CHAPTER 2 RESPONSES TO COMMENTS

1. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and Section 15088(a) of the CEQA Guidelines govern the lead agency's requirement to respond to comments provided on a Draft EIR. Section 15088(a) of the State California Environmental Quality Act (CEQA) Guidelines states that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues that were received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this Chapter of this Final Environmental Impact Report (EIR) provides responses to each of the written comments on the Draft EIR, inclusive of 30 letters received during the public comment period and one letter received after the close of the public comment period.

Table 2-1, *Comments Received in Response to the Draft EIR*, provides a list of the comment letters received by the City.

Subsection 2, *Topical Responses to Comments*, provides comprehensive responses to address multiple, similar comments that have been raised on key topics during the Draft EIR public review period. Where appropriate, references to the topical responses are provided within the individual responses to comments prepared in Subsection 3, which is described below. The Topical Responses in this section include the following:

- Topical Response No. 1: Public Participation and Review
- Topical Response No. 2: Rent Stabilized Housing
- Topical Response No. 3: Affordable Housing Requirements

Subsection 3, *Responses to Comments*, below, presents the comment letters submitted during the public comment period for the Draft EIR. As indicated in Table 2-1, individual letters are organized by agencies (Group AG), organizations (Group ORG), form letters (Group FORM) and then individuals (Group IND). Each letter/correspondence is given a number and each comment that requires a response within a given letter/correspondence is also assigned a number. For example, the first agency letter below that provides comments is the letter from the South Coast Air Quality Management District (SCAQMD) and their correspondence is therefore designated Letter No. AG 1. The first comment received within Letter No. AG 1 is then labeled Comment No. AG 1- 1. Each numbered comment is then followed by a correspondingly numbered response, (i.e., Response to Comment No. AG 1-1). A copy of each comment letter is provided in Appendix A, Original Comment Letters, of this Final EIR.

As required by the CEQA Guidelines Section 15088(c), the focus of the responses to comments is "the disposition of significant environmental issues raised." Therefore, detailed responses are not provided to comments that do not relate to environmental issues. However, in some cases, additional information has been added for reference and clarity.

TABLE 2-1
COMMENTS RECEIVED IN RESPONSE TO THE DRAFT EIR

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Agencies													
AG 1	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765	June 2, 2020		X									
AG 2	State of California Department of Transportation District 7, Office of Transportation Planning 100 South Main Street, MS 16 Los Angeles, CA 90012	June 8, 2020					X		X		X		
AG 3	Los Angeles County Metropolitan Transportation Authority Metro Development Review One Gateway Plaza, MS 99-22-1 Los Angeles, CA 90012	June 8, 2020							X		X		
Organizations													
ORG 1	Los Angeles Tenants Union P.O. Box 27354 Los Angeles, CA 90027	May 15, 2020										X	
ORG 2	Hollywood Heritage, Inc. P.O. Box 2586 Hollywood, CA 90078	May 15 and June 8, 2020	X		X	X	X		X	X	X	X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
ORG 3	Hollywood United Neighborhood Council P.O. Box 3272 Los Angeles, CA 90078	May 20 and June 6, 2020	X			X			X		X	X	
ORG 4	J. H. McQuiston, P.E. McQuiston Associates 6212 Yucca Street Los Angeles, CA 90028	May 26, 2020 (Dated June 3, 2020)				X			X		X		
ORG 5	Advocates for the Environment 10211 Sunland Boulevard Shadow Hills, CA 91040	June 5, 2020		X	X		X	X	X	X	X		
ORG 6	Yucca Association 6500 Sunset Boulevard Los Angeles, CA 90028	June 8, 2020	X							X	X	X	
ORG 7	Yucca Argyle Tenants Association	June 8, 2020	X	X							X	X	
ORG 8	Los Angeles Conservancy 523 West Sixth Street, Suite 826 Los Angeles, CA 90014	June 8, 2020			X								
FORM 1	**General Comment Letter**		**X**							**X**	**X**	**X**	
	Jodi Chang 7050 Waring Avenue, Apt 5 Los Angeles, CA 90038	May 27, 2020											
	Paisley Mares 5119 Maplewood Avenue, #217 Los Angeles, CA 90004	May 28, 2020											
	Colin Beckett 1332 North Sycamore Avenue Los Angeles, CA 90028	June 1, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	Edwin Mantanico 1325 Gabriel Garcia Marquez Street, Apt. B Los Angeles, CA 90033	June 1, 2020											
	Michael Lopez 5439 Russell Avenue, #12 Los Angeles, CA 90027	June 1, 2020											
	Lois DeArmond	June 3, 2020											
	Amy Tannenbaum	June 5, 2020											
	Carla Lupita Rowley	June 5, 2020											
	Jessica Savio	June 7, 2020											
	Norman Kemble 320 South Hobart Boulevard Los Angeles, CA 90020	June 7, 2020											
	David Reiman	June 8, 2020											
	Dont Rhine 2244 North Gower Street Los Angeles, CA 90068	June 8, 2020											
	JoAnn Paolantonio 155 South Manhattan Place, Apt. 14 Los Angeles, CA 90004	June 8, 2020											
	Paula Peng 3127 Livonia Avenue Los Angeles, CA 90034	June 8, 2020											
	Nadia Sadeghpour 2700 Cahuenga Boulevard Los Angeles, CA 90068	June 8, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	Starr Scesniak 1837 North La Brea Avenue, #1 Los Angeles, CA 90046	June 8, 2020											
	Aaron Sandnes (Late Letter) 141 South Sycamore Avenue Los Angeles, CA 90036	June 9, 2020											
Individuals													
IND 1	Susan Hunter	April 23 and 30, 2020									X	X	
IND 2	Vilia Zemaitaitis, AICP 1763 Vista Del Mar Los Angeles, CA 90028	April 24 and June 8, 2020	X		X			X			X		
IND 3	Shauna Johnson	June 3, 2020										X	
IND 4	Robert Mori 419 South Cloverdale Avenue Los Angeles, CA 90036	June 5, 2020										X	

Notes:

The Form letter includes substantially similar comments provided by the commenters that have been consolidated in a single letter. All of the individual letters are included in Appendix A of this Final EIR.

Source: ESA, 2020.

2. Topical Responses to Comments

a) Topical Response No. 1 – Public Participation and Review

Numerous comments were received requesting that the public review period for the Draft Environmental Impact Report (EIR) be extended for various reasons, including because the public review period occurred after the Mayor issued the "Safer at Home" Order on March 19, 2020, due to the COVID-19 pandemic. Other comments suggested that the comment period on the Draft EIR should not have begun until the Mayor's "Safer at Home" Order has been lifted, or until some period of time after that Order has been lifted.

The California Environmental Quality Act (CEQA; Pub. Res. Code §§ 21000 *et seq*.) and the Guidelines for the California Environmental Quality Act (State CEQA Guidelines;14 Cal. Code Regs. §§ 15000 *et seq*.) provide specific requirements with regard to the distribution and review of documents prepared as part of the EIR process, all of which the City has met or exceeded. An overview of these requirements pertinent to this stage of the CEQA process and a discussion of how the City of Los Angeles (City), in its role as Lead Agency for the Project, has met and exceeded these requirements are provided below.

CEQA Guidelines Section 15085(a) requires that, upon completion of the Draft EIR, a Notice of Completion be filed with the Office of Planning and Research (OPR). CEQA Guidelines Section 15087 requires that a Notice of Availability (NOA) of the Draft EIR be mailed to organizations and individuals that have requested such notice in writing, and that notice shall also be given by at least one of the following additional methods: (1) publication at least one time in the newspaper of general circulation in the area; (2) posting of notice by the public agency on and off the site in the area where the project is to be located; or (3) direct mailing to owners and occupants contiguous to the parcel on which the project is located. CEQA Guidelines Section 15087(d) requires that the Notice of Availability shall also be posted in the Office of the County Clerk. CEQA Guidelines Section 15087(g) provides that lead agencies should furnish copies of the Draft EIR to the public library systems in the area of the project, and also provide a copy in the office of the lead agency, to make the Draft EIR available to the public.

CEQA Guidelines Section 15086 includes the consultation requirements that the lead agency must fulfill during the comment period on the Draft EIR, such as consultation with responsible agencies, trustee agencies and any other agency that has jurisdiction by law over the Project. CEQA Guidelines Section 15086 also provides that the lead agency may consult with any person with expertise regarding any environmental impact involved, any member of the public who has filed a written request for notice; and any person identified by the applicant whom the applicant believes will be concerned about the project.

With regard to public review of the Draft EIR, CEQA Guidelines Section 15105(a) states that, "[T]he public review period for a draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a Draft EIR is submitted to the State Clearinghouse for

review by State agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse."[1]

The Governor's Executive Order N-54-20, signed April 22, 2020, suspended the deadlines for filing, noticing and posting of CEQA documents with county clerks for 60 days, but did not suspend or extend the time the public has to review and comment on CEQA documents, including EIRs. Therefore, despite the specific actions the Governor has taken to suspend CEQA deadlines to accommodate to the pandemic, the Governor has not suspended or affected the time requirements under CEQA Section 15105, and the provisions in Section 15105 remain operative and binding.

In accordance with the requirements discussed above, once the Draft EIR was completed, the City, as the Lead Agency, filed a Notice of Completion with OPR, and copies of the Draft EIR were provided for distribution by the State Clearinghouse commencing the public review period on April 23, 2020. The City prepared a Notice of Completion and Availability (NOA) requesting comments on the Draft EIR and mailed the NOA to responsible agencies, those individuals who had previously requested notice, and to all organizations and individuals identified by the Applicant as being concerned about the Project.[2] The NOA included information on how to access the Draft EIR, including on the City website. The NOA was also sent to those agencies and individuals that commented on the Notice of Preparation the City sent at the time it initially determined to prepare an EIR for the Project, all property owners, tenants, and businesses within a 500-foot radius of the Project Site. A copy (USB thumb drive) of the Draft EIR was also mailed to numerous appropriate agencies identified by the Los Angeles City Planning Department. To further ensure that agencies received notice of the Draft EIR, the City e-mailed copies of the NOA to known agency contacts and/or general agency e-mail addresses, which also included a link to the Draft EIR on the City's website. A notice was also printed in the Los Angeles Times and posted at the County Clerk Office. With the newspaper notice and direct mailings to owners and occupants contiguous to the Project Site, the City exceeded the basic noticing requirements set forth in CEQA Guidelines Section 15087(a).

As stated in the NOA, the City's Department of City Planning recognized the unprecedented nature of COVID-19 and the restrictions it was causing. Having been identified as an essential City service, the Department of City Planning continued to work and respond to all inquiries pertaining to its ongoing efforts to process entitlement applications. As a result of the Mayor's "Safer at Home" Order issued on March 19, 2020, the Department of City Planning acknowledged that the usual methods for accessing project-related materials in-person might be limited. Nonetheless, the Department of City Planning remained committed to ensuring that interested parties seeking information about the Project could retain access to the Draft EIR and the

1 Similarly, CEQA provides that the public review period for a Draft EIR shall not be less than 30 days, and that the review period for a Draft EIR submitted to the State Clearinghouse for review, the review period shall be at least 45 days. (Pub. Res. Code § 21091(a).)

2 A copy of the NOA is included at the City website: https://planning.lacity.org/development-services/eir/6220-yucca-project.

documents referenced in the Draft EIR. The Department of City Planning promptly responded to public requests for Draft EIR information throughout the public review circulation period.

As the NOA clearly stated, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file, consistent with AB 900 requirements, were available for public review online at the Department of City Planning's website, in the following location: http://planning4la.com/development-services/eir. The NOA also stated that the Draft EIR, and the documents referenced in the Draft EIR, were also available for purchase for $5.00 per copy; however, when request was made to the Planning Department for a hard copy, the copy was provided without charge. The NOA stated that the Project Planner, Alan Como, could be contacted via phone or e-mail, both of which were provided on the NOA, should an interested party wish to purchase a copy of the Draft EIR and referenced documents (on either CD-ROM, a USB flash drive, or in hard copy), or to arrange additional accommodations. Further, the NOA stated that, by appointment arranged through Mr. Como, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file were available for public review at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m.

The City acknowledges that CEQA Guidelines 15087(g) states that, "To make copies of EIRs available to the public, Lead Agencies should furnish copies of the of the Draft EIRs to public library systems serving the area involved." OPR on the their website pertaining to CEQA and COVID-19 has stated that, "Providing copies of CEQA documents at libraries may not be feasible at this time, as many libraries are closed."[3] As many commenters noted, the libraries serving the Project Site were closed during the Project's Draft EIR public review period per the Mayor's "Safer at Home" Order. Despite these closures, the City's efforts described above ensured that the public was provided sufficient access to the Draft EIR and supporting and referenced documents.

While the City understands that the "Safer at Home" Order may have prevented neighborhood groups from meeting in person, CEQA does not require that people be able to meet and confer in person on a Draft EIR, and the Order should not preclude any individuals or groups from reviewing the Draft EIR and providing their comments.

Concerning the length of the public review of the Draft EIR, the public review period of 47 days, beginning on April 23, 2020 and ending on June 8, 2020, met CEQA's requirements pursuant to CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State Clearinghouse for public review by State agencies.

As explained in detail above, the City has met CEQA's requirements with regard to the distribution of documents for public review and the timeframes for the public's review of documents in order to ensure that all interested agencies, organizations, and individuals were informed of and had the opportunity to comment on the Draft EIR for the Project. Therefore, since the Draft EIR and the documents supporting and referenced in the Draft EIR, as well as the whole of the case file, remained accessible to all individuals throughout the public review comment period, the comment

[3] Governor's Office of Planning and Research, CEQA website information, http://opr.ca.gov/ceqa/, May 11, 2020.

period was not extended. Moreover, all comments on the Draft EIR were required to be provided in writing, and submitted electronically via email, or hard copy via mail. Submittal of comments in person was not required, nor recommended.

Regarding the Final EIR, pursuant to CEQA Guidelines Section 15088(b), a lead agency shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the Final EIR. The lead agency has met these requirements in this Chapter 2, *Responses to Comments*, of this Final EIR, and has also provided a notice of availability of the Final EIR to members of the public within a 500-foot radius of the Project Site as well as to individuals who requested notice by attending public meetings, Applicant outreach meetings, or by commenting on the Draft EIR. The Final EIR was made available to the public at the City and on the City website on August 7, 2020, 12 days in advance of the public hearing for consideration of certification of the Final EIR.

b) Topical Response No. 2 – Rent Stabilized Housing

Several comments state that, by demolishing the existing multi-family units at the Project Site, the Project would result in the displacement of affordable housing units, and that the Draft EIR fails to analyze the environmental impacts of the loss of those affordable units. However, the existing multi-family units at the Project Site are not covenanted affordable units, but are instead governed by the City's Rent Stabilization Ordinance (RSO),[4] and the process of removing tenants from these RSO units prior to demolition is governed by the RSO and the State's Ellis Act.

There are no affordable housing units on the Project Site and, therefore, none would be demolished by either the Project or by Modified Alternative 2. It is important to note the distinction between RSO units and affordable housing units. Once someone moves out of a RSO unit, RSO permits the unit to be listed at market rate rent. By contrast, as proposed by Modified Alternative 2, as discussed below, in accordance with California State Law (including Senate Bill 1818, and Assembly Bills 2280 and 2222), and LAMC Section 12.22 A.25 (Affordable Housing Incentives – Density Bonus), 17 of the proposed 271 units would be covenanted affordable units[5] for at least 55 years and available only to Very Low Income households during that time. Therefore, neither the Project nor Modified Alternative 2 would result in the loss or net loss of affordable housing units. Rather, as explained below, both would result in the net increase of RSO units at the Project Site and in the Hollywood area, and Modified Alternative 2 would also increase the number of covenanted affordable units in the area.

Further, as an environmental document, the Draft EIR analyzes Project's potential CEQA housing impacts (State CEQA Guidelines Appendix G significance criteria XIII.b and XIII.c, which relate to the displacement of housing and people, respectively, that would necessitate the construction of replacement housing elsewhere) in Section IV.J, *Population and Housing*, and concludes those impacts would be less than significant. The Modified Alternative 2 potential CEQA housing

4 Los Angeles Municipal Code (LAMC) Section 151.00 et seq.

5 A covenanted affordable unit in this document refers to a unit which requires a covenant to be recorded against the property to ensure the unit is only leased to a Very Low Income household for 55 years. The Modified Project proposes to include eight percent, or 17, units restricted by covenant to households of Very Low Incomes.

impacts are analyzed on pages 3-53 and 3-54 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, which concludes that the Modified Alternative 2 potential impacts would be less than significant, like the Project's. As such, the potential *environmental* impacts of the Project and the Modified Alternative 2 on housing are thoroughly and accurately analyzed in the EIR, and those analyses and their conclusions are fully supported by substantial evidence. No further analysis of the Project's or Modified Alternative 2's potential environmental impacts on housing is required under CEQA. For informational purposes, the following discussion provides further detail regarding the RSO process for the RSO units located on the Project Site.

As stated on page II-7 of Chapter II, *Project Description*, of the Draft EIR, the Project Site contains a total of 44 existing residential units, 43 of which are multi-family units that are subject to the RSO. The RSO includes local regulations that implement the Ellis Act,[6] a State law that regulates the transition of certain rental units to other uses.

As explained on page IV.H-46 of Section IV.H, *Land Use and Planning*, of the Draft EIR, under the RSO, project applicants are required to provide relocation assistance to any tenants affected by the loss of existing RSO units. The RSO requires project applicants to provide relocation assistance in the form of a specified payment set by the RSO that is meant to cover relocation expenses. Therefore, existing RSO tenants on the Project Site will be provided relocation assistance as required by the RSO, and the Applicant will be required to follow all other applicable provisions of the RSO and of the Ellis Act, as well.

