Per the Courts, the EIR's "*purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the* (1990) 52 Cal.3d 553, 564.

*"The absence of information from the environmental impact report is a prejudicial abuse of discretion if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process."*  
Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (App. 1 Dist. 2001).

The fact that only a Phase I Environmental Site Assessment was conducted for the Project raises serious concerns about the adequacy of the DEIR. In sum, the DEIR fails to address the historic gas station use adjacent to the site, and is therefore an attempted short-cut around critical protections that are supposed to be in place to ensure the safety and health of both future users of the site and surrounding residents. The DEIR essentially admits this when it states at page IV.G-23: "*...[T]here is potential for petroleum products to have migrated to soil beneath the project site...Therefore, impacts with respect to the potential presence of an underground storage tank would be potentially significant.*"

Steel underground storage tanks containing petroleum fuels have been a major source of environmental concern because of their potential to release fuels once corrosion of the steel occurs. Similarly, an auto service garage might have had a waste oil tank and perhaps an oil/water separator connected to the industrial sewer. Either would have had the potential to leak waste petroleum and VOC degreasers to

surrounding soils. As a former auto mechanic, I recognize the dangers associated with these products. Yet the DEIR inexplicitly conducted no soil borings to assess the potential for such contaminants.

A gasoline release from underground storage tanks would contaminate surrounding soil and groundwater with Benzene and MTBE. The California Office of Environmental Health Hazard Assessment considers each of these compounds to be potentially carcinogenic toward humans. In high concentrations, significant cancer risks may result due to inhalation exposure in indoor air, which may occur in a building located directly above detected contaminants. Any groundwater plume involving Benzene and MTBE may also migrate as a result of natural groundwater movement. Hence these potential carcinogens may pose an impending threat to not only the health and safety of future users of the site, but also to surrounding commercial and residential occupants.

A Phase II Environmental Site Assessment of the Project site prior to certification of the EIR is essential under CEQA. The DEIR's assumption that any contamination from the former gas station at 11999 San Vicente Blvd. was removed during the site's excavation in the 1980s is unsubstantiated, and does not address potential contaminate migration that may have occurred.

#### **Response to Comment No. 61-8**

The comment states that the Draft EIR defers analysis and mitigation for possible contamination of leaking underground storage tanks. Mitigation Measure G-1 of the Draft EIR requires a Phase II Environmental Site Assessment (ESA) to be performed and requires the applicant to follow the recommendations for remediation. The mitigation measure also states that no building permits shall be issued until the appropriate agency has issued a letter requiring no further action. The Phase I ESA, which is summarized as part of section IV.G, discloses the potential hazardous material and potential for leaking underground storage tank. It is important to note that the former gas station (site of possible underground storage tanks) was not located on the project site, but was located at 11999 San Vicente Boulevard, which is adjacent to, but downgradient from, the project site. (Refer to the Phase I ESA, which is provided as Appendix H to the Draft EIR). Further, there was no reported leak from the former tank, and even if any leak had occurred in the soil below that property, it is likely that any contaminated soil would have been removed during the construction of the three levels of subterranean parking for the commercial building located at that property. Therefore, the likelihood of any leak from that former underground storage tank having impacted the project site is remote. However, in order to be conservative, the Draft EIR recommends a mitigation measure that requires the applicant to undertake a Phase II investigation of the relevant subsurface conditions at the project site and to perform any required remediation of any contamination that may be found before any building permits are issued for the proposed project.

#### **Comment No. 61-9**

**D. The DEIR does not present a realistic preservation alternative analysis.**

By reference, I am including for the administrative record, the audio recording of the Los Angeles Cultural Heritage Commission meeting of April 7, 2011, Agenda Item 4. Audio files for the April 7, 2011 meeting for Item 4 can be found at the following URL links:

Part 1: <http://cityplanning.lacity.org/StaffRpt/Audios/CHC/2011/04-07-2011/04ENV09-1065a.mp3>

Part 2: <http://cityplanning.lacity.org/StaffRpt/Audios/CHC/2011/04-07-2011/04ENV09-1065b.mp3>

The Los Angeles Cultural Heritage Commission at its April 7, 2011 meeting included a discussion on the DEIR for the proposed Green Hollow Square development under Agenda Item 4. Much of the commentary by both public speakers and commission members at this meeting focused on the inadequacy of the DEIR's Preservation Alternative, listed as Alternative #4. All of the speakers who addressed this issue agreed that the DEIR did not offer a realistic scenario that would architecturally integrate the historic Barry Building into a unified development.

Commenting on this issue, Commission president Richard Barron referred to the illustration contained in DEIR Appendix M -- in which the historic Barry Building is shown as a preserved structure surrounded by development of a completely incompatible architectural style-- as "done as a cartoon." And not a serious effort to provide a preservation alternative. Commission Vice President Roella H. Louie agreed and stated that "It is disingenuous to come with a half thought out preservation alternative."

According to the California Supreme Court, an EIR is required to "ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197. This discussion of alternatives must be "meaningful" and must "contain analysis sufficient to allow informed decision making." *Laurel Heights Improvement Assn. of San Francisco, Inc., v. Regents of University of California* 47 Cal.3d at 403-404.

An "agency preparing the EIR may not simply accept the project proponent's assertions about an alternative; rather, the agency 'must independently participate, review, analyze and discuss the alternatives in good faith.'" *Save Round Valley* 157 Cal.App.4th at 1460. The "applicant's feeling about an alternative cannot substitute for the required facts and independent reasoning." *Id* at 1458.

"In finding the alternatives analysis flawed, the court [in *San Joaquin Raptor* (1994) 27 Cal.App.4th 713, 738] pointed out the EIR's 'discussion of alternatives does not foster 'informed decision making' because it is 'devoid of substantive factual information from which one could reach an intelligent decision as to the environmental consequences and relative merits of the available alternatives to the proposed project...' Here, as there, '[b]ecause the discussion of alternatives omitted relevant, crucial information, it subverted the purposes of CEQA and is legally inadequate.'" *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873.

"[T]he FEIR was required to identify a reasonable range of environmentally superior alternatives and to set forth facts and 'meaningful analysis' of these alternatives rather than just the agency's bare conclusions or opinions." *Preservation Action Council v. City of San Jose*, (2006), 141 Cal.App.4th at 1353.

“[T]he Legislature has also declared it to be the policy of the state ‘that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...’ (§ 21002.) ‘Our Supreme Court has described the alternatives and mitigation sections as “the core” of an EIR.’ (Los Angeles Unified School Dist. V. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1029.)” Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 597.

According to the California Supreme Court, an EIR is required to “ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.” *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197. This discussion of alternatives must be “meaningful” and must “contain analysis sufficient to allow informed decision making.” *Laurel Heights Improvement Assn. of San Francisco, Inc., v. Regents of University of California* 47 Cal.3d at 403-404.

The Project DEIR Alternatives analysis is grossly inadequate, and requires supplemental review of a realistic preservation option.

### **Response to Comment No. 61-9**

The comments of the Cultural Heritage Commission are responded to in Responses to Comments 3-1 through 3-9 of this Final EIR. Further, additional information regarding Alternative 4 is provided in Response to Comment 8-1.

### **Comment No. 61-10**

#### **E. The DEIR’s List of Related Projects omits any reference to the VA Draft Master Plan and the I-405 Freeway/Sepulveda Pass Widening Project.**

The DEIR’s Related Projects List cites 32 other proposed developments in the Project area. This list, however, inexplicitly includes no reference to either development at the 387-acre Veterans Administration site located approximately a half mile east of the Project site, or the 405 Freeway widening project. Both projects are significant, especially when determining cumulative traffic impacts.

Plans for the VA campus include renovation and upgrade of existing services, in addition to proposed expansion of medical and residential facilities. Cumulative impacts are therefore potentially significant.

The I-405 Freeway/Sepulveda Pass widening project is a multi-year, on-going expansion of significant segments of the 405 Freeway. Expansion of the 405 Freeway’s number of lanes, its on- and off-ramps, and its overpasses, involves lengthy traffic delays and detours. Since the Project will likely use the 405 Freeway as part of its haul route to Sunshine Canyon, both for the estimated 59,000 cubic yards of soil excavation and the approximately 153.8 tons per day of anticipated demolition waste, the 405 Freeway’s widening project should have been a key element of the DEIR’s Traffic Analysis. At 10 cubic yards per truck, the Project would generate 11,800 truck trips just for excavation (5,900 empty in and 5,900 out with fill). Since no mention is made in the DEIR of this lengthy widening project, additional traffic study is required. This is crucial considering the DEIR’s estimated start of construction in 2012.

If it is “reasonable and practical” to include other projects in a project’s cumulative impacts analysis, then the lead agency is required to do so.” *San Franciscans For Reasonable Growth v. City and County of San Francisco*, supra, 151.App.3d at 77. “The Guidelines explain that a discussion of cumulative effects should encompass ‘past, present, and *reasonably anticipated future projects*.’” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394; citing Guidelines § 15130 (b)(1)(A); italics in original.

Cumulative impacts analysis is particularly important in the urban setting. *King County Farm Bureau v. City of Hanford*, supra, 221 Cal.App.3d at 720, citing *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App3d 61. See also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 (a project’s impacts can assume “threatening dimensions...when considered in light of the other sources with which they interact”).

“The requirement for a cumulative impact analysis must be interpreted so as to afford the fullest protection of the environment within the reasonable scope of the statutory and regulatory language.” *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431-432. The Court of Appeal has held that a “proposed project” under environmental review is a reasonably foreseeable future project. *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal.App.3d 612, 630; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 72-77; § Guidelines 15130.

For example, *Citizens Assn.*, supra, 172 Cal.App.3d 151, explicitly states that while projects “currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis...even projects anticipated beyond the near future should be analyzed for their cumulative effect.” *Id.* at 168.

A project that is under environmental review is a “reasonably foreseeable probable future project” within the meaning of the Guidelines. (Guidelines, § 15355, subd. (b).). This is because once review is begun, a significant investment of time, money and planning has probably occurred. Thus, once environmental review commences, the project is probable rather than merely possible. *Friends of the Eel River v. Sonoma County Water Agency*, 108 Cal.App.4th at p. 870; *San Franciscans for Reasonable Growth v. City and County of San Francisco*, supra, 151 Cal.App3d at pp. 74-75.

### **Response to Comment No. 61-10**

As noted previously in Response to Comment 4-6, the I-405 HOV lane project is currently underway, and is expected to be completed (including all freeway and overcrossing/ramp improvements) in the spring of 2013. Therefore, it is likely that some I-405 construction activities will be underway during the demolition and potentially during some or all of the excavation phases of the Green Hollow Square project’s construction, which is anticipated to begin in 2012. However, all construction related to the I-405 project is expected to be finished prior to the anticipated completion of the proposed Green Hollow Square project in 2014.

Regarding the potential “cumulative” effects of the I-405 and Green Hollow Square project construction activities, it is important to note that the I-405 Freeway mainline lane vehicular capacities, on which the potential impacts of the Green Hollow Square project to the I-405 itself are evaluated, are not affected during the typical haul truck hours of operation anticipated for the Green Hollow Square project (approximately 9:00 AM to 4:00 PM). During these hours, no lane closures on either the northbound or southbound I-405 are typically scheduled by Caltrans, and as such, full freeway “through” lane capacities are anticipated to be maintained during normal business hours. As such, the I-405 project construction activities would not reduce the overall mainline travel capacity on the I-405, and therefore would not affect the construction traffic impact analyses prepared for the Green Hollow Square project (see Additions and Corrections). As discussed in the Additions and Corrections, no Green Hollow Square project construction-related significant impacts will occur to the I-405 Freeway.

Additionally, although some of the I-405 freeway’s on- and/or off-ramps through the construction zone, roughly between the I-10 (Santa Monica) and US-101 (Ventura) Freeways, may be closed intermittently during the I-405 project construction period, such closures are not anticipated to significantly affect the Green Hollow Square project construction activities (or vice-versa), or alter the anticipated Green Hollow Square haul route. Further, most of the heavy construction-related activity for the I-405 project (including haul truck activity) is typically scheduled to occur during the “off-peak” periods (between the hours of 7:00 PM and 6:00 AM), in order to minimize impacts to traffic on this key regional transportation facility. These nighttime construction hours for the I-405 project occur well after the anticipated haul activities for the Green Hollow Square project have ceased for the day. Therefore, the haul truck and other heavy-construction activity for the I-405 project and the demolition and excavation-related activity for the Green Hollow Square project would not be expected to overlap, thereby minimizing or eliminating the “cumulative” impacts of these two potentially concurrent construction projects.

See also Response to Comment 6-32 regarding the listing of related projects. Further, additional project construction analysis has been added to Section III, Additions and Corrections, of this Final EIR.

#### **Comment No. 61-11**

#### **F. The DEIR’s is Inadequate in its Analysis of Greenhouse Gases when comparing the preservation and reuse of existing Buildings on the project site compared to the demolition of existing building and the construction of new building.**

I have attached two articles related to the advantages of preservation of buildings when compared to the demolition and construction of new buildings. Historical Cultural Heritage Commissioner Gail Kennard expressed her concerns about the affect demolition would have on adding to landfill waste. The City of Fort Lauderdale’s Historic Preservation Office pointed out in their article titled “Historic Preservation is Green” the following:

“The Pew Center on Global Climate Change finds that 43% of carbon dioxide emissions in the US comes from the operation of buildings. Even more greenhouse gas emissions are associated with manufacturing new building materials and products.

Here are a few facts:

- About 80 billion BTUs of energy are embodied in a typical 50,000-square-foot commercial building.
- Tearing down that building would negate all the benefit of recycling more than 60 million aluminum cans!
- Demolishing the building also would create nearly 4,000 tons of waste. That's enough debris to fill a train of 26 railroad cars!
- It's estimated that constructing a new 50,000-square-foot commercial building in place of the old one would release about the same amount of carbon into the atmosphere as driving a car 2.8 million miles -- or 112 trips around the Earth!"

### **Response to Comment No. 61-11**

The comment provides the commenter's opinion regarding greenhouse gases and also includes an article from the City of Fort Lauderdale's Historic Preservation Office. As such, these comments are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, the greenhouse gas emissions for Alternative 4 were discussed in the Draft EIR at pages VI-57 and VI-58. As described therein, since Alternative 4 would preserve the Barry Building, that Alternative would not be as energy efficient as the proposed project. (Refer to Appendix E of the Final EIR.). Lower energy efficiency would result in a higher level of greenhouse gas emissions relative to the proposed project. However, that higher amount of greenhouse gas emission may be offset by the slightly fewer number of traffic trips associated with Alternative 4 relative to the proposed project. (See Section III, Additions and Corrections, of this Final EIR under "Alternatives" for the Alternative 4 trip generation.) Therefore, the contribution to global climate change under Alternative 4 is likely to be similar to the proposed project, and that conclusion is reflected in the Corrections and Additions. However, the impacts to global climate change by the proposed project and Alternative 4 are still less than significant.

### **Comment No. 61-12**

#### III. CONCLUSION

The Project's DEIR characterizes many environmental effects that will be caused by the Project as "insignificant," "less than significant impact," or "no impact," such that few or no serious mitigation measures are allegedly necessary. Many such determinations in the DEIR are unsupported by facts, or premised on inadequate facts, or utterly lacking of any true analysis of the facts, or consisting of a superficial "analysis" which for the most part simply assumes its conclusion.

The Project as proposed would create a myriad of significant adverse environmental impacts upon this community. His respectfully submitted that in its current form, the Project 'should not be approved, and that further environmental review be required.

As a neighborhood, we ask that the City recognize the negative impacts associated with this and similar projects inconsistent with our community's land use and planning, and vote to not certify or recommend for certification the DEIR for the Project.

Thank you for your courtesy and attention to this matter. By reference I incorporate all letters submitted, by the Brentwood Homeowners Association (BHA), Dick-Platkin, Charies Pisher, and other parties opposed to the Green Hollow Square project as it is now proposed as part of my family's objections to the proposed Project.

**Response to Comment No. 61-12**

The comment states that the Draft EIR describes many environmental effects as “insignificant”, “less than significant”, or “no impact”, and includes few or no serious mitigation measures. See Section IV., Mitigation Monitoring and Reporting Program, for a listing of all project mitigation measures, as well as enforcement and monitoring information. The comment states that many determinations are unsupported by facts or consist of superficial analysis. Also, the comment states that the project should not be approved until further environmental review is conducted. However, with respect to these concerns, the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR in identifying and analyzing the environmental impacts of the proposed project. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 62**

Edward J. Casey  
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Los Angeles, CA 90071

**Comment No. 62-1**

I just learned that the enclosed letter from Ed Casey was mailed to you on April 18th. Inasmuch as I don't necessarily trust the US Postal Service to delivery mail on time, I thought I would email you the letter so you would have it by closed of business, April 20, 2011.

**Response to Comment No. 62-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 62-2**

On behalf of the Applicants for the Green Hollow Square (Project), we submit this letter to comment on the Draft Environmental Impact Report (DEIR) prepared by the City of Los Angeles (City) for the Project dated February 2011 (ENV-2009-1065-EIR). While we believe that the environmental analysis in the DEIR is adequate and complies with the California Environmental Quality Act (CEQA), the Applicants are submitting this letter to provide additional evidence supporting certain conclusions in the DEIR.

**Response to Comment No. 62-2**

The comment provides the commenter's opinion that the Draft EIR is adequate and complies with CEQA. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 62-3****A. Project Background**

Before discussing the additional analysis provided in the reports submitted with this letter, we would like to briefly summarize the process that the Applicants followed in designing the Project and formulating the Project Objectives. In 2006, the Applicants first introduced a residential condominium development that would have been four times the density of the Project and substantially taller in height (up to 50 feet). Thereafter, the Applicants' team met with community groups on numerous occasions. For the most part, the community expressed a preference for a retail project instead of a residential project. Accordingly, for two years, the Applicants worked on a design for a retail project. The initial design for a retail project was

shown to the public in 2005. Again, the Applicants met with the community and received input on that retail design. In response to that additional input, the Applicants substantially changed the proposed retail project. In particular, the Applicants responded to community input by:

1. Adding extra parking to ensure that the project would not exacerbate the parking deficiency in Brentwood.
2. Replacing the parking area at Saltair with a single-family home in order to maintain the residential character and avoid introducing a commercial presence into the neighborhood.
3. Prohibiting any access to the project from either Saltair Avenue or Saltair Terrace.
4. Reducing the height of the project.
5. Reducing the amount of restaurant space.
6. Moving the trash enclosures away from the adjacent residential properties.
7. Incorporating a mid-century architectural design to reflect the Barry building.
8. Suggesting traffic easing measures such as the traffic light at the project exit point and the San Vicente median cut "u"-turn
9. Maximizing the amount of outdoor seating plazas and conversation areas.
10. Agreeing to have some amount of office space in the project.

With that community input, the Applicants are proposing a project with the following objectives:

### **1. Architecture/Design**

- Create a development that provides a mix of retail, office and restaurant uses that cater to the Brentwood community, within which buildings are integrated with one another and clearly relate to each other in terms of proportion, height, mass, and facade;
  - o Develop a mixed-use commercial project that creates a sense of place for customers and community within walking or short driving distance of the Brentwood area;
  - o Provide an efficient site circulation system to prevent auto queuing or back-up onto San Vicente Boulevard;
  - o Provide a project that meets LEED standards and includes energy efficient features that minimize the project's ongoing effects on the environment;
  - o Develop a mixed use project that is compliant with all current building and environmental codes and meets modern commercial standards for high-class quality businesses.

## 2. Facilities

- Create a commercial development with more current facilities that will be competitive with similar properties along the San Vicente Corridor in the Brentwood area.

## 3. Specific Plan Implementation

- Contribute to the City's vision for the San Vicente Scenic Corridor Specific Plan;
  - o Provide on-site parking facilities for the project's employees and customers that would exceed City Code requirements, thus alleviating parking on neighborhood streets;
  - o Provide a design that emphasizes a cohesive, well-defined pedestrian network, within which there are generous public spaces for walking and sitting; and

## 4. Economics

Enhance return on applicants' investment and tax revenue to local governmental agencies.

### **Response to Comment No. 62-3**

The comment provides a narrative about the project background, including a previous project that was proposed and subsequently changed as a result of community input. The comment then re-states the project objectives that are set forth in the Draft EIR published by the City. This general information is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 62-4**

#### B. Project Alternatives

With this background information in mind, we would like to discuss two alternatives discussed in the DEIR that are aimed at preserving the Barry Building, which was designated a cultural monument by the City in 2007. For the reasons discussed in the DEIR and in this comment letter, we believe that those alternatives are not feasible within the meaning of CEQA.

