

**SEAN G. HYATT**2133 S. Beverly Glen Boulevard, Los Angeles, CA 90025 - (310) 234-1227 - [sghyatt@attglobal.net](mailto:sghyatt@attglobal.net)

September 25, 2002

Ms. Maya Zaitzevsky, Project Coordinator  
Department of City Planning  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

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

Dear Ms. Zaitzevsky:

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

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

Thank you for your attention to my position.

Regards,

  
Sean G. Hyatt

cc: Jack Weiss, Council Member

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CITY OF LOS ANGELES

SEP 27 2002

ENVIRONMENTAL  
UNIT

Westwood South of Santa Monica Blvd. Homeowners Association  
Post Office Box 64213  
Los Angeles, California 90064

September 30, 2002

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OCT 03 2002

ENVIRONMENTAL  
UNIT

Los Angeles City Planning Department  
Environmental Review Section  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

Attn: Ms. Maya E. Zaitzevsky  
City Planning Associate

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

Dear Ms. Zaitzevsky:

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

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

Most importantly, the current health club, fast food restaurants and retail establishments all rely on nearby office dwellers for the majority of their business. To assign 45 and 35 /1000sf FAR's to these establishments is completely erroneous and serves to make a mockery of any attempt to establish daily trip levels for this project. Even at a 50% reduction level, the numbers are not accurate, are inflated and do not reflect reality. In short, the application of the formulas and rates is erroneous as submitted and based upon faulty assumptions. The current Shubert Theater generates the bulk of its trips after working hours and is often dark between bookings. The movie theaters are rarely busy during daytime (or evening) hours; our residents who frequent them can attest to that! And, finally, as has been noted in a number of Appendix letters, the fast food restaurants located in the Entertainment Center complex serve employees and visitors to the existing buildings. They have no street visibility, no street signage, no drive-through windows, no easily accessible (or affordable) parking. Need we re-state the comment made pertaining to the likelihood of a McDonald's patron paying \$16 to park for an hour in order to have their daily ration of McWhatevers? Those customers will happily drive to the McDonalds on Santa Monica Boulevard (just west of Beverly Glen) or to Pico Blvd. West of Prosser to obtain their daily fix. And, when the fast food restaurants are gone, there likely will be numerous office workers from nearby buildings leaving the buildings in their cars to obtain less costly lunchtime alternatives in the community—thus contributing to mid-day traffic.

The Draft EIR identifies six roadways that comprise the Century City North street network and five additional major thoroughfares. Of these 11 streets, 6 either border or are contained in the area represented by the Westwood South of Santa Monica Boulevard Homeowners Association. With every new development in Century City, we are able to observe added traffic, new delays and the resultant impacts. Our local streets and major thoroughfares serve as direct (and indirect) routes to the major freeways serving the

area—the San Diego Freeway (I-405) and the Santa Monica Freeway (I-10). We are painfully aware of current traffic problems and of the impact any additional office space will generate. We have reviewed the summary of the Traffic Impact Study prepared by Crain and Associates and have the following comments:

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

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

#### STREETS:

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

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

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

#### INTERSECTIONS:

Westwood and Santa Monica Boulevards

Sepulveda and Santa Monica Boulevard

Sepulveda and Olympic Boulevards

Sepulveda and Pico Boulevards

Westwood and Pico Boulevards

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

The Draft EIR describes Beverly Glen Blvd. As "a north-south major highway extending from the San Fernando Valley, across the Santa Monica Mountains, and terminates at

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

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

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

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

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

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

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

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

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

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

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

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

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

**ENVIRONMENTAL IMPACTS:** Since there are neighbors to the project both residential and commercial who are more directly impacted by the physical configuration of the proposed project, we would yield to their comments pertaining to environmental

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

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

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

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

**LAND USE:** Project impacts: Because we continue to question the conclusion reached that the project will not add to the Cumulative Automobile Trip Generation Potential (CATGP), we believe that this development should undergo "Project Permit" review under the Century City North Specific Plan (CCNSP). Again, it is a false assumption to believe that no additional CATGP trips have been allotted beyond those associated with the existing uses. To suggest that the phantom "unutilized" Replacement Trips might then be available to another project is unacceptable. Bartering with these assumed trips is completely unacceptable. We request a new and independent review of existing trips in the buildings to be demolished and in the neighboring twin towers so that actual counts can be established for comparison. Current customer surveys can help to determine off-



site percentage of customers. In any case, NO "unutilized" Replacement Trips should be offered to other users until any new project is complete, with full occupancy so that actual trip numbers and employee numbers can be compared to the projections made that "created" these trips. Allowing another neighboring building/project to increase in size based upon these estimates only adds insult to injury to those of us who question the conclusions presented.

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

**SCHOOLS:** Please note an error in Table V.K3-1. It identifies Westwood Elementary School as being located at 615 Holmby Avenue. Westwood Elementary is on the 2000 block of Selby Avenue. Warner Elementary School is north of Wilshire. Residents who live in the project area who live north of Olympic Blvd. send their high school students to University High School in West L.A. Those living south of Olympic attend Hamilton, which is included in the chart.

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

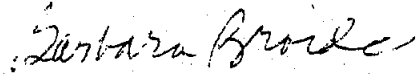
**ENVIRONMENTAL SETTING:** The Related Projects list (p. 68) does not include mention of an effort to add additional floors to the building formerly housing the Century City offices of the Auto Club of Southern California on Century Park East. This has been brought to our attention recently.

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

We are grateful to have the opportunity to have our comments considered and trust that another effort to measure the potential peak travel impacts of this project will be made before planning proceeds any further. We would encourage the developer to consider a

more mixed-use project with less space dedicated to peak-travel time generating uses.  
We look forward to participating in the discussion of the issues involved.

Sincerely,



Barbara Broide  
Secretary of the Board  
Westwood South of Santa Monica Blvd. Homeowners Association

cc: Councilman Jack Weiss, 5<sup>th</sup> District  
Ms. Renee Schillaci

LAW OFFICES  
CHRISTENSEN, MILLER, FINK, JACOBS, GLASER, WE L & SHAPIRO, LLP  
2121 AVENUE OF THE STARS  
EIGHTEENTH FLOOR  
LOS ANGELES, CALIFORNIA 90027-5010  
(310) 553-3000  
FAX (310) 556-2920

DIRECT DIAL NUMBER  
(310) 282-6254  
EMAIL: CBRONOWSKI@CHRISMILL.COM

September 30, 2002

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CITY OF LOS ANGELES

SEP 30 2002

ENVIRONMENTAL  
UNIT

VIA FACSIMILE AND U.S. MAIL

Maya E. Zaitzevsky  
Project Coordinator  
Department of City Planning  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

Re: 2000 Avenue of the Stars  
Draft Environmental Impact Report  
EIR Case No. ENV-2001-4027-EIR

Dear Ms. Zaitzevsky:

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

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

The Century Plaza and the St. Regis have been an important part of Century City and the City of Los Angeles for over 30 years. Both hotels generate substantial tax revenue for the City. In addition, every sitting President of the United States since Lyndon Johnson has stayed at the Century Plaza. The personnel associated with the Presidential visits stay at both the Century Plaza and the St. Regis. Numerous other dignitaries and White House personnel have stayed at

both hotels. The hotels are a preferred location for Presidential visits, and for other dignitaries, not only because the hotels are a beautiful place to stay, but because the configuration of the hotels allows law enforcement to provide the protection necessary for these high-profile visits.

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

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

1. Demolition and Construction Impacts.

A. Noise:

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

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

Mitigation Measure N-1 provides that:

All exterior construction and demolition activities located within 500 feet of a residence or hotel shall occur between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday, pursuant to the City of Los Angeles Municipal Code Section 41.40 (p. 186).