As explained on page IV.H-46 of Section IV.H, *Land Use and Planning*, and on pages IV.J-21 and IV.J-22 of Section IV.J, *Population and Housing*, of the Draft EIR, the RSO requirements also apply to the construction and operation of the new development proposed by the Project and by the Modified Alternative 2. Specifically, under the version of LAMC Section 151.28.A that applies to the Project and the Modified Alternative 2,[7] since the Applicant is removing 43 current RSO units from the market, the Applicant can either replace those 43 RSO with an equal number of covenanted affordable units on-site or 20 percent of the units, whichever is less, or, alternatively, can apply the RSO to all new Project or Modified Alternative 2 rental units other than covenanted affordable units. This only applies if the replacement units are offered for rent or lease within 5 years of the filing of the Notice of Intent to Withdraw per 15.128 of the Los Angeles Municipal Code (LAMC).

As stated on page II-8 of Chapter II, *Project Description*, page IV.H-46 of Section IV.H, *Land Use and Planning*, and on page IV.J-21 of Section IV.J, *Population and Housing*, of the Draft EIR, in order to comply with these regulations, the Project, would provide all 210 of its new multi-family residential units as RSO units. By contrast, as stated on pages 3-53 and 3-54 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would demolish 40 RSO apartment units and convert 3 RSO units within 1765 Vista Del Mar Avenue to

6 Government Code Sections 7060, et seq.

7 The application for the Project's Vesting Tentative Tract Map was deemed complete on August 16, 2016 (see March 17, 2017 letter from W. Lamborn, Dept. of City Planning, to the Applicant). Therefore, the prior version of LAMC Section 151.28.A regarding the replacement of RSO units applies to the Project and Modified Alternative 2, not the current version that became effective June 4, 2017.

a single family use (which would as a result no longer be subject to the RSO), and maintain one single-family home at 1771 Vista Del Mar Avenue not subject to the RSO. It would construct 269 new multi-family residential units. Seventeen (17) of these units would be covenanted affordable units for Very Low-Income households, and the remaining 252 multi-family units would be governed by the RSO. As indicated, the Modified Alternative 2 would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, formerly converted to a triplex, to a single-family residence. Therefore, the Modified Alternative 2 would provide a total of 271 residential units at the Project Site, including the two single-family residences on N. Vista Del Mar and the 269 multi-family units in Building 1. Very Low-Income households are households with an income at or below 50 percent of the Area Median Income, as established by the California Department of Housing and Community Development.

As stated on page II-8 of Chapter II, *Project Description*, of the Draft EIR, for the Project, and referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, although not required by the RSO, both the Project and the Modified Alternative 2 would also offer tenants of the existing RSO units at the Project Site a right of return to comparable units in the Project or Modified Alternative 2, once occupied, at their last year's rent plus applicable annual increases under the RSO, in order to minimize potential permanent displacement.

For all of the reasons stated above, neither the Project, nor the Modified Alternative 2 would result in a loss of affordable housing units or of RSO units. Substantial evidence supports the EIR's conclusion that neither the Project nor the Modified Alternative 2 would foreseeably displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.

c) Topical Response No. 3 – Affordable Housing Requirements

Several commenters have suggested that the Project fails to comply with affordable housing requirements and disobeys the requirements for inclusionary zoning, and that the Draft EIR fails to analyze the required levels of affordable housing needed in the Hollywood Redevelopment Plan area and, more generally, affordable housing requirements correlating with housing needs in the City and in Los Angeles County (County). These comments raise a number of issues that are addressed below.

(1) Neither the Project Nor the Modified Alternative 2 Is Required to Include Affordable Housing

Commenters assert, in general, that there is no reason for the Project to not comply with requirements for inclusionary zoning. More specifically, commenters assert that the Project fails to comply with the affordable housing requirements contained in California Health & Safety Code § 33413, subdivision (2)(A)(i) [*sic]* as implemented under Assembly Bill (AB) 1505. Regarding the Draft EIR, commenters assert that, because the Project Site is located within the boundaries of the Hollywood Redevelopment Plan Area, the Draft EIR is defective for failing to analyze the level of affordable housing required in the Hollywood Redevelopment Plan Area.

Contrary to the commenters' general assertions, there are no adopted inclusionary housing policies, plans, programs, or ordinances that require inclusionary housing in the Project or the Modified Alternative 2. However, the entitlements for Modified Alternative 2 include affordable housing units through the utilization of Density Bonus provisions.[8]

With regard to the commenters' specific assertions, commenters cite California Health & Safety Code, Section 33413(b)(2)(A)(i), a part of the Community Redevelopment Law, and AB 1505 as imposing affordable housing requirements not only on the Project, but also on all projects seeking "entitlements under any specific or community plan in place prior to *Palmer v. City of Los Angeles*." These commenters claim that, based on their review of the Draft EIR and a "Plan" (presumably the Hollywood Redevelopment Plan), either the Draft EIR or the Project fails to "acknowledge the affordable housing requirements demanded by CA HSC 33413(2)(A)(i) [sic] to be implemented under CA AB 1505" and that, since "affordable housing categories are required under state law," "the Draft EIR is not in compliance with all State, Community and Specific Plans" for failing to analyze affordable categories and for failing to analyze "affordable housing requirements correlating with … housing needs."

However, AB 1505 did not implement California Health & Safety Code, Section 33413(b)(2)(A)(i). AB 1505 modified Section 65850 of the Government Code to allow the legislative body of any county or city to adopt inclusionary housing ordinances to require new residential rental developments include a certain percentage of rental units "affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households" as specified in certain sections of the Health & Safety Code (not including Section 33413), or to provide for alternative means of compliance. (Gov't Code § 85850(g).) AB 1505 also added Section 65850.01 to the Government Code, which grants the California Department of Housing and Community Development the ability to review inclusionary housing ordinances adopted after September 15, 2017. Neither AB 1505 nor these Government Code sections are relevant to the Project because the City has not adopted an inclusionary housing ordinance or other requirement that affects either the Project or the Modified Alternative 2.

Further, California Health & Safety Code, Section 33413(b)(2)(A(i) itself does not apply to the Project, the Modified Alternative 2, or to any other individual project. Instead, as this section expressly states, it requires that "*[p]rior to the time limit on the effectiveness of the redevelopment plan* … at least 15 percent of all new and substantially rehabilitated dwelling units *developed within a project area* under the jurisdiction of an agency *by public or private entities or persons other than the agency* shall be available at affordable housing cost to, and occupied by, persons and families of low or moderate income…." (Emphasis added.) In other words, this statute imposes a requirement that 15 percent of the new or substantially rehabilitated units developed *in a redevelopment plan area* during the life of a redevelopment plan meet these affordability

[8] As explained in **Topical Response No. 2**, Rent Stabilized Housing, the RSO provides for replacing demolished RSO units with a certain number of covenanted affordable units as one option, but not as a requirement, for replacing RSO housing. (LAMC § 151.28.B.)

requirements; it does not impose these affordability requirements on individual projects developed in the redevelopment plan area.

Assuming these commenters are referring to the Hollywood Redevelopment Plan, the Project is consistent with the applicable provisions of that Plan, as discussed on pages IV.H-38 through IV.H-41 of Section IV.H, *Land Use and Planning*, of the Draft EIR. The Hollywood Redevelopment Plan does not require the Project, or the Modified Alternative 2, or any individual project, to provide 15 percent of its new residential units as covenanted affordable units, and none of the commenters has identified any provision in the Hollywood Redevelopment Plan that includes such a requirement. In fact, commenters acknowledge that the Plan includes a "requirement to have 15% areawide affordable housing." (Emphasis omitted.)

The commenters state that the Hollywood Redevelopment Plan requires "15% areawide affordable housing" that has not been met (emphasis omitted), and assert that the Project will "exacerbate the problem as we are on a trajectory of failure to meet the state law." These comments constitute argument, speculation, unsubstantiated opinion or narrative, or economic impacts that neither contribute to nor are caused by physical impacts on the environment – not substantial evidence. (See State CEQA Guidelines § 15384(a).) They do not support a claim that the Draft EIR fails to comply with CEQA or any applicable law or plan. Again, the Hollywood Redevelopment Plan's requirements regarding affordable housing units apply to the Redevelopment Plan area, and not to individual projects. Additionally, even if the need for affordable housing not mandated by local plans or ordinances were considered to be an environmental issue, which it is not, neither the Project nor the Modified Alternative 2 could be required to "mitigate" an existing condition. (See *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369; *Ballona Wetlands Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604.) Moreover, like the requirements in California Health & Safety Code, Section 33413(b)(2)(A(i), the Hollywood Redevelopment Plan's affordable housing requirements must be met within the lifetime of the Plan, which extends until 2027. See, Implementation Plan For 2009-2013 Hollywood Redevelopment Project.[9]

A recent court decision, now final, has upheld the City's interpretation, as stated above, of California Health & Safety Code, Section 33413(b)(2)(A(i) and the applicability of Hollywood Redevelopment Plan's affordable housing requirements on individual projects. That decision was entered in *AIDS Healthcare Foundation, etc., et al. v. City of Los Angeles, et al*., Los Angeles County Superior Court Case No. 19STCP00520; that decisions is now final (see Second District Court of Appeal Case No. B299296, and California Supreme Court Case No. S257776).

(2) The Modified Alternative 2 Density Bonus Calculation

Commenters further assert that, in complying with the affordable housing requirements mandated by California Health & Safety Code, Section 33413(b)(2)(A(i), the Project's "total base number of affordable units must be increased prior to any density bonus being applied," and that this same

[9] See http://www.crala.org/internet-site/Projects/Hollywood/upload/HW%20Implementation%20Plan_july2008.pdf

calculation must be done for all projects that sought entitlements under any specific or community plan that existed before the decision in *Palmer/Sixth Street Properties, L.P., et al. v. City of Los Angeles* (2009) 175 Cal.App.4th 1396 was issued..

However, the Project does not include affordable housing units and is not seeking a density bonus. As explained at page II-7 in Chapter II, *Project Description*, of the Draft EIR, the 43 existing multi-family residential units at the Project Site are governed by the City's RSO. There are no existing affordable units at the Project Site. In compliance with the RSO, 100 percent of the Project's new residential units would be RSO units. That is, the Project proposes to replace the 43 existing RSO units with 210 new RSO units. As such, the Project proposes a net increase of the number of RSO units in the Hollywood community, as well as on the Project Site. As set forth on pages II-36 and II-37 of Chapter II, *Project Description*, of the Draft EIR, the Project is not requesting a density bonus.

The Modified Alternative 2 analyzed in Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR would include 271 residential units; of those units, 17 units would be covenanted for Very Low Income households. As set forth on page 3-27 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would comply with the City's Density Bonus Ordinance, codified at LAMC Section 12.22.A.25. The Modified Alternative 2 base density, calculated as its density divided by lot area, would be 212. Modified Alternative 2 would restrict eight percent of its units to Very Low Income households by covenant, which calculates to 17 units (212 x 8% = 16.96, rounded to 17). Pursuant to LAMC Section 12.22 A.25, a project with eight percent Very Low Income units is entitled, by right, to a 27.5% density bonus, which means the Modified Alternative 2 would be entitled to a density bonus of 59 units (212 base units x 27.5% = 58.575, rounded to 59). Therefore, the Modified Alternative 2 would be entitled to build 271 residential units (212 + 59 = 271).

(3) Conclusion

No inclusionary housing policies, programs or zoning ordinances apply to the Project or the Modified Alternative 2. The affordable housing provisions in AB 1505, California Government Code Sections 65850 and 65850.01, California Health & Safety Code, Section 33413(b)(2)(A(i) and the Hollywood Redevelopment Plan do not require either the Project or the Modified Alternative 2 to include 15 percent of its residential units as affordable units.

3. Responses to Comments

Comment Letter No. AG 1

Lijin Sun, J.D., Program Supervisor, CEQA IGR
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email received June 2, 2020

Comment No. AG 1-1

Dear Mr. Como,

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report for the Proposed 6220 Yucca Street Project (SCH No.: 2015111073) (South Coast AQMD Control Number: LAC200423-05). Please contact me if you have any questions regarding these comments.

Response to Comment No. AG 1-1

The comment introduces the South Coast AQMD's (SCAQMD) attached comments on the Draft EIR. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of the SCAQMD's letter.

Comment No. AG 1-2

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish two existing buildings, and construct and operate two buildings with 210 residential units, 136 hotel rooms, and 12,570 square feet of commercial uses, totaling 316,948 square feet on 1.16 acres (Proposed Project). The Proposed Project is located on the southwest corner of Yucca Street and Vista Del Mar Avenue in the community of Hollywood within the City of Los Angeles. Construction of the Proposed Project is anticipated to take 22 months[1]. It is anticipated that the Proposed Project will become operational by 2023[2]. Upon reviews of Figure II-2: Aerial Photograph with Surrounding Land Uses[3] in the Draft EIR and Appendix C-2: Freeway Health Risk Assessment of the Draft EIR, South Coast AQMD staff found that U.S. Route 101 is approximate 200 feet north of the Proposed Project[4].

Footnote 1: Draft EIR. Chapter IV. Air Quality. Page IV. B-45.

Footnote 2: Draft EIR. Chapter II. Project Description. Page II-30.

Footnote 3: *Ibid.* Page II-4.

Footnote 4: Draft EIR. Appendix C-2: *Freeway Health Risk Assessment*. Page 2.

Response to Comment No. AG 1-2

The comment summarizes certain information provided in the Draft EIR and the Freeway Health Risk Assessment included in Appendix C-2 to the Draft EIR regarding the scope and location of the Project, and the proximity of the I-101 Freeway with respect to the Project Site.

As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of the SCAQMD's letter.

Comment No. AG 1-3

<u>South Coast AQMD Staff's Summary of the Air Quality Analysis and Health Risk Assessment</u>

The Lead Agency quantified the Proposed Project's construction and operational emissions and compared those to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's regional construction air quality impacts would be significant for nitrogen oxides (NOx) at 112 pounds per day (lbs/day)[5]. The Lead Agency is committing to implementing a construction mitigation measure (MM)- AQ-1 to require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater[6]. With implementation of MM-AQ-1, the Proposed Project's regional construction NOx emissions were reduced to less than significant at 70 lbs/day[7]. The Lead Agency found that the Proposed Project's regional air quality impacts from operation and localized air quality impacts from both construction and operation would all be less than significant[8].

The Lead Agency performed a Health Risk Assessment to disclose potential health risks for future residents living at the Proposed Project in the Draft EIR. The Lead Agency found that for a 30-year exposure period, the maximum unmitigated cancer risk from the surrounding high-volume freeway would be 8.1 in one million[9], which would not exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk[10]. According to the City of Los Angeles Municipal Code (LAMC) 99.04.504, filtration systems with Minimum Efficiency Reporting Value (MERV) 13 are required for residential buildings within 1,000 feet for a freeway. Therefore, to comply with LAMC 99.04.504, the Lead Agency will require the Proposed Project to install MERV 13 filters for residential uses[11].

Footnote 5: Draft EIR. Chapter IV. Air Quality. Page IV.B-67.

Footnote 6: *Ibid.* Page IV.B-68.

Footnote 7: *Ibid.* Page IV.B-69.

Footnote 8: *Ibid.*

Footnote 9: Draft EIR. Appendix C-2: *Freeway Health Risk Assessment*. Page 15.

Footnote 10: South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

Footnote 11: Draft EIR. Appendix C-2: *Freeway Health Risk Assessment*. Page 8.

Response to Comment No. AG 1-3

Table IV.B-6, *Estimated Unmitigated Maximum Regional Construction Emissions (Pounds Per Day)*, on page IV.B-67 of Section IV. B, *Air Quality*, of the Draft EIR, reports that Project construction would result in unmitigated daily emissions of NOX that would be potentially significant. Table IV.B-7, *Estimated Mitigated Maximum Regional Construction Emissions (Pounds Per Day)*, on page IV.B-69 of Section IV. B, *Air Quality*, of the Draft EIR, reports that, with implementation of mitigation measure MM- AQ-1 requiring the use of off-road diesel-powered construction equipment that meets or exceeds CARB and USEPA Tier 4 Final off-road emissions standards for equipment rated at 50 horsepower or greater, this potentially significant impact would be reduced to less than significant. (See also Draft EIR, Section IV.B, *Air Quality*, page IV.B-81.) As discussed at page IV.B-68 and described on pages IV.B-80 and IV.B-81, mitigation measure MM-AQ-1 includes the features described in the comment. As discussed in Section IV.B, *Air Quality*, of Draft EIR, the Project's regional air quality impacts from operation and localized air quality impacts from both construction and operation would all be less than significant.

As discussed on pages 3-32 through 3-34 of Chapter 3, Revision, Clarifications and Corrections, of this Final EIR, the Modified Alternative 2 air quality impact conclusions would be similar to the Project, with its impacts being less than the Project. MM-AQ-1, would also be implemented under the Modified Alternative 2 and impacts would be less than significant.

The comment further discusses the Freeway HRA conducted for informational purposes, and its conclusion reported in the Draft EIR that over a 30-year exposure period, the maximum unmitigated cancer risk from the surrounding high-volume freeway for future Project residents would be 8.1 in one million, which would not exceed the SCAQMD's CEQA significance threshold of 10 in one million for cancer risk. As discussed in the Draft EIR, Section IV.H, *Land Use and Planning*, pages IV.H-48 through IV.H-50, the Project would comply with the requirements of LAMC Section 99.04.504 to install MERV 13 filtration systems in residential buildings located within 1,000 feet of a freeway. As reported by in Table IV.H-7, *Summary of Carcinogenic Risks for On-Site Sensitive Receptors*, on page IV.H-49 of Section IV.H, Land Use and Planning, of the Draft EIR, the installation of the MERV 13 filtration systems would reduce the Project's residents' carcinogenic risks per one million to 4.04. Because the Modified Alternative 2 would be located on the same Project Site as the Project and would be located at the same distance from the101

Freeway as the Project, the Modified Alternative 2 would also comply with LAMC Section 99.04.504.