### **Response to Comment No. 62-4**

The comment provides the commenter's opinion that two preservation alternatives are not feasible within the meaning of CEQA. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 62-5**

#### 1. On-Site Preservation Alternative

In Section VI and Appendix M of the DEIR, an alternative to the Project is described that would retain the Barry Building. As stated at page VI-65 of the DEIR, this alternative would not meet a number of the project objectives to the same extent as the proposed project. We concur in that conclusion. In particular, the DEIR states that "Retention of the Barry Building may also affect its ability to achieve the competitive goals under objective 2 as well as the economic goals under objective 4." To better understand the competitiveness of this alternative, we retained the Concord Group to analyze the relevant market and assess the variance in gross retail lease revenue from different project alternatives that would retain the Barry Building. (A copy of Concord's Report and statement of qualifications are enclosed with this letter.) As confirmed by the Concord Report, given the constraints in the Local Trade Area, newer well-designed products "achieves a 57% rent premium over older retail product." (Concord Report, p. 2.) Additionally, "older retail product (typically built before 1970) falls short of offering customers a high quality shopping experience. With poor layouts that fail to integrate retail spaces, these older spaces are not able to create a flow of customer traffic. These spaces also lack updated systems, poor visibility, and limited access." (Concord Report, p. 2.) As applied to the alternative in the DEIR that would retain the Barry Building, the Concord Report concluded that "the Barry Building's location in the center of the development restricts the visibility of the newer buildings to the north and segments the subject property, thus restricting traffic and rental rates achievable for the new development. In addition, overall square footage in the scenario falls as a result of structural changes made to help improve the flow of the center." (Concord Report, p. 4.)

Indeed, the Concord Report concludes that the alternative that preserves the Barry Building would be inferior to the Proposed Project in such key competitive areas as marketing visibility, quality of space, street presence and shopping experience. (Concord Report, Exhibit III-I, p. 2.) For example, in the area of marketing visibility and street presence, the retention of the Barry Building would create a segmented line of site since it sits in the center of the property, blocking the visibility of the Project as a whole. In the area of quality of space, retention of the Barry Building would restrict the floor space and size of the proposed new structure to the east, thereby reducing the quality of that new space. In addition, the limited ceiling heights and windows of the Barry Building greatly detract from its ability to serve modern retail tenants. Finally, in the area of shopping experience, retaining the Barry Building would create an uninviting and segmented layout as that building is located in the center of the site, limiting the open field of the development and visually blocking off the structure to the north.

For all of these reasons, the expected total annual retail gross revenue for the alternative that retains the Barry Building is \$803,761 less than the expected retail gross revenue for the Proposed Project. (Concord Report, p. 5.) Assuming a market-based cap rate of 6%, this equates to loss of \$13,396,017 in stabilized project value. (*Id.*) Accordingly, this analysis confirms the DEIR's conclusion that a project alternative that would retain the Barry Building would not meet the competitive goals under objective 2 as well as the economic goals under objective 4.

#### **Response to Comment No. 62-5**

The commenter's opinion that Alternative 4 would not meet a number of project objectives to the same extent as the proposed project is acknowledged for the record. That opinion and the consulting report (the

“Concord Report”) submitted by the applicant will be forwarded to the decision-making bodies for their review and consideration.

According to the applicant and its consultant (Concord Group), the existing floor-to-ceiling heights of the Barry Building are inconsistent with the requirements of most current retail and office tenants, and the new floor-to-ceiling heights of the new buildings (of the proposed project) would be consistent with those requirements. The existing floor-to-ceiling heights of the Barry Building, which are as low as 8'6" clear height and as high as 11' and average between 9' and 10', would be different than the floor-to-ceiling heights of the project's new buildings, which would provide a floor-to-ceiling height of approximately 18 feet.

As described in the supplemental report prepared by Galvin Preservation Associates (included as Appendix C to this Final EIR), changing the floor-to-ceiling heights in the Barry Building, even if structurally feasible, would not comply with the Secretary of the Interior's Standards for Rehabilitation and would negatively affect the integrity of the building constitute a loss of historic fabric. Failure to comply with the Secretary of the Interior's Standards for Rehabilitation is an important factor (although not necessarily dispositive) that is considered by the City's Cultural Heritage Commission when deciding whether a structure qualifies as an historic monument under the City ordinance. If the existing floor-to-ceiling heights of the Barry Building are not altered, Alternative 4 would not be as functionally integrated as the proposed project; refer to Responses to Comments 3-4 and 3-5 for a discussion of functional integration.

### **Comment No. 62-6**

#### 2. Off-Site Preservation Alternative

In Section VI of the DEIR (at p. VI-5), the DEIR briefly discusses, but rejects as infeasible, an alternative that would relocate the Barry Building to an unidentified property in the general Brentwood area. We agree with the conclusion in the DEIR that such an alternative is infeasible since, among other reasons, the cost of acquiring any suitable property in this area would be exorbitantly high. In that regard, Appendix L to the DEIR provides a letter from a commercial real estate broker stating that land acquisition costs could range from \$200 to \$500 per square foot of land. At those land prices, a suitable half acre of land would cost between \$4.5 million to \$10.9 million to purchase.

In addition to those property acquisition costs, we also point out that there would be significant costs to disassemble the Barry Building, move it to the new location, reassemble it, and prepare the site for operation of the Barry Building. Based on an analysis prepared by Hill International, Inc., a well-established construction management firm, the estimated cost to perform that work so that the Barry Building could be operated intact at a different location is \$6.4 million dollars, which is *exclusive* of land acquisition costs. (A copy of the Hill report and its statement of qualifications are enclosed with this letter.) Adding land acquisition costs to the cost to relocate the Barry Building to a new location renders this preservation option infeasible.

**Response to Comment No. 62-6**

The comment reiterates the conclusion from page VI-5 of the Draft EIR that off-site preservation of the Barry Building is not feasible due to land acquisition costs, as well as the cost to move the Barry Building. As such, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 62-7**

C. Conclusion

We appreciate the opportunity to comment on the DEIR for the Project. As explained above, neither the retention nor the relocation alternative for the Barry Building meets the Project Objectives or is feasible within the meaning of CEQA. Accordingly, we urge the City to approve the Project as proposed by the Applicants

**Response to Comment No. 62-7**

The comment re-states the commenter's opinion that neither the retention nor the relocation alternative for the Barry Building meets the project objectives or is feasible within the meaning of CEQA. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 63**

John P. Given  
2551 La Condesa Drive  
Los Angeles, CA 90049

**Comment No. 63-1**

Attached is a pdf letter I would like to submit to the record on the Green Hollow Square DEIR (ENV-2009-1065-EIR). A hardcopy will follow by mail. My letter incorporates by reference the Brentwood Homeowners Association response dated yesterday, which is also included.

If you have any questions or concerns, please feel free to contact me at this e-mail address or by phone at (310) 471-8485.

**Response to Comment No. 63-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 63-2**

I am a longtime Brentwood resident, having resided at the above address for more than thirteen years. As a local resident, I have visited the location of the above-captioned Green Hollow Square project many times, as well as visiting other locations nearby along San Vicente Boulevard and in the Brentwood Community. I am very familiar with the location of the project and surrounding area, and travel in and around this area on a virtually daily basis.

I have had an opportunity to review the comment letter submitted to you by Beverly Grossman Palmer of Strumwasser & Wocher LLP, on behalf of the Brentwood Homeowners Association, dated April 19, 2011, which I incorporate by reference as representing my own concerns regarding the numerous deficiencies of the Green Hollow Square DEIR. In addition, however, I have three specific comments about the DEIR that I would like to add to the record.

**Response to Comment No. 63-2**

The comment states that the commenter has reviewed the comments made by the Brentwood Homeowners Association and has three specific comments to add. The comment states that what follows are comments on the proposed project. However, the comment does not state a specific concern or question regarding the sufficiency of the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 63-3**

## 1. Deficiency of Alternative 4: Preservation Alternative

Alternative 4 is facially deficient in its oversimplified presentation of a preservation alternative. Alternative 4 is inadequate because it does not provide nearly enough detail or analysis to determine whether it is a truly feasible alternative. In a DEIR of well over 2,000 pages including appendices, with extensive (if sometimes misleading and incomplete) analyses of many details on a wide variety of topics, Alternative 4 is presented in a mere ten pages. (See DEIR at pp. VI- 56-65). For comparative purposes, Alternatives 2 and 3 study the requisite issues in much greater detail. (*Id.* at pp. VI-2540, and pp. VI.4).56, respectively). Even Alternative I(a), the "No Build" scenario, requires no less than five pages to say that doing nothing will be less impactful than doing something. (*Id.* at pp. VI-6-10.) Subtract the five pages required to say very little as 8 baseline of the amount of actual study done on Alternative 4, and one can easily see that Alternative 4 is simply not an adequate study or presentation of a preservation alternative.

Whether Historic-Cultural Monument #887 (i.e., the "Barry Building") is able to be preserved in the long run, a decision which is of great importance to many community members here in Brentwood and throughout Los Angeles, is not a decision that can reasonably be made unless the alternative for preservation it is fairly and adequately studied and presented. The DEIR is grossly inadequate without sufficient study of the preservation alternative.

**Response to Comment No. 63-3**

The comment provides the commenter's opinion that the analysis of Alternative 4 is deficient. However, the analysis of Alternative contains the same analysis as is provided for the other alternatives. Further, Alternative 4 is the only alternative that contains a draft site plan and rendering. In addition, see Responses to Comments 4-39 and 8-1 for additional information regarding Alternative 4.

**Comment No. 63-4**

## 2. Deficiency of Cut-Through Traffic Analysis

The DEIR assumes that "there are no local/residential roadways that would typically be used by non-local site-oriented ("cut-through") traffic to travel between the project site and nearby arterial roadways. since none provides convenient alternative routes to the Major and/or Secondary Highways serving the project vicinity. and few provide connections between such facilities at all." (See DEIR at p. IV.L-84.) This assumption is seriously flawed. As the DEIR's traffic report states, there are at least four nearby intersections with such low levels of service that the significant impacts of the project-related traffic cannot be mitigated. The assumption that local/residential roadways will not be utilized by significant levels of project generated traffic must assume that the low levels of service at the studied intersections does not already lead to significant cut-through traffic on Saltair A venue and other local/residential roadways.

In fact, the existing cut-through traffic problem is a serious problem for local residents, such that traffic calming mitigations for Saltair Avenue to reduce cut-through traffic have been discussed by residents for years, which sufficient study of neighborhood traffic issues would have disclosed, but in any case which was discussed in the Brentwood Homeowners Association's scoping letter submitted to the project. The DEIR simply does not recognize the existing cut through traffic problem on Saltair Avenue and other local/residential roadways, and thus is inadequate both for failing to properly analyze the project related cut-through traffic on Salmir(sic) Avenue, and also for failing to analyze the cumulative impact of currently existing, related project generated, and project-generated cut-through traffic in the vicinity of the project.

#### **Response to Comment No. 63-4**

The comment is addressed previously in Responses to Comments 4-10, 4-16, 4-27, and 6-9. Therefore, no further responses to this comment are necessary.

#### **Comment No. 63-5**

Further, to the extent that the cut-through traffic issue causes the Traffic portion of the DEIR to be inadequate, related effects in other study areas of the DEIR, for example, Section IV.K the Public Services section of the DEIR are necessarily inadequate as well. The cut-through traffic issue, endemic to the local/residential roadways in close proximity to the project site must be properly analyzed using correct baseline assumptions or multiple sections of the DEIR will remain inadequate.

#### **Response to Comment No. 63-5**

The comment states that since cut-through traffic was not properly included as a baseline, assumptions made in the public services section of the Draft EIR are also affected. See Responses to Comments 4-10, 4-16, 4-27, and 6-9 which address the issue of cut-through traffic. Further, See Response to Comment 4-35, which addresses fire department response times, and already takes into account local traffic patterns and congestion.

#### **Comment No. 63-6**

##### 3. Deficiency of Study and Analysis of the Intersection of San Vicente Boulevard at Saltair Avenue

The intersection of San Vicente Boulevard and Saltair Avenue is the geographically closest intersection to the project location. Despite this the traffic study does not make the same detailed analysis of the intersection as it does twelve other nearby intersections. The DEIR traffic analysis is inadequate if it does not study and analyze in as much detail, to the extent practicable given **the differences in types of intersections studied, those twelve signalized intersections contained** in Table IV .L-II of the "Traffic, Transportation, and Parking" component of the DEIR. (See Table [V.L-II, DEIR at pp. IV.L-4S-46, and accompanying material.)

**Response to Comment No. 63-6**

This comment is addressed previously in Response to Comment 4-15. As such, no further responses to this comment are necessary.

**LETTER NO. 64**

Sarah Locke-Gilbert

**Comment No. 64-1**

The Barry Building has been designated a Historic Cultural Monument and it is appalling that demolition has been proposed to make way for the development called Green Hollow Square. As a highly in tact example of International-style, this building is an important architectural resource. It also has cultural significance to the community as the former home of Dutton's Books. Additionally, proposed alterations to the median would also impact the coral trees, which are also a designated landmark, HCM #148. What does it say about our appreciation for preservation laws that have been enacted to protect our cultural heritage? By disrespecting the boundaries that have been set to protect our heritage, we are inviting the possibility of situations such as this in the future.

**Response to Comment No. 64-1**

The first portion of the comment provides information about the significance of the Barry Building. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates (included as Appendix E to the Draft EIR). As described therein, the Barry Building is designated Los Angeles Historic-Cultural Monument #887. The remainder of the comment provides the commenter's opinion of general opposition to the demolition of the Barry Building and the alteration of the San Vicente Boulevard median (including the coral trees). As such, the commenter's opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 64-2**

In this case, there are clear adaptive reuse options available that would allow for the Barry Building to retain its status as a local landmark. Alternative #4 in the Draft EIR provides the developer with the same number of parking spaces and nearly the same amount of square footage as the project would have in the proposal that calls for demolition. There is already adequate space available within the Barry Building, which is remarkably similar to the retail space in the proposed replacement. There is also a central courtyard that offers the community outdoor social space and help meet the project's objectives. The argument that the building is not energy efficiency is also not an acceptable claim. Sensitive upgrades for enhanced energy efficiency can be made that will meet sustainability goals. Finally, there is no reason why the design of the surrounding construction cannot be finessed to integrate the Barry Building.

**Response to Comment No. 64-2**

The comment provides the commenter's opinion that Alternative 4 should be the preferred project. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. See also Response to Comment 17-4 regarding the

ability to upgrade the Barry Building for greater energy efficiency and Response to Comment 8-1 for additional information regarding Alternative 4.

**Comment No. 64-3**

Please, call for the preservation of this landmark. It is essential to show respect for our community through the preservation of this building and in order to protect our heritage, it should be made clear that the demolition of Historic Cultural Monuments is not acceptable under circumstances where there are clear preservation alternatives.

**Response to Comment No. 64-3**

The comment provides the commenter's opinion for preservation of the Barry Building. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 65**

Joe Molloy

**Comment No. 65-1**

i am a 25-year resident of brentwood and pass the barry buiding most every day. it always gives me immense pleasure to admire the design, landscping, and scale of this property.

i think it should not be demolished—it is a historic-cultural monument. the published design for a replacement demonstrates a very dull generic-looking building. if there must be a new building on this site, certainly it can be designed to retain and upgrade the existing builing.

i have always patronized businesses located in the barry building: dutton's bookstore and now luxxe cafe.

i am a member of the los angeles conservancy and its modern committee. i joined today because of the threat to the barry building.

**Response to Comment No. 65-1**

The comment provides the commenter’s opinion of general opposition to the demolition of the Barry Building, and that at least, the Barry Building should be incorporated into the new project. The commenter’s opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 66**

Sheri A. Saperstein  
500 So. Barrington Ave. #6  
Los Angeles, CA 90049-4372

**Comment No. 66-1**

As a resident of the community of Brentwood and Council District 11 since 1992, I believe the proposed, Green Hollow Square would not only result in the destruction of The Barry Building—a beloved City of Los Angeles Historical-Cultural Monument—but also result in the ruin of a tightly-knit community, one which has long understood that the scale of its built environment is directly related to the quality of life of its inhabitants.

I am utterly exasperated by the numerous shortcomings of the Green Hollow Square DEIR submitted by its short-sighted developers. CEQA reports are supposed to honestly and directly address potential impacts of a proposed development, so that the city can appropriately assess such proposal. The Green Hollow Square DEIR appears to purposely deflect from such honest assessment. Significant revisions are needed.

I have heard that the project has been described by Mr. Munger as a gift to the city—as proposed, it would instead prove a Trojan Horse. Its construction would immediately corrode and permanently alter a wonderful neighborhood in and of itself, and would probably lead to future and further changes corrosive Brentwood’s character.

**Response to Comment No. 66-1**

The comment states the commenter’s opinion of opposition to the demolition the Barry Building. The commenter’s opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment also states that the Draft EIR does not honestly and directly address potential impacts of the proposed project. The Draft EIR lists potential and significant and unavoidable impacts in Table I-1 and describes each impact in greater detail in the subsections of Draft EIR Section IV. As stated on Draft EIR page V-1, the proposed project would have significant unavoidable environmental impacts with respect to historic resources, aesthetics, construction noise, and traffic. The proposed project would also result in a significant cumulative impact with respect to historic resources and construction noise. Thus, the Draft EIR fully discloses potential impacts of the proposed project and provides mitigation measures, where appropriate, to lessen such impacts.

The comment also states that the proposed project would immediately corrode and permanently alter the neighborhood and Brentwood’s character, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment

is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 66-2**

**AESTHETICS: The Barry Building (City of Los Angeles Historic-Cultural Monument No. 887) and Its Significance to Brentwood**

A pragmatic option to preserve the Barry Building intact and in situ must be developed. This would not be hard to do, especially since the Barry is so well-designed. Its integrity and vision deserve to be preserved for future generations and its key structural elements—well defined by Diane Caughey and the City of Los Angeles' own Office of Historic Resources—must be adequately addressed by the DEIR.

The Barry has rich historic and cultural significance. It physically expresses the idealism that animated scores of people who moved to Los Angeles after World War II hoping for a better life, one in which their lives would be enriched by well-engineered buildings and communities.

The building represents an optimism that architecture can further community and civil society by ennobling the ways we live and by engaging with the local environment. Architecturally the Barry Building has unique significance to Southern California as one of the last remaining commercial examples of the internationally-admired "mid-century California modern" architectural style. Architects such as Richard Neutra, Pierre Koenig and John Lautner revolutionized domestic architecture after the war, and the style was further expressed in modern religious architecture, the college campus, and art museums. There are far fewer surviving examples of this style in commercial architecture\_ and this is yet another reason it is so important to preserve the Barry Building for future generations.

With the Barry, one enjoys a glimpse into Los Angeles history. Brentwood has long been known as a neighborhood with progressive ideals. Above the Barry Building lies Crestwood Hills which began as a utopian experiment in the late 1940s. It required all its buildings be designed by architects, and emphasized community spaces. Today, 16 of these mid-century modern homes are listed as Historic-Cultural monuments of the City of Los Angeles. Below this community the commercial strip of San Vicente Blvd. was built. I understand this strip was also developed with community-minded (and issued) restrictions in place, including limitations on building heights and hours of operation. The median strip with its Coral Trees (designated monument #148) added beauty and grassy pedestrian space for all to enjoy. Beauty and Aesthetics were clearly considered integral to the well-being of a healthy community and healthy society.

Within this context, the Barry Building was completed in 1951. It was designed not to be grandiose or self-important but to be an integral part of both its environmental and civic community.

To integrate into its environment, it maximized natural light, used cross-ventilation to minimize the need for air conditioning and featured a screen on its eastern side to mitigate the effects of the harsh afternoon sun. Its landscaping emphasized plants that would thrive naturally in its setting. It used simple readily-available and easily-maintained materials for its construction.

To serve its community outdoor hallways were designed specifically to encourage camaraderie amongst building inhabitants. Its courtyard opened both into the shops and offices and out onto the street. And while humble it was beautiful—with overlapping and hovering rectangular planes, slender columns and a flat roof that "lightened" the building all in an understatedly elegant style.

These are the reasons the Barry Building deserved to become City of Los Angeles Historic- Cultural Monument No. 887. And they are why any worth DEIR would include a sound proposal for keeping intact the Barry Building and its key structural elements.

### **Response to Comment No. 66-2**

Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. See also Response to Comment 8-1 for additional information regarding the Barry Building.