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

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

### B. Truck Traffic:

The DEIR states that the precise haul route to be used during demolition and construction of the site has not been approved, but will be approved through the City's haul route approval process (p. 227). However, the DEIR indicates that the general haul routes currently envisioned are as follows:

Inbound: Approaching from the north, south, east or west, vehicle would travel the 10 Freeway and exit at Overland Boulevard. Proceed north to Fico Boulevard, east on Pico Boulevard to Avenue of the Stars, and north to the Project site (p. 227)

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

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C. Dust and Air Quality:

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

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

2. Pedestrian Circulation:

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

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

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

3. Aesthetics.

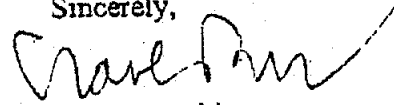
The DEIR fails to analyze the aesthetic impact the Project will have on the Century Plaza and the St. Regis either during the demolition and construction phase or in the long-term.

The negative aesthetic impact created by Project construction can be mitigated by requiring an extensive landscape buffer on the Avenue of the Stars median that separates the Century Plaza and St. Regis from the Project site during the demolition and construction phase and by requiring attractive, adequate and well-maintained construction barriers

A negative aesthetic impact will result from the Project in that the Project design replaces a low scale building facing the Century Plaza Hotel with a 15-story office building, which will create a "corridor" effect on Avenue of the Stars in stark contrast to the current Open Plaza currently in place. The Project will also substantially reduce the existing pedestrian corridor underneath Avenue of the Stars, changing the aesthetics of the Open Plaza level between the Century Plaza and the Project. The DEIR does not discuss the negative aesthetic impact that this closure will have on the Century Plaza. Adequate mitigation should be imposed to ensure that a permanent, quality, attractive wall, integral to the Project design, be installed facing the Century Plaza in the area which currently contains the 50 foot wide pedestrian corridor.

We appreciate the opportunity to comment on the DEIR and look forward to continuing to participate in the public review process.

Sincerely,



Clare Bronowski

of CHRISTENSEN, MILLER, FINK, JACOBS  
GLASER, WEIL & SHAPIRO, LLP

CB:mmc

cc: Councilmember Jack Weiss  
Planning Director Con Howe  
Jack Spound

FRED GAINES  
SHERMAN L. STACEY  
LISA A. WEINBERG  
REBECCA A. THOMPSON  
NANCI SESSIONS-STACEY  
KIMBERLY A. RIBLE

LAW OFFICES OF  
**GAINES & STACEY LLP**  
WARNER CENTER PLAZA  
21650 OXNARD STREET, SUITE 500  
WOODLAND HILLS, CA 91367-4901

TELEPHONE (818) 593-6355  
(310) 394-1163  
FACSIMILE (818) 593-6356  
INTERNET: WWW.GAINESLAW.COM

September 30, 2002

**ORIGINAL SENT BY MESSENGER**

**VIA FACSIMILE (213) 978-1373**

Maya E. Zaitzevsky, Project Coordinator  
Los Angeles City Planning Department  
Environmental Review Section  
200 North Spring Street, Room 763  
Los Angeles, CA 90012

Re: 2000 Avenue of the Stars Draft EIR  
Environmental Clearing House No. 2002011024  
Case No. ENV-2001-4027-EIR

RECEIVED  
CITY OF LOS ANGELES  
SEP 30 2002  
ENVIRONMENTAL  
UNIT

Dear Ms. Zaitzevsky:

This letter is submitted on behalf of our client, the Cheviot Hills Homeowners Association ("CHHA"), for the purpose of providing comments on the Draft Environmental Impact Report ("DEIR") for the above-referenced 2000 Avenue of the Stars project (the "Project"). While CHHA is gratified that the City recognized the necessity of an Environmental Impact Report ("EIR") for the Project, rather than the originally envisioned Mitigated Negative Declaration, CHHA finds that the DEIR that was prepared is wholly inadequate in its disclosure and evaluation of the proposed project's environmental impacts, mitigations, and alternatives.

As detailed below, the DEIR is legally inadequate and must be substantially revised and recirculated. In addition, given the size and scope of the Project, and the substantial public controversy surrounding the Project, public hearings should be held to solicit additional comments regarding the DEIR and to review the revised recirculated DEIR and Final Environmental Impact Report ("FEIR") which may result.

Submitted along with this report is an additional professional study, conducted on behalf of CHHA by Arthur L. Kassan, P.E., Consulting Traffic Engineer, dated September 26, 2002, which constitutes separate and additional comments and criticisms of the DEIR. As required by the State CEQA Guidelines, *California Code of Regulations*, Title 14, §§15000 *et seq.*, this report must be separately reviewed, analyzed and responded to before any action may be taken with regard to the DEIR.



I.  
INTRODUCTION.

CHHA is an incorporated association of property owners and residents in the Cheviot Hills area, and in particular along the Motor Avenue corridor directly south of the proposed Project. Motor Avenue, once a quiet and highly sought after residential address, has become one of the Los Angeles area's most significant traffic nightmares. The traffic congestion, noise, pollution and other impacts on this area have been exacerbated by the high concentration of commercial development that has occurred in the Century City North Specific Plan area. While the City has claimed that the traffic impacts of other recent projects (most notably the Fox Studios expansion) on the Cheviot Hills area would be mitigated, the truth is that years after that project was complete, the area is just as badly impacted as before. Despite the erroneous conclusions of the DEIR, this new Project will add additional traffic trips each day to this already heavily congested area. This is a cause for alarm for CHHA and for all who travel the Motor Avenue corridor.

CHHA wrote to the City on February 4, 2002, in response to the then pending Notice of Preparation for the DEIR. In that correspondence, CHHA set forth a number of specific areas of concern to be included for analysis in the DEIR. The DEIR now in circulation fails to include any analysis of the many issues raised in the February 4, 2002 correspondence, and in particular with regard to the analysis of traffic, circulation, and parking impacts, including actual trip counts and queuing data from the affected area, the analysis of air quality impacts, the analysis of cumulative impacts, and the analysis of impacts on existing and planned land uses.

Furthermore, the separate report filed with this correspondence clearly shows that the traffic and parking impacts of the Project have been inadequately addressed and that the public and the Lead Agency have not been fully informed by the CEQA process. As addressed in considerable detail in Mr. Kassan's report, and further addressed herein, the traffic impacts of the project, and consequently the traffic-related impacts including air quality, are improperly understated (inaccurate trip generation, overstating trip credits from existing uses, etc.). Consequently, the alternatives which are flawed in themselves do not provide a fair comparison to the true impacts of the project. The DEIR warrants recirculation as it fails to provide a meaningful analysis to the decision maker.

Following a brief summary of argument, this letter will set forth in detail CHHA's comments on the DEIR. The letter first sets forth the legal inadequacies of the DEIR. The letter then provides a paragraph by paragraph discussion of the substantive issues raised in the DEIR. It should be noted that the arguments and evidence presented herein are in addition to the arguments and evidence presented in the separate report filed with this correspondence, and any other arguments or evidence which the City may receive from individual members of our client association.

## II. SUMMARY OF ARGUMENT.

The DEIR for the Project is legally inadequate, and must be substantially revised and recirculated for all of the following reasons:

- Project Description.

The DEIR does not accurately describe the physical condition of the Project site as it existed at the time of publication of the Notice of Preparation. Specifically, the description of the existing uses at the Project site does not appear to be accurate, and does not note that most of the existing buildings on the Project site have been vacant for some time.

- Traffic.