As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of the SCAQMD's letter.

Comment No. AG 1-4

South Coast AQMD Staff's Comments

Siting Sensitive Receptors near Freeways and Other Sources of Air Pollution

Notwithstanding the court rulings, South Coast AQMD staff recognizes that Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD's concern about the potential public health impacts of siting sensitive populations within close proximity to major sources of air pollution, such as high-volume freeways, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of 210 residential units within 200 feet of U.S. Route 101[12]. In 2018, U.S. Route 101 had 226,000 annual average daily trips, 32% of which was comprised of 4- and 5-axle trucks at Los Angeles/Highland Avenue Interchange (Post Mile 7.84)[13]. Sensitive receptors living at the Proposed Project could be exposed to diesel particulate matter (DPM) emissions from diesel fueled, heavy-duty trucks passing by on U.S. Route 101. The California Air Resources Board (CARB) has identified DPM as a toxic air contaminant based on its carcinogenic effects[14]. Future residents at the Proposed Project could be exposed to DPM emissions from the mobile sources traveling on U.S. Route 101 (e.g., diesel fueled, heavy-duty trucks).

Footnote 12: Draft EIR. Appendix C-2: *Freeway Health Risk Assessment*. Page 2.

Footnote 13: California Department of Transportation. 2018. Truck Traffic: Annual Average Daily Truck Traffic. Accessed at: https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/f0017681-2016-aadt-truck-a11y.pdf.

Footnote 14: California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: http://www.arb.ca.gov/regact/diesltac/diesltac.htm.

Response to Comment No. AG 1-4

Section IV.B, *Air Quality*, and Section IV.H, *Land Use and Planning*, of the Draft EIR provides information regarding potential public health impacts of siting the Project's residential uses within close proximity to major sources of air pollution, such as high-volume freeways. This is consistent

with the SCAQMD's comment that recommends that the Lead Agency review and consider the potential for sensitive receptors to be exposed to diesel particulate matter (DPM) emissions from diesel fueled, heavy-duty trucks passing by on U.S. Route 101. As discussed on page IV.B-27 and on page IV.H-17 of the Draft EIR, the City has issued an Advisory Notice for Freeway Adjacent Projects (Zoning Information File No. 2427), effective September 17, 2018, which calls attention to existing adopted goals, objectives, policies and programs in the General Plan that address land use compatibility with respect to sites near freeways for new residential development and sensitive land uses. As stated on page IV.H-17 of the Draft EIR, the Project Site is located less than 1,000 feet south of the Hollywood Freeway (i.e., U.S. Route 101) and that, for informational purposes, a health risk assessment has been prepared for the Project, which evaluates potential health risk impacts from DPM) emissions from diesel fueled, heavy-duty trucks passing by the Project Site on U.S. Route 101. Thus, the Draft EIR considers the information provided in this comment.

Comment No. AG 1-5

Health Risk Reduction Strategies

Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit. Here, the Lead Agency requires installation of MERV 13 filters at the Proposed Project[15] in accordance with LAMC 99.04.504.

Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters[16], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the building tenants. It is typically assumed that the filters operate 100 percent of the time while sensitive receptors are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have windows or doors open or are in common space areas of a project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Because of limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular inspection, monitoring, and maintenance of filters in the Final EIR. To facilitate a good-faith effort at full disclosure and provide useful information to residents who will live at the Proposed Project, at a minimum, the Final EIR should include the following information:

- Disclose the potential health impacts to residents who live in a close proximity to U.S. Route 101 and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);
- Identify the responsible implementing and enforcement agency such as the Lead Agency, property manager(s), and/or building operator(s)/tenant(s) to verify that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued to ensure compliance with LAMC 99.05.504;
- Identify the responsible implementing and enforcement agency, such as the Lead Agency, property manager(s), and/or building operator(s)/tenant(s) to ensure that enhanced filtration units are inspected and maintained regularly;
- Disclose the potential increase in energy costs for running the HVAC system to the prospective residents, property manager(s), and/or building operator(s)/tenant(s);
- Provide information to the prospective residents, property manager(s), and/or building operator(s)/tenant(s) on where the MERV 13 filers can be purchased;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units and disclose that information to the HOA representatives, prospective residents, property manager(s), and/or building operator(s)/tenant(s);
- Identify the responsible entity, such as the Lead Agency, residents themselves, or property management, for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if the building operators/tenants and/ or residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- Set City-wide, or Proposed Project-specific criteria for assessing progress in inspecting and replacing the enhanced filtration units, and maintain records to demonstrate ongoing, regular inspection, monitoring, and maintenance of MERV 13 filters; and
- Develop a City-wide, or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units, and maintain records to demonstrate results of the evaluation.

Footnote 15: Draft EIR. Appendix C-2: *Freeway Health Risk Assessment*. Page 8.

Footnote 16: This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default- source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by South Coast AQMD: http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf.

Response to Comment No. AG 1-5

As discussed on page IV.B-76 and page IV.H-15 of the Draft EIR, since the Project Site is located within 1,000 feet of a freeway, in compliance with Los Angeles Municipal Code (LAMC) subsections 99.05.504.5.3 and 99.04.504.6, mechanical ventilation systems for regularly occupied areas of Project buildings would be equipped with air filtration media for outside and return air that meet or exceed the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 MERV 13 rating, which would minimize health risk impacts

from freeway emissions. The Draft EIR's discussion of MERV 13 filters is consistent with the statement in the comment that enhanced filtration units are capable of reducing exposures.

The Draft EIR discusses limitations of MERV 13 filters including that such filters are rated for filtering particulate matter. As discussed on pages IV.H-15 and IV.H-49 of the Draft EIR, per ASHRAE Standard 52.2 (2012), MERV 13 would result in a removal efficiency of 50 percent for particles from 0.3 to 1.0 micrometers (µm), 85 percent for 1.0 to 3.0 µm, and 90 percent for 3.0 to 10.0 µm. As noted in the comment, filters inherently have no ability to filter out gases from vehicle exhaust, and the Draft EIR makes no claim to the contrary.

The Draft EIR also discusses limitations of MERV 13 filters with respect to the effect of windows being opened or closed. Pages IV.H-48 through IV.H.50 of the Draft EIR provides specific analyses for health risk impacts where it is assumed Project windows for sensitive receptors would be closed and where it is assumed windows for sensitive receptors would be opened. Given that future Project residents may individually choose to open or close windows in a manner that cannot be known, the Draft EIR provides a reasonable range of health risk impacts based on windows being closed or opened. As shown in Tables IV.H-7 and IV.H-8 on Pages IV.H-48 through IV.H-50 of the Draft EIR, health risk impacts to future Project residents would not exceed the thresholds of significance in the 'windows opened' or 'windows closed' scenarios. Therefore, MERV 13 filters are not actually required for a less than significant impact. Nonetheless, MERV 13 filters would be installed as required by the LAMC.

The analysis of potential health risk impacts to future Project residents under the 'windows opened' scenario assumes no filtration of freeway DPM emissions in outdoor air. Thus, it is equivalent to an analysis of future Project residents exposed to freeway DPM emissions in outdoor air. The analysis accounted for exposures in Project common usable open space areas as well as the residential units themselves. Therefore, the Draft EIR properly discloses potential health risk impacts to future Project residents in proximity to U.S. Route 101 and the reduced effectiveness of the air filtration system on future Project residents' potential exposure to freeway DPM emissions when windows are open and/or when located in Project common usable open space areas.

With respect to cost burdens for filter replacement and heating, ventilation, and air conditioning (HVAC) systems, because specific filter and HVAC system models have not been identified, specific costs are not available. The information provided in the comment regarding a cost range for filter replacement of $120 to $240 per year is based on an SCAQMD pilot study dated October 2009 as cited in the comment. The cost information in the comment is incorporated herein and provided to decision makers and the public for consideration. With respect to HVAC system costs, the Project would require an HVAC system not unlike many other multi-family residential buildings throughout California. Like all electric-powered HVAC systems, there are operating costs associated with electricity demand from the local utility provider and from routine maintenance. However, the fact that there is a monetary cost associated with filter replacements and HVAC system operation and maintenance is not a unique characteristic of the Project and is not itself an impact to the environment and need not be analyzed in the Draft EIR.

The Project operator would conduct maintenance of the Project HVAC systems and filter replacement as part of routine Project maintenance of all other building and mechanical systems in accordance with manufacturer specifications.

Comment No. AG 1-6

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and to the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Margaret Isied, Assistant Air Quality Specialist, at misied@aqmd.gov or (909) 396-2543, should you have any questions.

Response to Comment No. AG 1-6

The comment requests that the City comply with CEQA when responding to SCAQMD's comments. As requested, the City's responses to SCAQMD's comments will be sent to the SCAQMD as part of the Final EIR distribution prior to certification of Final EIR. The issues raised in these comments have been addressed in detail, and the City's responses have been provided in good faith, and contain reasoned analysis, without resort to unsupported conclusory statements. Refer to Response Nos. AG 1-2 through AG 1-5, inclusive, above. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of the SCAQMD's letter. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment Letter No. AG 2

Miya Edmonson, IGR/CEQA Branch Chief
State of California Department of Transportation (Caltrans)
District 7, Office of Transportation Planning
Mail Station 16
100 South Main Street
Los Angeles, CA 90012
Email received June 8, 2020

Comment No. AG 2-1

Dear Mr. Como:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. The 6220 West Yucca Project proposes to redevelop an approximately 1.16-acre (net area) property (Project). The project would include 210 multi-family residential units, 136 hotel rooms and approximately 12,570 square feet of commercial/restaurant uses in two buildings.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. CEQA Guidelines were adopted in December 2018, which implement SB 743's change to CEQA transportation analysis including use of a Vehicle Miles Traveled metric for land use projects. The CEQA Guidelines amendments are available at

https://resources.ca.gov/About-Us/Legal/CEQA-Supplemental-Documents

Response to Comment No. AG 2-2

The comment letter introduces Caltrans comments on the Draft EIR and provides a brief summary of the Project. The comment also describes Caltrans' mission to provide a safe, sustainable, integrated and efficient transportation system and discusses revisions in the CEQA Guidelines to implement SB 743's changes to CEQA transportation analyses, including use of a Vehicle Miles Traveled metric.

As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of Caltrans' letter. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 2-3

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and local facilities. With limited room to expand vehicular capacity, future development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to single occupancy vehicle use and better manage existing

parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

We encourage the Lead Agency to integrate transportation and land use in a way that reduces Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions, by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use. We also encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

Response to Comment No. AG 2-3

The comment states Caltrans' support for the incorporation of multi-modal and complete streets transportation elements in development projects that will actively promote alternatives to single occupancy vehicle use, improve management of parking, and prioritize and allocate space to bicycles and public transit.

The comment also states Caltrans' support of the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. The comment encourages the City of Los Angeles (City) to integrate transportation and land use in a way that reduces VMT and GHG emissions, by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use. The comment also encourages the City to evaluate the potential of TDM strategies and ITS applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

It is noted that both the Project and the Modified Alternative 2 propose a mixed-use development and increased density on an urban site located within a Transit Priority Area near an array of transit opportunities, including Metro's Redline Hollywood Station. As discussed on pages IV.L-35 through IV.L-37 and pages IV.L-42 through IV.L-44, and as reported in Table IV.L-2, *Summary of Vehicle Miles Traveled*, in Section IV.L, *Transportation*, of the Draft EIR, based on the City's VMT Calculator Version 1.2, the Project would generate an average work VMT of 7.2 per employee, which would be less than the Central APC impact threshold of 7.6. The Project would generate an average household VMT per capita of 7.4, which would exceed the Central APC impact threshold of 6.0 and result in a potentially impact for household VMT, which would be reduced to less than significant with implementation of the two mandatory strategies (unbundled parking and promotions and marketing) included in mitigation measure MM-TRAF-1, requiring the implementation of a TDM program. The combined effect of these two mandatory strategies of the TDM program would reduce vehicle trips and VMT by encouraging the use of alternative transportation modes.

As explained on page 3-58 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would result in a similarly high per capita household VMT of 7.5 prior to the implementation of MM-TRAF-1, the TDM program, and therefore, like the Project, would implement MM-TRAF-1. Like the Project, with the TDM program, the Modified Alternative 2 household VMT would be reduced to the threshold level of 6.0 and would result in a similar, less than significant impact.

However, under the City's recently updated (June 2020) VMT Calculator Version 1.3, the Project would not exceed the household VMT per capita threshold (see Appendix C-3a, Supplemental Modified Alternative 2 Transportation Analysis, of this Final EIR). Similarly, as discussed on page 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, Modified Alternative 2 generates a household per capita VMT of 5.1, which would be below the threshold of 6.0. Although no mitigation would be required for the Modified Alternative 2 average household or work VMT per capita as calculated using VMT Calculator Version 1.3, Modified Alternative 2 would still implement MM-TRAF-1, the TDM program, because of its environmental benefits.

This comment is noted for the record. However, because the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 2-4

The Project Site is located on the south side of West Yucca Street between Argyle Avenue and Vista Del Mar Avenue in the Hollywood Community of Los Angeles, approximately five miles northwest of Downtown Los Angeles. The Project Site is served by a network of regional transportation facilities. One of the City's larger and more recent projects, the Hollywood Center Project and this Project are located in an approximately 300-foot radius of the US-101. Also, trips from both projects will likely utilize the same State facilities.

The Project Site is located in an area served by public transit services such as the Metro Red Line, Metro Local 2, Metro Local 180/181, Metro Local 207, Metro Local 210, Metro Local 217, Metro Limited 302, Metro Rapid 757, Metro Rapid 780, LADOT DASH Beachwood Canyon, LADOT DASH Hollywood, and LADOT DASH Hollywood/Wilshire.

The existing bicycle network consists of several types of bicycle facilities. Bicycle lanes are a component of street design, with dedicated striping that separates vehicular traffic from bicycle traffic. These facilities offer a safer environment for both cyclists and motorists. In contrast, bicycle routes and bicycle-friendly streets are located on collector and lower volume arterial streets where motorists and cyclists share the roadway without dedicated striping for a bicycle lane. Streets with dedicated bicycle lanes, sharrows, and other bicycle friendly elements include Franklin Avenue east of Argyle Avenue, Yucca Street west of Vine Street, Yucca Street between Vine Street and Argyle Avenue, Selma Avenue, Cahuenga Boulevard north of Yucca Street, Vine Street south of Yucca Street, and Argyle Avenue between Franklin Avenue and Selma Avenue.

The Project would provide on-site long-term and short-term bicycle parking consistent with the City's Bicycle Parking Ordinance. Streetscape, landscape, and lighting improvements would enhance pedestrian activity and walkability in and around the Project Site. This pedestrian and bicycle accessibility would serve to improve first/last mile access to nearby transit services, including the Metro Red Line.

The Project would also provide electric vehicle charging in the proposed parking structure. PDF-GHG-2 requires that at least 20 percent of the total code-required parking spaces provided for all types of parking facilities shall be capable of supporting future electric vehicle supply equipment (EVSE). In addition, PDF-GHG-3 requires that at least 5 percent of the total code-required parking spaces shall be equipped with EV charging stations.

The project mitigation measure MM-TRAF-1 Transportation Demand Management (TDM) Program includes at a minimum, the following:

- Unbundled Parking: Provision of unbundled parking for residents (i.e., parking space is leased separately from dwelling units);
- Promotions and Marketing: Employees and residents shall be provided with materials and promotions encouraging use of alternative modes of transportation. This type of campaign would raise awareness of the options available to people who may never consider any alternatives to driving;
- Incentives for using alternative travel modes (such as transit passes);
- Guaranteed ride home program for employees;
- Short-term car rentals; Parking incentives and administrative support for formation of carpools/vanpools; and/or
- Participation as a member in the future Hollywood Transportation Management Organization (TMO), when operational. TMO is an organization that helps to promote some TDM services to a community by providing information about available public transportation options and matching people into ridesharing services.

The mitigation measure MM-TRAF-1 would implement a TDM program that would result in vehicle trip reductions.

Response to Comment No. AG 2-4

The comment reiterates information provided in the Draft EIR regarding the location of the Project and the proximity of the related Hollywood Center Project, the availability of public transit, the existing bicycle network, and the Project's provision of bicycle facilities and EV charging stations. The comment further states that the Project's pedestrian and bicycle accessibility would serve to improve first/last mile access to nearby transit services, including the Metro Red Line.

The comment also reiterates two of the TDM programs mandatory strategies included in mitigation measure MM-TRAF-1 in the Draft EIR, including unbundled parking and promotions and marketing. However, the comment incorrectly lists other strategies as minimally required strategies that the Draft EIR makes clear are potential strategies, including incentives for using

alternative travel modes (such as transit passes); guaranteed ride home program for employees; short-term car rentals; parking incentives and administrative support for formation of carpools/vanpools; and/or participation as a member in the future Hollywood TMO.

The comment further states that implementation of mitigation measure MM-TRAF-1, the TDM program, would result in vehicle trip reductions, which is consistent with the conclusion of the transportation analysis in the Draft EIR.

This comment is noted for the record. However, because the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 2-5

Caltrans commented on the Notice of Preparation for this project in December 2015. Since then, the City of Los Angeles has adopted a VMT metric for transportation analysis in July 2019, in accordance with Senate Bill 743 (2013). As such, Caltrans has reviewed this DEIR from a VMT perspective rather than a level of service perspective.