### **Comment No. 66-3**

**AESTHETICS: San Vicente Blvd. Kaffirbloom Coral Trees** (City of Los Angeles Historic-Cultural Monument No. 148)

The beautiful Coral Trees of San Vicente Blvd. are one of the first-recognized cultural treasures of the City of Los Angeles. Removal of any sections of the continuous landscaped median strip containing these trees is unconscionable.

Aside from being beautiful to behold as they stretch from Brentwood through Santa Monica, the median serves as a pedestrian corridor. Erection of the Green Hollow Square project would change this essential pedestrian character.

In addition the increased traffic described by the submitted DEIR—at least of 2,000 vehicles per day—would likely have a negative impact on the viability of all the coral trees in the neighborhood. I am concerned not only by the additional exhaust, but also by the effects upon the shallow roots of the Coral trees from the weight of all the cars passing directly over them

### **Response to Comment No. 66-3**

The comment states the commenter's opposition to the alteration of the San Vicente Boulevard median (including removal of the coral trees). The commenter's opposition is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment also states that the median serves as a pedestrian corridor and that the proposed project would change this essential pedestrian character. First, the median alteration is an "optional" project design feature, which may be chosen and implemented after the project has been operational based on community input. Further, the existing median already contain cuts to allow traffic to turn and change directions nearly every block in the project vicinity.

The comment also states that the addition of 2,000 vehicles per day would negatively impact the viability of all coral trees, due to increased exhaust and the weight of cars passing over the roots. The comment does not provide any support to this claim. The proposed project would generate a net increase of 1,456 daily trips, with a PM peak hour of 255 trips. As shown in Figure IV.L-9, the San Vicente Boulevard street segment between Montana Avenue and Bundy Drive has an existing PM peak of 2,240 vehicles. Thus, there is evidence that the coral trees have already experienced the effects of vehicle exhaust and weight on their roots and continue to service. The addition of the proposed project's peak hour trips would not significantly increase the amount of vehicles passing through the identified street segment to the extent that the exhaust would be expected to harm the coral trees.

#### **Comment No. 66-4**

#### **IV.B AESTHETICS: San Vicente Historic Corridor** (Scenic Secondary Highway of the City of Los Angeles)

If the above two Cultural-Historic Landmarks are destroyed or compromised in any way, such actions would also permanently damage the character of the San Vicente Historic Corridor, a Scenic-Secondary Highway designated by the City of Los Angeles.

This corridor is a defining, emblematic feature of the City, one often pictured in television and Film, and used by realtors.

The scale of the project would permanently and dramatically disfigure this Corridor. The beauty of this corridor derives from the confluence of its low-scale construction along either side of a wide boulevard with beautiful coral trees in its median, all of which are framed daily by beautiful sunsets. Intrinsic to this beauty is the low density, and the pedestrian, relaxed, familiar neighborhood feeling of this place, one which quiets down at the end of the day, and one which has a unique low-height profile.

The restful, quiet feeling of this corridor would also be changed with late-night restaurants and a liquor store adding glare and traffic.

#### **Response to Comment No. 66-4**

The comment states that the removal of the two historic-cultural monuments would damage the character of the San Vicente Historic Corridor. The commenter is referencing the Specific Plan, which guides development along San Vicente Boulevard, a designated Scenic Highway.

The comment states that the development would be out of scale with the low scale construction on either side of the boulevard. The proposed project would be shorter than the existing 4-story Coldwell Bank building immediately west of the project site. The proposed project would also be shorter than the 7-story Comerica Bank building, west of the project site across Saltair Avenue. Further, the proposed project would be shorter than the 9-story building on the south side of San Vicente Boulevard across from the project site. In addition, the proposed project would be designed with compatibility to surrounding uses

and comply with the San Vicente Boulevard Scenic Corridor Specific Plan Design Guidelines, as described in Draft EIR Section IV.H.

The comment also states that the corridor would be affected by glare and traffic, but does not provide specific comments with respect to these issues. Both glare and traffic are addressed in the Draft EIR, in Sections IV.B.3 and IV.L, respectively.

**Comment No. 66-5**

**AESTHETICS:** Dismissal of San Vicente Scenic Corridor/San Vicente Scenic Corridor Design Guidelines

For years and years, the community of Brentwood has been invested in the maintenance of its own streetscape, understanding that such maintenance is essential to the preservation of the community's character. This is why the San Vicente Scenic Corridor/San Vicente Scenic Corridor Design Guidelines were developed and effected in 1980.

The proposed project is nearly twice the square footage of existing structures. San Vicente Blvd. is a historic 1950s commercial strip, one in which a development of this size would never be found.

The view down San Vicente Boulevard would be marred by the increased traffic, signage, and Traffic light. This view at sunset is treasured by citizens throughout the region.

**Response to Comment No. 66-5**

The project is consistent with the development standards contained in the San Vicente Scenic Corridor Specific Plan, as discussed on Page IV.H-36 to IV.H-38 of the Draft EIR. This consistency will be reviewed in detail by the Department of City Planning as part of the Project Permit Compliance Review and Design Review processes. In granting Project Permit Compliance Review, the Department must make findings that the project substantially complies with the applicable regulations, standards, and provisions of the Specific Plan and that the project incorporates mitigation measures as identified in the EIR which would mitigate the negative environmental effects of the project, to the extent feasible. In granting Design Review, the Department shall approve a project only if it is in compliance with the specific plan regulations.

The size of the proposed project is governed by the zoning designation as established in the Los Angeles Municipal Code. The combination of C4-1VL and P-1VL zoning, which is applicable to the commercial development site, allows for a maximum floor area ratio of 1.5:1, or in this case a maximum of 105,000 square feet of development. The project is approximately 73,300 square feet in size, which is well within the permitted size/density. Furthermore, although the exact square footage of the surrounding developments are unknown, buildings larger than the proposed project most certainly exist along San Vicente Boulevard in the immediate project area. In particular, there is a nine-story office building opposite the project site on the south side of San Vicente Boulevard, a four-story office/bank building immediately west of the project site at the northeast corner of San Vicente Boulevard and Saltair Avenue,

a seven-story office/bank building on the northwest corner of San Vicente Boulevard and Saltair Avenue, and a three-story retail/office/restaurant commercial center at the northwest intersection of Montana Avenue and San Vicente Boulevard.

Changes in views as a result of the proposed project are described on Draft EIR pages IV.B-15 and IV.B-16. As concluded therein, impacts with respect to views would be less than significant.

**Comment No. 66-6**

**AESTHETICS:** Dismissal Brentwood-Pacific Palisades Community Plan

As proposed, Green Hollow Square would flagrantly violate the Brentwood-Pacific Palisades Community, and the sense of community identity as enhanced by scale, height, bulk, setbacks and appearance.

**Response to Comment No. 66-6**

No specific references are identified by the commenter as to how the project would “dismiss” or “flagrantly violate” the Brentwood-Pacific Palisades Community Plan. This lack of specificity makes a meaningful response impossible. The commenter implies that there may be concerns relative to scale, height, bulk, setbacks, and appearance. In terms of the scale and bulk of the proposed project, the combination of C4-1VL and P-1VL zoning, which is applicable to the commercial development site, allows for a maximum floor area ratio of 1.5:1, or in this case a maximum of 105,000 square feet of commercial floor area. The project is approximately 73,300 square feet in size, which is well within the permitted size/density. Rather than one large, monolithic building, the project includes three two-story buildings which are further refined by the incorporation of open courtyards and paseos, as well as terraces along San Vicente Boulevard. The project was designed to recognize the value of pedestrian-friendly elements and amenities and, thus, includes seating areas, outdoor dining tables and chairs, an abundance of landscaping, water features, and other hardscape elements to enhance the human-scale experience. The new buildings are also on a scale consistent with that of other commercial development in the area, which ranges from one to nine-story buildings. Moreover, the San Vicente Scenic Corridor Specific Plan requirements for setbacks and open space have been incorporated into the design of the project.

In terms of height, the project is in Height District No. 1VL, which limits development to three stories or 45 feet in height. The height of the proposed commercial buildings would be approximately 39.5 feet, with the elevator shafts/enclosures and mechanical equipment reaching as high as 45 feet. A clock tower is also proposed which would be approximately 50 feet in height; however, this type of architectural element is permitted by the Los Angeles Municipal Code to exceed the height limit by up to five feet. The commercial building heights would also be consistent with the transitional height provisions in the LAMC.

**Comment No. 66-7**

**General: Brentwood Homeowner Association’s Letter of April 19, 2011**

I urge the City's action on all recommendations of the Brentwood Homeowners Association

I once lived near another City destination site – Melrose Avenue. I was mugged there. Brentwood is a safe, hospitable community. That's why I moved here in 1992. If Green Hollow Square is built, the very nature of this community will be changed. I don't want that to happen.

**Response to Comment No. 66-7**

The comment reiterates the comments provided by the Brentwood Homeowners Association (Comment Letter 4). Responses to Comment Letter 4 have been provided as part of this Final EIR.

Further, the comment provides the commenter's opinion that the very nature of the community would change if the proposed project were built, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 66-8**

Traffic is so bad in this neighborhood that it has taken me FORTY-FIVE minutes to travel  $\frac{3}{4}$  of a mile between my home and the intersection of Montana and San Vicente Blvd. I understand that West L.A. is one of the top 3 congested neighborhoods of the country. We cannot afford any more traffic. Indeed, measures are DESPERATELY needed to alleviate current conditions

**Response to Comment No. 66-8**

This comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 66-9**

**General: Los Angeles Conservancy**

In addition urge the City's action on all recommendations of the Los Angeles Conservancy. The Conservancy is a nationally-respected institution and one which has the support of residents throughout Los Angeles.

It has well-articulated the problems posed the current Green Hollow Square proposal.

**Response to Comment No. 66-9**

The comment reiterates the comments provided by the Los Angeles Conservancy (Comment Letter 7). Responses to Comment Letter 7 have been provided as part of this Final EIR.

**Comment No. 66-10**

**CLOSING THOUGHTS**

With numerous closed storefronts throughout the Westside and specifically within Brentwood itself, the last thing we need is new construction of even more stores. The Internet is permanently and dramatically changing the nature of commerce in this country. The City of Los Angeles should address the ever-growing quantities of empty buildings and storefronts, and consider what to do with the excess retail storefronts that won't be needed as people do much of their shopping online. The population is expanding, but the needs that of this expansion are not being addressed by the outdated planning assumptions that have served us in the past.

Please note that I have been a resident of Brentwood since 1991, owned a condominium there since 1992, and been resident in Los Angeles since 1965.

**Response to Comment No. 66-10**

The comment provides the commenter's opinion that Brentwood does not need new stores, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 67**

Kat Bouza

**Comment No. 67-1**

My name is Kat Bouza and I am a resident of Los Angeles. I am writing to you today in regards to the proposed demolition of designated Los Angeles landmark, Historic-Cultural Monument #887 the Barry Building, currently residing at 11973 San Vicente Blvd.

I have lived in this great city since 2006 and have grown to love it in many ways; however, the thing that I find most deplorable about the city of Los Angeles is the lack of regard the city, elected officials and local developers have for buildings and landmarks of historic and/or cultural importance. While a student at the University of Southern California, I started a Los Angeles news and history blog (<http://10110101.tumblr.com>) when I discovered that many beautiful buildings in this city have been torn down in favor of parking lots, high-density housing and other superfluous structures. Many historical buildings lucky enough to survive demolition have been allowed to rot, fester and "thrive" as poorly-maintained storefronts at the hands of the city; I only need to suggest you take a stroll down Broadway downtown to see what has become of the many theatres that line the street.

In the city's long history of blatant disregard for preserving and celebrating culturally-significant architecture, the proposed demolition of the Barry Building is no exception to this unstated, unspoken (but wholly obvious) "rule."

Although the Barry Building as it currently stands may not be considered "aesthetically pleasing" by today's tastes, it does not mean the building is a blight on the community; rather, the Barry Building adds some much-needed architectural diversity into the usually homogenous landscape of the Westside. As the building exists now, the expansive courtyard and ample retail space would easily be renovated and improved while maintaining the historical integrity of the structure. Similarly, the building can be updated to include "green" technologies to make the historical structure a fitting, unique addition to Los Angeles' commitment to promoting environmentally-friendly developments.

This being said, I urge you and your colleagues to strongly consider Alternative 4 in the draft EIR regarding the Green Hollow Square Project. The Alternative will preserve the Barry Building and embrace its historical designation while meeting nearly all of the proposed projects' needs in terms of parking space and square footage.

Demolishing the Barry Building will undoubtedly set a precedent for future developments in this city by indirectly suggesting a building's Historic-Cultural Monument designation holds no weight against a developers' demands. If the demolition is approved, I can only wonder how long it will be until the city approves a demolition of the Hollywood Bowl, the Los Angeles Times building, Union Station, the Avila Adobe, the Pellissier Building, Unites Artists Theatre -- and so on and so forth.

Los Angeles strives to be a world-class city -- yet how can we truly be held in the same regards as New York City, San Francisco, Boston, Washington DC or our international counterparts when we cannot even seem to take an active interest in preserving the architectural history that helped to put Los Angeles on the cultural map?

Thank you for your time and consideration. I hope that my words, and the words of other residents concerned with preserving Los Angeles' history, do not fall on deaf ears.

**Response to Comment No. 67-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 68**

Chris Nichols

**Comment No. 68-1**

Please do not allow the demolition of the historic Barry building at 11973 San Vicente Boulevard for the proposed Green Hollow Square project. The City of Los Angeles designated this site a Historic Cultural Monument in 2007. Allowing demolition of a designated site opens up every landmark for real estate developers. There is an alternative proposed by the owners that would preserve the historic building, landscaping features and the median with the coral trees. Please ask for further exploration of the so-called "Alternative 4" and continue to push for retention of this landmark.

**Response to Comment No. 68-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 69**

Jennifer Cairns

**Comment No. 69-1**

It was brought to my attention today that Mr. Charles R. Munger, owner of The Barry Building, wishes to raze the property in order to erect a newer project on the site. As a resident of Brentwood and someone who finds great value in our architectural history, I urge you not to allow this action to take place. Please note my support of the preservation alternative listed in the draft EIR, Alternative 4. Working with current materials and new technologies while ensuring the existing structure may stand for future generations of historians, citizens and visitors to Los Angeles would be not only environmentally sound, it would encourage current generations to take a more active and involved stance in these matters.

I ask as well that you do not alter the median nor the coral trees along San Vicente Boulevard (HCM #148).

**Response to Comment No. 69-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 70**

Jack and Sandra Fine  
11923 Saltair Terrace  
Los Angeles, CA 90049

**Comment No. 70-1**

Dear Mr. Hadar: We are long-term residents and property owners on Saltair Terrace, immediately behind the "Barry Building", site of the proposed Munger project. We live at 11923 Saltair Terrace. We wish to comment only briefly on the Draft EIR which is currently under review, as we totally agree with the comments made on our behalf by the Brentwood Homeowners Association.

**Response to Comment No. 70-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 70-2**

We believe the EIR as currently drafted is intentionally misleading and erroneous in at least 2 respects. 1.) It's traffic study totally ignores the major adverse impact the proposed project will have on the intersection of Saltair Avenue and San Vicente. That is the intersection we use to drive to and from home each day, often many times a day. Not just us, but all of our neighbors on our cul de sac and all of our neighbors up and down Saltair Avenue from Sunset to San Vicente, and on all of the other cul de sacs off of Saltair Avenue and Westgate and Oceano. (To say nothing of the hundreds of additional cars that use Saltair Avenue as a throughway from above Sunset to get down to San Vicente. Without a proper study which will reveal the full gridlock impact this project will have on our daily lives and those of hundreds or thousands of others, the EIR is incomplete and inadequate.

**Response to Comment No. 70-2**

See Response to Comment 4-15 regarding potential project impacts to the intersection of Saltair Avenue and San Vicente Boulevard.

**Comment No. 70-3**

2) The Barry building itself has been designated as one of the few Cultural Heritage monuments of this City. The EIR barely makes passing mention of the possibility of preserving it. That possibility, which is the owner's primary duty under the law, is suggested as a mere possible "Alternative" to the developer's proposal, as an add-on, without sufficient details as to enable it to be even fairly considered. It is listed as the 4th alternative, of equal worth as the 1st alternative of "Do nothing". This is a reprehensible

abdication of the owner's responsibility. A cartoon of a drawing, showing the Barry Building remaining, surrounded by the rest of the unchanged project overwhelming it, and with no architectural detail or esthetic design consideration to its incorporation, is inadequate.

**Response to Comment No. 70-3**

The comment provides the commenter's opinion that the Barry Building should be preserved and included as part of the proposed project. As such, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, for an additional rendering and information regarding Alternative 4 (preservation alternative), see Response to Comment 8-1.

**Comment No. 70-4**

We share the concerns of others who have commented on the total lack of specificity regarding Staging of construction, preservation of the privacy and way of life of residents on the adjacent Saltair Terrace, the lack of commitment by the developer to permanent easements to prohibit access to the project both from the developer's property on Saltair Terrace and from the developer's two properties on Saltair Avenue and his commitment not to utilize Saltair Terrace during the course of construction.

In short, we believe that the current EIR is both legally and factually inadequate and unacceptable.

**Response to Comment No. 70-4**

See Responses to Comments 4-19 through 4-21 regarding potential impacts during project construction. Also, additional project construction analysis (including construction phasing, hauling, etc.) has been added to Section III, Additions and Corrections, of this Final EIR under "Project Description."

**LETTER NO. 71**

R. Michael Rich  
10729 Chalon Rd.  
Los Angeles, CA 90077

**Comment No. 71-1**

Please find enclosed for your consideration my letter pleading to save the Barry Building.

I hope that this will be considered an "on time" submission for the purpose for the DEIR.

**Response to Comment No. 71-1**

The comment provides general introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 71-2**

I am writing concerning the Barry Building, a designated Los Angeles Cultural and Historic Monument, and the only building personally advocated for by noted architectural photographer Julius Shulman. I am urging that the development pursue Alternative No. 4, the preservation alternative.

The loss of a Los Angeles designated HCM would be serious- we have not lost a designated HCM since the 1986 demolition of the Philharmonic Auditorium (the site remains a parking lot to this day). The 1951 Barry Building by Milton Caughey is rare treasure: a perfectly intact, mid-century garden building that is illustrated in known photographs from the period.

Historic resources are difficult to value, but in an era of growing globalization, the mid-century heritage of Los Angeles is a significant draw for both residency and tourism. Los Angeles, as a city, is not defined by the pueblo from the 1800s. Rather, its most notable monuments date from the mid-century. These include the LA City Hall, the Griffith Observatory, Hall of Justice (1930s) and significantly from the period of the Barry Building, Dodger Stadium, the LA Airport theme building, Port of Los Angeles, etc. and of course, thousands of mid-Century homes, many of which are landmarked. The mid century *represents the critical defining phase of Los Angeles, when its present form took shape*. The freeway system, Disneyland, etc. all are mid-Century construction. We cannot save every mid-century structure, but we should try to save the best, especially when a viable economic model is available for preservation.

**Response to Comment No. 71-2**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as in the Historic Resource Report prepared by Galvin Preservation Associates

(included as Appendix E of the Draft EIR). As discussed therein, the Barry Building is designated Los Angeles Historic-Cultural Monument #887. Nevertheless, the commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 71-3**

In the case of the Barry Building, the argument is strong- a significant architect, intact building, and much love from the community. My wife loved to shop at Dutton's bookstore, which occupied the building, and part of the attraction was patronizing such a nice place. The proposed replacement structure has the same square footage and shape-why not retain the original? Surely the significance of the building might sell the retail activities taking place within-or it could be delightful office space. When we view the vast sweep of Los Angeles commercial landscape, there is for the most part, very little to admire. Our city is plagued by block after block strip centers and other ugliness- that is the norm, I am sad to say. We do have our landmarks, but we need more. We need to preserve the best mid-century structures that are not instantly recognizable, like the Theme Building, yet still are well maintained mid-century examples. The Barry building, with its extraordinary courtyard and dramatic exterior, is just the kind of building that we need to preserve; it supports our city's mid-century heritage and contributes a rare example to our Westside.

I beg you to save this building, part of my cultural heritage.

**Response to Comment No. 71-3**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that the Barry Building should be incorporated into the proposed project. As such, the commenter's opinions are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 72**

Diane Caughey, Ph.D  
19757 Inspiration Trail.  
Topanga, CA 90290

**Comment No. 72-1**

Following are my comments in response to the DEIR for the Brentwood Green Hollow Square Project.