The DEIR is woefully inadequate with regard to its analysis of traffic, transportation, circulation and parking impacts. Most glaringly, the DEIR fails to use actual trip count data for the existing uses on the site of the proposed project. By inflating the trips generated by the existing, mostly vacant, theaters, restaurants and retail, the DEIR absurdly concludes that the proposed Project will generate less traffic than the existing Project. This conclusion is simply a transparent attempt to bypass the need for a Project Permit under the Century City North Specific Plan, and to avoid necessary mitigation measures for the actual increase in peak hour traffic. The DEIR wrongly assumes that either tandem parking, or off-site parking for which it does not have an existing covenant, would be adequate to meet City parking requirements. The DEIR also assumes that the Project will receive approval for a ten percent reduction in parking requirements, when it has neither applied nor received approval therefore, from the City.

- Air Quality.

The DEIR fails to provide any meaningful analysis of air quality impacts as a result of the utilization of improper assumptions regarding traffic generation.

- Land Use.

The DEIR inaccurately concludes that the Project will not require a Project Permit under the Century City North Specific Plan ("CCNSP") because it will not create any net new trips. This conclusion, however, is based on the erroneous assumptions regarding existing trip generation from the flawed traffic analysis.

- Cumulative Impacts.

The discussion of cumulative impacts in the DEIR is woefully inadequate. The DEIR concludes that the Project does not contribute to cumulative impacts based on the undercounting of traffic and air quality impacts referenced above. The document does not recognize that the Project's impacts must be considered in relation to those caused by the Fox Studios expansion, the Constellation Place project in Century City, the proposed expansion of the Century City Shopping Mall, and the street improvements planned for Santa Monica Boulevard.

- Project Alternatives.

The analysis of the "no project" alternative is inadequate and misleading because it improperly focuses on alleged projected future conditions rather than current conditions.

- Mitigation Measures.

The DEIR's traffic analysis relies on mitigation measures which have not yet been developed and require further study and subsequent formulation of a plan, or are of questionable value as being able to substantially lessen or completely eliminate the project's adverse impacts. As such, the alleged mitigation measures fail to meet CEQA standards and are meaningless.

In light of the deficiencies noted above, the DEIR must be revised and recirculated for additional comment based on an accurate analysis of the Project's impacts as compared to the actual, current status of the Property.

### III.

#### **THE DRAFT ENVIRONMENTAL IMPACT REPORT IS LEGALLY INADEQUATE AND CERTIFICATION WOULD CONSTITUTE PREJUDICIAL ERROR AND ABUSE OF DISCRETION.**

The California Environmental Quality Act ("CEQA") requires a lead agency to certify a Final EIR as complete and in compliance with CEQA, and to consider the information contained therein, before approving a project. See Public Resources Code §§ 21000 *et seq.*; State CEQA Guidelines ("Guidelines"), *California Code of Regulations*, Title 14, §15090. An adequate EIR must be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of the environmental consequences of the project being studied. See Guidelines § 15151. The EIR must include detail sufficient to enable those who did not participate in its preparation to understand and consider meaningfully the issues raised by the proposed project. See, *Laurel Heights Improvement Association v. Regents*, 47 Cal.3d 376, 405 (1988). Although CEQA does not mandate perfection,

prejudicial abuse of discretion occurs if the failure to include relevant information in the EIR precludes informed decision making and informed public participation, thereby "thwarting the statutory goals of the EIR process." *See, Laurel Heights, supra*, 47 Cal.3d at 403-405. In short, CEQA requires an EIR to include a good faith effort at full disclosure. *See* Guidelines §15151.

Achieving the CEQA purpose of preserving and enhancing the environment requires adequate disclosure of project information and active involvement of the public at each stage of the decision making process. Under CEQA, decisions regarding a proposed project cannot be made in a vacuum or under a veil of secrecy. Rather, they must be made under the watchful eye of the public so as to reassure "an apprehensive citizenry that the agency has, in fact, considered the ecological implications of its actions," *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 86 (1974), and to affirmatively demonstrate that the environment is being protected. *People ex rel. Department of Public Works v. Bosio*, 47 Cal.App.3d 495, 528 (1975).

As the foundation on which project decisions are made, the EIR is the "heart" of this public review process. *See, County of Inyo v. Yorty*, 32 Cal.App.3d 795, 810 (1973); *Laurel Heights Improvement Association v. Regents* ("Laurel Heights II"), 6 Cal.4th 1112, 1123 (1993); Guidelines § 15003(a). The EIR serves as an "environmental alarm bell" whose purpose it is to alert the public and its responsible officials to the environmental impacts associated with a proposed project. *See, County of Inyo, supra*, 32 Cal.App.3d at 810. The public's ability to analyze and make comments on the adequacy of the EIR is therefore critical to insure all relevant information is considered before a decision with potentially significant and irreversible effects is made. *See, Laurel Heights, supra*, 47 Cal.3d at 392; *Laurel Heights II, supra*, 6 Cal.4th at 1123; and, *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 564 (1990).

The principles of public comment and informed decision-making apply with full force to the DEIR for the 2000 Avenue of the Stars Project. However, as discussed below, both the Project and the DEIR are seriously defective and, therefore, do not meet the requirements mandated by CEQA. The DEIR is so fundamentally flawed that CEQA's goal of meaningful public participation and informed decision-making can only be achieved by revising and recirculating the DEIR. Many of the Project's most significant environmental impacts have been grossly understated or swept under the rug, and certification of the DEIR in its current form would constitute a prejudicial abuse of discretion. Accordingly, CHHA objects to the certification of the EIR and to the approval of the project for all of the following reasons:

A. Inadequate Project Description.

CEQA requires an accurate and consistent project description. *See* Guidelines § 15124. An accurate description is necessary to determine the scope of environmental review. Courts have repeatedly found that only through an accurate view of the project may affected outsiders and public decision

makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantages of terminating the proposal, and weigh other alternatives in the balance. An accurate, stable and finite project description is the "sine qua non" (indispensable requisite) of an informative and legally sufficient EIR. See *McQueen v. Board of Directors*, 202 Cal App. 3d 1136, 1143 (1988); *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185 (1977).

The project description in the DEIR fails to meet the standards as it is neither accurate, stable, nor finite. For example, the project description states that the Project parking garage will either provide 6,358 parking spaces on-site, or 5,867 parking spaces on-site. (DEIR, p. 61.) This discrepancy is masking a significant variation in the Project's parking impacts.

Likewise, Guidelines §15125(a) requires the DEIR to compare the proposed Project with the **actual** existing project, not the existing project as it would be if it were completely occupied as a Class A project. Guidelines §15125(a) provides, in pertinent part, that "(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, **as they exist at the time the notice of preparation is published**, . . . from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. . . ." The official "Discussion" included with §15125(a) notes that:

"Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. The description of the pre-existing environment also helps reviewers to check the Lead Agency's identification of significant effects. . . . Subsection (a) clarifies that the 'environmental setting' is intended to mean the environmental conditions as they exist at the time the Notice of Preparation is filed. This gives the lead agency greater certainty regarding the setting which must be described. The subsection goes on to provide that normally the environmental setting describes the baseline conditions against which the significance of any physical change in the environment that may occur as a result of the project will be measured."

A project description that omits, or allows modification of, significant integral components of the project will result in an EIR that fails to disclose the actual impacts of the project. See *Santiago County Water District v. County of Orange*, 118 Cal App 3d 818 (1981). In this case, the project description has ignored the CEQA rules and many of the important facts of the project, thereby frustrating the goal of fostering meaningful public participation in the CEQA process. Therefore, since the project description is inadequate, inaccurate, vague and unstable, the analysis of the project impacts is inadequate as well, and precludes informed decision-making.