The Project would generate 11,929 daily VMT (a reduction of 678 daily VMT after TDM), which includes a home-based production daily VMT of 2,862 and a home-based work attraction daily VMT of 796. The Project would generate an average household VMT per capita of 6.0 (1.4 less than prior to mitigation). With mitigation the Project would not exceed the household VMT per capita threshold of 6.0. Though the impact for work VMT for the Project would be less than significant without mitigation, the TDM program would further reduce the average work VMT per employee of 7.1 (compared to the 7.6 Impact Threshold). Thus, with the incorporation of mitigation measure, the Project would meet the threshold criteria of being 15% less than the existing average household VMT per capita for the Central APC area that this project is located in, and the household VMT impact would be reduced to a less than significant level.

Response to Comment No. AG 2-5

The comment refers to Caltrans' original response to the Notice of Preparation (NOP) for the Project and the City's subsequent adoption of a VMT metric for transportation analysis, consistent with SB 743. Caltrans states that the Draft EIR was reviewed from a VMT perspective rather than a level of service (LOS) perspective.

The comment reiterates the Draft EIR calculations of the Project's daily VMT, and average household VMT per capita and average work VMT per employee, and the Draft EIR's significance conclusions, as discussed in Response to Comment No. AG 2-3, above. The comment also reiterates that, with the incorporation of MM-TRAF-1, the Project would meet the threshold criteria of being 15 percent less than the existing average household VMT per capita for the Central APC.

It should be noted, however, that under the City's updated VMT Calculator Version 1.3, the Project and Modified Alternative 2 would result in household per capita VMT's below the threshold standards and no mitigation (TDM) would be required. However, as discussed in Response to

Comment NO. AG 2-3, the Modified Alternative 2 would still implement MM-TRAF-1, the proposed TDM, due to its environmental benefits.

This comment is noted for the record. However, because the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR or the potential environmental effects of the Project, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers

Comment No. AG 2-6

Despite this project's less than significant VMT impacts, Caltrans still has unaddressed safety (i.e. potential traffic conflict) related concerns with this project. Please note that Caltrans is still in the process of developing its new traffic impact study guide, which will include guidance on how to conduct safety analyses on the State facilities. This guide is not expected to be released until later this year.

Response to Comment No. AG 2-6

The comment asserts that, despite the Project's less than significant VMT impacts, safety concerns regarding potential traffic conflict have not been addressed. The comment also states that Caltrans is developing its new traffic impact study guide, which will include guidance on how to conduct safety analyses on State facilities, but that this guide is not expected to be released until later this year, but fails to identify what those safety concerns are and what environmental impacts or potential impacts they do or may cause. The comment raises general "safety concerns" regarding potential traffic conflicts, but fails to provide any specific facts or substantial evidence to support these general concerns. Caltrans released interim guidance (Interim Land Development and Intergovernmental Review (LDIGR) Safety Review Practitioner's Guidance) on July 1, 2020, which states that the lead agency conducting the CEQA review has the discretion to determine its own methodology for safety impact review.[10] Moreover, in accordance with LADOT's Interim Guidance for Freeway Safety Analysis (City Freeway Guidance), neither the Project nor Modified Alternative 2 generates more than 25 peak hour trips at any freeway off-ramp, and thus neither the Project nor Modified Alternative 2 requires a further safety analysis with respect to Caltrans facilities. (See Appendix C-3b, Supplemental Project LADOT Freeway Safety Analysis, of this Final EIR.) The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 2-7

As a reminder, storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.

[10] See https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-07-01-interim-ldigr-safety-guidance-a11y.pdf, last accessed July 2020.

Response to Comment No. AG 2-7

The Project's potential hydrology impacts during construction are discussed in Section IV.G, *Hydrology and Water Quality*, of the Draft EIR. As discussed therein on pages IV.G-26 through IV.G-27, the Project would comply with NPDES Waste Discharge Requirements, including preparation and implementation of a SWPPP in compliance with the General Construction Permit, as well as comply with the City's grading regulations, to control storm water pollutant discharge and, as such, the Project would not result in significant storm water run-off during construction. In addition, as discussed on pages IV.G-27 through IV.G-31 of Section IV.G, *Hydrology and Water Quality*, of the Draft EIR, the Project would be required to incorporate BMPs and LID features to capture and treat the Project Site's runoff per the applicable provisions of City's LID Ordinance and, as a result, the Project's operational impacts related to storm water runoff would be less than significant. It is further noted that the construction activities utilizing heavy construction equipment and/or materials oversized-transport vehicles on State highways will require a transportation permit from Caltrans. Regarding limiting large size truck trips to off-peak commute periods, because of the types of loads requiring the use of oversized vehicles, these trips are typically scheduled for very early morning delivery specifically to avoid peak commute periods.

As discussed on page 3-42 of Chapter 3, Revisions, Clarifications and Corrections, of this Final EIR, the Modified Alternative 2 would comply with these same requirements during its construction and operation.

This comment is noted for the record. However, because the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 2-8

Finally, in reviewing the draft environmental document, we are not satisfied that our concerns have been fully addressed. As such, we would like to meet with the City to discuss the details of our concerns and work toward a mutually agreeable resolution. In particular, we would like to discuss, among other things, the distribution percentages to US-101 and its ramps, the appropriate storage length with a reasonable factor of safety, the proper ramp configurations, the signal timing references for signalized intersections, and the cumulative project trips. Any improvements or modifications to the State Highway system that result from our discussion should be included as conditions of approval of the Project by the City.

We look forward to continue working with the City of Los Angeles to ensure local and state transportation facilities remain safe for the traveling public.

Please feel free to contact Mr. Alan Lin at (213) 897-8391 if you have any questions regarding the above. We look forward to working with you.

Response to Comment No. AG 2-8

The comment states that Caltrans is not satisfied that its concerns have been fully addressed in the Draft EIR, but does not identify any defect in the Draft EIR including, without limitation, any failure to identify any impact of the Project. Although it does not identify any concern that it asserts the Draft EIR has failed to address, Caltrans states that it wishes to meet with the City, rather than require additional information in the Draft EIR, to discuss additional details regarding the distribution percentages to US-101 and its ramps, the appropriate storage length with a reasonable factor of safety, the ramp configurations, the signal timing references for signalized intersections, and the cumulative project trips.

In addition, as stated above, under the City Freeway Guidance, neither the Project nor Modified Alternative 2 requires a further safety analysis with respect to Caltrans facilities. (See Appendix C-3b, Supplemental Project LADOT Freeway Safety Analysis, of this Final EIR.)

However, Caltrans' interest in meeting with the City regarding changes and effects on the freeway system is acknowledged and included in the record for consideration by the decision-makers.

Comment Letter No. AG 3

Shine Ling, AICP, Manager
Los Angeles County Metropolitan Transportation Authority (Metro)
One Gateway Plaza
Los Angeles, CA 90012-2952
Email received June 8, 2020

Comment No. AG 3-1

Greetings,

Thank you for the opportunity to comment on the 6220 West Yucca at 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street; and 1765, 1771, 1777, and 1779 North Vista Del Mar Avenue. Attached are Metro's comments. Please kindly reply to confirm receipt.

Please contact Shine Ling at 213.922.2671 or lings@metro.net if you have any questions.

Response to Comment No. AG 3-1

The comment introduces Metro's attached comments on the Draft EIR, but does not raise any specific issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-2

Dear Mr. Como:

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed 6220 West Yucca (Project) located at 1756, 1760 North Argyle Avenue; 6210-6224 West Yucca Street; and 1765, 1771, 1777, and 1779 North Vista Del Mar Avenue in the City of Los Angeles (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi- modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with information on potential synergies associated with transit- oriented developments that should be considered in the Environmental Impact Report (EIR) for the Project. Implementation of the strategies noted below will further the Project's ability to achieve its goals under Assembly Bill 900 requirements to reduce Vehicle Miles Traveled (VMT).

In addition to the specific comments outlined below, Metro is providing the City and Riley Realty, L.P. (Applicant) with the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at ww.metro.net/projects/devreview/.

Response to Comment No. AG 3-2

The comment discusses Metro's commitment to working with local municipalities, developers, and other stakeholders to grow ridership, reduce driving, and promote walkable neighborhoods. The comment defines TOCs as places that allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development. The comment explains that pursuant to the consultation requirements on Draft EIRs contained in the CEQA Guidelines, Metro is providing the City with information on potential synergies associated with transit-oriented developments that should be considered in EIR for the Project. The comment asserts that implementation of the strategies discussed in the letter will further the Project's ability to achieve its goals under the requirements of Assembly Bill (AB) 900 to reduce VMT.

It is noted that Metro did not comment on the NOP issued prior to the preparation of the Draft EIR.

The comment also states that it is providing the Applicant with the Metro Adjacent Development Handbook, which provides an overview of common concerns for development adjacent to Metro ROW and transit facilities.

These comments are noted for the record. However, because the comments do not raise any specific issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-3

Project Description

The Project includes 210 multi-family residential units, 136 hotel rooms and approximately 12,570 square feet of commercial/restaurant uses. Parking would be provided on-site within the six-level parking structure housed within the podium structure of Building 1 and the two-level parking structure housed within Building 2. The Project is an Environmental Leadership Development Project (ELDP) under Assembly Bill 900, certified by the Governor's Office on July 26, 2017.

Response to Comment No. AG 3-3

The comment reiterates the description of the Project provided in the Draft EIR.

It is noted however, that in addition to the Project, the City is also considering Modified Alternative 2.As discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, the Modified Alternative 2, like the Project, would be a mixed-use development that would provide greater density at a previously developed urban site within a Transit Priority Area in which an

array of transit opportunities, including Metro's Redline Hollywood Station, are located within walking distance. The Modified Alternative 2 would eliminate the Project's hotel component and provide 269 new multi-family residential units and approximately 7,780 square feet of commercial/restaurant uses in Building 1 (the former Building 1). The former Building 2, which previously provided 13 units, would not be constructed. The existing residences located at 1765 and 1771 N. Vista Del Mar would not be demolished, and the residence located at 1765 N. Vista Del Mar, formerly converted to a triplex, would be returned to a single-family residence. The existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue will be converted to a publicly accessible open space/park. Therefore, the Modified Alternative 2 would provide a total of 271 residential units at the Project Site, including the two single-family residences on N. Vista Del Mar and the 269 multi-family units in Building 1. This would be the same in total units as Alternative 2, the Primarily Residential Alternative, evaluated in the Draft EIR.

Because the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's potential environmental effects. The comment is included to provide a complete record of Metro's letter, but no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-4

Transit Supportive Planning: Recommendations and Resources

Considering the Project's proximity to the Hollywood and Vine Station, Metro would like to identify the potential synergies associated with transit-oriented development:

1. Transit Supportive Planning Toolkit: Metro strongly recommends that the Applicant review the Transit Supportive Planning Toolkit which identifies 10 elements of transit-supportive places and, applied collectively, has been shown to reduce vehicle miles traveled by establishing community-scaled density, diverse land use mix, combination of affordable housing, and infrastructure projects for pedestrians, bicyclists, and people of all ages and abilities. This resource is available at https://www.metro.net/projects/tod-toolkit.

Response to Comment No. AG 3-4

As discussed at the website referenced in the comment, the Metro Transit Supportive Planning Toolkit (the Toolkit) details specific policies and programs that can be used to promote TOCs. These include a description of The Toolkit contains a number of policy and regulatory tools, research on the characteristics of transit-supportive places, analytical models to evaluate the benefits of TOD, among other topics. The following information is in the Toolkit:

- TOD Characteristics – A description of the 10 characteristics of transit-supportive places with research describing the benefits of each.
- Policy & Planning Tools – Over 25 specific policy, planning and regulatory tools that address the topics of land use, urban design, transportation, market and economic, and community engagement

- Environmental Analysis Tools – A description and link to analytical tools that allow communities to understand the benefits of transit-supportive places
- Economic Benefits – A description of the economic benefits of transit-supportive places.
- Outreach & Communication Best Practices – Methods for engaging the community in the decision-making process in a way that supports transit.

The comment and the Toolkit items in Comment No. AG 3-4 are not specific to and do not raise issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. The comment is included to provide a complete record of Metro's letter, but no further response to this comment is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-5

2. Land Use: Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments. Metro encourages the City and Applicant to be mindful of the Project's proximity to the Hollywood and Vine Station, including orienting pedestrian pathways towards the station.

Response to Comment No. AG 3-5

The comment expresses support for the Project's design and location, and encourages the City and the Applicant to orient pedestrian pathways toward the Hollywood and Vine Metro station. The comment does not raise issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. The comment is included to provide a complete record of Metro's letter, but no further response to this comment is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Even so, it is worth noting that Land Use planning tools in Metro's Toolkit include transportation, urban design, financing, and transit supportive planning. Planning includes the General Plan Land Use Designations and Vision. As discussed in Section IV.H. *Land Use and Planning*, of the Draft EIR, Table IV.H-1, *Comparison of the Project to the Applicable Policies of the General Plan Framework Element,* and Table IV.H-5*, Consistency of the Project with Applicable Policies of the Hollywood Redevelopment Plan*, the Project would not conflict with land use designations or policies that provide for the design of new development to maintain the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial districts (General Plan Policy 3.2.4) or other applicable land use plan and policies. As discussed on pages 3-43 and 3-44 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 also would not conflict with land use designations or policies that provide for the design of new development to maintain the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial districts (General Plan Policy 3.2.4,) or other applicable land use plan and policies.

In addition, as discussed on pages IV.B-52 through IV.B-57 of Section IV.B, *Air Quality*, of the Draft EIR, under the subheadings Air Quality Management Plan Consistency/*Operations*/*Control*

Strategies and Policy Consistency, the Project's location, design and land uses reduce its VMT and resulting air pollutant emissions as compared to projects located outside of TOCs and those without mixed uses and render the Project consistent with not only the SCAQMD's 2016, but also with the land use characteristics identified by the California Air Pollution Control Officers Association (CAPCOA) in their guidance document entitled *Quantifying Greenhouse Gas Mitigation Measures* as reducing VMT, including increased density, location efficiency, increased land efficiency and mixed uses, increased destination accessibility, increased transit accessibility, and the provision of pedestrian network improvements. As discussed on page 3-32 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would also be consistent with the 2016 AQMP and with the land use characteristics identified by CAPCOA in its guidance document as reducing VMT.

Transportation planning tools include TDM programs, such as the program the Project and the Modified Alternative 2 identify as mitigation measure MM-TRAF-1 (see Section IV.L, *Transportation*, of the Draft EIR). Although under the City's current VTM Calculator Version 1.3, neither the Project nor the Modified Alternative 2 would exceed VTM thresholds for the Central APC and mitigation would not be required, MM-TRAF-1 identified in Section IV.L, *Transportation*, of the Draft EIR would be implemented under either the Project or the Modified Alternative 2 to further reduce estimated VTM. MM-TRAF-1 requires the Applicant to prepare and implement a comprehensive TDM program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM program shall be subject to review and approval by the Department of City Planning and LADOT. A covenant and agreement shall be implemented to ensure that the TDM program shall be maintained. Although many of the exact measures to be implemented shall be determined when the Program is prepared, prior to issuance of a final certificate of occupancy for the Project, the strategies in the TDM Program shall include at a minimum, the following:

- Unbundled Parking: Provision of unbundled parking for residents (i.e., parking space is leased separately from dwelling units); and

- Promotions and Marketing: Employees and residents shall be provided with materials and promotions encouraging use of alternative modes of transportation. This type of campaign would raise awareness of the options available to people who may never consider any alternatives to driving.

In addition, the TDM could include measures such as:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;

- Design the project to ensure a bicycle, transit, and pedestrian friendly environment;

- Accommodate flexible/alternative work schedules and telecommuting programs;

- A provision requiring compliance with the State Parking Cash-out Law in all leases;

- Coordinate with DOT to determine if the project location is eligible for a future Integrated Mobility Hub (which can include space for a bike share kiosk, and/or parking spaces on-site for car-share vehicles);
- Provide on-site transit routing and schedule information;
- Provide a program to discount transit passes for residents/employees possibly through negotiated bulk purchasing of passes with transit providers;
- Provide rideshare matching services;
- Preferential rideshare loading/unloading or parking location;
- Contribute a one-time fixed fee contribution of $75,000 to be deposited into the City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the Project; and/or
- Participation as a member in the future Hollywood TMO, when operational. When the Hollywood TMO becomes operational, the Hollywood TMO's services may replace some of the in-house TDM services where applicable.

In addition to these TDM measures, DOT also recommends that the applicant explore the implementation of an on-demand van, shuttle or tram service that connects the project employees to off-site transit stops (such as the Metro Red Line stations) based on the transportation needs of the project's employees. Such a service can be included as an additional measure in the TDM program if it is deemed feasible and effective by the applicant.

With regard to the Hollywood TMO, the Hollywood community is a strong candidate for the promotion of alternative modes of transportation, including convenient walking and bicycling, carpooling and vanpooling, use of public transit, short-term automobile rentals, etc. A TMO is an organization that helps to promote these services to a community by providing information about available public transportation options and matching people into ridesharing services. The developers of various approved projects in the Hollywood Area, along with LADOT and stakeholders, have proposed to initiate the Hollywood TMO. Some of the TDM strategies could be enhanced through participation in the Hollywood TMO, once and if it becomes operational. As indicated above, once the Hollywood TMO becomes operational, the Hollywood TMO's services may replace some of the in-house TDM services where applicable.

MM-TRAF-1 is consistent with the City's policies on sustainability and smart growth and with LADOT's trip reduction and multi-modal transportation program that support improvements that reduce greenhouse gas emissions by reducing the use of single-occupant vehicle trips, encouraging developers to construct transit and pedestrian-friendly projects with safe and walkable sidewalks, and providing efficient and effective traffic management and monitoring.

