William Lamborn <william.lamborn@lacity.org>

8150 Sunset Boulevard Mixed Use Project; CPC-2013-2551-CUB-DB-SPR/ENV-2013-2552-EIR

2 messages

Vera Sergevva <vsergeeva@lunaglushon.com> Tue, Jun 7, 2016 at 10:38 AM
To: Luciralia Ibarra <luciralia.ibarra@lacity.org>, "william.lamborn@lacity.org" <william.lamborn@lacity.org>
Cc: Rob Glushon <rglushon@lunaglushon.com>, Kristina Kropp <kkropp@lunaglushon.com>

At request of Rob Glushon please see attached correspondence.

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Luciralia Ibarra <luciralia.ibarra@lacity.org> Tue, Jun 7, 2016 at 10:46 AM
To: Vera Sergewa <vsergeeva@lunaglushon.com>
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Received.
Thank you,
Luci
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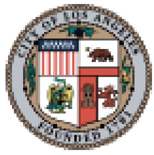

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June 7, 2016

VIA EMAIL

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William Lamborn
Los Angeles City Planning Commission
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Los Angeles, CA 90012

Re: **8150 Sunset Boulevard Mixed Use Project**
CPC-2013-2551-CUB-DB-SPR/ENV-2013-2552-EIR

Dear Ms. Ibarra and Mr. Lamborn:

Our law firm represents JDR Crescent, LLC and IGI Crescent, LLC, the owners of the three story apartment building at 1425 N. Crescent Heights Boulevard, immediately to the south of the proposed 16-story, 333,903 sq. foot mixed-use development at 8150 Sunset Boulevard ("Project"). Our clients and tenants strongly oppose the Project because of the substantial adverse impacts that would result from the Project. We further believe that there are serious inadequacies in the Environmental Impact Report ("EIR") for the Project.

I. The Severe, Unavoidable Impacts of the Project Outweigh the Project Benefits Rendering a Statement of Overriding Considerations Unwarranted

Simply stated, it is clear that the "unavoidable" impacts of the Project are, in fact, avoidable, if the Applicant were to scale the Project down to an alternative that is consistent in density, height and compatibility with the surrounding neighborhood, and the zoning limitations on the site. Instead, the

Applicant insists on a Project too massive and that towers over the existing neighborhood, without any sense of transition or scale, and which would result in **un-mitigatable traffic impacts** in one of the worst traffic plagued areas of the City, **a fact the EIR ignores**.

Remarkably, the Applicant has asked the City to grant, as an "**Off-Menu" Density Bonus** item, an allowance of a 3:1 Floor Area Ratio ("FAR") in lieu of the otherwise 1:1 FAR imposed by the "D" limitation on the Subject Property. In other words, the Applicant, without having to go through a variance process, is asking the City allow **a density that is *three* times what the zoning designation otherwise allows**. There is absolutely no legal authority for this request; an "Off-Menu" Density Bonus incentive cannot be used to violate the law, including the Los Angeles Municipal Code ("LAMC"). Notably, despite the neighborhood's concerns, the Applicant has failed to provide any justification whatsoever for why this zoning deviation is necessary or appropriate. Instead, the EIR takes the indifferent position that the imposition of the "D" limitation on the property is irrelevant.

In defense of the significant unavoidable impacts for use with a Statement of Overriding Considerations, the EIR provides that the Project is being proposed, notwithstanding such significant unavoidable impacts, because it would achieve a "considerable" number of community related Project objectives and two of the unavoidable impacts involve temporary, construction impacts. But this position is disingenuous for a number of reasons: (1) as set forth below, the findings of the EIR are misleadingly skewed to avoid finding significant unavoidable impacts, especially on traffic; (2) the EIR's proposition that it achieves a "considerable" number of community related Project objectives is illusory because the EIR fails to analyze the community objectives with which the Project is inconsistent; and (3) the loss of the Lytton Savings and Loan Association Bank Building is a great cultural loss for the community which must be provided due weight.