B. Traffic.

The DEIR is woefully inadequate in its analysis of traffic, parking, circulation and transportation impacts which will be caused by the proposed Project. The deficiencies in this area are virtually top to bottom. Starting with the existing condition information, the DEIR assumes ridiculously inflated trip counts for the existing uses, trying to make it seem as though the proposed Project will not create additional trips. This is shown in the absurd claim, for example, that the McDonalds and other fast-food type restaurants in the Entertainment Center generate between 4,873 and 15,277 average daily trips. This flies in the face of the obvious reality that virtually none of the visitors to the McDonalds or other fast-food restaurants in the center have made a special vehicle trip there, and paid \$16 per hour to park, for those uses. An actual trip count, including a survey of patrons of those restaurants, would certainly show that virtually all of those are "bypass trips," or people who walked to the restaurants from their adjacent offices, or before visiting the movie theater or Shubert Theatre.

By inflating the trips generated by the existing restaurants, retail and theaters, the DEIR absurdly concludes that the proposed Project will generate less traffic than the existing Project. This conclusion is simply a transparent attempt to bypass the need for a Project Permit under the Century City North Specific Plan, and the need for the Project to provide adequate mitigation measures.

The DEIR needs to contain a complete analysis of current actual trip counts (based on manual counts, not on ITE Manual estimates), showing actual traffic and parking usage generated by the Entertainment Center only (not the adjacent twin towers), and showing both AM and PM peak hour counts, along with average daily trips, from both weekdays and weekends. These counts must be taken on appropriately representative dates, and not on general holidays, religious holidays, or school vacations. Then, the DEIR must show the same information for the proposed Project so that the impacts can be accurately compared against the actual current situation.

C. Air Quality.

The DEIR fails to provide any meaningful analysis of air quality impacts as a result of the utilization of improper assumptions regarding traffic generation. The failure to utilize appropriate basic data regarding increases in traffic generation results in the DEIR incorrectly finding no significant impact to air quality during operation of the Project. At maximum occupancy of the site, a quantitative determination completely lacking from the DEIR, significant air quality impacts will occur. The complete failure of the DEIR to seriously review air quality impacts renders it defective and requires restudy and recirculation prior to certification of a Final EIR.

D. Land Use.

The DEIR inaccurately concludes that the Project will not require a Project Permit under the Century City North Specific Plan ("CCNSP") because it will not create any net new trips. This conclusion, however, is based on the erroneous assumptions regarding existing trip generation from the flawed traffic analysis. Once a proper trip generation study is conducted based on actual traffic counts, it will be apparent that the proposed Project will create new trips, and a Project Permit will be required under the CCNSP. Thus, the DEIR fails to describe and analyze a potential significant adverse impact on land use in the Project area primarily as the result of a failure to include any detailed description of the land use approvals needed for the Project and to correctly identify the need for additional land use approvals. Without such proper definitions it is, of course, impossible for the DEIR to provide sufficient analysis of the Project's affect on land use and of the cumulative affect of this approval along with recent land use approvals on other properties in the area.

E. Cumulative Impacts.

A DEIR must not only analyze the environmental effects of a project, but also the cumulative effects of the project together with past, present and future projects producing related impacts. See, e.g. Public Resources Code §21083(b); Guidelines §15131. Such an analysis must also include an evaluation of the growth inducing effects of the project. In addition, a DEIR must include an analysis of the environmental effects of actions that are a reasonably foreseeable consequence of the initial project that will likely change the scope or nature of the initial project or its environmental effects. *See Laurel Heights, supra*, 47 Cal.App.3d at 396.

This proposed Project cries out for a detailed analysis of cumulative impacts. It is the cumulative effect of the four major projects within a one mile radius of the Project site that have caused many of the existing environmental impacts in the area. Nevertheless, the discussion of cumulative impacts in the DEIR is woefully inadequate. It concludes that the project does not contribute to cumulative impacts based on the undercounting of traffic and air quality impacts referenced above. The document does not recognize that the Project's impacts must be considered in relation to those caused by the Fox Studios expansion, the Constellation Place project in Century City, the proposed expansion of the Century City Shopping Mall, and the improvements to Santa Monica Boulevard.

IV.

**THE DRAFT ENVIRONMENTAL IMPACT REPORT MUST BE REVISED AND  
RECIRCULATED IN LIGHT OF THE SIGNIFICANT NEW INFORMATION AND  
INFORMATION WITHHELD FROM THE CURRENT DRAFT REPORT.**

A lead agency is required to recirculate a DEIR when significant new information is added to the report after notice is given of the availability of the DEIR for public review. *See*, Guidelines § 15088.5(a); *See also*, *Mountain Lion Coalition v. Fish and Game Commission*, 214 Cal.App.3d 1043 (1989). New information is "significant" if the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantially adverse environmental affect of a project or a feasible way to mitigate or avoid such an effect that the project proponent has declined to implement. *Id.*; *See also*, *Laurel Heights II, supra*, 6 Cal.4th at 1112.

It has been held, and the CEQA Guidelines specifically provide, that "significant new information" requiring recirculation includes a "disclosure showing that .... the Draft Environmental Impact Report is so fundamentally flawed and conclusionary in nature that meaningful comment and public review were precluded." *See*, Guidelines § 15088.5(a)(4); *see also*, *Mountain Lion Coalition, supra*, 214 Cal.App.3d 1043. Guidelines § 15088.5 states that "significant new information" requiring recirculation includes a significant new environmental impact resulting from a new mitigation measure. Public Resources Code § 21166 requires recirculation or the preparation of a Subsequent or Supplemental EIR, whenever one or more of the following events occur: (a) substantial changes are proposed for the project which will require revisions to the EIR, (b) substantial changes in circumstances under which the project is being under taken occur which require revisions in the EIR, or (c) new information, which was not identified in the DEIR, becomes available.

As detailed in this and other comments received regarding the DEIR, the DEIR omits analysis of significant environmental impacts, which consequently calls into question the appropriateness and accuracy of all of the analysis. The revisions necessary to cure such omissions constitute significant new information that warrants recirculation of the DEIR before it can be deemed legally adequate.

V.

**SPECIFIC DEFICIENCIES OF THE DEIR.**

This section of the letter will provide specific paragraph by paragraph comments on the substantive deficiencies in the DEIR:

**Page 49:**

Table III-2 in the Project Description section of the DEIR states that the Existing Uses on the Area to be Redeveloped include 287,701 square feet of office use, 148,481 square feet of theater use,



144,390 square feet of restaurant use, 57,316 square feet of retail use, and 40,934 square feet of health club use. The DEIR does not identify any source for these figures. What is the source? The figures do not appear to reflect the reality of the space usage even when the current project was fully or substantially leased; it certainly does not reflect the current usage, as the existing buildings have been vacant or substantially so for quite some time.

The DEIR must identify how much of the actual, verifiable square footage of the existing buildings are currently occupied, and how long the vacant spaces have been unoccupied. This is critical information, as the analysis of the proposed Project's impacts on traffic, air quality, etc., all depend on assumptions as to the current buildings' impacts, all of which are grossly overstated in the DEIR.

**Page 61:**

**Required Parking:** The Project Description states that "the total code-required parking spaces for the proposed Project is 6,065 spaces and includes parking space reductions pursuant to Los Angeles Municipal Code Section 12.21-A4(c) and Section 12.24-Y. Section 12.21-A4(c) provides for parking reductions for bicycle spaces provided on-site. In addition, Section 12.24-Y provides further parking reductions for commercial buildings located within 1,500 feet from a transit facility."