Comment No. AG 3-6

3. Transit Connections and Access: Metro strongly encourages the Applicant to install Project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations. The City should

consider requiring the installation of such features as part of the conditions of approval for the Project, including:

a. Walkability: The provision of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby Hollywood and Vine Station.

b. Bicycle Use and Micromobility Devices: The provision of adequate short-term bicycle parking, such as ground-level bicycle racks, and secure, access-controlled, enclosed long-term bicycle parking for residents, employees, and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, ease to locate, and equipment installation with preferred spacing dimensions, so bicycle parking can be safely and conveniently accessed. Similar provisions for micro-mobility devices are also encouraged. The Applicant should also coordinate with the Metro Bike Share program for a potential Bike Share station at this development.

c. First & Last Mile Access: The Project should address first-last mile connections to transit and is encouraged to support these connections with wayfinding signage inclusive of all modes of transportation. For reference, please review the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: http://media.metro.net/docs/sustainability_path_design_guidelines.pdf

Response to Comment No. AG 3-6

The comment encourages the Applicant to install Project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations and states that the City should consider requiring the installation of such features as part of the conditions of approval for the Project, including: Walkability, Bicycle Use and Micromobility Devices, and First & Last Mile Access.

Walkability consists of the provision of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby Hollywood and Vine Station. As discussed in the Draft EIR, Section IV.L-1, *Transportation*, of the Draft EIR and in Table IV.L-1*, Project Consistency with the Policies of Mobility Plan 2015*, streetscape, landscape, street-level retail, and lighting improvements proposed by the Project would enhance pedestrian activity and walkability in and around the Project Site. Street trees would be planted along Yucca Street, Argyle Avenue and Vista Del Mar Avenue, which would enhance the pedestrian environment. The Project's pedestrian features would integrate into and with the adjacent pedestrian network to maintain connections with multimodal facilities. The Modified Alternative 2 would provide for similar improvements to enhance walkability.

As further discussed in Section IV.L, *Transportation*, of the Draft EIR, Table IV.L-1, the Project would provide for 258 bicycle parking spaces (consistent with LAMC Section 12.21A.16). Bicyclists would have the same access opportunities to the Project Site as pedestrians. Bicycle access would be shared with the vehicular access, other than approximately 13 short-term bicycle parking spaces along the sidewalk on Yucca Street. The Project would include facilities to support

bicycling and would not adversely affect the planned bicycle network. The remaining bicycle spaces would be provided on the P-1 parking level and would be readily accessible. Bicycle parking would be secure and long-term bicycle parking for residents and employees would be access-controlled and enclosed. The Modified Alternative 2 would provide for 164 bicycle parking spaces on the 1st and 2nd parking levels. These include 18 short-term and 128 long-germ spaces.[11]

The comment asserts that the Project should address first-last mile connections to transit and encourages the Project to support these connections with wayfinding signage inclusive of all modes of transportation. Metro/SCAG's *First Last Mile Strategic Plan* sets for the goals to expand the reach of transit through infrastructure improvements, to maximize multi-modal benefits and efficiencies, and to build on the RTP/SCS and Countywide Sustainable Planning Policy (multi-modal, green, equitable, and smart). This is achieved primarily through infrastructure investments to extend the reach of transit and to increase ridership. As discussed in Section IV.L, *Transportation*, of the Draft EIR and on pages 3-57 through 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Project and Modified Alternative 2 would provide mixed uses and a densification of the Project Site with primarily residential development within one block, or approximately 0.13 miles, of the nearest Metro Red Line station. The Project Site area is also served by bus lines operated by the Los Angeles Department of Transportation's (LADOT's) Downtown Area Shuttle (DASH). The Project and Modified Alternative 2 would provide for sidewalk improvements along Yucca Street and Argyle Avenue, street trees, pedestrian lights, street-level retail and other uses that would enhance the pathway between the Project and the Metro Station as well as provide higher ridership related to the increased occupancy of the Project Site. The provision of pedestrian and bicycle accessibility would serve to improve first/last mile access to nearby transit, including the Metro Red Line. Therefore, the Project and the Modified Alternative 2 would be consistent with the objectives of the First Last Mile Strategic Plan to increase transit ridership.

The Project and Modified Alternative 2 would be substantially consistent with the transit connection and access policies of Metro's Toolkit.

The comment does not raise issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. The comment is included to provide a complete record of Metro's letter, but no further response to this comment is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-7

4. Parking: Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements and

[11] The reduction in bicycle parking spaces as between the Project as originally proposed and Modified Alternative 2 results from the application of City Ordinance No. 185480, adopted in March 2018, which, among other things, reduced bicycle parking requirements for certain residential buildings based on a report from the City Planning Department that indicated that the prior ordinance was resulting in excessive and unused bicycle parking spaces within certain residential buildings.

the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile-orientation in design and travel demand.

Response to Comment No. AG 3-7

Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements and the exploration of shared parking opportunities. Strategies set forth in the Project's TDM under MM-TRAF-1 would serve the purpose of reducing vehicle ownership and VMT in accordance with Metro's Toolkit.

The comment does not raise issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. The comment is included to provide a complete record of Metro's letter, but no further response to this comment is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-8

5. Wayfinding: Any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus or Rail pictograms) requires review and approval by Metro Signage and Environmental Graphic Design.

Response to Comment No. AG 3-8

The comment asserts that any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus or Rail pictograms) must be reviewed and approved by Metro Signage and Environmental Graphic Design. The comment is noted, but does not raise issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. As such, no further response to this comment is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-9

6. Transit Pass Programs: Metro would like to inform the Applicant of Metro's employer transit pass programs, including the Annual Transit Access Pass (A-TAP), the Employer Pass Program (E-Pass), and Small Employer Pass (SEP) Program. These programs offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. The A-TAP can also be used for residential projects. For more information on these programs, please visit the programs' website at https://www.metro.net/riding/eapp/.

Response to Comment No. AG 3-9

The comment provides information regarding Metro's employer transit pass programs that can be offered to employees. As discussed regarding Mitigation Measure MM-TRAF-1, the Project's or Modified Alternative 2's TDM program could include measures such as incentives for using alternative travel modes (such as transit passes). Please refer to page IV.L-43 of Section IV.L, *Transportation*, of the Draft EIR and page 3-58 of Chapter 3, *Revisions, Clarifications and*

Corrections, of this Final EIR. While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. AG 3-10

If you have any questions regarding this letter, please contact me by phone at 213-922-2671, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review One Gateway Plaza
MS 99-22-1
Los Angeles, CA 90012-2952

Response to Comment No. AG 3-10

The comment provides contact information. While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Attachment

The letter attaches the Metro Adjacent Development Handbook referred to in Metro's comment letter. The full text of the Handbook is provided in Appendix A, Original Comment Letters, of this Final EIR.

Comment Letter No. ORG 1

Los Angeles Tenants Union
P.O. Box 27354
Los Angeles, CA 90027
Received May 15, 2020

Comment No. ORG 1-1

Please accept this letter in support of tenants of the Yucca Argyle Apartments at 6210-6224 Yucca St, Los Angeles, CA 90028, who are also part of the Hollywood Local of the LA Tenants Union.

We insist that the Department of City Planning immediately withdraw the Draft EIR project review until 30 days after the City's Stay at Home order is lifted.

The Yucca Argyle Apartment tenants and the Hollywood Local of the Los Angeles Tenant Union received the Draft EIR notification for 6220 West Yucca Street Project (ENV-2014-4706-EIR) on April 23, 2020. According to the notification, tenants and community members have from April 23, 2020 to June 8, 2020 to submit public comment on the Draft EIR.

It is entirely *unacceptable* that the Department of City Planning post the public notice for the Draft EIR when we are still under a Stay at Home order due to the COVID-19 health emergency. The notification to the tenants announcing public comment invites community members to make an appointment with the Planning Dept. to review the DEIR. The same letter also suggests going to the library to review the DEIR. However, according to the Planning Dept. website (https://planning.lacity.org/contact/public-counters), no *appointments* are being taken at this time. All Los Angeles libraries are also *closed* at this time. The lack of public access to the DEIR violates the process of public comment as required under CEQA.

It is outrageous that the Department of City Planning expects the community to contribute public comment during the present crisis. Our tenant members demand that with limited public resources, this notice and the review period be withdrawn until 30 days after the governor and mayor lift the Stay at Home order.

Response to Comment No. ORG 1-1

The comments request that the City withdraw or extend the Project's 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate and that it would neither withdraw nor extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to withdraw or extend the comment period on the Draft EIR, see Topical Response No. 1, *Public Participation and Review*, discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period. Also, the comment states that according to the City's Planning Department website, no appointments are being taken at this time. The website referenced in the comment refers to counter services at the City's Planning Department. However, as stated in the Notice of

Completion and Availability for the Draft EIR, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file, may be available for public review, by appointment only, at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. - 4:00 p.m. The notices provided the contact information for the Project's Staff Planner to schedule an appointment. The City's Planning Department was available and taking appointments to review the Draft EIR during the entire public review period. The Staff Planner received only one request to view the file and no requests to send electronic copies or otherwise to make the Draft EIR further accessible.

While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

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Comment Letter No. ORG 2

Richard Adkins, President
Hollywood Heritage, Inc.
P.O. Box 2586
Hollywood, CA 90078
First email received May 15, 2020 (ORG 2A)
Second email received June 8, 2020 (ORG 2B)

Comment No. ORG 2A-1

Dear Mr. Como:

Hollywood Heritage is writing in support of the request from the Hollywood United Neighborhood Council and other concerned parties to extend the deadline for public comment on the Draft EIR for the 6220 W Yucca Project and the Hollywood Center Project to August 1st, 2020.

These projects, individually and cumulatively, will significantly alter the historic infrastructure of Hollywood and in particular the Vista del Mar/Carlos Historic District. In light of the coronavirus pandemic and the ensuing measures to protect the wellbeing of Angelenos, it is crucial for residents to have sufficient time to evaluate the potential impacts of new development on their community.

As Co-Director of the Frank G. Wells Environmental Law Clinic at UCLA Sean Hecht described in his letter to Mayor Garcetti, City Attorney Feuer, and Planning Director Bertoni on March 23rd, 2020, the “Safer At Home” orders have dramatically altered public participation in the planning process. This includes restricted access to paper documents, logistical barriers to communication between and coordination of community groups and the innumerable ways coronavirus has forced residents to reprioritize their actions to meet basic needs. These challenges disproportionately impact our most vulnerable communities. Given these circumstances, additional time is needed to respond to projects of this magnitude.

We therefore strongly urge you to extend the public comment deadline to August 1st. Thank you for your work to support a democratic planning process.

Response to Comment No. ORG 2A-1

The comments request that the City withdraw or extend the Project’s 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate, that it would neither withdraw nor extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City’s determination not to withdraw or extend the comment period on the Draft EIR, see Topical Response No. 1, *Public Participation and Review*, which discusses CEQA’s public participation requirements and the steps undertaken by the City to ensure the public’s ability to timely review and comment on the Draft EIR during the comment period.

While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-1

Dear Mr. Como,

Please find Hollywood Heritage's comments in response to the 6220 West Yucca Project (ENV-2014-4706-EIR Response). If you have any questions do not hesitate to ask.

Response to Comment No. ORG 2B-1

The comment provides an introduction to Hollywood Heritage's comments. Responses to those comments are provided below in Responses to Comments Nos. ORG 2B-2 through ORG 2B-50. While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-2

Dear Mr. Como,

The Board of Directors of Hollywood Heritage, its Preservation Issues Committee and its members, thank you for the opportunity to review and comment on the 6220 West Yucca Project. Hollywood Heritage has a keen interest in the future of Hollywood and firmly believes that its historic resources are foundational—to tourism, to its unique character, to its sustainability.

For four decades, our organization has participated in the recognition and protection of Hollywood's world- renowned landmarks. During that time, the professional process of identifying historic resources through surveys and national landmark registrations has been completed. Zoning, the Hollywood Community Plan, and the Hollywood Redevelopment Plan were vetted and completed to treat and protect these historic buildings, and to plan for proper growth in their environs.

Response to Comment No. ORG 2B-2

This comment provides an introduction to the commenter's organization, Hollywood Heritage. However, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-3

Demolition [*sic*] a significant adverse effect and is avoidable. This Project damages a recognized nationally significant historic district with a significant adverse effect—demolition of listed structures. It also introduces new construction as infill into a District, and the effect using any metric-- Preservation Brief #14 or another objective standard such as LA HPOZ guidelines—in unacceptable.

The Vista del Mar/Carlos Historic District is protected both by laws governing historic properties and by the City's obligations under Sec. 506 of the Redevelopment Plan (Hollywood Core Transition District for Vista del Mar/Carlos, and the Hollywood Boulevard District for Building 1). Intentions for this area are crystal clear. The Community Plan and zoning identified this area having special height and density restrictions to reduce possibility of projects such as this one. ZIMAS alerts owners to Historic Preservation Review.

Insensitive alterations to the two buildings (1765 and 1771 Vista del Mar) within this historic District of national significance happened <u>since</u> the buildings were listed, under the guardianship of CRA, the government agency assigned to avoid such damage. CRA was enjoined from de-listing buildings such as these –buildings must remain listed and protected. These can readily be rehabilitated.

The DEIR shows a genuine attempt to "design around" the landmarks demolition, to honor setbacks, etc., and the attempt is recognized by Hollywood Heritage. Compatibility of new designs with historic districts is a detailed process. The sketch of the proposed building on Project Description Page II- 9 and in the Aesthetics Fig 4-A11 shows that it isn't compatible, despite the effort.

Response to Comment No. ORG 2B-3

The comment claims that the Draft EIR's conclusion that the Project would have a less than significant impact on the Vista del Mar/Carlos Historic District is incorrect, and that the Project would instead have a significant impact by demolishing listed structures and introducing new construction into the District in their place that is incompatible with the district. The comment also claims that the insensitive alterations to the residences at 1765 and 1771 N. Vista Del Mar occurred after the buildings were listed, under the "guardianship of CRA," and can readily be rehabilitated.

Under CEQA, a significant impact to a historic resource only occurs where a project would cause "a substantial adverse change" in the significance of that resource. The CEQA Guidelines define a "substantial adverse change in the significance of a historical resource" to mean "physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of the resource is materially impaired." (CEQA Guidelines § 15064.5(b)(1).) A substantial adverse change results in a "material impairment" when a project: (A) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or (B) Demolishes or materially alters in an

adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code (unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant); or (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA. (CEQA Guidelines § 15064.5(b)(2).) Accordingly, a significant impact under CEQA on a historic resource only occurs where a project would physically destroy features that contribute to the historic nature of the resource in a manner that threatens the eligibility of the resource for listing. If substantial evidence supports the conclusion that an impact on a historical resource does not involve a "substantial adverse change" in the significance of the resource, there is no significant impact. (*Citizens for Responsible Development v. City of West Hollywood* (1995) 39 Cal.App.4th 490, 501-502.)

The Draft EIR's conclusion that the Project would have a less than significant impact on the Vista del Mar/Carlos Historic District is supported by substantial evidence. As explained on pages IV.C-20 through IV.C-24 of Section IV.C, *Cultural Resources*, of the Draft EIR, the two residences located on the Project Site at 1765 and 1771 North Vista del Mar were previously, but are no longer eligible at the federal, State or local levels to be contributors to the Vista del Mar/Carlos Historic District. As the Draft EIR reports on page IV.C-22 of Section IV.C, *Cultural Resources*, both residences were listed as historic in a 1984 local survey, but the residence located at 1771 North Vista del Mar was downgraded in the 2010 Hollywood Survey to 6Z CHR Status Code, meaning it was found ineligible for National Register, California Register or local designation through survey evaluation, because substantial alterations had been made to the residence that resulted in a loss of its ability to sufficiently convey the historic significance of the district. Therefore, the residence is no longer considered to be a contributor to the Vista del Mar/Carlos Historic District. As stated at page IV.C-23 of Section IV.C, *Cultural Resources*, of the Draft EIR, the *Historical Resources Assessment Report* and the *Historical Resources Peer Review Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR) confirmed the conclusions of the 2010 Hollywood Survey with respect to the residence at 1771 North Vista del Mar.

As discussed at pages IV.C-23 and IV.C-24 of Section IV.C, *Cultural Resources*, of the Draft EIR, the residence located at 1765 North Vista del Mar has been incorrectly identified as an eligible contributor to the Vista del Mar/Carlos Historic District in surveys beginning with the 1984 local survey, because of the alterations to the interior and exterior of the residence that have resulted in material adverse changes that have materially impaired the property's integrity and historic significance. Notably, the addition of a second story in 1935 altered the original 1918 residence beyond recognition. Based on the property research and documentation of the property in the *Historical Resources Assessment Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR), the Report's intensive analysis concludes that the residence at 1765 North Vista del Mar was previously mistakenly identified as a contributor to the Vista del Mar/Carlos Historic District and that the property should be reassigned to a 6Z CHR Status Code.

Therefore, the Draft EIR concludes based on substantial evidence that neither residence is an eligible contributor to the Vista del Mar/Carlos Historic District (Section IV.C, *Cultural Resources*, page IV.C-24), and that their demolition by the Project would not result in a significant impact to that District (Section IV.C, *Cultural Resources*, page IV.C-35).