The Historic Barry Building which is considered to be demolished in the proposed development of the Brentwood Green Hollow Square project is today a viable, healthy retail and office complex. It has been aesthetically upgraded recently and leased to small boutique type shops. The offices on the second floor are primarily occupied by long term tenants who love the building. The courtyard gives an oasis to lunch people, nearby office workers and passersby. The building is in good shape at present. Certain required upgrades could be achieved without compromising the integrity of the Mid Century Modern architecture for which it has been given historic monument status. I am submitting the attached photographs taken a few weeks ago on April 6th, 21011 by Ty Miller which show the beautiful and viable condition of the Barry Building today. Please do not allow the Barry Building to be destroyed.

**Response to Comment No. 72-1**

The comment is the same as Comment 72-1. Therefore, see Response to Comment 72-1. Further, the photographs attached to the comment are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 73**

Diane Caughey, Ph.D  
19757 Inspiration Trail.  
Topanga, CA 90290

**Comment No. 73-1**

Following are my comments in response to the DEIR for the Brentwood Green Hollow Square Project.

The Historic Barry Building which is considered to be demolished in the proposed development of the Brentwood Green Hollow Square project is today a viable, healthy retail and office complex. It has been aesthetically upgraded recently and leased to small boutique type shops. The offices on the second floor are primarily occupied by long term tenants who love the building. The courtyard gives an oasis to lunch people, nearby office workers and passersby. The building is in good shape at present. Certain required upgrades could be achieved without compromising the integrity of the Mid Century Modern architecture for which it has been given historic monument status. I am submitting the attached photographs taken a few weeks ago on April 6th, 21011 by Ty Miller which show the beautiful and viable condition of the Barry Building today. Please do not allow the Barry Building to be destroyed.

**Response to Comment No. 73-1**

The comment is the same as Comment 72-1. Therefore, see Response to Comment 72-1. Further, the photographs attached to the comment are acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 74**

Diane Caughey, Ph.D  
19757 Inspiration Trail.  
Topanga, CA 90290

**Comment No. 74-1**

Here are additional photos of the Barry Building in its current condition, taken April 6th by Ty Miller.

**Response to Comment No. 74-1**

The commenter has provided additional photographs of the Barry Building, which are attached to this comment. The photographs are included as part of the Final EIR and as such, will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 75**

Diane Caughey, Ph.D  
19757 Inspiration Trail.  
Topanga, CA 90290

**Comment No. 75-1**

Here are additional photos of the Barry Building in its current condition, taken April 6th by Ty Miller. Please include all these photos in the record.

**Response to Comment No. 75-1**

The commenter has provided additional photographs of the Barry Building, which are attached to this comment. The photographs are included as part of the Final EIR and as such, will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 76**

Deborah Bremmer  
11999 San Vicente Blvd.  
Los Angeles, CA 90049

**Comment No. 76-1**

I am a local Brentwood resident, business owner and constituent, and I am writing to express my concerns about the demolition of one of Brentwood's few commercial Historic-Cultural Monuments, the BARRY BUILDING on San Vicente Blvd. The property's owner, Charles T. Munger, seeks to raze the Barry Building to make way for the Green Hollow Square project, formerly called Brentwood Town Green. It is my belief that retaining the architecturally significant Barry Building should be a priority for the City.

**Response to Comment No. 76-1**

The comment provides the commenter's opinion of opposition to the demolition of the Barry Building. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 76-2**

Please take note of the following facts: • The Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887. Every effort should be taken to avoid the demolition of this designated landmark.

**Response to Comment No. 76-2**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

**Comment No. 76-3**

With its numerous retail spaces and large central courtyard, the Barry Building can be adapted to fit the needs of the Green Hollow Square project.

**Response to Comment No. 76-3**

The comment is the same as Comment 17-3. Therefore, see Response to Comment 17-3.

**Comment No. 76-4**

The Barry Building can be sensitively upgraded for enhanced energy efficiency to meet the project's sustainability goals.

**Response to Comment No. 76-4**

The comment is the same as Comment 17-4. Therefore, see Response to Comment 17-4.

**Comment No. 76-5**

Alternative 4, the preservation alternative, should be the preferred project as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

**Response to Comment No. 76-5**

The comment is the same as Comment 17-5. Therefore, see Response to Comment 17-5.

**Comment No. 76-6**

Demolition of the Barry Building, a city landmark, calls into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 76-6**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 76-7**

As a designated "Green REALTOR" and a passionate architectural enthusiast, it is my belief that the landmarked Barry Building, which is a recognized historic resource, must be reused as part of the Green Hollow Square project.

I intend to encourage all my fellow REALTORS, and all Brentwood residents who share my passion for our architectural heritage, to band together to stop this demolition, and to preserve the Barry Building for posterity.

**Response to Comment No. 76-7**

The comment provides the commenter's opinion that the Barry Building should be incorporated into the project. Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 77**

Stacia Thompson  
1515 Umeo Road  
Pacific Palisades, CA 90272

**Comment No. 77-1**

As a concerned resident of the Brentwood area and a CD11 constituent, I am writing to urge the preservation of the Barry Building on San Vicente. I grew up in Pacific Palisades and went to Carlthorpe School on San Vicente, and the Barry Building has been a personal, treasured landmark for me my whole life -- one which I drive by every day and appreciate. More importantly, it is an appropriately designated landmark (Historic-Cultural Monument #887), which has been designated worthy of protection for the entire community. And yet I recently learned that it is being threatened with destruction!

This is crazy. It's bad for San Vicente. It's bad for Brentwood. It sets a terrible precedent for Historic-Cultural Monuments throughout LA. Styles may change (and like a pendulum they will swing back and forth), but respect for our city's history should not be subject to fads. If something has been designated worthy of preserving, then we should do everything in our power to preserve it. That is why Alternative IV, the preservation alternative of the draft EIR, should be the preferred choice. In addition, it will have the least adverse environmental impacts, the least construction impacts and the least adverse impacts on the community.

**Response to Comment No. 77-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 78**

Melissa Aquino

**Comment No. 78-1**

Please consider the fight to preserve the historical Barry Building in Brentwood! This building represents a colorful piece of LA's past – one that's dying out among the modern, pre-fab facades popping up all over town. Please consider the following points:

**Response to Comment No. 78-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 78-2**

The Barry Building is a designated Los Angeles landmark, Historic-Cultural Monument #887. Every effort should be taken to avoid the demolition of this designated landmark.

**Response to Comment No. 78-2**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

**Comment No. 78-3**

With its numerous retail spaces and large central courtyard, the Barry Building can be adapted to fit the needs of the Green Hollow Square project.

**Response to Comment No. 78-3**

The comment is the same as Comment 17-3. Therefore, see Response to Comment 17-3.

**Comment No. 78-4**

The Barry Building can be sensitively upgraded for enhanced energy efficiency to meet the project's sustainability goals.

**Response to Comment No. 78-4**

The comment is the same as Comment 17-4. Therefore, see Response to Comment 17-4.

**Comment No. 78-5**

Alternative 4, the preservation alternative, should be the preferred project as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

**Response to Comment No. 78-5**

The comment is the same as Comment 17-5. Therefore, see Response to Comment 17-5.

**Comment No. 78-6**

Alternative 4 can be further developed and refined to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

**Response to Comment No. 78-6**

See Response to Comment 8-1 regarding the integration of the Barry Building into Alternative 4.

**Comment No. 78-7**

Demolition of the Barry Building, a city landmark, would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 78-7**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 78-8**

The proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided. This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.

**Response to Comment No. 78-8**

The comment is the same as Comment 25-8. Therefore, see Response to Comment 25-8.

**LETTER NO. 79**

Wes Joe  
932 Maltman Ave.  
Los Angeles, CA 90026

**Comment No. 79-1**

I'm writing with respect to the possible demolition of the Barry Building, HCM #887. I've lived in Los Angeles almost all my life and have witnessed the destruction of buildings like the Richfield offices and the Dodge House. Buildings that created significant places and possessed characteristics that embodied their respective eras. The Barry Building is another such structure.

Apparently the Barry is faulted for it's lack of energy efficiency. Using this to excuse demolition would follow fool's logic. The building can be upgraded to be more energy efficient. And in it's own right it is a valuable resource. Brentwood is a major center of the creative economy, where history, imagination, and associations are melded into intellectual capital. So the retention of the building becomes not just an aesthetic decision, but one with economic ramifications.

There is an alternative on the table. Please support the Preservation Alternative and support the retention of the Barry Building as part of this project.

**Response to Comment No. 79-1**

The comment provides the commenter's opinion that the Barry Building should be preserved and incorporated into the project. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, see Response to Comment 17-4 regarding the potential to upgrade the Barry Building for greater energy efficiency.

In addition, the lack of energy efficiency of the Barry Building is only one of the reasons Alternative 4 does not meet the project objectives. According to the Concord Report submitted as part of Comment Letter 62, a project that includes the Barry Building would be inferior to the proposed project in key competitive areas, including marketing visibility, quality of space, street presence, and shopping experience. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 80**

Gil Kofman  
11922 Saltair Terrace  
Los Angeles, CA 90049

**Comment No. 80-1**

My name is Gil Kofman. I am a resident of 11922 Saltair Terrace; our home is located right behind the proposed Green Hollow Square Project. I am writing this letter in response to the DEIR. The following are items that were not addressed within the report despite having been specifically raised in numerous community scoping letters:

**Response to Comment No. 80-1**

The comment states that the following comments were not addressed in the Draft EIR despite having been specifically raised in numerous communities scoping letters. The specific comments are addressed in Response to Comments 80-2 through 80-12, below. As such, the comment is acknowledged for the record and will be forwarded to the decision-makers for their review and consideration.

**Comment No. 80-2****CONSTRUCTION:**

The DEIR does not make it clear how the project is to be staged without causing major disruption and disturbance to the community at large, and specifically Saltair Terrace. It needs to be stated that neither Saltair Avenue nor Saltair Terrace, the abutting street cul de sac, will be annexed and used as a staging site for construction related vehicles, equipment, materials, etc.

This issue is of particular concern to Saltair Terrace residents, as Mr. Munger has already purchased the house at the end of the Saltair Terrace cul de sac which abuts the proposed development's parking lot. Using this property as a construction staging site would irreparably destroy the street's quality of life, affect property values, and violate zoning laws. So far no such assurances have been made as to the fate of this property.

Mr. Munger had originally claimed the lot would be used to house his grandson, but the house has since been torn down, and we are now told that idea has been discarded. The lot has been unoccupied and lain fallow for 4 years so it is reasonable to harbor suspicions that it could be used in some way for the development of the adjacent mall and parking lot.

**Response to Comment No. 80-2**

Construction impacts of the proposed project are addressed in Responses to Comments 4-19, 4-20, and 4-21. The other property referenced in the comment is not part of the proposed project and no further

response to this comment is necessary. However, the commenter's opinion concerning the other property will be forwarded to the decision-makers for their review and consideration.

**Comment No. 80-3**

Of equal concern is whether San Vicente Boulevard will be at times either partially or wholly obstructed to accommodate construction which would greatly impact traffic and detrimentally impact the quality of life in the community. As traffic is dense and often at a standstill each weekday from 8-9.30 am and from 3-5.30 pm, the impact of using San Vicente Boulevard for any staging of the construction is simply not something the community and its traffic patterns could support.

**Response to Comment No. 80-3**

Construction impacts of the proposed project are addressed in Responses to Comments 4-19, 4-20, and 4-21. Also, additional project construction analysis (including construction phasing, hauling, etc.) has been added to Section III, Additions and Corrections, of this Final EIR under "Project Description."

**Comment No. 80-4**

Additionally the report does not address how it will handle the hauling of dust and dirt from such a large project. And how construction noise levels will be strictly regulated.

**Response to Comment No. 80-4**

The comment states that the Draft EIR does not address the hauling of dust and dirt or how construction noise levels will be regulated. The proposed haul route is addressed in Responses to Comments 4-19, 4-20, and 4-21. Also, additional project construction analysis (including construction phasing, hauling, etc.) has been added to Section III, Additions and Corrections, of this Final EIR under "Project Description."

The project would be required to comply with the South Coast Air Quality Management District (SCAQMD) Rule 403, which governs fugitive dust. Rule 403 reduces fugitive dust through a variety of activities including frequent watering down, covering stockpiles, limiting vehicle speeds onsite, and suspending grading when winds exceed a certain speed. The full list is provided on page C-22 in the Draft EIR. Section IV.C of the Draft EIR discusses construction and operation-related air quality impacts, including dust and concludes that the dust control measures are appropriate and impacts would be less than significant.

As described on pages IV.I-10 to IV.I-14 of the Draft EIR, noise is regulated by State standards with Community Noise Exposure levels for various land uses. The City of Los Angeles has a noise ordinance as well as General Plan Noise Element which provides specific thresholds of allowable noise. Enforcement of these regulations is done by the City of Los Angeles Department of Building and Safety.

Section IV.I. of the Draft EIR (pages IV.I-18 through IV.I-23) discusses construction noise impacts. Mitigation Measures I-1 to I-11 are provided to reduce construction-related noise and vibration. Nevertheless, because construction noise levels are likely to exceed existing ambient noise levels by more

than 5 dBA for more than 10 days in a three-month period and by more than 10 dBA for more than one day at the identified noise-sensitive receptors, construction noise impacts would be significant and unavoidable.

#### **Comment No. 80-5**

##### HISTORIC DESIGNATION –

The Coral Trees and San Vicente Blvd. are protected as historical monuments (trees) and a scenic corridor (SV). This designation needs to be defended, respected and upheld. The SV and Coral trees contribute immeasurably to the aesthetic beauty and quality of life in Brentwood. The DEIR suggests the possible cutting into the existing median to mitigate traffic concerns. This is not a tenable option as it would violate the integrity of the trees and the corridor.

The cutting into the medians has been suggested in the DEIR, but the developer states that doing so would not mitigate traffic significantly. As such, it is obvious that with or without median cuts, traffic will come to a standstill. The obvious conclusion is that the Project itself is simply not compatible with the site -- and any efforts to improve the dramatic increase in traffic will violate the historical designation of the Coral Trees and the median. They need to decrease the project size in order to decrease the traffic impact to something which can be handled by the existing infrastructure.

#### **Response to Comment No. 80-5**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including coral trees). As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

#### **Comment No. 80-6**

##### TRAFFIC IMPACT:

The DEIR did not adequately represent the traffic impact. The most egregious traffic impact would be the increase to the volume of traffic on San Vicente, which no median or traffic light can mitigate to a successful degree. This increase is one the community can simply not tolerate as there are several hours daily which already suffer from impassable gridlock.

Increasing traffic volume to any extent on San Vicente is simply untenable. This does not mean the site cannot be developed. It means the site needs to be developed in proportion to what the existing infrastructure of the community can sustain -- ie.: a structure whose dimensions are commensurate to that which the corridor has traditionally been able to support -- ie., a structure with dimensions comparable to the Barry building. Anything larger is, unfortunately, not feasible. One cannot make the current infrastructure corridor absorb an untenable and unsupportable retail structure that it's current traffic patterns can simply not absorb.

**Response to Comment No. 80-6**

Impacts with respect to traffic on San Vicente Boulevard were analyzed in the traffic impact analysis (included as Appendix K to the Draft EIR) and in Section IV.L, Traffic, Transportation, and Parking, of the Draft EIR. The comment does not state a specific concern with respect to traffic on San Vicente Boulevard. However, this comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration.

**Comment No. 80-7**

Additionally, the project would necessitate an increase of traffic on Saltair Avenue -- which would, necessarily become a through street (along with Bundy) to Sunset. Turning Saltair Avenue into a more frequented thoroughway would not only severely and detrimentally impact the quality of life of the houses along the street, but as the street has NO SIDEWALKS and is used as a pedestrian walkway, it would make all the people who enjoy the benefits of walking near a commercial district, now have to navigate a much more dangerous roadway. Also to consider, is the preschool on Saltair, and the danger this added traffic would cause.

**Response to Comment No. 80-7**

The comment is addressed previously in Responses to Comments 4-9, 4-10, and 4-63. As such, no further responses to this comment are necessary.

**Comment No. 80-8**

Furthermore, the development proposes to add several new driveways on SanVicente, (for the entrance and egress of cars to the mall) which would make walking more hazardous for all the elderly, cyclists, children, strollers, joggers and pedestrians who frequent the corridor.

**Response to Comment No. 80-8**

The comment is addressed previously in Responses to Comments 4-12, 4-13, and 4-65. As such, no further responses to this comment are necessary.

**Comment No. 80-9**

Moreover, the traffic would not be indigenous to the community but would draw shoppers from all over.

**Response to Comment No. 80-9**

The comment is addressed previously in Response to Comment 4-8. As such, no further responses to this comment are necessary.

**Comment No. 80-10**

BLANKET CUB:

Regarding the request for the issuing of a blanket CUB, issues of "saturation" have already been raised in previous applications. It is mandatory that permits not be issued outside the normal public process of public hearing and the chance for the community to hear the particulars of each business -- operating hours, type of restaurant, number of seats, and submit conditions to mitigate the likely impacts of noise, parking, traffic, light, etc. on the nearby residents.

**Response to Comment No. 80-10**

The Department of City Planning has an established "Master Conditional Use Permit" process which enables the consideration of multiple permits for alcohol sales for individual operators within a multi-tenant development. This process allows applicants to file for a Master CUB when tenant-operators of individual alcohol establishments within a development project are not known and, thus, the establishment details are not known. In such cases, a determination granting approval of such request must include a requirement for Plan Approval for the individual tenant spaces, pursuant to LAMC Section 12.24-M. Through both the Master CUB and Plan Approval processes, the Department of City Planning may impose any conditions necessary to assure that the individual establishments operate in a manner consistent with the required findings and adopted environmental analysis.

**Comment No. 80-11**

***BARRY BUILDING - HISTORIC LANDMARK:*** The developer needed to in good faith come up with a proposal which would respect the well deserved, hard earned historical designation of the Barry Building. The proposal contained in the DEIR is not one which realistically presents a working alternative as the adjacent properties are not proportioned to aesthetically balance and complement the existing historically designated landmark structure.

A realistic and cogently viable alternative that preserves and complements the historic Barry building needs to be put forward and entertained. The current proposal contained in the DEIR seems to have been purposively designed to read as unsightly and unappealing --it is disingenuous and therefore should not be regarded as a tenable option.

**Response to Comment No. 80-11**

The comment states the commenter's opinion that the developer needs to come up with a proposal that will respect the historical designation of the Barry Building. The developer looked at two options: preservation offsite or onsite.

The offsite preservation alternative was rejected as infeasible in the Draft EIR. This is due to the land acquisition costs, as well as movement cost, of the Barry Building. Further, Appendix L of the Draft EIR

contains a letter from the Los Angeles Department of Recreation and Parks declined the offer to accept the Barry Building in one of its parks.

The onsite preservation alternative, Alternative 4, may not fully achieve project objective 1, which seeks architectural integration. Also, Alternative 4 may affect the ability to be competitive and achieve the economic goals under project objective 4. The applicant's consultant, Concord Group, prepared a study which concludes that the Barry Building would be inferior to the proposed project in key competitive areas, including marketing visibility, quality of space, street presence, and shopping experience. The projected total retail gross and average rent per square feet of a preservation alternative was much lower than an all-new development. Nevertheless, additional information regarding Alternative 4 has been included in Response to Comment 8-1.

### **Comment No. 80-12**

PRIVATE COVENANT:

Mr. Munger has promised the following items at numerous meetings but none were mentioned in the DEIR –

- 1 - that the development will harbor not more than a maximum number of (3) restaurants
- 2 - the construction and maintenance of landscape buffer in perpetuity, over-code parking not to be used for code-required parking of off-site developments
- 3 - tenant leases to require on-site employee/tenant parking.

### **Response to Comment No. 80-12**

The comment provides supposed developer promises. Any promises made by the developer to the community have occurred outside the confines of the CEQA process. As such, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

### **Comment No. 80-13**

Often veiled threats are issued that if Green Hollow Square Project is not developed by Munger, others will come and develop more antagonistically – so best to accept the devil you know than the one you don't. But this is a specious argument. If we successfully and rightfully demonstrate that the community cannot sustain a project of this scale, it will set a precedent for future developers who will necessarily design projects compatible with what the current retail corridor can support. If this mega mall is not approved, it will be hard for a commensurate project to gain any traction. What's more, as the existing site for the structure is owned by three separate parties, and as Mr. Munger has stated he would not be interested in developing something smaller, there is a strong likelihood the parcels would be sold independently and so any future developments would conform to current design dimensions originally in accord with the community.

**Response to Comment No. 80-13**

The comment states that the applicant has hinted that if the proposed project is not approved, than a potentially worse project may be developed. The commenter notes his disagreement with this statement. However, this comment does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 81**

Gary Long

**Comment No. 81-1**

The 1951 Barry Building in Brentwood remains targeted for demolition, despite its designation as a Los Angeles Historic-Cultural Monument (HCM). Demolishing this building would be unnecessary, misguided, and detrimental to the City's program of local landmarks.