The fact of the matter is that provided all of the adverse impacts of the Project, including all of the severe impacts set forth hereinbelow which the EIR insincerely avoids, the Project's detrimental impacts far outweigh the community related Project objectives (especially since the detriments to community related Project objectives is mysteriously not discussed). Although 28 very low income units would be a benefit to the community, such benefit is, again, largely

outweighed by the ***tripling*** of FAR on the Subject Site and destroying its compatibility with the adjacent low-density residential community.

The City must weigh the benefits of the Project against the very real and unavoidable impacts to the surrounding community, giving due consideration to the interests of its existing residents. The City should deny the Project, **as proposed**, and require the Applicant to revise the Project in a manner that respects the zoning designation on-site, the surrounding neighborhood and the environment.

II. The Environmental Impact Report Fails to Abide by CEQA

The purpose of an EIR is "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided," before a project is built. *Cal. Pub. Res. Code* § 21002.1(a). An EIR must provide the decision-makers, and the public, with all relevant information regarding the environmental impacts of a project. If a final EIR does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and a final EIR is inadequate as a matter of law. An EIR may not ignore or assume solutions to problems identified in that EIR. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 286; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82-83.

1. Land Use and Planning

Consistency:

CEQA requires **strict compliance** with the procedures and mandates of the statute. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 118. In the context of "land use and planning," in order to be legally adequate, the EIR must identify and discuss, as part of its substantive disclosure requirements, any inconsistencies between the Project and applicable general plans and regional plans, including relevant environmental

policies in other applicable plans. *See CEQA Guidelines Section 15125(d)*; *L.A. CEQA Thresholds Guide*.[1]

Here, in order to get around the requirements set forth in the CEQA Guidelines, the EIR: (1) assumes land use consistency based upon the projected approval of the Project; and (2) concludes that it could not "identify any plan elements or policies with which the Project is inconsistent."

On their face, both of these approaches are not only incorrect, they obscure the language and intent of the CEQA statute. It is inherently against the CEQA mandates to simply state that once the density bonus is granted, the Project will be consistent with the zoning on-site, and therefore with all applicable land use regulations and policies. If such were the standard, any and all zone changes, general plan amendments, and variances would be inherently "consistent" with applicable land use plans. If such argument were accepted, the entirety of the "conformance with applicable land use plans" findings, both under the CEQA and the LAMC, would be eviscerated.

In reality, under CEQA, the threshold question that must always be answered is what environmental effects the project will have on the **existing** environment. Projected, future, conditions may only be used as the baseline for impact analysis if their use in place of measured existing conditions, a departure from the norm, is justified by some unusual aspects of the project or the surrounding conditions. However, even in such unusual circumstances, an agency still does not have the discretion to completely omit an analysis of impacts on existing conditions, unless inclusion of such an analysis would detract from an EIR's effectiveness as an informational document, either because an analysis based on existing conditions would be uninformative or because it would be misleading to decision makers and the public. *Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal.4th 439, 508-09.

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[1] The L.A. CEQA Threshold Guide with respect to "land use consistency" states: The determination of significance shall be made on a case-by-case basis, considering:

- Whether the proposal is **inconsistent** with the adopted land use/density designation in the Community Plan, redevelopment plan or specific plan for the site; and
- Whether the proposal is **inconsistent** with the General Plan or adopted environmental goals or policies contained in other applicable plans.

Here, there are simply no "unusual" circumstances which would in any way render the "existing" conditions baseline required inapplicable. And, again, even if there were, there is still a burden on the City to include the impacts on the existing land use policies, including the existing "D" limitation, and, if appropriate, present the facts warranting the use of the projected future conditions as the baseline.

For all of these reasons, the EIR's conclusion that it need not provide the history/explanation of the existence of the "D" limitation on the property is inconsistent with CEQA. Again, an EIR must provide the decision-makers, and the public, with <u>all</u> relevant information regarding the environmental impacts of a project and may not ignore or assume solutions to problems identified in that EIR. Clearly, at an earlier point in time, the City felt it appropriate and necessary to impose the "D" limitation as part of the zoning for the Subject Site. A decision to deviate from this zoning limitation cannot be legally accomplished by ignoring its existence, and it must be analyzed, in sufficient detail, in the EIR.