The Draft EIR also concludes, based on substantial evidence, that the design of the Project, including, without limitation, its Building 2, would be compatible with and would not create significant impacts on the Vista del Mar/Carlos Historic District. On pages IV.C-36 and IV.C-37 of Section IV.C, *Cultural Resources*, the Draft EIR explains that, while the Project's Building 1 is differentiated by its height and contemporary design and building materials from the nearby Craftsman and Spanish Revival style contributors to the District, the Project's Building 2 serves as a transitional buffer between the two, with its three-story height and its design which incorporates features and elements of the contemporary Craftsman style such as the use of stucco and brick, hipped roofs with overhanging eaves, residential-scaled fenestration, and a muted color scheme. Further, as the Draft EIR explains on page IV.C-37 of Section IV.C, *Cultural Resources*, although the Project would not directly impact or rehabilitate any historic buildings, its Building 2 would follow the Secretary of Interior Standards for Rehabilitation, Standard 9 because the new construction would not destroy any of the historic materials that characterize the Vista del Mar/Carlos Historic District, the new construction would be differentiated from the old construction and would be compatible with the massing, size, scale and architectural features to protect the historic integrity of the District and its environment. The Project would also align with Standard 10 because, if the Project were removed in the future, the essential form and integrity of the existing Vista del Mar/Carlos Historic District would not be impaired. Thus, the Project's alignment with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation further substantiates the Draft EIR's conclusion that the Project's impacts on the Vista del Mar/Carlos Historic District would be less than significant. (CEQA Guidelines, § 15064.5(b)(3) [Projects that follow the applicable Secretary of Interior Standards are deemed to mitigate impacts to historic resources to a less than significant level])

Section IV.C, *Cultural Resources*, of the Draft EIR further concludes that the Project would not result in substantial material changes to the integrity and the significance of the seven historical resources in the vicinity of the Project Site identified in the *Historical Resources Assessment Report* included in Appendix D to the Draft EIR. On pages IV.C-35 through IV.C-38 of Section IV.C, *Cultural Resources*, the Draft EIR discusses the substantial evidence supporting its conclusions that the Project would not alter the settings of these historical resources in a manner that would materially impair their historical significance. In summary, as explained on page IV.C-36 of Section IV.C, *Cultural Resources*, of the Draft EIR, although the scale and massing of the Project would alter the visual context of these nearby historical resources, including the Vista del Mar/Carlos Historic District, the site of the former Little Country Church of Hollywood, Capitol Records Building, Pantages Theatre, Hollywood Equitable Building, Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, the historic settings for these resources have already been altered by changes and redevelopment in the area after the period of significance of these resources including, without limitation, the construction of the Yucca Argyle Apartments in 1953 and the Hollywood Freeway completed by the late 1940's and early 1950's to the northeast of the Project Site. The Draft EIR then addresses each of the seven historical

resources individually, on pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, with more specific substantial evidence to support these general conclusions.

It is noted however, that in addition to the Project, the City is considering Modified Alternative 2, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. Modified Alternative 2, like the Project, would be a mixed-use development that would provide greater density at a previously developed urban site within a Transit Priority Area in which an array of transit opportunities, including Metro's Redline Hollywood Station, are located within walking distance. However, Modified Alternative 2 would eliminate the Project's hotel component and provide 269 new multi-family residential units and approximately 7,780 square feet of commercial/restaurant uses in Building 1 (modified former Building 1). Further, as pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible landscaped open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot within the historic district would align with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Memorandum: Supplement to Historical Resources Assessment and Environmental Impacts Analysis, 6220 West Yucca Project, Los Angeles, California, July 1, 2020, prepared to analyze the potential impacts of Modified Alternative 2 (Historical Resources Memorandum) attached as Appendix C-2 to this Final EIR. That is, like the Project, Modified Alternative 2 would not rehabilitate any historic buildings, it would align with Secretary of Interior Standards for Rehabilitation, Standard 9 because its new construction would be differentiated from the old construction of the Vista del Mar/Carlos Historic District and would be compatible with the massing, size, scale and architectural features to protect the historic integrity of the District and its environment. Also like the Project, Modified Alternative 2 would also align with Standards 10 because, if Modified Alternative 2 (its tower) were removed in the future, the essential form and integrity of the existing Vista del Mar/Carlos Historic District would not be impaired. Therefore, as analyzed in the Historical Resources Memorandum, Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect.

The comment asserts that the Vista del Mar/Carlos Historic District is protected by "laws governing historic properties" and Section 506 of the Hollywood Redevelopment Plan, and that the Hollywood Community Plan and the zoning identify this area as having special height and density restrictions to reduce the possibility of projects such as this one. Contrary to the statement in the comment, Section 506 of the Hollywood Redevelopment Plan does not place any particular height and density restrictions on project sites, and does not otherwise impose conditions or requirements to address environmental impacts within the Regional Center, the Hollywood Boulevard District, and Hollywood Core Transitional District of the greater plan area, but rather

merely requires that certain plan consistency findings to be made by the Redevelopment Agency (or its successor) in approving new development projects. (Redevelopment Plan, Sections 506.2, 506.2.1, 506.2.2.) The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect – which include relevant policies, goals and requirements of the Redevelopment Plan. (Draft EIR, Section IV.H, *Land Use and Planning*, pp. IV.H-20 – IV.H-54.) Moreover, Section 502 of the Redevelopment Plan states that, "[i]n the event the General Plan, the applicable Community Plan, and/or any applicable City zoning ordinance is amended and/or supplemented with regard to any land use in the Project Area, the land use provisions of this Plan, including, without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process." Accordingly, the Project and Modified Alternative 2's proposed zone change, would modify the middle parcel referenced in the comment to make its zoning consistent with the Regional Center Commercial General Plan land use designation, and would effectively update the Hollywood Redevelopment Plan to make it consistent with the Modified Alternative 2 without the need for any additional process with respect to the Redevelopment Plan. (Draft EIR, Chapter II, *Project Description*, p. II-36.) See Response to Comment No. ORG 2B-29.

Finally, the comment notes that the City's ZIMAS website indicates that Historic Preservation review of the Project has occurred. This is a general comment not warranting a response under CEQA, as it does not address the content or adequacy of the Draft EIR or the Project's potential environmental effects; the comment merely indicates that at least portions of the Project Site have been subject to prior historic review, which is the case here for the Project Site in light of the prior historic surveys and the prior determination that parts of the Project Site have been determined to be within the boundaries of the Vista del Mar/Carlos Historic District.

Comment No. ORG 2B-4

A better outcome: Maybe such a compatible District infill project can be designed, especially if the maximum 9 units is adhered to. A far better solution is rehabilitating the 2 District contributors as dwelling units, perhaps 4, preserving and improving the block face, and moving any remainder into the neighboring oversize building. A further option is to follow the law- execute a Transfer of Development Rights off this property, preserve it in perpetuity, and help justify the request (in part) for tripling density on the adjoining parcel. This project has significant design flaws, but there is a possible environmentally superior outcome.

Response to Comment No. ORG 2B-4

The Modified Alternative 2 would preserve the two referenced residential buildings located at 1765 and 1771 Vista del Mar Avenue, though contrary to the commenter's assertion, they are not contributors to the District. Further, the Modified Alternative 2 would not construct any buildings in the District. Thus, the comment has been adequately addressed with design changes to the Project reflected in the Modified Alternative 2.

The request to rehabilitate off-site resources relates to properties outside of the boundaries of the Project Site that are not owned or otherwise controlled by the Project applicant, and therefore

such proposed measures are not feasible. (Draft EIR, p. IV.C-21, Figure IV.C-1 of Section IV.C, *Cultural Resources*.) Moreover, rehabilitating off-site buildings is not required to mitigate any impacts to offsite historic resources, as the Project and Modified Alternative 2 impacts on offsite historic resources are less than significant, and therefore such measures are not required by CEQA. (Draft EIR, p. IV.C-35-38.)

Notably, though Modified Alternative 2 would retain the two extant residential structures located at 1765 and 1771 Vista del Mar Avenue, as the analysis in Section IV.C, *Cultural Resources*, and Appendices D-1 and D-2 of the Draft EIR demonstrate, these structures are not contributors to the Vista del Mar/Carlos Historic District because construction work on the properties occurring outside of the identified period of historic significance for the district has resulted in a loss of integrity, causing the structures no longer convey sufficient historic significance to validly be considered part of the district. (Draft EIR, p. IV.C-35.) Therefore, preserving the buildings does not avoid a significant environmental impact and is not required by CEQA – the proposed change reflected in the Modified Alternative 2 merely addresses community concerns and reduces an already less than significant impact on the district.

The commenter's request that the City require a Transfer of Development Rights (TFAR) approval for the Project is not feasible because, under the City's TFAR Ordinance (LAMC Chapter 14.5), TFAR approvals are not available in Hollywood and at the Project Site (See LAMC, § 14.5.1 *et seq*.). There is no adopted and codified TFAR ordinance or procedure for Hollywood or the Project Site. Even if a TFAR approval could theoretically apply, which it cannot, a TFAR approval: (1) is a discretionary approval a project applicant is not mandated to request from the City and is not legally required of the Project or Modified Alternative 2, and therefore cannot be imposed by the City; (2) would not address or otherwise mitigate any environmental impacts of the Project, but rather would simply be another entitlement, and as such would only provide a means of obtaining development rights – in other words, replacing or supplementing the existing entitlement requests with a TFAR request would not alter the Project or it's impacts in any way, it would theoretically only be an alternative entitlement pathway to approving the same Project; (3) would at most provide a mechanism for funding for public benefits that would not mitigate any environmental impacts of the Project and therefore could not under any circumstances be required by CEQA; and (4) could not, in any event, be required as mitigation for alleged historic impacts because both the Project and the Modified Alternative 2 would have a less than significant impact on historic and cultural resources as set forth in Chapter IV-C-1 and Appendices D-1 and D-2 of the Draft EIR, and therefore no mitigation is required.

Comment No. ORG 2B-5

<u>Notable significant effects:</u> We are reviewing yet another DEIR here for a Project with damaging effects, skillfully hidden.

Response to Comment No. ORG 2B-5

The comment asserts that the Draft EIR is concealing the Project's damaging effects on the environment. However, the comment does not identify any facts or adverse effect of the Project that the commenter believes the Draft EIR might be concealing, or support the commenter's

assertion with substantial evidence. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (See State CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, due to the comment's failure to identify issues related to the Project's potential environmental effects or the content or adequacy of the Draft EIR with sufficient specificity to enable the City to respond, no further response is possible or warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-6

- $28 million gift: The developer is asking for entitlements for 221,891 sf of "gift" in an area with a 2:1 FAR. If this developer is granted triple the density allowed, conservatively this is a $28 million "gift", as this developer saves at least that much cash not going out and purchasing additional land. Show the calculations!

Response to Comment No. ORG 2B-6

Here the commenter asserts that, in requesting entitlements for the construction of the Project, the applicant is requesting "gifts" from the City that mandate that the applicant disclose Project financials. While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

Comment No. ORG 2B-7

- Non-compliant design: The Building 1 podium design and height is a fork in the eye of the existing community. Zoning was put in place specifically so the middle parcel building height and bulk would step down, cast less shadow, etc., Restrictions on above-grade parking, against podium-type buildings, for a 75' height limit (NOT 225') etc. are built into Sec 506 of the Redevelopment Plan (in the Hollywood Core Transition District and Hollywood Boulevard Urban Design District Plans). Today all building permits on this site must be reviewed for specific compliance according to the transfer of CRA responsibilities to the City of Los Angeles. This clearly is not compliant.

Response to Comment No. ORG 2B-7

The commenter asserts that the Project's tower design does not conform to the design requirements of Section 506 of the Hollywood Redevelopment Plan and would result in shade and other unspecified aesthetic impacts. The Project's potential aesthetic impacts are addressed in Section IV.A-1 of the Draft EIR. That analysis notes that, under state law SB 743, the aesthetic impacts of mixed-use and employment center projects within a Transit Priority Area (TPA) such as the Project are not significant impacts under CEQA as a matter of law. (Draft EIR, p. IV.A-1.) Accordingly, the Project's aesthetic impacts, including with respect to shade and shadow, are less than significant as a matter of law. This same rule of law applies to the Modified Alternative 2. Moreover, Section 506 of the Hollywood Redevelopment Plan does not place any particular restrictions on project sites to address environmental impacts within the Regional Center, the

Hollywood Boulevard District, and Hollywood Core Transitional District of the greater plan area, but rather merely requires that certain plan consistency findings to be made by the Redevelopment Agency (or its successor) in approving new development projects. (Redevelopment Plan, Sections 506.2, 506.2.1, 506.2.2.) The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations *adopted for the purpose of avoiding or mitigating an environmental effect* – which include relevant policies, goals and requirements of the Redevelopment Plan. (Draft EIR, pp. IV.H-20 – IV.H-54.) Moreover, Section 502 of the Redevelopment Plan states that, "[i]n the event the General Plan, the applicable Community Plan, and/or any applicable City zoning ordinance is amended and/or supplemented with regard to any land use in the Project Area, the land use provisions of this Plan, including, without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process." Accordingly, the Project and Modified Alternative 2 proposed zone change, which would modify the middle parcel referenced in the comment to make its zoning consistent with the Regional Center Commercial General Plan land use designation, and would effectively update the Hollywood Redevelopment Plan to make it consistent with the Modified Alternative 2 without the need for any additional process with respect to the Redevelopment Plan. (Draft EIR, p. II-36.)

With respect to the referenced plans under the Redevelopment Plan, See Response to Comment No. ORG 2B-29.

Comment No. ORG 2B-8

- Fault our liability?: Hollywood Heritage generally does not comment on earthquake faulting, but the location of the project in the Alquist Priolo Fault Zone and the burden facing us, the City, from taking on this liability when this project is approved is hard to ignore.

Response to Comment No. ORG 2B-8

The comment appears to express a general concern regarding the location of the Project Site within the Alquist-Priolo Earthquake Fault Zone. Since this comment appears under a "significant effect" heading and a statement asserting that the Draft EIR is concealing the Project's purported "damaging effects," the comment appears to claim that the Draft EIR conceals the Project's significant effect related to ground surface rupture. However, the Project's potential effects related to ground surface rupture are discussed in detail in the Draft EIR in Section IV.E, *Geology and Soils*, and in Appendix F supporting that section. The substantial evidence in the Draft EIR supports its conclusions that there is no active faulting beneath the Project Site and no fault projecting toward the Project Site and that the location of the Project's structures on the Project Site would be consistent with the requirements of the Alquist-Priolo setback requirement.

As explained at pages IV.E-2 and IV.E-3 in Section IV.E, *Geology and Soils*, of the Draft EIR, according to the Alquist-Priolo Earthquake Fault Zoning Act, buildings can be permitted within an earthquake fault zone as long as the buildings will not be constructed across active faults. Where an active fault is found, a structure intended for human occupancy cannot be placed over the trace of the fault and must be set back from it. Although setback distances may vary, a minimum

50-foot setback is generally required. The Alquist-Priolo Earthquake Fault Zoning Act and its regulations are presented in California Geologic Survey's(CGS) Special Publication (SP) 42, Fault-rupture Hazard Zones in California (2007).[12] As discussed on pages IV.E-4 through IV.E-7 of Section IV.E, *Geology and Soils*, of the Draft EIR, additional regulations are contained in the City's Building Code in the LAMC, which incorporates the California Building Code by reference with City amendments for additional requirements.

As discussed on page IV.E-14 of Section IV.E, *Geology and Soils*, of the Draft EIR, the nearest significant fault to the Project Site is the Hollywood Fault. As shown by Figure IV.E-2, the current published California Geologic Survey (CGS map shows that two traces of the Hollywood Fault are located near the Project Site: one trace that is mapped across Yucca Street over 50 feet to the north of the Project Site boundary, trending east-west; and a second trace that is mapped across Carlos Avenue approximately 220 feet to the south of the Project Site boundary, also trending east-west. The Draft EIR reports at pages IV.E-14 through IV.E-18 of Section IV.E, *Geology and Soils*, that, as summarized in the Geotechnical Feasibility Report (March 2019), the fault activity investigations for the Project Site and for the surrounding areas, including the sites north and west of the Project Site (all provided in Appendix F of the Draft EIR) indicate that there is no active faulting beneath the Project Site and no fault projecting toward the Project Site.[13] On page IV.E-28, the Draft EIR reaches the same conclusion based on this substantial evidence, and that the potential for ground surface rupture at the Project Site is considered to be low.[14] The Draft EIR further concludes, based on the fault data collected and known for the Hollywood Fault near the Project Site, and the Project's design, that project structures would be located at a distance greater than 50 feet from the nearest Hollywood Fault trace, which distance would be consistent with the requirements of the Alquist-Priolo setback requirement.

As discussed on pages 3-39 and 3-40 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would also result in a less than significant impact related to ground surface rupture because, like the Project, it would also be constructed at the Project Site.

This comment is noted for the record. However, because the comment raises only a general concern regarding the Project Site's location in relation to an earthquake fault, and fails to identify any specific issues related to the Project's potential environmental effects or the content or adequacy of the Draft EIR, no further response is possible or warranted The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-9

- Avoid vibration: As in the Hollywood Center DEIR, impacts from construction vibration are declared "unavoidable". A monitoring program is prescribed during construction, when it is too

[12] Hart, Department of Conservation, California Geological Survey, Special Publication 42, Op Cit.

[13] As stated earlier, fault Investigation Reports are included in Appendices E-2 through E-4 of this Draft EIR.

[14] Update Geotechnical Feasibility Report, Proposed High-Rise Residential Development, 6220 West Yucca Street, Hollywood District, Los Angeles, California, Section 4.3, page 8, prepared by Group Delta, dated March 2019.

late. Please see our comments on Hollywood Center- specifically showing how up-front investigations and engineering can ensure the damage never occurs.