This conclusion that there are only 6,065 parking spaces required for the proposed Project under the Municipal Code apparently derives from the "parking study" attached as Exhibit A to the traffic study included at Appendix 18 to the DEIR. However, this document wrongly assumes that the Project is automatically entitled to the ten percent credit under Municipal Code § 12.24-Y, and just cuts 206 parking spaces off of the project's requirements as though it were a *fait accompli*. As shown below, the 206 parking space reduction is not available until the developer makes an application, a public hearing is held, and the City makes certain specific findings. (The DEIR recognizes this requirement at page 65: included in its list of necessary project approvals is "Reduction of off-street parking spaces approval by the Department of City Planning.") Unless and until those things are accomplished, **the actual parking requirement for this project is 6,271 spaces.**

Specifically, the DEIR's statement that only 6,065 spaces are required is an unsupportable, faulty assumption. Municipal Code § 12.24-Y provides, in pertinent part, that:

"A reduction in the number of off-street parking spaces required by Section 12.21 A 4 may be permitted by the Director as the initial decision-maker or by the Area Planning Commission as the appellate body. . . .

"If the Director finds that a commercial or industrial building is located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station, or other similar transit facility, then the required number of parking spaces for that commercial or industrial building shall be decreased by ten percent of the number otherwise required by Section 12.21 A 4 (c). . . .

"A station may be used as the basis of the reduction if the Director decides that it is currently in use; that a full funding contract for a proposed station's location and portals have been signed by all funding partners; or that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Transportation Commission by a resolution detailing specific stations and portal locations. Before approving a parking reduction application filed pursuant to this subdivision, a Director shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot; and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

"In the following cases, an application pursuant to this subsection shall be set for public hearing and notice shall be given pursuant to Section 12.27 C: (i) when it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or (ii) when the application is likely to evoke public controversy. . . ."

As the City has already seen when it attempted to use only a Mitigated Negative Declaration for this Project, this is a Project that "is likely to evoke public controversy." Clearly, a public hearing will be required before the Director can act upon an application for a reduction of off-street parking spaces pursuant to § 12.24-Y. The Director will need to make all the required findings before the reduction can be approved, and the Area Planning Commission will have to uphold those findings on appeal. The DEIR cannot merely assume that the application will be granted. It must analyze whether the Project provides adequate parking under the current ordinances applicable to the Project.

Tandem Parking Alternative: The DEIR proposes to meet the required parking by providing tandem parking on all parking levels. There is no basis in the Municipal Code for the provision of required parking through tandem parking. Nor does the Project include an enforcement mechanism by which the City will be ensured that the Project will continue to provide attendants and make all tandem parking spaces available after the Project is operating. The tandem parking spaces cannot be used to meet the Code required parking for the Project. As such, the Project has an unmitigated significant impact on parking.

On-Site and Off-Site Parking Alternative: The DEIR states that the Project could satisfy its parking requirements through 5,867 on-site parking spaces and 451 off-site parking spaces. The DEIR ignores a letter that is included in Exhibit 20 to the DEIR. This February 4, 2002 correspondence from Allan L. Abshez, counsel for Century City Garage Partners L.P. ("CCGP"), owner of those off-site parking spaces, states that "[b]ecause the applicant has no authority to represent that the CCGP's parking garage is part of its new project, and because the [off-site parking covenants] will be terminated in accordance with their own terms and by operation of law, **451 off-site parking spaces will not be provided on CCGP's property** as erroneously represented in the applicant's and the City's materials." (Emphasis added.)

The DEIR blithely ignores this vital information and assumes that the off-site parking spaces will be available for the project. Thus, the DEIR ignores the significant adverse impact on parking that this alternative will produce when only the 5,867 parking spaces are available, and 6,271 spaces are required by Code.

**Page 101:**

The DEIR admits that the "Project traffic data utilized to assess the Project's mobile source air quality impacts was obtained from the Project traffic study . . . (Appendix 18). As shown in this letter and the enclosed Kassan study, the Project traffic study seriously overstates the existing project traffic, and as a result, seriously understates the increase in Project-generated traffic. As a result, the air quality impacts are equally understated. When the traffic impacts are properly analyzed and disclosed, the air quality impacts will need to be re-analyzed accordingly.

**Pages 106-112:**

At page 106, the DEIR states that the existing project generates 19,161 daily trips, for a total of 172,449 vehicle miles traveled (VMT). This statement is obviously ridiculous. The existing project is currently virtually vacant, and has been nearly so for years. The existing project generates very few trips at all.

This gross overstatement of the existing project's VMT is critical, because it is used as a comparison point for the 12,450 daily trips and 112,050 VMT expected to be generated by the proposed Project (see DEIR, at p.111). By overstating the existing project's daily trips in this manner, the DEIR draws the conclusion (at p.112) that "the Project results in a net reduction in emissions." This conclusion is pure fantasy. The DEIR must compare the proposed Project with the **actual** existing project, not the existing project as it would be if it were completely occupied as a Class A project. Guidelines §15125(a).

The Draft EIR states that the Notice of Preparation for the Project was issued on January 7, 2002. (DEIR, p. 1.) Thus, the only relevant point of comparison for proposed VMT is the existing project's VMT as of January 7, 2002. Because the existing project was virtually vacant on that date, this certainly was nowhere near the 172,449 VMT described at p. 106 of the DEIR.

Furthermore, the text completely ignores the numbers in Table V.B-10 on p. 112 showing that the proposed Project will exceed SCAQMD Thresholds for CO, ROG, and NOx by up to 800%. This admission alone mandates that the DEIR find that the Project has a significant adverse impact on air quality. The DEIR must be revised and recirculated, and must include appropriate mitigation measures for this Project's significant air quality impacts.

**Page 117:**

Because of the foregoing misanalysis, the DEIR wrongly concludes that "the proposed Project would not result in significant unavoidable impacts."

**Page 154:**

This is the only place in the DEIR where the vacant status of the existing project is even acknowledged, and yet it is grossly underplayed and improperly brushed aside. The DEIR states that "[i]n anticipation of the 2000 Avenue of the Stars project, some tenants occupying the existing facilities at the Project site (the ABC Entertainment Center) have started to vacate the leased spaces. In addition, the Shubert Theater left the site as of January 2002." In fact, virtually the entire existing project appears to be vacant, and has been for some time. We believe that most of the existing project has been operating at minimal occupancy for several years. The DEIR needs to provide specific, detailed information as to the occupancy of the entire existing project over the last five years, and especially as of January 7, 2002, so that the actual use of the existing project can be assessed and used as a baseline for determining the proposed Project's impacts as required by CEQA Guidelines §15125(a).

The DEIR goes on to state, irrelevantly, that "if this Project were not to occur, the existing buildings could be re-leased and fully occupied in the future." The only consideration for the DEIR is how the proposed Project compares to the environmental conditions existing at the time that the Notice of Preparation was published on January 7, 2002.

**Page 162:**

The DEIR inaccurately concludes that the Project will not require a Project Permit under the Century City North Specific Plan ("CCNSP") because it will not create any net new trips. This conclusion, however, is based on the erroneous assumptions regarding existing trip generation from the flawed traffic analysis. Once a proper trip generation study is conducted based on actual traffic counts, it

will be apparent that the proposed Project will create new trips, and a Project Permit will be required under the CCNSP. Thus, the DEIR fails to describe and analyze a potential significant adverse impact on land use in the Project area primarily as the result of a failure to include any detailed description of the land use approvals needed for the Project and to correctly identify the need for additional land use approvals. Without such proper definitions it is, of course, impossible for the DEIR to provide sufficient analysis of the Project's affect on land use and of the cumulative affect of this approval along with recent land use approvals on other properties in the area.

**Page 213:**

The DEIR wrongly states that "Pico Boulevard, a major highway, provides up to three lanes both eastbound and westbound." In fact, there are only three lanes when parking is lifted, and this is only for a brief amount of time each day. It never occurs in both directions at the same time.

**Page 215:**

The DEIR wrongly states that "Motor Avenue. . . is striped with two lanes in each direction between Pico Boulevard and Monte Mar Drive. . . ." In fact, Motor Avenue has only one southbound lane and two northbound lanes between Pico and Monte Mar.