Additionally, for the EIR to conclude that it could not "identify any plan elements or policies with which the Project is inconsistent" is nothing if not willfully ignorant. Not only are the comments to the EIR full of factual testimony about the land use policies within which the Project is inconsistent, the Project flatly asks for a ***deviation*** from its zoning FAR limitation. By definition, that is an ***inconsistency*** with the applicable General Plan designation for the property.

In most pertinent part, the Project is further inconsistent with the following Hollywood Community Plan purposes and objectives:

i. The Plan is intended to promote an arrangement of land use, circulation, and services which will *encourage* and *contribute* to the economic, social and physical health, safety, welfare, and convenience of the Community (*not* further exacerbate the existing problems).

The EIR, while admitting to this stated purpose, fails to provide an analysis of consistency therewith.

ii. The Plan is intended to *balance* growth and stability (not introduce a large over-massed high-rise next to multi-residential housing).

Again, the EIR, while admitting to this stated purpose, fails to provide an analysis of consistency therewith.

iii. The Plan states, as Objective 3.b, that it is meant to encourage the *preservation* and *enhancement* of the varied and distinctive *residential* character of the Community.

In its analysis of consistency, all that the EIR provides is that the "Project would preserve and enhance the residential community by limiting development to the Project site and providing residential uses on a commercially zoned property." But that, in no way, shows consistency with Objective 3.a, which requires *preservation* of the residential character of the Community.

iv. The Plan states, as Objective 4.a, that it is meant to *promote* economic well-being and *public convenience* through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns *based on accepted planning principles and standards*.

In its analysis of consistency on this point, the EIR completely fails to analyze how the Project promotes public convenience and how it is in any way based on accepted planning principles and standards. Presumably, this is because the Project fails to promote public convenience and, with regard to massing, scale, and height is inconsistent with accepted planning principles and standards. But, the EIR cannot ignore such inconsistencies, it must analyze them.

v. The Plan states, as Objective 7, that it is meant to encourage the preservation of open space consistent with property rights when privately owned and to *promote the preservation of views*.

In its analysis of consistency, all the EIR provides is that it "would no result in significant adverse effects to existing views of scenic resources." But, again, that is not what Objective 7 says. Objective 7 requires an analysis as to how the Project promotes *preservation* of views. Whether or not the Project meets the threshold for "significant effect to existing view" under the CEQA Thresholds has absolutely nothing to do with this finding.

As stated above, selective statements of "consistency" are not enough. The EIR must analyze *in*consistencies with Objectives 3.b, 4.a and 7 to be legally adequate.

Finally, the EIR fails to analyze (or even acknowledge) the Project's consistency with the City's Mobility Plan 2035 ("MB 2035"). This is a fatal error in the EIR as the Project, by eliminating a portion of a public right of way, is inconsistent with MB 2035. This information must be disclosed and analyzed to provide for informed decisionmaking.

Compatibility:

In finding that the Project would have a less than significant impact on land use compatibility, the EIR completely fails to analyze compatibility with respect to the entire multi-residential community immediately to the south of the Subject Site. Focusing on the development along Sunset Boulevard, the EIR intentionally distorts the land use patterns in the area in order to conclude that there is a less than significant impact.

However, it is not enough to provide the conclusory statement that the characteristic land use patter in the area is the "juxtaposition" of higher intensity commercial uses with lower density residential uses. Specificity and use of detail in EIR's must be used since conclusory statements that are unsupported by empirical or experimental data, scientific authorities, or explanatory information afford no basis for comparison of the problems involved with a proposed project and the difficulties involved in the alternatives. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397, 411.

Here, the Project seeks to replace an 80,000 square foot, three-level structure with a 333,903 sq. foot, 16-story megaplex which will be built directly adjacent to 2-3 story residential dwellings. Its compatibility to such lower density residential uses is therefore completely different from the existing use, and must be analyzed, in tangible, factual detail.

2. Traffic

With regard to traffic impacts, it must preliminary be noted that per the very traffic study relied upon in the EIR, *almost all* of the intersections in the

vicinity of the Project are at an existing LOS of D or lower, including 10 which are *already* at an LOS of E of F. LOS E represents a traffic volume that is at capacity, which results in stoppages and unstable traffic flow, while LOS F represents volumes which are overloaded and characterized by stop-and-go traffic with stoppages of long duration (otherwise commonly referred to as "bursting at the seams").