Response to Comment No. ORG 2B-9

The commenter cites an EIR for a different project asserting that it's vibration impacts are "unavoidable" and requests additional pre-construction analysis be conducted for the Project. As discussed on page IV.I-61 in Section IV.I, *Noise*, of the Draft EIR, implementation of mitigation measure MM-NOI-3 would ensure that construction groundborne vibration levels would be below the significance threshold of 0.2 inches per second (PPV) for potential structural damage impacts at the nearest single-family residential building adjacent to the site along Vista Del Mar Avenue (R3). This mitigation measure requires a 15-foot buffer between the nearest off-site building and heavy construction equipment operations. This mitigation measure would reduce groundborne vibration levels to 0.191 inches per second (PPV), which is below the significance threshold of 0.2 inches per second (PPV). Therefore, no structural damage impacts are reasonably expected based on this substantial evidence. Nonetheless, the Draft EIR recognizes that the mitigated level of 0.191 inches per second (PPV) is less than, but still close to the significance threshold of 0.2 inches per second (PPV). Out of an abundance of caution, the Draft EIR includes mitigation measure MM-NOI-4 to provide for a groundborne vibration monitoring program. While structural damage impacts to off-site buildings are not reasonably expected based on the substantial evidence discussed above, MM-NOI-4 does include provisions for providing repairs in the unanticipated event that the Project were to cause damage (subject to the consent of other property owners, who may not agree). As a result, the Project does include feasible mitigation measures to minimize and avoid vibration-related structural damage impacts to off-site buildings, but also includes further environmentally protective mitigation measures in the unanticipated event that damage does occur.

Comment No. ORG 2B-10

- <u>Real environmental protection:</u> The pretense of sustainability disregards the sustainable City planning already in place: extreme efforts over 30 years to make a livable community with housing choice, with traffic that moves, and with impacts of larger buildings on smaller mitigated.

Response to Comment No. ORG 2B-10

The commenter expresses opinions that the Project's sustainability features are a pretense, and that the Project disregards the existing conditions, which the commenter characterizes as the result of a 30-year effort "to make a livable community with housing choice, with traffic that moves, and with impacts of larger buildings on smaller mitigated." However, the comment does not identify any of the Project's sustainability features that the commenter believes are a pretense, or provide any specific facts or substantial evidence to support the commenter's opinions. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (See State CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, due to the comment's failure to identify issues related to the Project's potential environmental effects or

the content or adequacy of the Draft EIR with sufficient specificity to enable the City to respond, no further response is possible or warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Even so, refer to Sections IV.B, *Air Quality*, IV.D, *Energy*, IV.F, *Greenhouse Gas Emissions*, IV.H, *Land Use and Planning*, IV.L, *Transportation*, and IV.N, *Utilities*, of the Draft EIR for a review of the City's current sustainability and land use policies. These sections, with supporting substantial evidence provided in respective Appendices C, G, L, and N, evaluate the Project's consistency with such policies and programs. As evaluated in detail therein, the Draft EIR concludes, based on substantial evidence, that the Project would be substantially consistent with the City's applicable sustainability policies. On pages 3-42, 3-43, 3-56, 3-57, 3-63, 3-65 and 3-66 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the EIR concludes that the Modified Alternative 2 would, like the Project, be substantially consistent with the City's applicable sustainability policies.

Comment No. ORG 2B-11

<u>The review time with this EIR has coincided with an unprecedented pandemic and civil unrest.</u> Therefore, our organization has been given the minimum amount of time to respond to EIRs for 3 massive projects which will dramatically impact Hollywood. It is astounding that the Planning Department is accelerating "business as usual". Our City came to its knees over the isolation of its government and police force from its citizens. We boarded up our museum and properties. These 3 overscaled projects couldn't better illustrate the disregard for Hollywood. The giant Century Cities on our narrow streets from unjustified huge "give-aways" the last 10 years--countermanding proper planning and permanently harming our world-renowned heritage.

Response to Comment No. ORG 2B-11

The comment expresses the commenter's general concerns about the City's issuance, during a pandemic and civil unrest, of EIRs for three major projects that, in the commenter's opinion, countermand proper planning and permanently harm the Community's heritage. The comment does not provide any specific facts or substantial evidence to support the commenter's opinions. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (See State CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, due to the comment's failure to identify issues related to the Project's potential environmental effects or the content or adequacy of the Draft EIR with sufficient specificity to enable the City to respond, no further response is possible or warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-12

We see some good moves by this developer to deal with the demolition of 44 rent- controlled units, and putting 66 new market rate units into rent controlled limitations of rent-increases. But a large hotel and the 66 other units don't appear to do anything for affordability. This Project can qualify for a 35% bonus density under SB 1818, or even more under other affordable housing

incentives, AND comply with zoning intent AND genuinely provide affordable housing. A gift of 210,000 sf of development, straining narrow streets to crisis and destroying a neighborhood, has a powerful unstated significant adverse effect on genuine Hollywood.

Response to Comment No. ORG 2B-12

The comment addresses the issue of rent controlled and affordable dwelling units. While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

For a further informational discussion regarding these issues, please see Topical Responses Nos. 2 and 3. To correct one minor mistake, the current number of RSO units on the Project Site is 43, not 44. Moreover, the Modified Alternative 2 has been revised to include 17 units of covenanted affordable housing at the Very Low Income level and, as with the Project, and contrary to the statement in the comment, the entire remainder of the residential apartment units would be subject to the RSO. The Modified Alternative 2 was so modified to address this concern, and thus provides affordable housing in line with the request of the commenter and other members of the public who have expressed concerns over the lack of affordable housing proposed by the Project.

Comment No. ORG 2B-13

Our comments on the DEIR are as follows:

Response to Comment No. ORG 2B-13

The comment provides an introduction to the comments provides in Comment Nos. ORG 2B-14 through 2B-50, below. Responses to those comments are provided below in Responses to Comment Nos. ORG 2B-14 through 2B-50, below. This comment is noted for the record. However, as the comment does not raise any specific issue with respect to the content and adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. ORG 2B-14

1. **Cultural Resources- resources are not well-identified; impacts not fully identified; failure to mitigate.**

<u>The DEIR fails to acknowledge the issue of historic resources as articulated in HH's NOP dated December 28, 2015.</u> The impact analysis in the Cultural resources section does not convey the magnitude of the impact of the proposed project on the Vista Del Mar / Carlos District, LA Historic-Cultural Monument Hollywood Little Country Church, and nearby historic resources. This project is the latest example of the disregard that the City has for protection of Hollywood resources. It highlights the extreme vulnerability of Hollywood's historic districts to new development and the City's historic neglect of these designated resources, even those which have been formally determined eligible for the National Register of Historic Places.

Response to Comment No. ORG 2B-14

The comment asserts that the Draft EIR fails to convey the magnitude of the impact of the Project on the Vista del Mar/Carlos Historic District and other nearby historic resources. The comment is incorrect. Section IV.C, *Cultural Resources*, of the Draft EIR thoroughly addresses the Project's potential effects on this District and all nearby historic resources and concludes, based on substantial evidence, including that provided by the *Historical Resources Assessment Report* and the *Historical Resources Peer Review Report* prepared for the Draft EIR (both of which are contained in Appendix D to the Draft EIR) that the Project's impacts would be less than significant without the need for mitigation.

Note that, as explained on pages 3-10 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, mitigation measure MM-NOI-4 has been clarified and modified to provide, as follows:

> **MM-NOI-4:** Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.
>
> The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. <u>Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.</u>
>
> - The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.
> - In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as halting/staggering concurrent activities or utilizing lower vibratory techniques.
> - In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques.

Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.

- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

The modification of MM-NOI-4 to require that monitoring be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible removes the need to obtain the other property owners' consent and ensures that MM-NOI-4 can be implemented to reduce the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue to a less than significant level. (See Appendix C-1 – Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment.) Therefore, with its implementation of MM-NOI-3 and MM-NOI-4, the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue would be reduced to less than significant.

Additionally, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail on pages 3-16 through 3-18 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted into a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot are consistent with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Supplemental Historic Resources Assessment (see Appendix C-2 to this Final EIR). Further, as discussed on pages 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, and shown in Appendix C-1 – Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR, the Modified Alternative 2 would not create any significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue; even so, the Modified Alternative 2 would implement mitigation measures MM-NOI-3 and MM-NOI-4, as clarified and modified, to further reduce its less than significant groundborne structural vibration impacts in recognition of the historic significance of the District. Therefore, as analyzed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR), the Modified Alternative 2 would have even less of

an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 2B-15

The DEIR fails to make use of extensive survey and context information in order to properly analyze the significance of the Vista del Mar/ Carlos District. Hollywood has been in the forefront in Southern California in identifying its historic resources. In 1977, the first survey of Hollywood, conducted by the Hollywood Revitalization Committee under a grant from the State Office of Historic Preservation, was one of the first in California. That effort, whose boundaries included today's CRA area but extended east along Franklin to St. Andrews, identified over a dozen potential residential neighborhoods which met the criteria for historic districts. A subset of these neighborhoods were the earliest in Hollywood, constructed largely before 1925. The residential neighborhoods identified on North Wilton, Taft, and Gramercy were not resurveyed in the next series of survey efforts under the auspices of the CRA. The next survey in 1984, whose scope was limited to the boundaries of the Hollywood Redevelopment Plan, identified twelve residential neighborhoods that represented early patterns of development including Vista del Mar/ Carlos.

The DEIR correctly notes that by 1994 four of these historic neighborhoods had been lost to new development. This constitutes a 33% reduction in this type of resource over that decade. To be clear, this means that no efforts were made by the CRA and the City to protect historic neighborhoods which were primarily made up of working class housing that provided shelter for motion picture industry employees and support services. The upper middle class residential districts in the hillsides did not suffer the same fate. That same year, due to evaluations required by the State of California and FEMA, the previously identified districts of Vista del Mar/ Carlos, Serrano, and Selma-LeBraig were formally determined eligible for the National Register of Historic Places through consent agreement between the State of Historic Preservation and the Keeper of the National Register in 1994. The Afton/DeLongpre district was added to this group in 1995. By virtue of that status, the districts were included in the California Register when it was implemented in 1998.

The Vista del Mar/Carlos Historic District was found to assume a "greater significance in the community as an intact grouping of residential architecture representative of the Golden Era of Hollywood." due to this attrition. Even in 1994, preservationists were acknowledging that the ability to tell the full story of community development depended upon preserving all types of resources that represented various socioeconomic and cultural contexts as well as examples of important architectural styles. It was also acknowledged that groups of these resources (districts) conveyed their stories more powerfully than isolated examples and that such groupings deserved separate identification and protections to call out that significance. Hence the preservation protocol to distinguish between groups of buildings with shared contexts and styles (districts) and individual resources. Districts were acknowledged to have character-defining features above and beyond the individual buildings: lot size, street arrangement, landscape features. These features were not always analyzed or "counted" in the way that residences were divided into "contributing and non-contributing resources". In subsequent planning efforts to protect districts, "non-contributors (those which had been substantially altered or constructed after the period of significance) could

be classified as “altered contributors” if they were built during the period of significance and retained massing, scale, and location.

Response to Comment No. ORG 2B-15

The comment incorrectly claims that the Draft EIR fails to utilize extensive prior survey and context information when determining the significance of the Vista del Mar/Carlos Historic District. To the contrary, on pages IV.C-19 and IV.C-36 of Section IV.C, *Cultural Resources*, the Draft EIR acknowledge that the Vista del Mar/Carlos Historic District is determined eligible for the National Register by consensus through the Section 106 process (2D2 CHR Status Code). Therefore, as stated at page IV.C-36 of Section IV.C, *Cultural Resources*, had the Project impacted the District, the Draft EIR would have considered the Project’s impact to be an impact to an historical resource and therefore significant. However, as the Draft EIR explains at pages IV.C-36 and IV.C-37, the Project would create no such impact. See Response to Comment No. ORG 2B-3, above.

Further, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project’s Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without any exterior alterations.

Moreover, contrary to the commenter’s assertion, the historical information pertinent to the significance of the Vista del Mar/Carlos Historic District is extensively reviewed at pages IV.C-20 through IV.C-24 of Section IV.C, *Cultural Resources*, of the Draft EIR, and in Appendices D-1 and D-2.

Comment No. ORG 2B-16

<u>None of the four California Register districts were included in the City’s HPOZ efforts, which began in 1979.</u> Despite having the same physical characteristics and historic associations, no protections were extended to these already designated resources. For the most part, subsequent survey efforts in Hollywood in 2003 did not re-evaluate or even look at the conditions. Meanwhile, permits which altered or completely erased the integrity of individual properties were being issued without review or compliance with the Secretary of the Interior’s Standards. By 2010 when the next comprehensive property by property survey was conducted, several identified working class districts no longer retained the necessary cohesion and numbers of contributing buildings to be considered districts. Neighborhoods on Tamarind, Sycamore, Harold Way and St. Andrews Place had been erased, along with the contributions of the citizens who built them.

In 2010, the CRA survey team headed by Robert Chattel Associates did look at the condition of the Vista del Mar district and identified alterations to two of the contributors which damaged their integrity. This team recommended changing the status of those two buildings to non-contributors. <u>While this is valuable information as to the effect of alterations, it is not a formal ruling on the status of these buildings. This can only be done in consultation with the State Office of Historic</u>

Preservation. While 16 district contributors were listed on the California State Register, by 2010, the Chattel survey only identified 14 contributors. One residence at 6142-6144 Carlos had been demolished. The survey changed the evaluation code of 1771 North Vista del Mar Avenue to reflect its alterations (6Z). 1751 North Vista del Mar Avenue was somehow excluded from the report. (The DEIR concludes that 1751 North Vista del Mar still appears to retain its integrity as a contributor.) Now, the DEIR consultants have stated that the number of contributors will be reduced yet again to 13 by arguing that the integrity of 1765 Vista del Mar has been diminished as well. The Appendix to the DEIR acknowledges that there is a process for such input, but then does not pursue it as it opines that there is not an adverse effect on the district.

Response to Comment No. ORG 2B-16

The commenter first asserts that none of the four California Register districts were included in the City's HPOZ efforts beginning in 1979, and discusses the changes or redevelopment in the districts that occurred after that date. The comment also asserts that the conclusions of the 2010 survey team and of the Draft EIR regarding the contributors to the Vista del Mar/Carlos Historic District do not constitute formal rulings on the status of the buildings or the composition of the District, which can only be issued by the State Office of Historic Preservation. The comment expresses the commenter's concerns regarding the preservation of the Vista del Mar/Carlos Historic District. These comments are acknowledged for the record. However, as these comment do not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. Moreover, the City does not adopt an HPOZ for historic districts listed in the California Register.

Even so, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Project would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Therefore, as analyzed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR), the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 2B-17

All 16 properties are still listed on the California State Register with an evaluation of 2D2. Despite this, there have been constant challenges to their integrity as evidenced by the condition of 1771 and 1765 Vista Del Mar. Hollywood Heritage acknowledges that the integrity of these properties has been diminished. However, this has occurred after the designation of the district points to the failure of the City to protect these resources. Districts are lost by attrition: one cut at a time until the district as a whole is no longer viable. The loss of 6142 Carlos one after the district was listed caused a 6% loss in built fabric, but also altered the relationship of the Carlos and Vista del Mar

intersection. Now two more buildings from the period of significance are proposed for demolition. This means that 12% more of the original fabric will be forever lost, as well as the lot sizes which characterize the subdivision and the alignment of like structures which make up the Vista del Mar block.

Response to Comment No. ORG 2B-17

The commenter asserts that the integrity of the contributors to the Vista del Mar/Carlos District, which are still listed on the California Register, are under constant challenge, that contributors have previously been lost because the City has failed to protect them, and now the Project is proposing to demolish two more contributors. The comment expresses the commenter's concerns regarding the preservation of the Vista del Mar/Carlos Historic District and the commenter's negative views of the Project. These comments are acknowledged for the record. However, as these comment do not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

To the extent the comment asserts that the buildings at 1765 and 1771 Vista del Mar are contributors to the Vista del Mar/Carlos Historic District, see Response to Comment No. ORG 2B-3, above.

Even so, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Therefore, as analyzed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR), the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 2B-18

<u>The proposed Building 2 does not respect lot division, size, scale, massing, or open space patterns of the district and creates an intrusion at the northwestern boundary which blurs reading the block as a unit. So, the real impact on the district is an almost 20% diminution of total buildings, and additional damage to boundaries and setting.</u>

Response to Comment No. ORG 2B-18

The comment disagrees with the Draft EIR's conclusion that Building 2 is compatible with the Vista del Mar/Carlos Historic District because it does not respect the District's lot division, size, scale, massing, or open space patterns and creates an intrusion at the northwestern boundary that blurs reading the block as a unit; therefore, the Project creates a 20 percent diminution in total buildings and additionally damages the District's boundaries and settings. The Draft EIR's

contrary conclusion, that the Project including its Building 2 is compatible with the Vista del Mar/Carlos Historic District, is based on substantial evidence and is explained at pages IV.C-35 through IV.C-37, with background information provided at pages IV.C-20 through IV.C-24, of Section IV.C, *Cultural Resources*.

Additionally, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot align with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR). Therefore, as analyzed in the Supplemental Historic Resources Assessment, the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 2B-19

<u>The City of Los Angeles is a CLG (Certified Local Government). This status is maintained through partnership with the State Office of Historic Preservation and has certain responsibilities to the protection of historic resources. Approval of this project is not consistent with the goals and intent of a CLG.</u> Hollywood Heritage requests that no project approval be contemplated without inclusion of the State Office and the public in the future of this district. The project should be amended to include the removal of Building 2, rehabilitate 1771 and 1765 according to the Secretary of the Interior's Standards, and provide a policy to protect the district including listing as an HPOZ if appropriate. The developer has asked for demolition; that does not mean the City must grant that request. There is a viable project without encroaching into district boundaries.

<u>More than the integrity of the individual resources, the geographic configuration of buildings is important in the history of the development of the neighborhood. The L shape configuration is a unique example of the underlying subdivision and agricultural patterns of early Hollywood.</u> The DEIR states the loss of the two properties is less than significant because the other 13 contiguous properties remain; however, this negates the impact of the altered shape of the district. Therefore, the inclusion of these properties, despite their lowered integrity, is crucial to understand the significance of the district.