**Page 223:**

The DEIR claims that the "subject property is currently developed with a variety of uses. These uses include office, live theater (Shubert Theater), movie theater (Loew's Cineplex), restaurant, retail and health club." Once again, the DEIR fails to mention that most, if not all, of these uses are, and have been since before January 7, 2002, vacant. As such, all of the methodologies for determining existing project site trip generation are based on fantasy, not reality. The only methodology that would come at all close to reflecting the **actual** trip generation for the existing project would be to conduct actual trip counts.

**Page 224:**

The "conservative analysis" that the Revised Methodology is intended to represent is neither "conservative," nor a true "analysis" of facts. Arbitrarily reducing the trips generated by the high-turnover restaurants, quality restaurants, retail and health clubs by 50% is neither accurate nor adequate. The DEIR does not describe how the 50% figure was derived. Was it based on actual counts? Was it based on experience at similar projects? If so, what projects were those? Or, as we

suspect, was the 50% figure just a product of guess-work, a randomly selected figure that was intended to appease critics of the Initial Study's approach?

As described more fully in the enclosed report by Arthur Kassan, P.E., it would be more rational to reduce trip percentages by 75% to 100% to reflect reality. Additionally, since the existing buildings were vacant, or nearly so, at the relevant date of January 7, 2002, the existing trip counts should be based on actual counts so that vacant buildings are not credited with hundreds or thousands of phantom daily and peak hour trips.

**Page 225-226:**

Table V.M-6 claims that the existing high-turnover restaurant uses at the Project site generate 1,087 AM peak hour trips, and 1,273 PM peak hour trips. However, Tables V.M-4 and V.M-5 claim that these same existing high-turnover restaurant uses at the Project site generate 4,873 average daily trips, and 1,514 PM peak hour trips. These conflicting numbers cannot both be right, and they all are ridiculously high.

To believe that the McDonalds and other fast-food restaurants on site generate 4,873 average daily trips per the CCNSP methodology (Table V.M-4), we would have to believe that 203 trips per hour were made, 24 hours a day, to the ABC Entertainment Center in Century City just to buy a burger and fries. And to purchase this 99¢ meal, we must believe that these 203 carloads per hour, 24 hours a day, were willing to pay \$16.00 per hour to park. When there are two McDonalds drive-throughs within a one mile radius. Come on.

It gets worse, though. Under the Standard LADOT Methodology shown in Table V.M-6, we would have to believe that 15,277 cars per day come to McDonalds and its fast-food neighbors. That would come out to 637 cars per hour, every hour, 24 hours day. So in order to make these numbers more realistic, the Los Angeles Department of Transportation has decided to cut them in half? The conclusion that 7,638 daily trips are generated by this McDonalds is no more believable than any of the others. The LADOT will have us believe that under their "conservative analysis," 543 cars drive to McDonalds during the AM Peak Hour and another 757 drive there in the PM Peak Hour.

As shown in the Kassan Report, these figures are all ridiculous. The entire traffic study is based on a sham. A new traffic study is required: one that will reflect the actual traffic generated by the existing project, as it existed on January 7, 2002, and that compares the actual traffic expected to be generated by the proposed Project. We believe that the new traffic study will show that virtually every patron of any fast-food establishment that was open in the existing project arrived on foot from nearby office buildings or hotels.

This new traffic study must then be included in a revised DEIR that is recirculated for public comment.

**Page 231:**

The DEIR wrongly states that "access to the subterranean parking area will be provided by driveways on the south side of Constellation Boulevard, the west side of Century Park East, the north side of Olympic Boulevard." In fact, visitors to the project currently are barred from accessing the subterranean parking area on Constellation Boulevard because of security restrictions. Thus, visitors that approach the proposed Project from Constellation Boulevard will have to circle the Project to obtain access elsewhere. The DEIR should reflect this reality and examine the traffic and circulation impacts caused by this revised access.

**Pages 231-234:**

With regard to the DEIR's faulty analysis of the Project's parking impacts, please see our comments with regard to page 61, above.

**Page 235:**

Any analysis of future cumulative traffic should not assume that ATCS will increase intersection capacity by at least three percent, or that in combination with ATSAC, will provide a 10 percent minimum increase in intersection capacity, because these assumptions are not based on any objective testing or analysis. They are simply speculation, and it is not proper to minimize assumptions of future traffic conditions on this basis.

**Figures T-6 and T-8:**

These figures show that during the AM Peak Hour, the proposed Project will result in only 9 more vehicles turning right on Pico Boulevard from northbound Motor Avenue, only 18 more vehicles turning left on Avenue of the Stars from eastbound Pico Boulevard, and only 1 more vehicle turning right on Avenue of the Stars from westbound Pico Boulevard. Does the traffic engineer or the City really believe that the addition of **432,223 square feet of Class A office space** on the Project site will only result in only **9 more vehicles** traveling up the most popular route from the Santa Monica Freeway to the Project during the morning commute? This is patently absurd. The assumed traffic distribution in these tables is unbelievable, and completely inaccurate. The traffic study must be completely redone so that it reflects a small semblance of reality.

**Page 238:**

The DEIR describes the construction project on Santa Monica Boulevard, and reveals that it is slated to begin in early 2003 and be completed in the summer of 2005. The DEIR completely fails to address how that construction project will impact traffic and circulation at and near the proposed Project, and the cumulative impacts of the two construction project occurring simultaneously.

**Page 246:**

The NTPP mentioned at this page is vague and undefined. Because the DEIR does not adequately disclose the Project's real traffic impacts, the conclusion that "the Project will not significantly impact any residential streets" is not supported by fact. The NTPP is not included as a Project mitigation measure in the DEIR, nor is it part of the Project's proposed Mitigation Monitoring Program. As such, there is no method for enforcing any promises made by the applicant or the City in any NTPP, making this an illusory measure.

**Page 279:**

The No Project Alternative should reflect the current conditions at the project site—an unoccupied, Class B office building, a vacant theatre, and largely vacant retail, restaurant and cinema uses.

**Page 317:**

The Mitigation Monitoring Plan must include a detailed NTPP, as discussed briefly at page 246 of the DEIR.

**VI.  
ADDITIONAL ISSUES NOT DISCLOSED IN THE DEIR.**

In addition to the foregoing, the DEIR is inadequate because it fails to disclose and analyze the following issues:

1. **Changes in Hours of Peak Traffic Activity**

The DEIR does not examine how the change-over from restaurants and theaters (generally evening and weekend traffic generators) to office space (generally a weekday traffic generator) will affect Project trip generation and peak hours of traffic.



2. Ingress, Egress and Security

The DEIR does not precisely identify all of the Project's proposed entrances and exits, and does not identify all security measures that will be included to ensure public safety.

3. Rooftop Heliport

The DEIR does not prohibit the use of a rooftop heliport or helicopter landing pad. If one is proposed for the Project, the environmental impacts, including noise and air quality, must be disclosed and mitigated.

4. Events in Open Air Plaza

The DEIR does not identify the proposed usage and scheduling of events in the Project's open air plaza.

5. Certificate of Occupancy

The EIR and Mitigation Monitoring Program must condition the issuance of a Certificate of Occupancy for the Project on the completion of all mitigation measures.

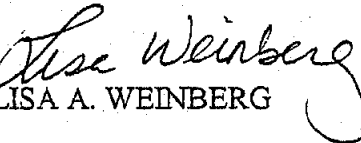
VII.  
CONCLUSION.

In conclusion, for all the reasons stated, the DEIR is legally inadequate and must be substantially revised and recirculated prior to certification. This is one of the last major projects in the Century City area, and it is crucial to CHHA, and to all of the nearby neighborhoods, that this Project's impacts be thoroughly analyzed and fully mitigated.