I am a local resident (11900 Sunset ) and constituent. Retaining the architecturally significant Barry Building—and preventing the demolition of one of Brentwood's few commercial Historic- Cultural Monuments—should be a priority for the City.

**Response to Comment No. 81-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 82**

Sara Stiffler

**Comment No. 82-1**

As you know the Barry Building has been designated a Historic-Cultural Monument (#887). I feel it is important to uphold the significance of the Historic-Cultural Monument designation by protecting those structures which have been deemed architecturally significant. By granting permission to demolish or significantly alter any HCM building, you are degrading the importance of this designation and could open the door for future demolition requests. If the city's HCM status doesn't protect our historic buildings, what will? I support the efforts of the LA Conservancy and concerned local citizens in protecting this building and others like it. I also agree with the statements made by the LA Conservancy which I have included below.

Protecting architecturally significant structures like the Barry Building—and preventing the demolition of one of Brentwood's few commercial Historic-Cultural Monuments—should be a priority for the City.

**Response to Comment No. 82-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. The history and significance of the Barry Building is acknowledged in Section IV.E. of the Draft EIR, as well as the Historic Resource Report prepared by Galvin Preservation Associates (which is included as Appendix E to the Draft EIR). The Barry Building is designated Los Angeles Historic-Cultural Monument #887. The Los Angeles Cultural Heritage Ordinance does not prohibit the demolition of Monuments; however, demolition can be delayed for the time period specified in the Ordinance. The commenter's opinion is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 82-2**

**The Barry Building is a designated Los Angeles landmark**, Historic-Cultural Monument #887. Every effort should be taken to avoid the demolition of this designated landmark. •

**Response to Comment No. 82-2**

The comment is the same as Comment 17-2. Therefore, see Response to Comment 17-2.

**Comment No. 82-3**

With its numerous retail spaces and large central courtyard, **the Barry Building can be adapted** to fit the needs of the Green Hollow Square project.

**Response to Comment No. 82-3**

The comment is the same as Comment 17-3. Therefore, see Response to Comment 17-3.

**Comment No. 82-4**

**The Barry Building can be sensitively upgraded** for enhanced energy efficiency to meet the project's sustainability goals.

**Response to Comment No. 82-4**

The comment is the same as Comment 17-4. Therefore, see Response to Comment 17-4.

**Comment No. 82-5**

**Alternative 4, the preservation alternative, should be the preferred project** as it would retain and reuse the Barry Building while meeting many of the project's goals. These include providing the same number of parking spaces and nearly the same amount of square footage as the currently proposed project.

**Response to Comment No. 82-5**

The comment is the same as Comment 17-5. Therefore, see Response to Comment 17-5.

**Comment No. 82-6**

**Alternative 4 can be further developed and refined** to ensure that any new surrounding construction is appropriately designed and integrated with the Barry Building.

**Response to Comment No. 82-6**

The comment is the same as Comment 78-6. Therefore, see Response to Comment 78-6.

**Comment No. 82-7**

Demolition of the Barry Building, a city landmark, would call into question the City's ability to protect our cultural heritage when clear adaptive reuse options exist.

**Response to Comment No. 82-7**

The comment is the same as Comment 17-6. Therefore, see Response to Comment 17-6.

**Comment No. 82-8**

**The proposed alterations to the median and coral trees (HCM #148), as an optional plan, should be avoided.** This sets a precedent and could invite further changes and cumulative impacts to this linear historic landscape monument.

**Response to Comment No. 82-8**

The comment is the same as Comment 25-8. Therefore, see Response to Comment 25-8.

**LETTER NO. 83**

Arlene Vidor  
1008 Marion Dr.  
Glendale, CA 91205

**Comment No. 83-1**

The Barry Building in Brentwood should absolutely not be demolished. Demolition undermines CEQA, the EIR process and the city's own Landmarks program.

Although I am not a City of Los Angeles resident, I am a Glendale resident and the cultural landmarks of Los Angeles are relevant and significant to the citizens of the greater Los Angeles area. Alternative 4, preserving the building, is the preferred approach with this building and the owner, Charles Munger should pursue this option as part of his larger project.

Again, the demolition of this building would be a very bad and dangerous precedent to set, not only for LA but for the surrounding municipalities. The City of LA must stand tall and enforce its own requirements. This is a designated landmark, a valuable and unique one, and should not be demolished.

**Response to Comment No. 83-1**

The comment provides the commenter's opinions of general opposition to the demolition of the Barry Building and that Alternative 4 should be the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 84**

Daniel Wolff  
12 Castle Hts.  
Nyack, NY 10960

**Comment No. 84-1**

I write you all the way from the East Coast because the preservation of historic buildings is a national and international issue.

The Barry Building is a designated historic structure; it can be adapted to the Green Hollow Square Project; demolishing would set a precedent not just locally but nationally.

In our rush towards the future and for maximum profit, we often forget the importance of our history and our historical landmarks. It seems to me there's little to gain and much to lose by giving in to developmental pressure and destroying the Barry Building. I hope you can find a way not to.

**Response to Comment No. 84-1**

The comment provides the commenter's opinion of general opposition to the demolition of the Barry Building. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. 85**

BAIAMI (email)

**Comment No. 85-1**

As a politically active resident and constituent, I expect you to make decisions that best enhance, protect and benefit your district. Among these important decisions you must make, I encourage you to consider supporting the preservation of important cultural monuments including HCM 887.

As I have become aware, many such cultural monuments, whether specifically designated by the city council as above or not, have fallen to the wrecking crew.

From time to time, I face deep sorrow for losses to Los Angeles's identity including the likes of the Ambassador Hotel.

As I am sure you know, money talks in this city and all a developer has to do is say "here is a check," and the developer gets their way.

Please (re)consider your position regarding any and all applications to destroy architecturally and/or culturally significant structures and landmarks including, but not limited to the historic Barry Building.

If people can get together to discuss how to adapt the Barry Building to determine how it could serve both the developer and the public would be best. Destruction should be a last resort and should not otherwise be the first consideration on the table.

When rendering your final decision, please take the following points into consideration:

**Response to Comment No. 85-1**

The comment provides the commenter's opinion of opposition to the demolition of the Barry Building. As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 85-2**

\* the Barry Building could be adapted to suits the developer's plan.

**Response to Comment No. 85-2**

The comment provides the commenter's opinion that the Barry Building can be adapted to suit the applicant's plan. Alternative 4 analyzes the preservation of the Barry Building. In this alternative, the Barry Building is rehabilitated and incorporated into a larger retail and commercial development.

**Comment No. 85-3**

\* mindful upgrading could be employed to retain the building's integrity.

**Response to Comment No. 85-3**

The comment states that the building can be upgraded to retain the building's integrity. The letter provided by Galvin Preservation Associates (included as Appendix M to the Draft EIR) provides information about which upgrades can be made to the Barry Building without affecting the character defining features, and therefore the integrity, of the Barry Building.

**Comment No. 85-4**

\* Alternative four is best because it retains the building's cultural and historical significance without denying the developer's green plans for the site.

**Response to Comment No. 85-4**

The comment provides the commenter's preference for Alternative 4 as the preferred project. As such, this comment is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 85-5**

\* unless option four is used, the repeated granting applications for the destruction of historic and culturally important structures will eventually lead to the complete destruction and deprivation of Los Angeles's "soul."

**Response to Comment No. 85-5**

The comment states the commenter's opinion that the repeated destruction of historic and culturally important structures will lead to deprivation of Los Angeles' soul, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, this comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. 85-6**

\* it is unacceptable to even have the median coral trees on the table with this project or any other project. A "do not cross" line needs to be drawn when it comes to living monuments (HCM 148) and I will remember if any of them are (re)moved, harmed, cut down etc. as I do not forgive those who show apathy or indifference when it comes to such things

**Response to Comment No. 85-6**

The comment provides the commenter's opinion of general opposition to the alteration of the San Vicente Boulevard median (including the coral trees). As such, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

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### III. ADDITIONS AND CORRECTIONS

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The following corrections and additions are set forth to update the Green Hollow Square Draft Environmental Impact Report (Draft EIR) in response to the comments received during and after the public review period. Changes to the Draft EIR are listed by chapter and page number.

#### I. INTRODUCTION

*The following paragraph is added to page I-15 above “Operational Impacts”:*

##### **Construction Impacts**

###### ***Optional Project Design Feature***

On-site emissions generated by the redesigned median would not exceed the established SCAQMD localized thresholds for NO<sub>x</sub> (in the form of NO<sub>2</sub>), CO, PM<sub>10</sub>, or PM<sub>2.5</sub> at a receptor distance of 82 feet. Thus, the on-site construction emissions would also not exceed the SCAQMD localized thresholds at receptor distances beyond 82 feet. Therefore, the localized air quality impacts resulting from construction emissions associated with the median redesign would be less than significant. Further, peak construction-related daily emissions associated with the median redesign would not exceed the SCAQMD significance thresholds for any of the criteria pollutants. Thus, regional air quality impacts related to construction emissions would be less than significant.

*The following paragraph is added to page I-43 above “Operational Noise”:*

##### **Construction Noise/Vibration**

###### ***Optional Project Design Feature***

The Brentwood Presbyterian Church would experience an increase in ambient noise levels of more than 5 dBA (generated periodically during a peak construction day) during construction of the redesigned median. Thus, construction-related noise levels associated with development of the redesigned median would be significant, which is the same impact that has been identified for construction of the proposed project. Further, project construction would not result in any significant impacts related to groundborne vibration. Therefore, development of the redesigned median would not result in any significant impacts related to groundborne vibration.

*The following paragraph is added to page I-58 above “Parking Requirements”:*

The evaluation of potential “construction” impacts of the proposed project, including demolition, excavation, and construction activities, indicates that no significant construction-related traffic impacts are anticipated to occur during any of the project construction phases, either during the typical AM and

PM peak hours, or during the off-peak (9:00 AM to 4:00 PM) hours. The proposed haul route would minimize impacts to the area surface street network by providing the most direct route between the I-405 Freeway and the project site. Further, no significant construction-related impacts to any segment of the area freeways are expected. Construction-related vehicles would not be allowed to stage on any of the local/residential streets, and construction worker vehicles would park on-site as possible, or in a remote off-site parking area, with workers shuttled to the site to minimize traffic and parking impacts in the area. The project would be required to prepare a detailed worksite construction traffic control plan for review and approval by the City. This plan would identify any potential lane closures or other items affecting roadway operations in the project vicinity, to minimize disruption to normal traffic flows resulting from the construction activities.

## **II. PROJECT DESCRIPTION**

*The following paragraphs are added to the bottom of page II-10:*

### Haul Route

The destination for most of the material removed from the project site is anticipated to be the Sunshine Canyon Landfill, in the Sylmar community of the City of Los Angeles. It is expected that the haul vehicles would travel between the local project area and the landfill via the I-405 and I-5 Freeways. In the local project vicinity, it is anticipated that empty haul vehicles would travel to the project site from the I-405 Freeway along Wilshire Boulevard and San Vicente Boulevard (westbound), and then return to the I-405 via Bundy Drive, Montana Avenue, San Vicente Boulevard, and Wilshire Boulevard. Additional information regarding the proposed haul route is added to Section IV.L, Traffic, Transportation, and Parking, below.

### Construction Staging

Staging areas are locations where vehicles, typically larger dump trucks used to haul demolition or excavation-related materials, await use at the project construction site. Typically these trucks are radio-called to the site when needed. Staging areas for project construction and haul vehicles, as well as the final haul route itself, are subject to a hearing conducted by the Department of Building and Safety, although it is currently anticipated that haul trucks used during the demolition, excavation, and/or construction activities for the proposed project would stage on or adjacent to the nearby Veterans Administration property. The staging area is anticipated to be used primarily before 9:00 AM during the excavation phase of the project's construction activities, as trucks arrive in the project area to queue up to wait for the beginning of hauling activities (which are anticipated to begin at approximately 9:00 AM). Once the haul activities begin, it is expected that the timing of the round trip to and from the Sunshine Canyon Landfill would be scheduled such that trucks would be able to return from the landfill directly to the project site without the need to stage again. It is estimated that a maximum of approximately 25 to 30 haul trucks per day may need to be staged during the mornings throughout the excavation phase.

The following revisions are made to Project Objective #1 on page II-34:

**1. Architecture/Design**

- Create a development that provides a mix of retail, office and restaurant uses that cater to the Brentwood community, within which buildings are functionally and architecturally integrated with one another and clearly relate to each other in terms of proportion, height, mass, and façade;

**III. ENVIRONMENTAL SETTING**

No corrections or additions are provided.

**IV. ENVIRONMENTAL IMPACT ANALYSIS**

**A. IMPACTS FOUND LESS THAN SIGNIFICANT**

No corrections or additions are provided.

**B. AESTHETICS**

No corrections or additions are provided.

**C. AIR QUALITY**

The following information is added to page IV.C-31 underneath Table IV.C-10:

Construction Impacts of Optional Project Design Feature

Regional Construction Emissions:

As described in greater detail on page II-33, the project applicant has proposed for the project to include an optional project design feature that could be implemented to improve traffic flow and accessibility for both the project site and for other nearby businesses. The optional project design features would all involve alterations to the existing raised median island along San Vicente Boulevard in front of the project site. There are six concepts of various median alterations, of which one could be included as an optional design feature. If an optional design feature is implemented, redevelopment of the median would occur approximately late in 2015, after the project is operational (approximately 2014). Redevelopment of the median would require removal of portions of the existing median, ground preparation and grading to accommodate the new median design, and then construction of the redesigned median. These construction activities would generate pollutant emissions, which have been estimated using the CalEEMod model recommended by SCAQMD. Due to the construction time frame and the normal day-to-day variability in construction activities, it is difficult, if not impossible, to precisely quantify the daily emissions associated with each phase of the proposed construction activities. Nonetheless, Table IV.C-10A identifies peak

daily emissions associated with the construction activities. These calculations assume appropriate dust control measures would be implemented as part of the median redevelopment, as required by SCAQMD Rule 403—Fugitive Dust. Specific Rule 403 control requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site, and maintaining effective cover over exposed areas.

As shown on Table IV.C-10A, peak construction-related daily emissions associated with the median redesign would not exceed the SCAQMD significance thresholds for any of the criteria pollutants. Thus, regional air quality impacts related to construction emissions would be less than significant.

**Table IV.C-10A**  
**Estimated Peak Daily Construction Emissions Associated with the Median Redesign**

<b>Emissions Season</b>	<b>Emissions in Pounds Per Day</b>					
	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>x</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
<b>Winter</b>	<b>3.15</b>	<b>22.81</b>	<b>18.70</b>	<b>0.03</b>	<b>2.61</b>	<b>1.91</b>
SCAQMD Thresholds	75.0	100.00	550.00	150.00	150.00	55.00
<b>Significant Impact?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<b>Summer</b>	<b>2.14</b>	<b>12.98</b>	<b>10.76</b>	<b>0.02</b>	<b>1.75</b>	<b>1.26</b>
SCAQMD Thresholds	75.0	100.00	550.00	150.00	150.00	55.00
<b>Significant Impact?</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<sup>a</sup> <i>ROG = reactive organic gas</i> <i>NO<sub>x</sub> = nitrogen oxide</i> <i>CO = carbon monoxide</i> <i>SO<sub>x</sub> = sulfur oxide</i>						
<sup>b</sup> <i>PM<sub>10</sub> = particulate matter 10</i> <i>PM<sub>2.5</sub> = particulate matter 2.5</i>						
<sup>c</sup>						
<i>Source: CAJA Environmental Services, 2011. Calculation sheets are provided in Appendix E to this Final EIR.</i>						

Local Air Quality Impacts:

The peak daily construction emissions associated with the redeveloped median also were compared against SCAQMD’s LSTs to determine whether the emissions would cause or contribute to adverse localized air quality impacts. The nearest off-site receptors to the median redesign location potentially subject to localized air quality impacts associated with construction of the redeveloped median include:

- The four-story office and bank building located northwest of the median redesign location;
- The Chabad Jewish Center of Brentwood fronting Bundy Drive located approximately 700 feet northwest of the median redesign location;
- The Gan Chaya Jewish Early Childhood Center located approximately 500 feet northwest of the median redesign location;



**Table IV.C-10B**  
**Localized Estimated Peak Daily Construction Emissions**  
**Associated with the Median Redesign**

Construction Phase	Total On-site Emissions (Pounds per Day)			
	NO <sub>x</sub> <sup>a</sup>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
<sup>d</sup> <sup>a</sup> <i>The localized thresholds listed for NO<sub>x</sub> in this table takes into consideration the gradual conversion of NO<sub>x</sub> to NO<sub>2</sub>, and are provided in the mass rate look-up tables in the “Final Localized Significance Threshold Methodology” document prepared by the SCAQMD. As discussed previously, the analysis of localized air quality impacts associated with NO<sub>x</sub> emissions is focused on NO<sub>2</sub> levels as they are associated with adverse health effects.</i>				
<i>Source: CAJA Environmental Services, February 2011. Calculation sheets are provided in Appendix E to this Final EIR.</i>				

#### **D. GREENHOUSE GAS EMISSIONS**

No corrections or additions are provided.

#### **E. CULTURAL RESOURCES**

No corrections or additions are provided.

#### **F. GEOLOGY AND SOILS**

No corrections or additions are provided.

#### **G. HAZARDS AND HAZARDOUS MATERIALS**

No corrections or additions are provided.

#### **H. LAND USE AND PLANNING**

No corrections or additions are provided.

#### **I. NOISE**

*The following information is added to page IV.I-25 above the heading “Operational Noise”:*

#### Construction Impacts of Optional Project Design Feature

##### Construction Noise:

Construction of the redesigned median would require the use of heavy equipment for the removal of portions of the existing median, site preparation, and development of the redesigned median. These construction activities would require the use of smaller power tools, generators, and other sources of noise. Overall, development of the redesigned median is anticipated to take one month and would occur at the end of 2015.

As discussed previously in the Noise section of the Draft EIR, the U.S. EPA has compiled data regarding the noise generating characteristics of specific types of construction equipment and typical construction activities. The data pertaining to the types of construction equipment and activities that could occur during redevelopment of the median are presented on Table IV.I-11A and on Table IV.I-11B at a distance of 50 feet from the noise source (i.e., reference distance). The noise levels shown on Table IV.I-11B represent composite noise levels associated with typical construction activities, which take into account both the number of pieces and spacing of heavy construction equipment that are typically used during each phase of construction. As shown on Table IV.I-11A, construction noise during the heavier initial periods of construction is presented as 86 dBA  $L_{eq}$  when measured at a reference distance of 50 feet from the center of construction activity.<sup>2</sup> These noise levels would diminish notably with distance from the construction site at a rate of 6 dBA per doubling of distance. For example, a noise level of 86 dBA  $L_{eq}$  measured at 50 feet from the noise source to the receptor would decline to 80 dBA  $L_{eq}$  at 100 feet from the source to the receptor, and fall by another 6 dBA  $L_{eq}$  to 74 dBA  $L_{eq}$  at 200 feet from the source to the receptor. These noise attenuation rates assume a flat and unobstructed distance between the noise generator and the receptor. Intervening structures would further attenuate the noise.

**Table IV.I-11A**  
**Noise Range of Typical Construction Equipment**

<b>Construction Equipment</b>	<b>Noise Level in dBA <math>L_{eq}</math> at 50 Feet <sup>a</sup></b>
<u>Front Loader</u>	<u>73-86</u>
<u>Trucks</u>	<u>82-95</u>
<u>Cranes (moveable)</u>	<u>75-88</u>
<u>Cranes (derrick)</u>	<u>86-89</u>
<u>Vibrator</u>	<u>68-82</u>
<u>Saws</u>	<u>72-82</u>
<u>Pneumatic Impact Equipment</u>	<u>83-88</u>
<u>Jackhammers</u>	<u>81-98</u>
<u>Pumps</u>	<u>68-72</u>
<u>Generators</u>	<u>71-83</u>
<u>Compressors</u>	<u>75-87</u>
<u>Concrete Mixers</u>	<u>75-88</u>
<u>Concrete Pumps</u>	<u>81-85</u>
<u>Back Hoe</u>	<u>73-95</u>
<u>Tractor</u>	<u>77-98</u>
<u>Scraper/Grader</u>	<u>80-93</u>
<u>Paver</u>	<u>85-88</u>

<sup>a</sup> Machinery equipped with noise control devices or other noise-reducing design features does not generate the same level of

<sup>2</sup> Although the peak noise levels generated by certain construction equipment may be greater than 86 dBA at a distance of 50 feet, the equivalent noise level would be approximately 86 dBA  $L_{eq}$  (i.e., the equipment does not operate at the peak noise level over the entire duration).