Where traffic is already at LOS of D or lower, it is unacceptable to add any extra traffic impacts. Failing infrastructure cannot accommodate development that will only aggravate its already failing condition. Nevertheless, hiding behind significance thresholds, the EIR disingenuously concludes that, except with regard to construction related traffic, the Project will cause a less than significant impact on traffic/transportation. This is incomprehensible and not in accordance with law.

The fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant, and the use of the Guidelines' thresholds does not necessarily equate to compliance with CEQA. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-09. Therefore, in order to provide the requisite detail/information necessary for informed decisionmaking, the EIR must address why and how the thresholds being used for this particular Project, where traffic at all nearby intersections is already at LOS of D or lower, is an appropriate measure of its transportation impacts. If it cannot, ***it must disclose that the impacts on traffic are significant and unavoidable***.

Moreover, it is clear that the EIR, in order to make findings of "less than significant," skews the plain words of the thresholds. For instance, the EIR acknowledges that "Threshold TR-6," provides that a significant access impact would occur "if the intersection(s) nearest to the primary site access are projected to operate at LOS E or F during the a.m. or p.m. peak hour, under cumulative plus conditions." Completely ignoring the language of the threshold, however, the EIR instead concludes that the "operational characteristics, expected minimum driveway capacities, and the projected peak hour driveway traffic volumes of the Project would provide adequate capacity to accommodate the anticipated maximum vehicular demands for both entering and existing traffic at each of the driveways. In addition, the driveways would provide sufficient

queuing. Therefore, the Project would result in less than significant impact with regard to access."

But this "explanation" does not in any way address the actual threshold question about whether the intersection(s) nearest to the primary site access are projected to operate at LOS E or F during the a.m. or p.m. peak hour, under cumulative plus conditions. Again, this is because, in fact, if the threshold were applied correctly, this question would have to be answered in the affirmative and traffic impacts would be rendered significant and unavoidable. The EIR must disclose this.

Similarly, the EIR acknowledges that "a significant impact related to consistency with plans would result if the project would conflict with the implementation of adopted transportation programs, plans, and policies," but flatly concludes, without analyzing the requisite *in*consistencies, including MB 2035, that the Project would support the Community Plan in that the Project would not hinder the City's efforts to provide a circulation system coordinated with land uses and densities and adequate to accommodate traffic.

But that is not the threshold, the threshold requires a finding of whether or not the Project "conflicts," not whether or not it "hinders." Clearly, any project which increases density and/or number of residents in this already traffic-plagued area conflicts with the Community Plan to provide a circulation system coordinated with land uses and densities and *adequate* to accommodate traffic. At LOS of D or lower, the traffic surrounding the Project Site is already inadequate and therefore conflicts with the Community Plan. The EIR must disclose and analyze this impact.

Finally, as noted by the City of West Hollywood, the major impact (and therefore "problem") the EIR recognizes is that the Project will result in a significant traffic impact at the un-signalized intersection of Fountain Avenue and Havenhurst Drive, but the EIR concludes that Mitigation Measure TR-1 (installation of a traffic signal at Fountain Avenue/Havenhurst) will reduce this impact. The EIR lists the City's Department of Transportation and Building and Safety as the enforcement agencies responsible for Mitigation Measure TR-1. **<u>But the entirety of the Fountain Avenue/Havenhurst Drive intersection is in the City of West Hollywood</u>!** How can the City in any way enforce Mitigation Measure TR-1? It cannot and therefore the Mitigation Measure is illusory and

unenforceable. *CEQA Guidelines*, § 15126.4 (a)(2) (mitigation measures must be "fully enforceable").

3. <u>Public Services – Fire and Police Protection</u>

Compounding the detrimental impacts caused by the existing and projected traffic for residents and anticipated visitors to the Project, the EIR admits that the traffic in the area could significantly affect emergency vehicle response times (both fire and police) by further increasing traffic, thus further delaying such emergency response times. However, the EIR concludes that these impacts will be rendered less than significant by the imposition of Mitigation Measures TR-1 through TR-4, the Project's TDM Program, as well as improvements planned by the Los Angeles Fire Department ("LAFD") to improve their systems, processes and practices with regard to Fire Protection.