Please continue to include this law firm on the City's mailing list for any future documents and public hearing notices regarding this matter. Thank you for your consideration. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

GAINES & STACEY LLP

By   
LISA A. WEINBERG

Maya E. Zaitzevsky  
September 30, 2002  
Page 19

cc: The Honorable Rockard J. Delgadillo  
The Honorable Jack Weiss  
George J. Mhlsten, Esq.  
Arthur L. Kassan, P.E.

**ARTHUR L. KASSAN, P.E.**

*Consulting Traffic Engineer*

September 26, 2002

Cheviot Hills Homeowners Association  
c/o Mr. Stan Arcader, President  
P.O. Box 64458  
Los Angeles, CA 90064

Subject: 2000 Avenue of the Stars  
Draft Environmental Impact Report

RECEIVED  
CITY OF LOS ANGELES  
SEP 30 2002  
ENVIRONMENTAL  
UNIT

Dear Association Members:

At your request, I have reviewed the three-volume report, *2000 Avenue of the Stars Draft Environmental Impact Report*, prepared in August 2002, particularly the sections pertaining to Traffic and Transportation. Following are my comments.

1. **The trip generation analysis, comparing "existing conditions" with future conditions, is the foundation of the entire "Traffic Impact Study" that appears as Appendix 18, and the generation analysis is significantly flawed.**
  - a. **Several of the existing uses serve patrons within the Century Plaza complex and adjacent areas almost exclusively. They depend on pedestrians for patronage, and they do not attract meaningful vehicular traffic from outside of Century City.**

Vehicular access to any of the existing uses within the Century Plaza complex requires that the vehicle be parked, usually within the on-site parking structure. The parking structure is large and used extensively. It is usually difficult to find a parking space that is convenient to escalators and elevators. The parking fees are high – \$3 per 15 minutes, with a maximum of \$24. In sum, the parking facility at Century Plaza is unattractive and expensive to use.

The existing "high-turnover restaurants" are not so exceptional that they would attract any patrons to drive to/from Century Plaza to patronize the restaurants. They are similar to other restaurants throughout the metropolitan area. There is no reason to believe that any patrons would drive to Century Plaza for the sole purpose of patronizing the high-turnover restaurants, particularly during the morning and afternoon peak periods of commuter traffic, when many of the streets of Century City and the driveways of the Century Plaza parking structure are congested.

Telephone  
(310) 558-0808

• 5105 Cimarron Lane  
Culver City, California 90230 •

FAX  
(310) 558-1829

Page 2

Of the 14 existing high-turnover restaurants, 6 of them close for business between 3:00 and 4:00 p.m. Obviously they could not be attracting patronage during the 4:00 to 6:00 p.m. commuter traffic period that is one of the study periods for the analyses in the DEIR.

A similar argument can be made regarding the existing retail facilities in Century Plaza. The shops are small and they are meant to serve the employees and visitors of the Century Plaza offices, hotel, theaters, etc. The shops do not have wide trade area attraction, such as the shops in the Century City Shopping Center. There is a small jewelry shop, a greeting card shop, a flower shop, a travel agency, a shoe repair shop, a hair salon, an employment agency, and numerous printing/copying shops. None of those businesses would attract meaningful patronage from outside of the complex, especially by means of vehicle trips.

The only bank in the complex has been closed for over ten years based on the sign above its vacant space, "Security Pacific National Bank", a company that was absorbed by another bank in the early 1990's.

The Meridian Sports Club also appears to be dependent for its patronage on employees of the complex's tenants. The club does not appear to offer any facilities or programs that are unique and would attract vehicular traffic from outside of Century City considering the difficulty of parking at the complex and the time-consuming vertical transportation between the parking and the club.

The "quality restaurants" do draw substantial patronage from outside of the Century City area. However, it is unlikely that as much as 50% of the patrons who enter or leave those restaurants between 4:00 and 6:00 p.m., the afternoon peak period that is studied in the DEIR, would be from outside Century City. Rather, the patrons during those hours are most likely to be employees/visitors of the surrounding offices, etc. who walk in for beverages or early dinners, while the patrons from outside of the area would be arriving after 6:00 p.m.

In summary, more rational estimates of internal trip percentages in the afternoon peak period would be as follows:

- High-turnover restaurants – 100% of entering trips, 95% of leaving trips (The remaining 5% would be employees leaving for the day.)
- Quality restaurants – 75%
- Retail – 100% of entering trips, 95% of leaving trips (The remaining 5% would be employees leaving for the day.)
- Health Club – 95% (The remaining 5% would be employees entering or leaving during the commuter peak period.)

Applying those internal trip percentages would result in considerably LOWER estimates of the trip generation of the existing uses and, therefore, higher estimates of the net increases in trips after the new development is completed. The estimates should be recalculated.

**b. The floor area of the "existing high-turnover restaurants" appears to be over-stated extensively.**

According to the DEIR, the existing high-turnover restaurants occupy a total of 117,212 square feet. There are 14 restaurants of that category listed on the Century Plaza directory. One of them – Java City – appears to be out of business. In addition, there is evidence of a 15<sup>th</sup> restaurant – The Cultured Cow – that may have been in business in the past two years.

The existing high-turnover restaurants range in size from approximately 2,000 to 5,000 square feet per restaurant. With 14 high-turnover restaurants averaging 3,500 square feet, the total floor area of all of those restaurants would be 49,000 square feet, less than half the floor area used in the DEIR analyses. The trip generation estimates should be corrected to be based on the actual and documented restaurant floor areas.

**2. To assure that the impacts of the 2000 Avenue of the Stars traffic will be at or below the levels reported in the DEIR, the City should impose an enforceable TRIP CAP on the development.**

The entire Traffic Impact Study is based on an estimate that the proposed development will actually result in a reduction of the traffic that will be generated at the site compared with the current traffic. To assure that the findings of the study will be realistic, the Applicant should agree to a Trip Cap for the development driveways (taking into account the trips to and from the two existing triangle-shaped office buildings that will remain on the site).

Traffic counts at the driveways should be taken when the proposed new building is 80% filled. If the trips attributable to that building exceed the trips that would be estimated for that proportion of the building, certificates of occupancy should be withheld from an appropriate portion of the building floor area.

After the building is completely occupied, there should be Trip Cap studies every six months for the first five years with reports to the City Council, the Department of City Planning, the Department of Transportation, and the appropriate neighborhood groups.

- 3. The authors of the Traffic Impact Study recommend a Transportation Demand Management (TDM) program to mitigate the significant impacts that they have identified. Such programs have not been shown to be sustainable and effective over long periods. The program presented in Appendix G of the Traffic Impact Study has many inadequacies.**

The goal of the program is stated as a reduction of 5% of all trips. However, the only people to whom the program would be meaningful would be office employees. Restaurant and retail patrons and cultural center visitors may choose to use transit, but they would not be registered with the "on-site employee transportation coordinator" nor would they participate in carpools/vanpools on a regular basis. To achieve the reductions of 47 trips in the morning peak hour would require that 54 entering employees (47 vehicles X 1.15 people per vehicle) would have to switch from cars/trucks to buses or to ridesharing. In the afternoon peak hour, a reduction of 42 trips will require 48 leaving employees to switch to buses or ridesharing. In each peak hour, one entire bus will be required to accomplish the reduction. Who will pay the capital costs of providing the additional bus and the on-going costs of operating the bus?

What are the recently documented experiences with the proposed measures as applied to existing uses within Century City? What is the history and experience of Transportation Management Organizations or similar entities within Century City?

The preferential parking for carpools will consist of two spaces initially. That is a trivial supply and not conducive to attracting ride sharing. Based on a total parking supply of 1,860 spaces for the development, 10% of the supply will be 186 preferential spaces. By providing only two permanent spaces, the authors seem to be conceding a low level of use of those spaces and low effectiveness of the measure.