**Table IV.I-11A**  
**Noise Range of Typical Construction Equipment**

<b>Construction Equipment</b>	<b>Noise Level in dBA <math>L_{eq}</math> at 50 Feet <sup>a</sup></b>
<i>noise emissions as that shown in this table.</i>	
<i>Source: United States Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB 206717, 1971; City of Los Angeles, L.A. CEQA Thresholds Guide, 2006.</i>	

**Table IV.I-11B**  
**Typical Outdoor Construction Noise Levels**

<b>Construction Phase</b>	<b>Noise Levels at 50 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>	<b>Noise Levels at 100 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>	<b>Noise Levels at 200 Feet with Mufflers (dBA <math>L_{eq}</math>)</b>
Ground Clearing	82	76	70
Site Preparation, Grading	86	80	74
Paving	86	80	74
<i>Source: United States Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB 206717, 1971; City of Los Angeles, L.A. CEQA Thresholds Guide, 2006; CAJA Environmental Services, June 2010.</i>			

The nearest and most notable off-site sensitive receptors to the location of the median include the nearby residential, school, and church uses in the surrounding project site area. Specifically, the nearest off-site noise-sensitive receptors include the following:

- The four-story office and bank building located northwest of the median redesign location;
- The Chabad Jewish Center of Brentwood fronting Bundy Drive located approximately 800 feet northwest of the median redesign location;
- The Gan Chaya Jewish Early Childhood Center located approximately 500 feet northwest of the median redesign location;
- The Brentwood Science Magnet School playfield located approximately 500 feet southwest of the median redesign location; and
- The Brentwood Presbyterian Church located approximately 200 feet southwest of the median redesign location, across San Vicente Boulevard.

Due to the use of construction equipment, construction activities would expose these surrounding off-site sensitive receptors to increased ambient exterior noise levels. As shown on Table IV.I-11B, outdoor noise levels at noise-sensitive receptors 50 feet from the noise source could range from 82 dBA to 80 dBA  $L_{eq}$  with the use of noise-attenuating devices. Table IV.I-11C shows the peak construction noise

levels that would occur at the off-site noise-sensitive uses during construction at the median redesign location compared to the existing daytime ambient noise levels at these noise-sensitive uses.

**Table IV.I-11C**  
**Exterior Noise at Off-site Sensitive Uses From Median Construction**

<u>Off-site Sensitive Land Uses</u>	<u>Direction from Median Redesign Location</u>	<u>Approximate Distance or Receptor to Median Redesign Location (ft.)</u>	<u>Existing Monitored Daytime Ambient Noise Levels (dBA L<sub>eq</sub>)</u>	<u>Estimated Peak Construction Noise Levels (dBA L<sub>eq</sub>)</u>	<u>Peak Noise Level Increase<sup>a</sup></u>
Chabad Jewish Center of Brentwood	Northwest	800	61.0	62.0 <sup>b</sup>	1.0
Gan Chaya Jewish Early Childhood Center	Northwest	500	61.2	65.5 <sup>b</sup>	4.3
Brentwood Science Magnet School playfield	Southwest	500	71.1	66.5 <sup>b</sup>	Lower than ambient noise level
Brentwood Presbyterian Church	Southwest	200	68.6	74.0	5.4

<sup>a</sup> It should be noted that the peak noise level increase at the nearby sensitive receptors during project construction represents the highest noise level that would be generated periodically during a peak construction day, and does not represent continuous noise levels occurring throughout the construction day or period.

<sup>b</sup> These noise levels do not take into consideration additional noise attenuation due to intervening buildings.

Source: CAJA Environmental Services, June 2011; Federal Transit Administration, Transit Noise and Vibration Impact Assessment, Final Report, May 2006.

As shown on Table IV.I-11C, the peak construction noise level increase experienced by the off-site sensitive receptors would be approximately 74.0 dBA L<sub>eq</sub> at the nearest single-family residence located approximately 200 feet southwest of the median redesign location.

The increase in noise levels at the off-site locations during construction would be temporary in nature and would only occur periodically, not continuously throughout the construction day. Additionally, although the estimated construction noise levels at each of the off-site locations would be the loudest when construction activities are occurring at an area within the median redesign location that is nearest to the off-site location, the majority of the time noise levels at these off-site locations would be reduced as construction activities conclude or move to another more distant location of the median redesign location. Thus, the highest noise levels that would be experienced by the off-site receptors shown on Table IV.I-11C would only occur for a limited duration during construction of the redesigned median.

Based on criteria set forth in the *L.A. CEQA Thresholds Guide*, construction activities lasting more than 10 days in a three-month period, which would increase ambient exterior noise levels by 5 dBA or more at a noise sensitive use, would normally result in a significant impact. As shown on Table IV.I-11C, the Brentwood Presbyterian Church would experience an increase in ambient noise levels of more than 5 dBA (generated periodically during a peak construction day) during construction of the redesigned median. Thus, construction-related noise levels associated with development of the redesigned median would be significant, which is the same impact that has been identified for construction of the proposed project.

Construction-Related Groundborne Vibration:

The amount of construction-related groundborne vibration associated with development of the optional project design feature in the median would be similar to those listed on Table IV.I-10 on page IV.I-23 and on Table IV.I-11 on page IV.I-24 of the Draft EIR. As shown on those tables and as discussed on those pages, project construction would not result in any significant impacts related to groundborne vibration. Therefore, development of the redesigned median would not result in any significant impacts related to groundborne vibration.

*Mitigation Measure I-7 on page IV.I-33 is revised as follows:*

- I-7 ~~Barriers such as plywood structures or flexible sound control curtains~~ A ½-inch thick plywood barrier extending eight-ten-feet high shall be erected around the project site boundary to minimize the amount of noise on the surrounding noise-sensitive receptors to the maximum extent feasible during construction.

## **J. POPULATION AND HOUSING**

No corrections or additions are provided.

## **K. PUBLIC SERVICES**

No corrections or additions are provided.

## **L. TRANSPORTATION/TRAFFIC**

*The following text is added to page IV.L-35, above “Project Roadway Improvements”:*

In response to *Sunnyvale West Neighborhood Assn. v City of Sunnyvale City Council* (December 16, 2010), a supplemental analysis of the existing conditions (2010) with the addition of project traffic was prepared. The supplemental worksheets are included in Appendix F to this Final EIR. In this analysis, the impacts of the project are evaluated against current conditions only (without any ambient traffic growth or additional traffic from related projects in the area). As shown in Table IV.L-8A, this scenario would result

in three significant impacts (under this scenario, the significant impact at San Vicente Boulevard and Barrington Avenue would not occur).

**Table IV.L-8A**  
**Critical Movement Analysis Summary Existing (2010) Without and With Project Conditions**

No.	Intersection	Peak Hour	Existing (2010)		Existing (2010) With Project		
			CMA (or Delay) <sup>a</sup>	LOS	CMA (or Delay) <sup>a</sup>	LOS	Impact
1	Sunset and Kenter	AM	0.866	D	0.872	D	0.006
		PM	0.960	E	0.966	E	0.006
2	Sunset and Bundy	AM	0.896	D	0.899	D	0.003
		PM	0.797	C	0.805	D	0.008
3	Sunset and Barrington	AM	0.888	D	0.890	D	0.002
		PM	0.959	E	0.968	E	0.009
4	San Vicente and 26 <sup>th</sup> Street (City of Santa Monica)	AM	0.782 (44.4) <sup>b</sup>	C (D) <sup>c</sup>	0.786 (44.9) <sup>b</sup>	C (D) <sup>c</sup>	0.004 (0.5) <sup>b</sup>
		PM	0.743 (38.5) <sup>b</sup>	D (D) <sup>c</sup>	0.756 (39.8) <sup>b</sup>	C (D) <sup>c</sup>	0.013 (1.3) <sup>b</sup>
5 (a)	San Vicente and Bundy (west intersection)	AM	0.838	D	0.848	D	0.010
		PM	0.923	E	0.966	E	0.043 <sup>d</sup>
5(b)	San Vicente and Bundy (east intersection)	AM	0.717	C	0.747	C	0.030
		PM	0.803	D	0.924	E	0.121 <sup>d</sup>
6	Montana and Barrington	AM	0.594	A	0.594	A	0.000
		PM	0.794	C	0.794	C	0.000
7	Montana and Bundy	AM	0.686	B	0.697	B	0.011
		PM	0.837	D	0.875	D	0.038 <sup>d</sup>
8	Montana and San Vicente	AM	0.550	A	0.550	A	0.000
		PM	0.906	E	0.998	E	0.092 <sup>d</sup>
9	San Vicente and Barrington	AM	0.681	B	0.684	B	0.003
		PM	0.792	C	0.806	D	0.014
10	Wilshire and Bundy	AM	0.937	E	0.939	E	0.002
		PM	0.995	E	1.002	F	0.007
11	Wilshire and Barrington	AM	0.685	B	0.687	B	0.002
		PM	0.600	A	0.604	B	0.004
12	Wilshire and San Vicente/Federal	AM	0.921	E	0.922	E	0.001
		PM	0.877	D	0.879	D	0.002

<sup>a</sup> City of Santa Monica HCM delay-based analysis included for informational purposes.

<sup>b</sup> Delay reflects total intersection approach delay in seconds, per HCM methodology.

**Table IV.L-8A  
Critical Movement Analysis Summary Existing (2010) Without and With Project Conditions**

<u>No.</u>	<u>Intersection</u>	<u>Peak Hour</u>	<u>Existing (2010)</u>		<u>Existing (2010) With Project</u>		
			<u>CMA (or Delay)<sup>a</sup></u>	<u>LOS</u>	<u>CMA (or Delay)<sup>a</sup></u>	<u>LOS</u>	<u>Impact</u>
<sup>c</sup> LOS based on total intersection approach delay, per HCM methodology.							
<sup>d</sup> Indicates significant impact per LADOT or City of Santa Monica traffic impact criteria, as applicable							
Source: Hirsch/Green Transportation, February 17, 2011.							

The following text is added to page IV.L-49, below Table IV.L-12:

**Construction Traffic Analysis**

In addition to the operational impacts of the proposed project, an assessment of potential traffic impacts during the project’s construction period was also prepared. The construction period for the project consists of three distinct phases: demolition of the existing site uses; excavation, which includes site grading and export hauling of earth or other materials; and construction, which involves the actual physical building on the site. The following analysis addresses potential trip generation and traffic impact assessments for each of these phases.

**Haul Route**

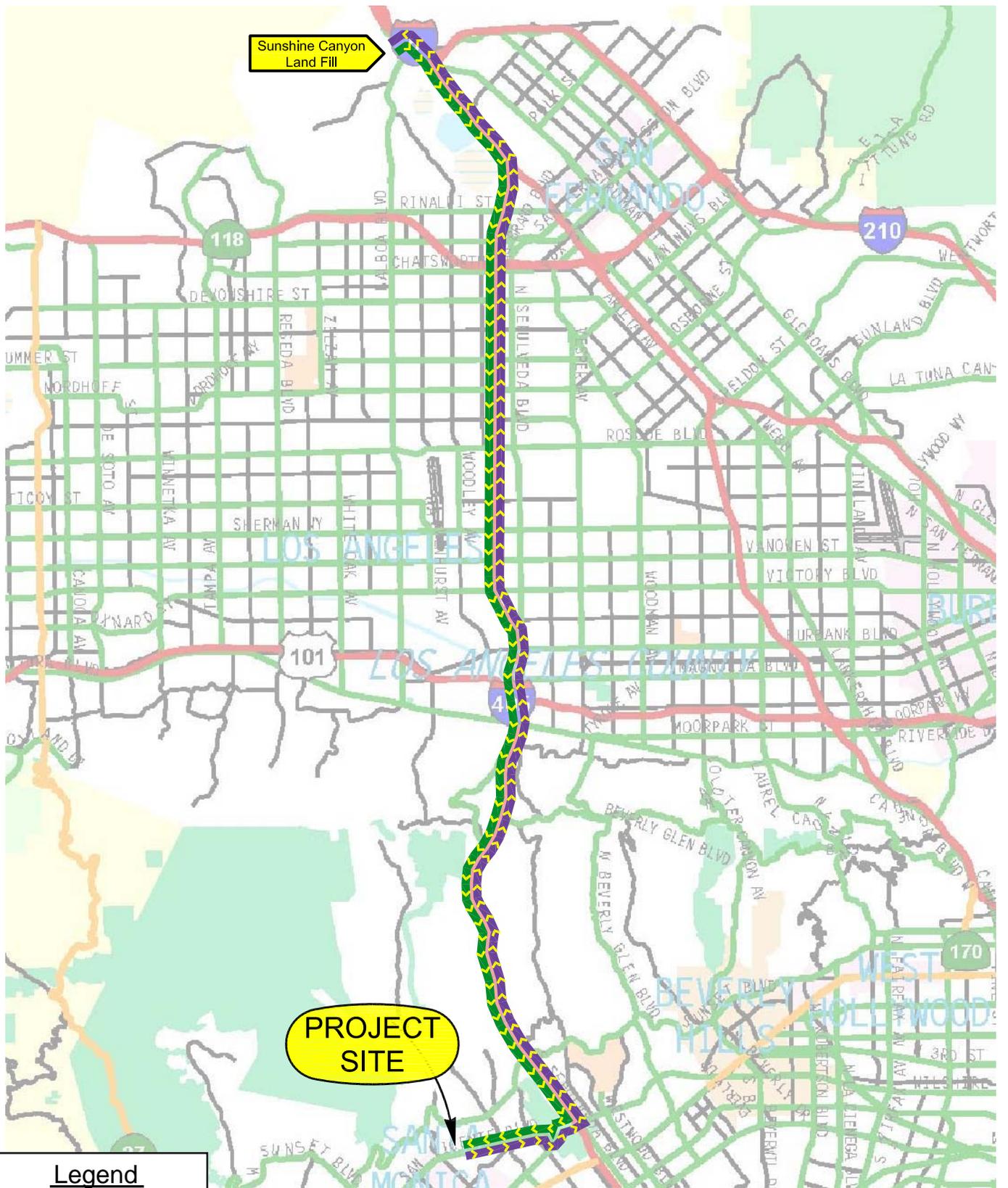
The destination location for most of the material removed from the project site is anticipated to be the Sunshine Canyon Landfill at 14747 San Fernando Road, on the west side of the I-5 (Golden State) Freeway, between the I-210 (Foothill) Freeway and the CA-14 (Antelope Valley) Freeway, in the Sylmar community of the City of Los Angeles. It is expected that the haul vehicles would travel between the local project area and the landfill via the I-405 (San Diego) and I-5 Freeways, as shown in new Figure IV.L-16A.

In the local project vicinity, empty haul vehicles would travel to the project site from the I-405 Freeway along Wilshire Boulevard and San Vicente Boulevard, and then return to the I-405 via Bundy Drive, Montana Avenue, San Vicente Boulevard, and Wilshire Boulevard; the proposed local area haul route is shown in new Figure IV.L-16B. Note that the more circuitous “outbound” haul route from the project site to the I-405 Freeway is the result of the existing raised median island along San Vicente Boulevard adjacent to the project site, which prohibits vehicles exiting the site from accessing eastbound San Vicente Boulevard directly. Additionally, although a median island “cut-through” exists near the project site at Saltair Avenue, haul truck use of this median island break is not recommended due to impacts to both through traffic on San Vicente Boulevard and to vehicles entering and exiting Saltair Avenue. Therefore, due to these existing conditions, haul trucks must utilize Bundy Drive and Montana Avenue to

“re-orient” to eastbound travel on San Vicente Boulevard in order to access the I-405 Freeway. However, the proposed haul route minimizes haul vehicle impacts to the surface streets and intersections in the project area by utilizing the most direct route between the project site and the I-405 Freeway. In the project vicinity, Wilshire Boulevard is classified as a Major Highway, while both San Vicente Boulevard and Montana Avenue are classified as Secondary Highways. Although every effort to restrict haul truck traffic to Major and/or Secondary Highway travel will be implemented, the short segment of Bundy Drive between San Vicente Boulevard and Montana Avenue anticipated for use as part of the “outbound” haul route is designated as a Collector Street.

### Staging Areas

Staging areas are locations where vehicles, typically larger dump trucks used to haul demolition or excavation-related materials, await use at the project construction site. Typically they are radio-called to the site when needed. Staging areas for project construction and haul vehicles, as well as the final haul route itself, are subject to a hearing conducted by the Department of Building and Safety, although it is currently anticipated that haul trucks used during the demolition, excavation, and/or construction activities for the proposed project would stage on or adjacent to the nearby Veterans Administration property. The staging area is anticipated to be utilized primarily before 9:00 AM during the excavation phase of the project’s construction activities, as trucks arrive in the project area to queue up to wait for the beginning of the hauling activities (which are anticipated to begin at approximately 9:00 AM, as described in more detail below). Once the haul activities begin, it is expected that the timing of the round trip to and from the Sunshine Canyon Landfill would be scheduled such that trucks will be able to return from the landfill directly to the project site without the need to stage again. It is estimated that a maximum of approximately 25 to 30 haul trucks per day may need to be staged during the mornings throughout the excavation phase.



Sunshine Canyon Land Fill

PROJECT SITE

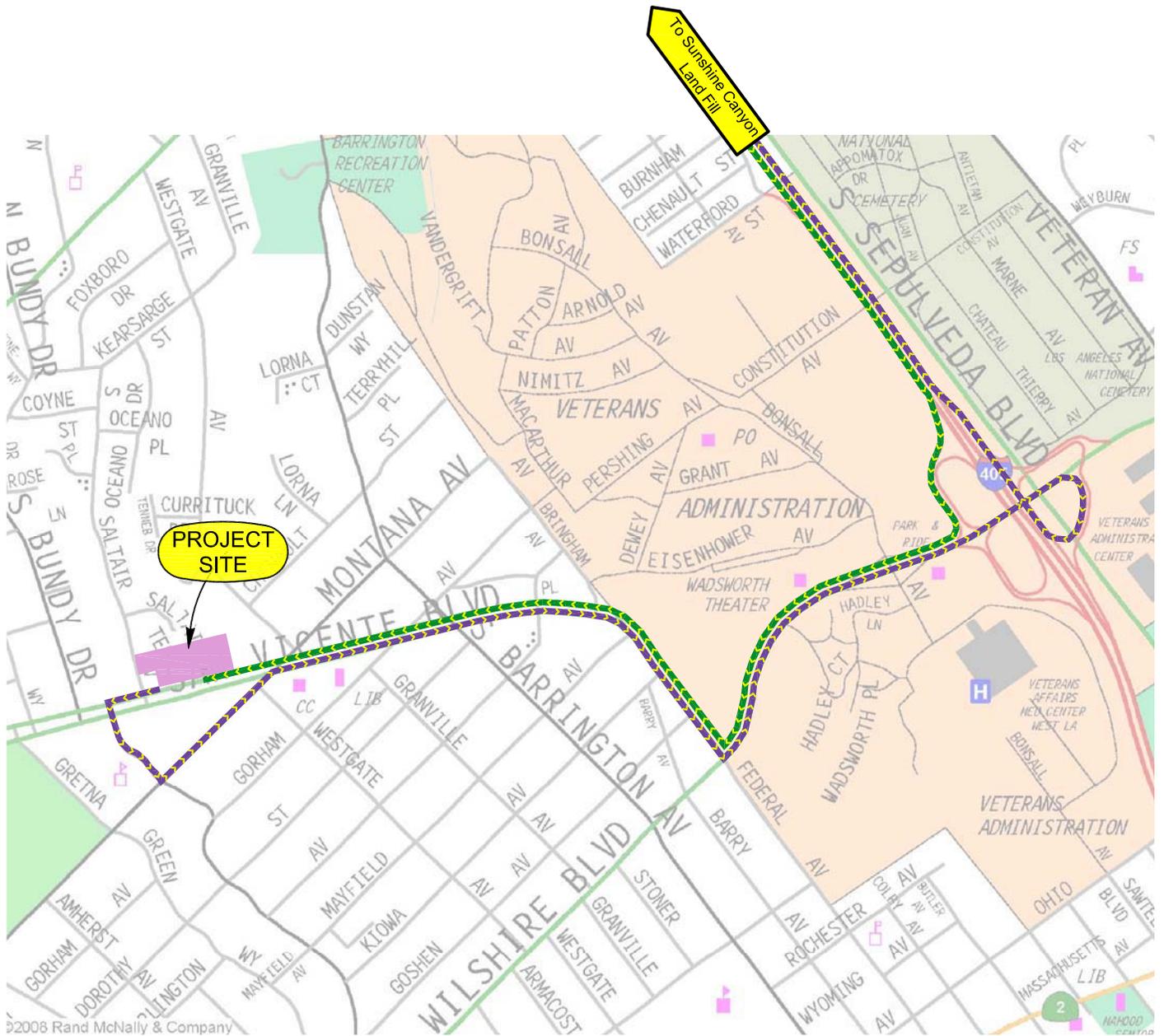
**Legend**

- EMPTY TRUCKS
- - - LOADED TRUCKS



Not to Scale

Source: Hirsch/Green Transportation Consulting, Inc., 8/13/2011.