First, there are no proposed Mitigation Measures TR-3 or TR-4, the only traffic related mitigation measures are TR-1 (a traffic signal at Fountain Avenue/Havenhurst) and TR-2 (restrict the drop-off, turnout lane on Crescent to a right-turn only).

Second, it is completely unclear how Mitigation Measures TR-1 and TR-2, the Project's TDM Program, all of which have to do with traffic circulation <u>on-site</u> and along Havenhurst (including the fact that TR-1 is unenforceable) are in any way going to alleviate the significant impacts on emergency vehicle response times for LAFD vehicles which must travel *at least* 0.9 miles to get to the Project Site (the closest station, which only a "Single Engine Company" station, is 0.9 miles east of the Project, the other two, actual "Task Force Truck Company" stations are over 2 miles away) and police vehicles which must travel two miles from the 1358 North Wilcox Avenue police station. In other words, there is no nexus between the mitigation measures and the actual impact. *See CEQA Guidelines, §15126.4(a)(4)(A); Nollan v. California Coastal Commission*, 483 U.S. 825 (1987)(there must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest).

Similarly, it is uncontested that the Applicant has absolutely no control over LAFD, or any of its plans to improve systems, processes and practices. Accordingly, there is no way to assure or enforce such implementation and

reliance on this "mitigation measure" is plainly inappropriate. *CEQA Guidelines*, § 15126.4 (a)(2) (mitigation measures must be "fully enforceable").

The City should take note that the LAFD itself expressed these concerns about the Project, **noting both that the required fire-flow requirements cannot currently be met for the Subject Property** and that **emergency medical response from the Truck Company station would be inadequate**. LAFD recommended that definitive plans and specifications be submitted to guarantee that all safety standards are met. But the EIR does not include any such mitigation efforts.

In order to be legally adequate, the EIR must analyze the specific impacts on fire and police protection the entirety of the way from their respective station(s), in detail, and provide, if possible, mitigation measures accordingly. It cannot simply state that Mitigation Measures which have nothing to do with the actual impact render the impacts "less than significant."

4. Geology and Soils

The January 8, 2014 Preliminary Alquist-Priolo Earthquake Fault Zone Map on which the EIR relies to evaluate geology and soils, particularly with regard to the Hollywood Fault, and which it concludes is located about 100 feet northwest of the Project site and not within it, is outdated. The Revised Official Maps of Alquist-Priolo Earthquake Fault Zones, released on December 4, 2015, show that the Project site is located on the active Hollywood Fault. This is a substantial change from the circumstances under which the original EIR was evaluated, and constitutes a danger to the community. To allow for complete, informed decisionmaking, the EIR must be updated to analyze this impact.

Further, in order to mitigate the impacts on geology and soils, the EIR imposes Mitigation Measure GS-1 requiring that a qualified geotechnical engineer prepare a report that provides recommendations, and that those recommendations be included into the Project. But it is well settled law that under CEQA requiring adoption of mitigation measures from a *future* study is impermissible. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-07 (requiring applicant to submit a future hydrology study and soils study subject to review by County found deficient for improperly deferring environmental assessment to a later date); *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275 (deferral is impermissible when agency "simply

requires a project applicant to obtain a biological report and then comply with recommendations that may be made in the report").

Therefore, any review and recommendation by a geotechnical engineer must be completed **before** the Project is approved.

5. Noise

Similar to traffic, in order to avoid a detailed analysis of noise impacts, the EIR simply concludes that because Project-related noise would not exceed established thresholds, impacts are less than significant. But, as discussed above, the use of the Guideline's thresholds does not necessarily equate to compliance with CEQA. In order to provide the requisite detail/information necessary for informed decisionmaking, the EIR must address why and how the thresholds being used for this particular Project, where the Project seeks to introduce an FAR that is triple what is otherwise allowed by the zoning limitations on the site and 249 residential units where no residential units currently exist, is an appropriate measure of its operational noise impacts.