A "carpool/vanpool passenger staging area" is recommended, but there is no specific information as to its location, the reduction in parking spaces needed to provide the area, and the effectiveness of such areas at other locations within Century City.

Bicycle parking, lockers, and rider showers are recommended. Where would they be located? What is the documented effectiveness of the lockers and showers at existing installations in Century City? Where would the "direct and safe bicycle access" be provided? Apparently, cyclists would have to mix with high volumes of commuter motor vehicle traffic on the Century City streets. What is the current documented usage of bicycles for commuting to/from developments within Century City?

Page 5

"Centralized transportation information displays" are recommended for installation. Where would they be located? Where are similar installations within Century City currently? Who maintains them, and how current is the information? What is their documented effectiveness?

Instead of annual monitoring and reports, as recommended, the monitoring should be done on a semi-annual basis, and the results should be reported at a public hearing at least once per year. What will be the penalties if the TDM goals are not attained, but the building is fully occupied? What are the "appropriate procedures" that will be established with LADOT to ensure that the trip generation of the development is below the limits predicted in the report? Please refer to Comment No. 2, also.

**4. The estimates of parking needs for the proposed development are understated due to two adjustments that probably cannot be validated as being based on actual experience in a complex comparable to Century City.**

The calculation of parking spaces that would be needed to accommodate demands related to the proposed development included reductions for two reasons:

- Provision of bicycle parking spaces in lieu of motor vehicle parking spaces.
- Provision of a "transit center" in conjunction with the construction of a nearby building.

As shown in Appendix A of the Traffic Impact Study, a credit of 43 motor vehicle parking spaces is taken because bicycle parking spaces will be provided. At a normal commuter vehicle occupancy rate of 1.15 people per vehicle, the 43 motor vehicle spaces represent 49 to 50 people who would be riding bicycles instead of commuting in cars or trucks.

Considering the widths of the streets within Century City and the congestion during commuter peak periods, is there any documentation of that level of bicycle commuting at any existing office building in Century City? If not, how would that level be attained here?

A reduction of 206 parking spaces has been taken in the calculation of required spaces for Century Plaza, based on the proximity of a future transit center at Constellation Place. The transit center is not described in the DEIR. What will be the transit services that will be provided? What is the actual distance, by way of attractive pedestrian routes, between the transit center and the Century Plaza development that is the subject of the DEIR?

At 1.15 people per vehicle, the proposed reduction in parking is equivalent to 237 people who would ride the buses instead of traveling in cars/trucks. At 40 passengers per bus, that would require six buses. Is there any documented evidence that shows such a high level of bus commuting to/from existing Century City buildings? What will be the impacts on transit facilities of the addition of 237 new bus commuters in each peak period? How will the bus purchases and daily operating expenses be funded?

- 5. The proposed parking supply will include an unspecified number of tandem spaces with no realistically enforceable method to assure availability of all of the blocked spaces.**

The report does not identify the number of tandem spaces that will be provided. Although it is stated that there will be parking attendants on all levels, it is the experience at many existing office buildings and other types of uses that, after a short time, the attendants are no longer employed, and the blocked spaces are not used, reducing the total parking spaces significantly. A nearby example is at Century City Shopping Center, where the blocked tandem spaces frequently have been taken out of use by barricades and yellow tapes.

- 6. One of the parking supply alternatives depends on the availability of 451 off-site spaces at another development. Considering the magnitudes of the developments that are under way in the area, will those spaces be available for covenanting for the life of the proposed development.**
- 7. The report does not include descriptions and evaluations of the proposed driveways to and from the parking structure.**

How many lanes will be available at each driveway? Where will entry and exit gate controls be located, and what will be the storage capacities on the approaches to the controls? What will be the entering and exiting trip volumes at each driveway with the security measures in effect?

The report states that access to the parking garage will be provided on Constellation Boulevard, the driveway on Century Park East, and Olympic Boulevard. Will those entry points be available with the security measures in operation?

Security measures for each entering vehicle have resulted in significantly reduced entry capacity at the existing parking structures and a reduction in the number of entry driveways that are available. Currently, vehicles enter the parking structure at the driveway adjacent to Olympic Boulevard. They must stop for identification of the driver and inspection of the vehicle trunk. That is a time-



consuming process. How will the security measures be accommodated when the traffic entering the structure is significantly higher than it is currently? The conclusion on page 6 of Appendix 18 of the DEIR is not based on any evidence.

8. **Contrary to the statement on page 10 of Appendix 18 of the DEIR, Motor Avenue has two southbound lanes for only 675 feet south of Pico Boulevard, which is 25% of the distance to Monte Mar Drive. Drivers in the two southbound lanes start merging into one lane immediately south of Pico Boulevard.**
9. **How can primary site access for 40% of the traffic be by way of the San Diego Freeway (two miles west of the site) and the Santa Monica Freeway (two miles south of the site), as stated on page 32 of Appendix 18 of the DEIR? Wouldn't those vehicles have to use surface streets for the four-mile round trip from and to the freeways?**
10. **What is the realistic feasibility of providing the proposed third westbound lane on Pico Boulevard through the intersection with Motor Avenue that is discussed on page 46 of Appendix 18 of the DEIR? When will that be implemented?**
11. **The Santa Monica Freeway HOV lanes and the Santa Monica Boulevard "Transit Parkway" will be under construction at the time that the subject development will be under construction. What will be the mutual interference between the construction vehicles serving the three major simultaneous projects? What will be the impacts on commuters to other developments in the vicinity?**
12. **During the construction period of 25 months, the truck routes and the locations of construction worker parking will be significant concerns of the nearby neighborhood residents.**

Although Santa Monica Boulevard would be a desirable route for most truck movements, that street will be under significant construction during the subject building's construction period. Many truck drivers will want to avoid that street. The neighborhoods surrounding Century City should participate with City staff in the formulation of the truck routes and the allowable times of truck movements through a public hearing process including members of the City Council. The two routes presented on page 227 of Volume I of the DEIR are already congested, particularly Overland Avenue (not "Boulevard") south of Pico Boulevard and the westbound left turn from Pico Boulevard to Overland Avenue. Trucks using any potential route between 7:00 and 9:00 a.m. and between 4:00 and 5:30 p.m., as

Cheviot Hills Homeowners Association  
Mr. Stan Arcader, President  
September 26, 2002

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described in the report, will increase congestion for all commuters in the sub-region.

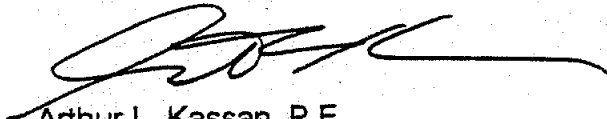
According to the report, the project applicant will encourage a ride share program for construction employees. It will be convenient for many construction workers, in response to the ride share program, to park on nearby residential streets and form carpools for the last, short leg of the trip to the site. Particularly attractive will be the neighborhood streets south of Pico Boulevard, that is, between the Santa Monica Freeway and the site. There must be a specific enforceable and implementable measure to prevent that.

**13. There is no consideration of the impacts at the Manning Avenue on-ramp to or the National Boulevard off-ramp from the eastbound Santa Monica Freeway.**

The subject ramps, connected to Century City by Motor Avenue, are the eastbound freeway ramps that are closest to Century City. Substantial volumes of Century City traffic use those ramps, traveling on Motor Avenue for most of the surface street portion of the trips. There should be impact analyses at those ramp intersections.

If you have any questions about my comments, please contact me at your convenience.

Very truly yours,



Arthur L. Kassan, P.E.  
Registered Civil Engineer No. 15563  
Registered Traffic Engineer No. 152