©2008 Rand McNally & Company

**Legend**

- EMPTY TRUCKS
- LOADED TRUCKS



Source: Hirsch/Green Transportation Consulting, Inc., 8/13/2011.

Not to Scale

### Construction-Related Trip Generation and Traffic Impacts

As described above, the “construction” activities for the project involve three different phases; demolition, excavation, and construction. The potential trip generation and traffic impacts for each of these phases were examined separately. However, the analyses of all construction impacts involved the following general assumptions. First, it was assumed that construction materials transport, and demolition and excavation/import soil hauling would occur typically over an approximately seven (7) hour work day, beginning at 9:00 AM and ending at 4:00 PM, although construction workers may be traveling to and from the site outside of these hours. These hours are generally consistent with the Mayor’s directive to limit construction traffic impacts to non-peak travel periods of the day. It was further assumed that construction activities would occur six (6) days a week, weather permitting, on Monday through Saturday. No construction activity is expected to be permitted on Sundays.

Additionally, based on input from construction contractors, it was assumed that the haul vehicles would be 10.0 cubic yard capacity “Super 10” single-unit dump trucks, in order to minimize potential traffic impacts to the project area, although it should be noted that “double bottom” semi-trailer trucks, with a capacity of approximately 12.0 cubic yards each, are also commonly used for excavation purposes. For traffic impact analysis purposes, the haul trucks are assumed to have a passenger car equivalency (“pce”) factor of approximately 2.0, or more plainly stated, each haul truck is assumed to exhibit effects on the surrounding traffic flows approximately equivalent of that of two typical automobiles, due primarily to greater vehicle length, larger turning radii, and reduced acceleration/deceleration characteristics.

These general assumptions were used in the assessment of potential trip generation and traffic impacts for all three of the construction phases. However, additional assumptions specific to each of the construction phases, such as duration of the phase and amount of material involved, were also incorporated into the analyses, as described in each of the following sections.

#### Demolition Phase:

The demolition phase of the project involves the removal of the existing development on the project site, including the Barry Building and related facilities along San Vicente Boulevard, and the two existing single-family homes along Saltair Avenue, as well as all paving, landscaping, and other on-site materials. Although the exact amount of demolition-related materials is not specifically known, estimates provided by the project contractor indicate that the demolition activities are anticipated to take approximately three (3) weeks (about 15 to 18 working days), and involve approximately 5 truck loads of materials removed from the site per day, or a total of approximately 10 total truck trips (5 inbound and 5 outbound) per day. For purposes of a “worst case” analysis, it is expected that each demolition-related haul truck can arrive at the site, be loaded, and leave the site within a one-hour period, which produces a maximum truck-related traffic addition of one inbound and one outbound truck trip per hour per day (since the 5 truck loads will occur throughout the assumed seven-hour work day, truck traffic would not be expected during each of the working hours). Using the assumed pce factor of 2.0, this equates to a maximum haul truck activity level of approximately 2 inbound and 2 outbound pce trips per hour during this phase of the project’s construction activities. As described earlier, these truck trips would occur between 9:00 AM and 4:00

PM, outside the typical “commuter traffic” peak hours in the project vicinity, reducing the potential for significant impacts.

The demolition activities will also result in relatively nominal on-site worker trips. The maximum number of workers at the site during this phase is not anticipated to exceed 25 persons, including equipment operators, flag persons, and others. Trips generated by these employees will be nominal, and it is anticipated that these worker vehicles will be able to park on-site during the demolition activities. Assuming an average vehicle occupancy of approximately 1.2 persons per vehicle, these 25 demolition-related on-site workers would produce about 20 vehicle trips, primarily inbound during the morning, and outbound during the evening, although some mid-day trips to obtain equipment/supplies, lunch, etc. are also anticipated. Therefore, a total of approximately 50 worker trips per day are anticipated. It is expected that most of these worker trips would occur prior to 9:00 AM and after 4:00 PM, and would thus occur during the AM and PM peak traffic hours in the project vicinity. However, they would not generally overlap the haul truck trips, reducing the potential for significant impacts. The worker trips would not be required to follow any specific travel route to or from the site.

Finally, the on-site equipment for this phase is expected to consist of typical demolition-process vehicles, including but not limited to a grade-all/bulldozer, loader/backhoe, forklift, and other similar vehicles. Transportation of this equipment to and removing it from the site will not produce any significant traffic, as they will not all be delivered/removed at the same time.

Therefore, based on the preceding assumptions, the total number of demolition-phase trips is expected to be approximately 70 pce trips per day, including 20 inbound construction worker trips during the AM peak hour, a total of about 20 pce haul truck trips (maximum of approximately 2 pce inbound and 2 pce outbound trips per hour) and 10 worker trips between 9:00 AM and 4:00 PM, and 20 outbound construction worker trips during the PM peak hour.

This nominal amount of haul truck and/or worker trips would not be expected to result in any significant peak hour traffic impacts during the demolition phase of the project’s construction. This conclusion is reinforced by the fact that, during the demolition, excavation, and construction phases of the project, the trips generated by the existing development will have been removed, partially offsetting the new trips generated by the construction activities during these phases. Based on the analyses contained in the project traffic study, the existing site development produces a total of approximately 915 daily trips, including 51 trips during the AM peak hour, and 116 trips during the PM peak hour, although it is acknowledged that only a portion of these trips currently utilize the anticipated haul route (Wilshire Boulevard, San Vicente Boulevard, Bundy Drive, and/or Montana Avenue). However, as described above, only the 20 inbound and 20 outbound construction worker trips would be anticipated to occur during the AM or PM peak commute traffic hours. This amount of new traffic alone would not be sufficient to produce a significant impact to any of the streets or intersections surrounding the project site, and the removal of the existing development trips will more than offset these anticipated peak hour construction worker trips (the only demolition phase trips that will occur during the peak hours). Therefore, no significant impacts are anticipated during these most critical travel periods.

However, to fully evaluate the potential traffic impacts of the project construction activities, the “off-peak” hours of the day, between 9:00 AM and 4:00 PM, were also investigated. As described above, the demolition hauling activity is anticipated to result in a total of approximately 10 total pce trips per hour (5 inbound and 5 outbound) along the haul route between the project site and the I-405 Freeway. The existing development would also generate some off-peak hour traffic, and these trips were estimated using the following procedures. First, it was assumed that the AM and PM “peak hour” trips described above represent average hourly traffic occurring between the typical morning (7:00 to 8:30 AM) and afternoon/evening (4:30 to 6:00 PM) peak travel periods. This results in a total of approximately 77 AM and 174 PM peak period trips generated by the existing site development. Subtracting these 251 peak period trips from the total 915 daily trips leaves 664 existing site-related trips that would occur throughout the remaining “off-peak” hours of the day. Further it was assumed that a typical “commercial/retail” day consists of approximately 16 hours (6:00 AM to 10:00 PM). Therefore, deducting the total three “peak hours” described above results in 13 “off-peak” traffic hours during the day, or an average of approximately 51 (total of inbound and outbound) existing use trips per off-peak hour.

Again, it is acknowledged that only a portion of these off-peak hour trips occur along the anticipated haul route. Therefore, in order to evaluate the net effects of the off-peak hour construction-related traffic along the haul route itself, the number of existing site development trips using the anticipated haul route roadway segments during each of the off-peak hours was identified. The number of existing site-related trips using the haul route street segments was estimated by assuming that the existing 51 trips per off-peak hour travel to and from the project site along the same travel routes identified in the project traffic study for the proposed development trips (see Figure 5, page 17 of the traffic study which is contained as Appendix K to the Draft EIR).

Using this methodology, it was estimated that approximately 4 total existing site-related trips travel along Wilshire Boulevard between the I-405 Freeway and San Vicente Boulevard, and along San Vicente Boulevard between Wilshire Boulevard and Barrington Avenue, a total of approximately 8 existing trips travel along San Vicente Boulevard between Barrington Avenue and Montana Avenue, all 51 trips travel on San Vicente Boulevard between Montana Avenue and Bundy Drive (as they enter and exit the project site), a total of approximately 13 existing site trips travel along Bundy Drive between San Vicente Boulevard and Montana Avenue, and finally, a total of approximately 12 existing site-related trips travel along Montana Avenue between Bundy Drive and San Vicente Boulevard during each of the off-peak hours. Therefore, as indicated by these estimates, the removal of the existing site trips would offset the anticipated 4 total pce haul truck trips per hour along the proposed haul route (the mid-day construction worker trips would not necessarily occur along only the haul route), and therefore, no significant off-peak hour impacts are anticipated due to demolition phase haul truck activity.

Further, based on a comparison of the potential haul truck trips to the “regional impact” analyses detailed in the project traffic study, the nominal number of haul truck trips (maximum of 2 pce trips per direction per hour) is not anticipated to produce any significant impacts to any segments of either the I-405 or I-5 Freeway facilities expected to be utilized as haul routes.

Excavation Phase:

The excavation phase of the project involves the export of earth and other materials necessary to grade the site for actual construction of the project, including excavation of the site's parking garage. A total of approximately 59,000 cubic yards of earth and other material is expected to be excavated from the site and transported to the Sunshine Canyon Landfill. Assuming the use of the 10.0 cubic yard capacity haul trucks as described above, this equates to approximately 5,900 truck loads of excavated material, resulting in approximately 5,900 inbound (empty) and 5,900 outbound (loaded) haul truck trips during the excavation phase.

The excavation phase is expected to last approximately 60 working days, thereby resulting in an average of approximately 98 truckloads per day, or about 14 inbound and 14 outbound truck trips per hour over the course of a seven-hour work day. Assuming the previously described pce factor of 2.0 for the haul trucks, the excavation activities are anticipated to result in approximately 56 pce trips per hour (28 pce inbound and 28 pce outbound trips) along the haul route. As described earlier, these truck trips are expected to be limited to the hours between 9:00 AM and 4:00 PM, outside the typical "commuter traffic" peak hours, minimizing the potential impacts to the project area streets and intersections.

The excavation activities will also produce a relatively nominal number of on-site worker trips, with a maximum of approximately 10 to 15 workers at the site during this phase, including equipment operators, flag persons, and others. Assuming an average vehicle occupancy of approximately 1.2 persons per vehicle, the maximum of 15 workers would produce about 13 vehicle trips, again primarily inbound during the morning, and outbound during the evening; assuming some mid-day trips by workers to obtain equipment/supplies, go to lunch, etc., a total of approximately 30 worker trips per day are anticipated during the excavation activities. As with the demolition phase activities described earlier, the majority of these worker trips would occur prior to 9:00 AM and after 4:00 PM, generally during the AM and PM peak traffic hours in the project vicinity. However, they would not typically overlap the haul truck trips, reducing the potential for significant impacts. Because the project's subterranean parking garage will occupy the entire retail/commercial portion of the project site, only a limited amount of on-site parking for construction worker-related vehicles will be available, and as such, it is recommended that the contractor provide an off-site parking location and a shuttle or van pool option for workers to minimize the number of construction worker trips and vehicles parked at the project site. Under no circumstance will construction worker parking be permitted to occur on the residential streets in the area. As described previously, the worker trips would not be required to follow any specific travel route to or from the site, or alternately, to or from any off-site worker parking location, thereby "spreading out" such trips and minimizing potential construction traffic additions to the specific haul route street segments.

Finally, the on-site equipment for this phase is expected to consist of typical excavation-process vehicles, including but not limited to a grade-all/bulldozer, loader/backhoe, forklift, and other similar vehicles. Transportation of this equipment to and removing it from the site is not expected to produce any significant amounts of traffic, as they will not all be delivered to or removed from the project site at the same time.

Based on the preceding assumptions, the total number of demolition trips is expected to be approximately 424 pce trips per day, including about 13 trips during the AM peak hour (inbound construction worker trips), about 56 pce haul truck trips per hour (28 inbound and 28 outbound) and an additional total of about 6 worker-related mid-day trips between 9:00 AM and 4:00 PM, and 13 trips during the PM peak hour (outbound construction worker trips). As noted in the discussion of the demolition phase activities, the anticipated AM and PM peak hour peak hour construction worker trips during the excavation phase will be offset by the removal of the trips associated with the current site development, and no significant excavation activity traffic impacts are anticipated during the AM or PM peak commute periods.

Further, as described earlier in the discussion of the demolition activities, the anticipated addition of approximately 56 pce excavation-related haul truck trips during the off-peak hours will be partially offset by removal of the existing site trips. The removal of the existing site trips using the anticipated haul route segments would reduce the off-peak hour traffic additions to the area roadway to 52 net total pce trips along Wilshire Boulevard and San Vicente Boulevard between the I-405 Freeway and Barrington Avenue, 48 net pce trips along San Vicente Boulevard between Barrington Avenue and Montana Avenue, 5 net pce trips on San Vicente Boulevard between Montana Avenue and Bundy Drive, 43 net pce trips along Bundy Drive between San Vicente Boulevard and Montana Avenue, and 44 net pce trips along Montana Avenue between Bundy Drive and San Vicente Boulevard. These net trip totals will be generally equally divided between the “inbound” and “outbound” directions of travel between the project site and the I-405 Freeway, resulting in a maximum “directional” net pce haul truck traffic increase of approximately 26 trips (along Wilshire Boulevard and San Vicente Boulevard between the I-405 Freeway and Barrington Avenue).

A review of the traffic conditions in the study area (from the project traffic study which is included as Appendix K to the Draft EIR) indicates that most of the intersections along the anticipated haul route currently operate at LOS D or better during both peak hours, with the exception of San Vicente Boulevard and Montana Avenue (LOS E during PM peak hour), and Wilshire Boulevard and San Vicente Boulevard/Federal Avenue (LOS E during the AM peak hour). However, off-peak hour operations at all of these locations (during the 9:00 AM to 4:00 PM time period assumed for haul truck activity) is better than during the AM or PM peak commute periods, and as such, all of the haul route intersections are expected to exhibit LOS D or better operations throughout the mid-day time period. As a result, the relatively nominal amount of haul truck traffic described earlier would not be sufficient to produce significant impacts at any of the intersections along the anticipated haul route during the “off-peak” traffic hours; as noted earlier, no peak hour impacts along the haul route are anticipated, since haul truck activity would not occur during the peak commute hours. Finally, the maximum of 28 directional pce trips per hour expected during the off-peak hour operations of the excavation phase are not anticipated to result in significant regional traffic impacts to any of the I-405 or I-5 Freeway segments utilized as part of the haul route.

#### Construction Phase:

The construction phase of the project includes the actual physical development of the on-site structures and landscaping, as well as any roadway improvements adjacent to the site. This phase of the project

development is expected to take a total of approximately 18 to 22 months to complete. Unlike the previously discussed demolition or excavation activities, the construction phase does not produce a significant number of “average” daily haul trips; trucking activities to and from the site are dependent on the construction schedule, weather, and other factors, and generally involve only one or two trucks at a time delivering construction materials. The most intense activity occurs during concrete pouring for the parking structure or other building components.

Based on estimates provided by the project architect, the concrete work at the site is expected to require a total of approximately 800 cement truck loads during an approximately 5-month (100 working day) period. This activity would not take place throughout the entire 5-month period, however, but would rather be limited to specific “pour days”, with non-activity days allowed for the concrete to cure before further pours would take place. As such, it is anticipated that there could be a total of up to approximately 20 pour days within the 5-month period. This assumption equates to an average pour activity of approximately 40 concrete trucks per day for each of the 20 pour days, or an average of about 6 one-way concrete truck trips per hour. Using the previously discussed 2.0 pce factor, the concrete pour activity could therefore result in a relatively nominal total of approximately 24 pce trips per hour (12 inbound and 12 outbound) on each of the pour days. Additionally, these trips would again be partially offset by the removal of the existing site trips, further reducing the potential effects of the concrete truck activity. It should be noted that these trucks would not necessarily be limited to the haul route identified earlier; the specific travel routes to and from the site will depend on the location of the cement plant supplying the concrete for the construction pours. However, as part of the required construction mitigation program for the project, concrete trucks will not be allowed to drive through any of the local/residential streets in the project vicinity on their way to or from the project site, nor will they be permitted to stage or clean along such streets. As a result, no significant concrete-pour traffic impacts are likely to occur during these few concrete pour days.

The on-site equipment for this phase is expected to be similar to that described earlier for the demolition and excavation phases, plus trash and delivery trucks. This equipment is not expected to produce any measurable impacts during its delivery or removal from the site.

The construction phase of the project will require more on-site workers than either the demolition or excavation phases, with a maximum of up to approximately 125 workers at the site at any time, with most of this activity occurring during the latter, interior “finishing” stages of construction, although typical worker levels during much of the actual “construction” phase is expected to be approximately 40 to 50 workers. Assuming an average vehicle occupancy of 1.2 persons per vehicle, the maximum level of about 125 workers could result in approximately 105 vehicle trips inbound to and outbound from the site during the AM and PM peak hours, respectively. Again accounting for some reasonable mid-day trip activity, a total maximum of about 260 worker trips per day could occur during peak activity days; typical worker trip levels during the construction phase would be anticipated to be about 110 trips per day. However, as noted previously, the removal of the existing site trips results in a reduction of approximately 915 daily trips, including about 51 AM and 114 PM peak hour trips, which will offset much of the additional construction phase worker trips. As described previously, these worker trips would not be required to follow any specific travel route to or from the site, thereby “spreading out” such trips and

minimizing potential construction worker traffic impacts in the project vicinity. As such, no significant impacts are anticipated during the construction phase of the project.

Note that, although some nominal amount of on-site parking for construction worker-related vehicles may be available during the construction of the project's subterranean parking garage, it is recommended that the contractor provide off-site parking and a shuttle or van pool for workers. However, following completion of the parking garage, adequate on-site parking to accommodate all of the construction workers will be available. Under no circumstance will construction worker parking be permitted to occur on the residential streets in the area.

#### Construction Traffic Analysis Conclusions

The evaluation of potential "construction" impacts of the proposed project, including demolition, excavation, and construction activities, indicates that no significant construction-related traffic impacts are anticipated to occur during any of the project construction phases, either during the typical AM and PM peak hours, or during the off-peak (9:00 AM to 4:00 PM) hours. The proposed haul route will minimize impacts to the area surface street network by providing the most direct route between the I-405 Freeway and the project site. Further, no significant construction-related impacts to any segment of the area freeways are expected. Construction-related vehicles will not be allowed to stage on any of the local/residential streets, and construction worker vehicles will park on-site as possible, or in a remote off-site parking area, with workers shuttled to the site to minimize traffic and parking impacts in the area. The project will be required to prepare a detailed worksite construction traffic control plan for review and approval by the City. This plan will identify any potential lane closures or other items affecting roadway operations in the project vicinity, to minimize disruption to normal traffic flows resulting from the construction activities.

### **M. UTILITIES AND SERVICE SYSTEMS**

No corrections or additions are provided.

### **V. GENERAL IMPACT CATEGORIES**

No corrections or additions are provided.

### **VI. ALTERNATIVES TO THE PROPOSED PROJECT**

*Figure VI-1 is added to page VI-56.*

*The discussion on page VI-63 is modified as follows:*

#### ***Transportation and Traffic***

Alternative 4 would consist of a project of slightly reduced square footage when compared to the proposed project. ~~Therefore, this alternative would result in slightly fewer daily trips (and peak hour trips) when compared to the proposed project.~~ As discussed in Section IV.L. (Traffic, Transportation, and

Parking) of this Draft EIR, the proposed project would generate 1,456 daily trips and would result in significant impacts at the following four intersections during PM peak hour:

- San Vicente/Bundy (west and east);
- Montana/Bundy;
- Montana/San Vicente; and
- San Vicente/Barrington.