III. The Project, and EIR, Fail to Discuss the Need for a Street Vacation

In connection with the Project, the Applicant proposes removal of the existing independent right turn lane off of Sunset Boulevard and to connect the existing triangular island at the southwest corner of the intersection to the Project site to create a plaza area adjacent to the northeast corner of the site. The EIR takes the incomprehensible position that such "connection" will not require any easements/dedications, but would, somehow, be "improved and maintained as public by the project applicant." There is no process under the law for such a result.

There are two legal options available to the Applicant. If the Applicant chooses to build a part of the Project on the existing, currently-public independent right turn lane, Street Vacation proceedings must be initiated on that portion of Crescent Heights Boulevard on which the Project will be situated, a process[2] (which includes Street Vacation findings which cannot be made here)

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[2] The hearing notice for the Tract Map, Conditional Use, Density Bonus and Spite Plan Review failed to include a street vacation proceeding or the need for a street vacation.

that must be disclosed within the scope of the Project in the EIR and analyzed (including a requisite report from the City Engineer). A private applicant cannot just decide to build upon an otherwise-public right of way by promising to "maintain" it.

Alternatively, if the Applicant does not want to go through a Street Vacation process, he must keep the Project within the boundaries of the private property which it owns. In that case, he must re-do the Project plans and update the traffic study, and floor area ratio calculations to analyze this change.

In any case, as it currently stands, **the Applicant is *misrepresenting* that a B-permit is all that is required for the construction of the Project onto Crescent Heights Blvd., a public right of way**. A street vacation is required and the impacts of a street vacation, including the process involved, must be disclosed and analyzed as part of the Project.

IV. The Findings for Site Plan Review Cannot be Made

Affirmative Findings pursuant to LAMC § 16.05.F cannot be made. First, as noted above, the Project is not in substantial conformance with the Hollywood Community Plan.

Second, the Project does not consists of an arrangement of buildings and structures (including height, *bulk* and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be *compatible* with existing and future development on *adjacent* properties and *neighboring* properties. It is up to 13 stories higher than the immediately adjacent, existing multi-family residential community and exceeds the otherwise planned density on the site three times.

Notably, in an attempt to appear compatible, the Applicant has provided a "spin" that the location of the Project is one that is "highly urbanized" and built out; in the more "active" regional center of Hollywood with a mixed-use blend of commercial, restaurant, bars, studio/production, office, and entertainment. The Applicant only off-handedly mentions that there are also residential uses in the vicinity of the Project.

But the reality is that the entirety of the properties to the south of the proposed Project are **low-height multi-family residential**. When taken in context with these low-height residential buildings, the Project fails with regard to consistency. Its visibility, a direct consequence of its completely out-of-scale request for triple density allowance, will forever scar the compatibility between it and the existing multi-family residential community; while its traffic impacts will make the already difficult process of ingress and egress from residents' homes an almost impossibility. And, again, its height and density are completely out of character with such multi-family residential housing.

V. Alternative 9 is NOT an Adequate Solution

Alternative 9, the alternative which is supposed to alleviate view and parking concerns fails on both accounts. The projected Alternative 9 simulations clearly show that the alternative in no way improves the view concerns of the surrounding neighborhood.

In fact, Alternative 9 is nothing more than a superficially "scaled down" version which does not alleviate the one impact of the Project which is causing all other problems: its density. **Alternative 9 retains the same *triple* FAR as the Original Project**. No amount of creative findings drafting can take this inherently overwhelming and inappropriate impact away. The only way to reduce the impacts of the Project and to make the Project compatible with the surrounding neighborhood would be to scale the Project down to the FAR otherwise allowed on the Site.

Notably, the recirculated EIR for Alternative 9, which eliminates access to the Project from Sunset Blvd. in no way explains how this adjustment will alleviate congestion along Sunset Boulevard, which the EIR conclusively states will occur. Again, in order to be adequate under CEQA, the EIR cannot simply assume a solution to an identified environmental impact, it must, with detail and specificity explain its impacts and the proposed mitigation measures/solutions.

For all of these reasons, the City should deny the Project, as proposed and further require further analysis of the issues set forth above in an amended EIR.

Very truly yours,

LUNA & GLUSHON

ROBERT L. GLUSHON