A supplemental traffic analysis has been prepared for Alternative 4 (which is included as Appendix G to this Final EIR). As shown in this supplemental traffic analysis, Alternative 4 would generate 1,275 daily trips, with 63 AM peak hour trips and 232 PM peak hour trips. This amounts to 181 fewer daily trips, 13 fewer AM peak hour trips, and 23 fewer PM peak hour trips when compared to the proposed project, as shown in Table VI-24A. While Alternative 4 would result in slightly fewer daily trips, it would still have the same 4 PM impacts as the proposed project, although some impacts may be slightly less than the proposed project. Overall, the impacts of this alternative would be significant and unavoidable and would be the same as the proposed project's impacts.

Like the proposed project, this alternative could implement an optional project design feature as described in Section II, Project Description (one of six possible design scenarios: 1, 1(a), 2, 2(a), 3, or 4) in order to improve traffic flow and site accessibility. However, as shown in Table VI-24B for the proposed project, with implementation of any of the six possible scenarios, this alternative would still result in significant and unavoidable impacts at the same intersections as without the design feature.

**Table VI-24A**  
**Alternative 4 Trip Generation**

Size/Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Preservation Alternative</b>							
56,687 sf General Retail	2,434	35	23	58	218	237	455
<i>(Less 5% Internal Project Capture)</i>	<i>(122)</i>	<i>(2)</i>	<i>(1)</i>	<i>(3)</i>	<i>(11)</i>	<i>(12)</i>	<i>(23)</i>
<i>(Less 5% Walk-In/Pedestrian Utilization)</i>	<i>(116)</i>	<i>(2)</i>	<i>(1)</i>	<i>(3)</i>	<i>(11)</i>	<i>(11)</i>	<i>(22)</i>
<i>(Less 40% Pass-by Trips)</i>	<i>(878)</i>	<i>(13)</i>	<i>(8)</i>	<i>(21)</i>	<i>(79)</i>	<i>(85)</i>	<i>(164)</i>
Subtotal General Retail Trips	1,318	18	13	31	117	129	248
8,905 sf High-Turnover Restaurant <sup>a</sup>	1,132	54	49	103	70	45	115
<i>(Less 5% Internal Project Capture)</i>	<i>(57)</i>	<i>(3)</i>	<i>(2)</i>	<i>(5)</i>	<i>(4)</i>	<i>(2)</i>	<i>(6)</i>
<i>(Less 10% Walk-In/Pedestrian Utilization)</i>	<i>(108)</i>	<i>(5)</i>	<i>(5)</i>	<i>(10)</i>	<i>(7)</i>	<i>(4)</i>	<i>(11)</i>
<i>(Less 20% Pass-by Trips)</i>	<i>(193)</i>	<i>(9)</i>	<i>(9)</i>	<i>(18)</i>	<i>(12)</i>	<i>(8)</i>	<i>(20)</i>
Subtotal High-Turnover Restaurant Trips	774	37	33	70	47	31	78
8,000 sf Office	88	11	1	12	4	19	23
1 unit Single-Family Residential	10	0	1	1	1	0	1
<b>Total Alternative 4 Trips</b>	<b>2,180</b>	<b>66</b>	<b>47</b>	<b>113</b>	<b>168</b>	<b>179</b>	<b>347</b>
<i>Less Total Existing Uses Trips</i>	<i>(915)</i>	<i>(34)</i>	<i>(17)</i>	<i>(51)</i>	<i>(40)</i>	<i>(76)</i>	<i>(116)</i>
<b>Total Net New Alternative 4 Site Trips</b>	<b>1,275</b>	<b>32</b>	<b>31</b>	<b>63</b>	<b>129</b>	<b>103</b>	<b>232</b>

**Table VI-24A**  
**Alternative 4 Trip Generation**

Size/Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<i><sup>a</sup> Includes 5,767 sf of restaurant floor area, plus approximately 3,138 sf outdoor dining area. Source: Hirsch/Green Transportation, July 12, 2011.</i>							

**Table VI-24B**  
**Critical Movement Analysis Summary Future (2014) Without and With Alternative 4 Conditions**

No.	Intersection	Peak Hour	Without Project		Alternative 4			Alternative 4 with San Vicente Median Concepts		
			CMA	LOS	CMA	LOS	Impact	CMA	LOS	Impact
1	Sunset and Kenter	AM	0.925	E	0.931	E	0.006	=	=	=
		PM	1.002	F	1.008	F	0.006	=	=	=
2	Sunset and Bundy	AM	0.912	E	0.915	E	0.003	0.913	E	0.001
		PM	0.806	D	0.814	D	0.008	0.808	D	0.002
3	Sunset and Barrington	AM	0.910	E	0.913	E	0.003	0.911	D	0.001
		PM	0.998	E	1.006	F	0.008	1.004	D	0.006
4	San Vicente and 26 <sup>th</sup> Street (City of Santa Monica)	AM	0.839	D	0.844	D	0.005	=	=	=
			(46.3) <sup>a</sup>	(D) <sup>b</sup>	(46.9)	(D)	(0.6)			
		PM	0.818	D	0.830	D	0.012			
			(46.3) <sup>a</sup>	(D) <sup>b</sup>	(48.1)	(D)	(1.8)			
5 (a)	San Vicente and Bundy (west intersection)	AM	0.873	D	0.883	D	0.010	0.863	D	0.010
		PM	0.987	E	1.030	F	<b>0.043*</b>	1.030	F	<b>0.043*</b>
5 (b)	San Vicente and Bundy (east intersection)	AM	0.739	C	0.770	C	0.031	0.763	C	0.024
		PM	0.869	D	0.989	E	<b>0.120*</b>	0.962	E	<b>0.093*</b>
6	Montana and Barrington	AM	0.633	B	0.633	B	0.000	0.635	B	0.002
		PM	0.855	D	0.855	D	0.000	0.859	D	0.004
7	Montana and Bundy	AM	0.745	C	0.756	C	0.011	0.752	C	0.007
		PM	0.952	E	0.990	E	<b>0.038*</b>	0.979	E	<b>0.027*</b>
8	Montana and San Vicente	AM	0.572	A	0.572	A	0.000	0.575	A	0.003
		PM	0.926	E	1.017	F	<b>0.091*</b>	1.027	F	<b>0.101*</b>
9	San Vicente and Barrington	AM	0.768	C	0.772	C	0.004	=	=	=
		PM	0.958	E	0.970	E	0.012 *			
10	Wilshire and Bundy	AM	1.040	F	1.043	F	0.003	=	=	=
		PM	1.139	F	1.148	F	0.009			
11	Wilshire and	AM	0.787	C	0.788	C	0.001	=	=	=

<u>No.</u>	<u>Intersection</u>	<u>Peak Hour</u>	<u>Without Project</u>		<u>Alternative 4</u>			<u>Alternative 4 with San Vicente Median Concepts</u>		
			<u>CMA</u>	<u>LOS</u>	<u>CMA</u>	<u>LOS</u>	<u>Impact</u>	<u>CMA</u>	<u>LOS</u>	<u>Impact</u>
	<u>Barrington</u>	<u>PM</u>	<u>0.734</u>	<u>C</u>	<u>0.740</u>	<u>C</u>	<u>0.006</u>			
<u>12</u>	<u>Wilshire and San Vicente/Federal</u>	<u>AM</u>	<u>1.020</u>	<u>F</u>	<u>1.021</u>	<u>F</u>	<u>0.001</u>	=	=	=
		<u>PM</u>	<u>1.026</u>	<u>F</u>	<u>1.028</u>	<u>F</u>	<u>0.002</u>	=	=	=

*\* = Indicates significant impact per LADOT or City of Santa Monica traffic impact criteria, as applicable*

*<sup>a</sup> Delay reflects total intersection approach delay in seconds, per HCM methodology.*

*<sup>b</sup> LOS based on total intersection approach delay, per HCM methodology.*

*Source: Hirsch/Green Transportation, Brentwood Town Green, July 12, 2011.*

**VII. PREPARERS OF THE EIR AND PERSONS CONSULTED**

No corrections or additions are provided.

**VIII. LIST OF ACRONYMS AND ABBREVIATIONS**

No corrections or additions are provided.



Source: R.A. Keller Associates, 2011.

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## IV. MITIGATION MONITORING AND REPORTING PROGRAM

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Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the California Environmental Quality Act (CEQA) Guidelines requires that:

*[I]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

A Draft Environmental Impact Report (EIR) was prepared to address the potential environmental impacts of the project. Where appropriate, the Draft and Final EIR identified project design features or mitigation measures to avoid or to mitigate potential impacts identified to a level where not significant impact on the environment would occur. This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures required for the project.

The mitigation measures identified in the Final EIR are categorized by environmental impact section. Following each mitigation measure is identification of the following:

- **Monitoring Phase:** The phase of the project during which the mitigation measure shall be monitored, such as: Pre-Construction (including the design phase); Construction; Prior to Issuance of a Building Permit; Occupancy (post-construction).
- **Enforcement Agency:** The agency with the power to enforce the mitigation measure.
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made.
- **Compliance Action:** The action indicating compliance with the mitigation measure.

The MMRP will be in place throughout all phases of the project. The project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide certification, as identified below; to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The City’s planning, engineering, review, and inspection processes will be used as the basic foundation for the MMRP procedures and will also serve to provide the documentation for the reporting program.

The substance and timing of each certification report that is submitted to City Planning shall be at the discretion of City Planning. Generally, each report will be submitted to City Planning in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. City Planning, in conjunction with the project applicant, shall assure that project construction occurs in accordance with the MMRP. Departments listed below are all departments of the City of Los Angeles, unless otherwise noted.

#### **A. IMPACTS FOUND TO BE LESS THAN SIGNIFICANT**

No mitigation measures provided.

#### **B. AESTHETICS**

No mitigation measures provided.

#### **C. AIR QUALITY**

No mitigation measures provided.

#### **D. GREENHOUSE GAS EMISSIONS**

No mitigation measures provided.

#### **E. CULTURAL RESOURCES**

**E-1** Prior to the issuance of a demolition permit, a report documenting the architectural and historical significance of the Barry Building shall be prepared. The report shall be printed on 8 ½ x 11, archival bond paper. One original copy of the report as specified above shall be assembled and offered to the Southern California Information Center at California State University Fullerton, the Los Angeles Conservancy, the Los Angeles Central Library, and the City of Los Angeles Office of Historic Resources. The report shall include:

- a. A written report according to the Historic American Building Survey (HABS) narrative format, which includes historical and descriptive information.
- b. Duplicates of available historic photographs.
- c. Duplicates of original drawings, if available.
- d. Large format (4" x 5" negative or larger) black and white 35mm photographs based on HABS guidelines. The photographs shall be keyed to a floor and site plan to show the location of each photograph taken. Views shall include the setting, important site features, all exterior elevations, detailed views of significant exterior architectural features, and interior views of significant spaces and features.

**Monitoring Phase:** Prior to issuance of demolition permit

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning; Office of Historic Resources

**Compliance Action:** Confirm delivery of Historic American Building Survey report

**E-2** The applicant shall make a good faith effort to sell the Barry Building prior to demolition to a third party who will relocate the building to a different site. A good faith effort means that the applicant shall advertise the sale of the building for a fair and reasonable sum in a regional or local newspaper of general circulation and appropriate online sources for a minimum of 30 days.

The offer period shall remain open for a minimum of 30 days after the date of the advertisement to allow adequate response from qualified interested persons.

Individuals, groups, or public agencies must meet minimum qualifications as a buyer including the following:

- (1) Have adequate financial resources to promptly relocate the building to a different site;
- (2) Have a readily available and appropriate location for the building;
- (3) Rehabilitate the building such that the physical impacts on the building will be minimal; and
- (4) The purchaser shall be willing to enter into an agreement that would release the applicant of any liability or financial responsibility from hazards association with the building in perpetuity.

**Monitoring Phase:** Prior to issuance of demolition permit

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Compliance Action:** Confirm advertisement and offer period of minimum of 30 days

**E-3** Any coral trees within the San Vicente Boulevard median that are impacted shall be removed and replaced with 36-inch box sized coral trees.

**Monitoring Phase:** During construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Compliance Action:** Confirm that impacted trees are removed and replaced

**E-4 Tree Protection Zone:** A four-foot fence shall be installed at the drip-line (end of the branches) and bordering the area of construction activity for the proposed traffic improvements to reduce the impact to the root system of the coral trees. The registered arborist for the project shall be present and supervise the installation of fencing and any construction activity that may impact the root system of the trees. Before excavation by a tractor, the roots shall be exposed and severed to a depth of 24 inches, using hand tools, to reduce the impact on the root system of the tree.

**Monitoring Phase:** During construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Confirm that tree protection zone has been implemented

**E-5** If any archaeological materials are encountered during the course of the project development, construction shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology - Cal State University Fullerton, or a member of the Society of Professional Archaeologist (SOPA) or a SOPA-qualified archaeologist to assess the resources and evaluate the impact. Copies of the archaeological survey, study or report shall be submitted to the South Central Coastal Information Center (SCCIC) at Cal State University Fullerton. A covenant and agreement shall be recorded prior to obtaining a grading permit.

**Monitoring Phase:** During grading and construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Confirm archaeological survey, study or report submitted to South Central Coastal Information Center

**E-6** If any paleontological materials are encountered during the course of project development, construction shall be halted. The services of a paleontologist shall be secured by contacting the Center for Public Paleontology - USC, UCLA, Cal State Los Angeles, Cal State Long Beach, or the County Natural History Museum to assess the resources and evaluate the impact. Copies of the paleontological survey, study or report shall be submitted to the Los Angeles County Natural History Museum. A covenant and agreement shall be recorded prior to obtaining a grading permit.

**Monitoring Phase:** During grading and construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Confirm paleontological survey, study or report submitted to Los Angeles County History Museum

**E-7** If human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of L.A. Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

**Monitoring Phase:** During grading and construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Public Works; County of Los Angeles Coroner

**Compliance Action:** If human remains are discovered, confirm notification of Department of Public Works; County of Los Angeles Coroner, and Native American Heritage Commission and human remains disposed of according to NAHC guidelines.

## F. GEOLOGY AND SOILS

**F-1** Design and construction of the proposed project shall comply with recommendations outlined in the Geotechnical Investigation, Proposed Commercial Development, 11991, 11977, 11973, and 11961 West San Vicente Boulevard and 644 and 642 South Saltair Avenue, Brentwood District, Los Angeles, California (“Geotechnical Investigation”), dated October 27, 2009, prepared by Geocon West, Inc.

A summary of the recommendations follows (Note, this list is not an exhaustive listing of the recommendations in the Geotechnical Investigation):

### Soil and Excavation

- Caving shall be anticipated in unshored excavations, especially where granular soils are encountered.
- All excavations and trenches shall be properly shored and maintained in accordance with applicable OSHA rules and regulations to maintain safety and stability of adjacent structures.
- The soils encountered at the subterranean level are considered to have a “moderate” (E1=62) expansive potential; and are classified as “expansive” based on the 2007 California Building Code (CBC) Section 1802.3.2. The recommendations in the Geotechnical Investigation assume that foundations and slabs will derive support in these materials.

Minimum Resistivity pH, Chloride and Water-Soluble Sulfate

- It is recommended to use ABS pipes in lieu of cast iron pipe.
- If a waterproofing barrier is used and the concrete is not in direct contact with the soil, the special cement type may be waived at the discretion of the project structural engineer.

#### Grading

- All earthwork shall be observed, and compacted fill tested by Geocon West Inc.
- Special soil handling requirements shall be discussed with the owner, contractor, civil engineer, and geotechnical engineer at a preconstruction conference prior to grading.
- All existing underground improvements planned for removal shall be completely excavated and resulting depressions properly backfilled.

The Geotechnical Report also contains recommendations regarding construction techniques, including:

- Foundation design, settlement, lateral design, concrete slab-on-grade, retaining walls, retaining wall drainage, dynamic (seismic) lateral forces, elevator pit design, elevator piston, temporary excavations, shoring-soldier pile design and installation, tie-back anchors, anchor installation, anchor testing, internal bracing, surface drainage, and plan review.

**Monitoring Phase:** During grading and construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Construction team to confirm compliance with recommendations in the Geotechnical Investigation

## G. HAZARDS AND HAZARDOUS MATERIALS

**G-1** Prior to any construction activities, a Phase II Environmental Site Assessment shall be performed to determine the presence of petroleum hydrocarbons in the soil underlying the project site. . In the event contaminated soil is found, the project applicant shall follow the recommendations for remediation and no building permits shall be issued until the appropriate agency has issued a letter requiring no further action.

**Monitoring Phase:** Prior to grading and construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Confirm receipt of Phase II Environmental Site Assessment, and compliance with recommendations for remediation, if any.

## **H. LAND USE AND PLANNING**

No mitigation measures provided.

## **I. NOISE**

**I-1** The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-2** Construction and demolition shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday, and 8:00 A.M. to 6:00 P.M. on Saturday, and prohibited on all Sundays and federal holidays.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-3** Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-4** Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-5** Flexible sound control curtains shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-6** The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-7** A ½-inch thick plywood barrier extending ten-feet high shall be erected around the project site boundary to minimize the amount of noise on the surrounding noise-sensitive receptors to the maximum extent feasible during construction.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-8** All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-9** The project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-10** Two weeks prior to the commencement of construction at the project site, notification shall be provided to the immediate surrounding off-site residential, school, and church uses that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

**Monitoring Phase:** two weeks prior to construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Confirmation of notification distribution

**I-11** Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 45 feet from abutting sensitive receptors.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-12** All new mechanical equipment associated with the proposed project shall comply with Section 112.02 of the City of Los Angeles Municipal Code, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than five decibels.

**Monitoring Phase:** Construction and demolition

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**I-13** All exterior windows associated with the proposed single-family residence at the project site shall be constructed with double-pane glass and use exterior wall construction that provides a Sound Transmission Class of 50 or greater as defined in UBC No. 35-1, 1979 edition or any amendment thereto. As an alternative, the applicant may retain an acoustical engineer to submit evidence, along with the application for a building permit, any alternative means of sound insulation sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

## **J. POPULATION AND HOUSING**

No mitigation measures provided.

## **K. PUBLIC SERVICES**

### **1. Fire**

No mitigation measures provided.

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## 2. Police

**K.2-1** Upon completion of the proposed project, the project applicant shall provide the LAPD West Los Angeles Area Commanding Officer with a diagram of each portion of the project site. The diagram shall include access routes and any additional information that might facilitate police response.

**Monitoring Phase:** Post construction, prior to occupancy

**Enforcement Agency:** Department of City Planning; Los Angeles Police Department

**Monitoring Agency:** Los Angeles Police Department

**Compliance Action:** Submittal of plans

**K.2-2** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Project applicant will refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section. These measures shall be approved by the Police Department prior to the issuance of building permits.

**Monitoring Phase:** Prior to issuance of building permits

**Enforcement Agency:** Los Angeles Police Department

**Monitoring Agency:** Department of Building and Safety; Los Angeles Police Department

**Compliance Action:** Confirmation of approval by the Police Department

## 3. Schools

**K.3-1** Prior to construction, the project applicant shall contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impact to school bus routes.

**Monitoring Phase:** Prior to construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning, Los Angeles Unified School District

**Compliance Action:** Confirmation from LAUSD Transportation Branch

**K.3-2** The project applicant shall maintain unrestricted access for school buses during construction.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-3** The project applicant shall comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Documentation that construction vehicle drivers are made aware of this mitigation measure

**K.3-4** The project applicant shall not endanger passenger safety or delay student drop-off or pickup due to changes in traffic patterns, lane adjustments, altered bus stops, or traffic lights.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-5** The project applicant shall maintain safe and convenient pedestrian routes to LAUSD schools.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-6** The project applicant shall maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Los Angeles Unified School District

**Compliance Action:** Documentation of ongoing communication

**K.3-7** The project applicant shall install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Compliance Action:** Field inspection

**K.3-8** The project applicant shall not haul past affected school sites, except when school is not in session. If that is infeasible, not haul during school arrival and dismissal times.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-9** The project applicant shall not conduct staging or parking of construction-related vehicles, including worker-transport vehicles, adjacent to school sites.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-10** The project applicant shall provide crossing guards when safety of students may be compromised by construction-related activities at impacted school crossings.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-11** The project applicant shall install barriers and/or fencing to secure construction equipment and site to prevent trespassing, vandalism, and attractive nuisances.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-12** The project applicant shall provide security patrols to minimize trespassing, vandalism, and short-cut attractions

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Field inspection

**K.3-13** The project applicant shall pay developer fees to mitigate the project's impacts on school facilities.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety, Los Angeles Unified School District

**Compliance Action:** Confirmation of payment

#### **4. Parks**

No mitigation measures provided.

#### **5. Libraries**

No mitigation measures provided.

**M. UTILITIES AND SERVICE SYSTEMS**

No mitigation measures provided

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