Hollywood now contains less than a half dozen of these working class historic districts. The latest survey has identified two, DeLongpre Park and McCadden-De Longpre-Leland which are themselves a subset of a formerly identified Colegrove District (2009 Chattel survey). Only

Melrose Hill is protected with HPOZ status, while Afton/DeLongpre, Selma/LaBaig, and Vista del Mar/Carlos (while listed in the CA Register) and the DeLongpre Park and McCadden-De Longpre-Leland have no protections. The loss of these properties would set a dangerous precedent for the other vulnerable historic districts in Hollywood. Will the City also sacrifice the integrity of the Afton district with a proposed project on its western boundary? Just two years ago, the smallest, oldest, and most fragile enclave of turn of the century housing in the 1700 block of Hudson (identified as a district in surveys beginning in 1978) was lost. Fires paved the way for the demolition of two contributing structures in that block. Without those two contributors, the viability of a district was lost as they were a substantial percentage of the fabric and two of three remaining structures on one side of a small block.

Every round of surveys over the past four decades has seen the identification of districts come and go. Districts identified in 1978, 1984, 2003, and 2009 no longer remain. With the demolition of individual buildings of the same era, Hollywood is rapidly losing any physical evidence of its development between 1900 and 1920, a key period in its history. What good is identification if there is no protection or plan for reuse? Study after study has mapped, placed resources in context, made recommendations for reuse, shown the economic benefits of incentives and planning. In one of the most significant portions of the city, this work has been ignored.

The district concept is an important tool in historic preservation. Hollywood Heritage has worked diligently to protect all of our districts from erosion. We have tried to tell the stories of each and to show how together they tell the story of Hollywood. A small residential district has a story to tell, but it is not the same story as Hollywood Boulevard's or a neighborhood commercial district. Resources are different in middle class and upper class subdivisions; subdivisions carved into the hills are different in character from those close to places of work in the "flats". Studio plants are irreplaceable. It is not acceptable, in an area as vast as the Hollywood Community Plan, and in particular in the former Hollywood Redevelopment Area to say that each and every one of the few dozen districts cannot be protected. It is even less acceptable to have designated resources at risk., *[sic]* The four tiny California Register Districts, two National Register Districts, and five HPOZs (one of which, Whitley Heights, is both an HPOZ and on the NR) deserve better. The handful of identified districts identified in the 1984, 2010, 2020 CRA surveys and in SurveyLA efforts deserve better. Yet Hollywood Heritage has received repeated demo requests in CA Register Historic Districts and repeatedly noted properties in California Register Districts should not be encroached upon. 30 years after these districts were identified, only Whitley Heights has adequate protection.

Some districts have been erased while others have been identified. No thought has been given to the type of district involved or the size and number of contributors which reflect working class housing. Therefore, there is no clear picture as to what the continued erosion of historic working class housing in districts is. Furthermore, overall demolition activities for individual resources of this type has been carefully documented by Hollywood Heritage and shows tremendous attrition of individual resources from the period 1900-1920.

Response to Comment No. ORG 2B-19

The commenter asserts that the City's approval of the Project would not be consistent with the goals and intent of a Certified Local Government, and urges the City not to approve the Project. The commenter's opposition to the Project is noted for the record. However, as the comment does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

The comment also expresses the commenter's disagreement with the Draft EIR's conclusion that the Project would have a less than significant impact on the Vista del Mar/Carlos Historic District, due to the loss of the "L" shape configuration that is a unique example of the underlying subdivision and agricultural patterns of early Hollywood. However, though the district happens to be in an L-shaped configuration, the L-shaped layout itself was not identified as a character defining feature of the district, including when it was originally determined to be eligible for the California Register when surveyed in 1984, and was not defined as a character defining feature in the expert analysis conducted for the environmental analysis of the Project that analyzed the district and the prior documentation that assessed the district and determined it to be eligible as a historic resource. (See Draft EIR, Appendix D-1, on pp. 57-61.) Thus, the potential loss of the L-shape in and of itself would not constitute an impact recognized by CEQA as having the potential to be significant. (CEQA Guidelines, § 15064.5(b).) In the event of the loss of the buildings at 1765 and 1771 Vista Del Mar at the edge of northern end of the district, the district itself would still maintain an L-configuration.

However, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot align with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR). Therefore, as analyzed in the Supplemental Historic Resources Assessment, the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 2B-20

Impacts on surrounding resources are minimized by the language in the DEIR. Despite the loss of the Little Country Church building, the property to the south is a listed Historic Cultural Monument and contains character-defining landscape features valuable to the public and of

specific interest to Hollywood Heritage. This historic site also abuts the Vista Del Mar/Carlos district, and could be considered a feature of that district as well as having its own status. This piece of open space is rare in central Hollywood, and by its very existence shows our rural roots before the advent of the film industry. It will be that much more of an anomaly if the scale of the proposed project to the north is allowed to overwhelm it.

The EIR also assesses impacts of the proposed project on the eastern end of the Hollywood Boulevard Commercial and Entertainment District, with its contributing structures Pantages Theater and the Equitable Building bearing the brunt of dramatic changes in setting from outsize development. The issues of scale and compatibility with existing buildings are real. The Boulevard should not become the "hole in the donut" with massive development on all sides. The south side of the district at Argyle has already caused the demolition of three contributors to the district, which has resulted in a less defined commercial edge between Argyle and Vine.in this area. And, while the Walk of Fame is a resource identified in the DEIR, the linear nature of this resource and its removal from the proposed project is the only resource mentioned that may truly not be impacted by the project. Again, the nature of the resource needs to be explained. The Walk does not have the same characteristics as the Boulevard. Not all resources are alike. Therefore, they should not be reduced to numbers, but each valued for their own contribution.

Response to Comment No. ORG 2B-20

The comment asserts that the Draft EIR fails to accurately assess the Project's potential adverse effects on nearby historic features, including the grounds of the Little Country Church previously destroyed by fire, the Hollywood Boulevard Commercial and Entertainment District including the Pantages Theater and the Equitable Building and the Walk of Fame. The comment is not accurate. As explained in Response to Comment No. ORG 2B-3, above, Section IV.C, *Cultural Resources*, of the Draft EIR discusses the seven historical resources in the vicinity of the Project Site identified in the *Historical Resources Assessment Report* included in Appendix D to the Draft EIR, including those listed in the comment, assesses the Project's potential effects on those resources, and concludes based on substantial evidence that the Project would not result in substantial material changes to the integrity and the significance of those resources.

On pages IV.C-35 through IV.C-38 of Section IV.C, *Cultural Resources*, the Draft EIR discusses the substantial evidence supporting its conclusions that the Project would not materially alter the settings of these historical resources in a manner that would materially impair their historical significance or integrity. In summary, as explained on page IV.C-36 of Section IV.C, *Cultural Resources*, of the Draft EIR, although the scale and massing of the Project would alter the visual context of these nearby historical resources, including the site of the former Little Country Church of Hollywood, the Pantages Theatre, the Hollywood Equitable Building, the Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, the historic settings for these resources have already been altered by changes and redevelopment in the area after the period of significance of these resources including, without limitation, the construction of the Yucca Argyle Apartments in 1953 and the Hollywood Freeway completed by the late 1940's and early 1950's to the northeast of the Project Site. The Draft EIR then addresses each of the seven historical resources individually, on pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, with more specific substantial evidence to support these general conclusions. On

page IV.C-37, the Draft EIR concludes that, because the original church structure has been destroyed by fire, the property no longer contains the physical characteristics necessary to convey its historical significance, and, therefore, the Project would not adversely affect the Little Country Church property further. On page IV.C-38, the Draft EIR concludes that the Project would not create a significant indirect impact on the remaining resources listed in the comment because all of these resources face away from the Project and are located some distance from the Project, and because the integrity of the built environment surrounding these resources has already been materially altered over time by development other than the Project. In summary, as explained on page IV.C-36 of Section IV.C, *Cultural Resources*, of the Draft EIR, although the scale and massing of the Project would alter the visual context of these nearby historical resources, including the Vista del Mar/Carlos Historic District, the site of the former Little Country Church of Hollywood, Capitol Records Building, Pantages Theatre, Hollywood Equitable Building, Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, the historic settings for these resources have already been altered by changes and redevelopment in the area after the period of significance of these resources including, without limitation, the construction of the Yucca Argyle Apartments in 1953 and the Hollywood Freeway completed by the late 1940's and early 1950's to the northeast of the Project Site. The Draft EIR then addresses each of the seven historical resources individually, on pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, with more specific substantial evidence to support these general conclusions.

Comment No. ORG 2B-21

<u>No mitigation measures are identified in DEIR in regards to built historic resources.</u> While HH understands that it is a particular convention of CEQA to not require mitigation if impacts are deemed insignificant, the impacts of this project on the district remain in reality. A true avoidance of impact would involve 1) retention and rehabilitation of 1771 and 1765 Vista del Mar; 2) vibration and settling mitigation for the properties on the west side of Vista del Mar; 3) preservation plan for the district which conforms to HPOZ guidelines; 4) design for Building 1 in conformance with the 1993 Urban Design Guidelines; 5) potential transfer of development rights on the district to the new construction.

Response to Comment No. ORG 2B-21

The comment asserts that the Project's impacts on the Vista del Mar/Carlos District are significant and proposes avoiding the impact by (1) retaining and rehabilitating 1771 and 1765 Vista Del Mar; (2) vibration and settling mitigation for the properties on the west side of Vista del Mar; (3) preservation plan for the district which conforms to HPOZ guidelines; (4) design for Building 1 in conformance with the 1993 Urban Design Guidelines; 5) potential transfer of development rights on the district to the new construction.

The commenter's assertion that the Project's impacts on the Vista del Mar/Carlos Historic District are significant is not supported by substantial evidence, and therefore constitutes the commenter's unsupported opinion. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) The comment is vague and lacks sufficient specificity to enable

the City to prepare a good faith, reasoned response. However, the Draft EIR thoroughly assessed the Project's potential impacts on the Vista del Mar/Carlos Historic District and concluded, based on substantial evidence, that its impacts would be less than significant. Refer to Response to Comment No. ORG 2B-3, above. As such, no mitigation is required.

With respect to the commenter's suggestion that the Project include vibration and settling mitigation for the properties located on the west side of Vista Del Mar, on pages IV.I-58 and IV.I-59 of Section IV.I, *Noise*, the Draft EIR identifies Mitigation Measure MM NOI-3, which prevents heavy construction equipment from operating within 15 feet of the nearest single-family residential building on Vista Del Mar adjacent to the Project Site and includes other provisions for assuring that groundborne vibration effects are reported to and dealt with immediately by the contractor during construction, and Mitigation Measure MM NOI-4, which requires (1) the retention of a licensed professional to document the condition of the residential structures along Vista del Mar at the beginning of construction and (2) the retention of an acoustical engineer to develop and implement a groundborne vibration monitoring program to monitor the vibration levels at the residences during construction to provide warning alerts and alerts requiring construction to cease, and any damage to be repaired.

Note that, as explained on page 3-10 of Chapter 3, Revisions, Clarifications and Corrections, of this Final EIR, mitigation measure MM-NOI-4 has been clarified and modified to provide, as follows:

> **MM-NOI-4:** Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.
>
> The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. <u>Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.</u>
>
> - The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.
> - In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible

steps to reduce the groundborne vibration level such as halting/staggering concurrent activities or utilizing lower vibratory techniques.

- In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.
- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

The modification of MM-NOI-4 to require that monitoring be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible removes the need to obtain the other property owners' consent and ensures that MM-NOI-4 can be implemented to reduce the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue to a less than significant level. (See Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment) Therefore, with its implementation of MM-NOI-3 and MM-NOI-4, the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue would be reduced to less than significant.

Additionally, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in on pages 3-16 through 3-28 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted into a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot are consistent with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Supplemental Historic Resources Assessment (see Appendix C-2 to this Final EIR). Further, as discussed on pages 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, and shown in Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR, the

Modified Alternative 2 would not create any significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue; even so, the Modified Alternative 2 would implement mitigation measures MM-NOI-3 and MM-NOI-4, as clarified and modified, to further reduce its less than significant groundborne structural vibration impacts in recognition of the historic significance of the District. Therefore, as analyzed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR), the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

The commenter's suggestion that a preservation plan for the District be prepared does not address any impact created by the Project or the Modified Alternative 2. CEQA does not require a development project to mitigate impacts in the existing setting. (See *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369; *Ballona Wetlands Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604.)

With respect to the 1993 Urban Design Guidelines, see Response to Comment No. ORG 2B-29, and with respect to the transfer of development rights, see Response to Comment No. 2B-4.

Comment No. ORG 2B-22

<u>The cumulative impacts of this project are grossly understated.</u> The cumulative impact of development in the immediate vicinity (Hollywood Center, Yucca Street Condos, Hotel Argyle) as well as the 16 other projects identified in the surrounding area have been understated and this project continues the pattern. (See maps in Appx. 1). Building 1 of this project is 20 stories. Hotel Argyle and Yucca Street Condos are each 16 stories high. The Hollywood Center Project would add a 46 building on the East project site, between Vine and Argyle.

The effects on nearby landmarks and a CA Register District are substantial. Hollywood Heritage has 3D modeled the proposed buildings and will provide once the unrest is over. <u>FEIR must accurately identify as significant and adverse that the new project encroaches on the boundaries of a California State Register and National Register eligible District and destroys its historic setting.</u> It also must address the cumulative impact of this project, the three others in the immediate vicinity, and 16 others in the surrounding area on designated historic resources including the Pantages and Equitable Building.

Response to Comment No. ORG 2B-22

The commenter again disagrees with the Draft EIR's conclusion that the Project's project-level impact on the Vista del Mar/Carlos District would be less than significant, and additionally disagrees with the conclusions that the Project's impact would not be cumulatively considerable, given the height of Building 1. However, other than identifying the height of Building 1, the commenter has failed to support the commenter's opinion that the Draft EIR has understated the Project's cumulative impacts. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) The comment is vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response.

However, on pages IV.C-40 through IV.C-43 of Section IV.C, *Cultural Resources*, the Draft EIR concludes, based on substantial evidence, that the Project, together with related projects, would not significantly affect historical resources in the immediate vicinity cumulatively or involve resources that are examples of the same style or property type as those within the Project Site, and in addition that because the Project's project-level impacts on historic resources would be less than significant, the Project would not cumulatively contribute to a significant impact on historical resources.

The Draft EIR identifies 19 of the 137 related projects that have historical resources located on the same site or that may impact views of historical resources. (See Table IV.C-2, pages IV.C-41 and IV.C-42 of Section IV.C.) Of those, only three are located in the vicinity of the Project Site, including the Argyle House located across Argyle from the Project Site, the Kimpton Everly Hotel at the northeast intersection of Yucca Street and Argyle Avenue and the Millennium Hollywood Mixed-Use Project southwest of the intersection of Yucca Street and Argyle Avenue.

As the Draft EIR explains on page IV.C-40, while the Argyle House would obstruct secondary views of the Capitol Records Buildings from the Project Site at the intersection of Yucca Street and Argyle Avenue (not a valued vantage point), the valued and primary views of the Capitol Records Building become available as the viewer moves west along Yucca Street, away from both the Project Site and Argyle House. Therefore, construction of both the Project and Argyle House would not affect protected views of the Capitol Records Building, and views of the Capitol Records Building would remain primary along Argyle Avenue and the Hollywood Freeway.

As discussed on page IV.C-43 of the Draft EIR, while the Kimpton Everly Hotel and Millennium Hollywood Mixed-Use Project (now called Hollywood Center) are not demolishing or altering any historical resources, both projects anticipate introducing improvements with greater densities on their respective sites. While both of these projects may block views of the Capitol Records Building, they would not have a cumulative effect in conjunction with the Project, because the Project Site does not offer views of the Capitol Records Building from any valued vantage points, and the views of the Capitol Records Building that it does offer would be blocked by the Argyle House project, which is closer to the Capital Records Building than the Project Site is, as discussed above. As such, the Project, combined with the Kimpton Everly Hotel, Millennium, and Argyle House would not create any cumulative impact on the historic setting of the Capitol Records Building, and the Project would not contribute to any cumulatively significant blockage of views of the building from any valued vantage points.

As is also discussed at page IV.C-43 of the Draft EIR, the other 16 of the 19 related projects are located too far from the Project Site with other development intervening in locations of varying character and context to create cumulative impacts with the Project on historic resources in the area.

Moreover, the Project together with the Modified Alternative 2 are being considered by the City as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would

return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex and an apartment over the garage, to a single-family residence without changing the exterior of the structure. As such, the Modified Alternative 2 does not encroach on the Vista Del Mar/Carlos District. The only construction activity proposed within the boundary of the Vista Del Mar/Carlos District would be to change the existing surface parking lot (which is not a contributor to the District) into a publicly accessible open space. This new open space would benefit the Vista del Mar/Carlos Historic District, as discussed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR). The parking lot has not been identified as a contributor in the Vista del Mar/Carlos Historic District. Under the Modified Alternative 2, the proposed park would provide a landscaped open-space at the north entrance to the district that would be compatible with the characteristics of the district including its landscaped residential setbacks and tree-lined streets, and the proposed park would also provide a buffer between the district and the surrounding built environment to the north and west. The construction of the proposed park under the Modified Alternative 2 would not physically impact any identified historical resources, it would be compatible with the district's character, it would visually and physically enhance the district, and it would protect the integrity of the Vista del Mar/Carlos Historic District; therefore, the proposed park would have no adverse impact on the Vista del Mar/Carlos District. As discussed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR), like the Project, the Modified Alternative 2 together with the related projects would not create a cumulative impact on historic resources, and the Modified Alternative 2's contribution to an existing cumulative impact would not be cumulatively considerable.

Comment No. ORG 2B-23

2. **Land Use conflicts: zone change mysterious; land use process flawed unclear; adverse effects missed.** The size of the developer's "ask" has no justification. There is really no reason or justification for such an outsized project—why it can or should triple the development that is allowable by current plans and zoning (from a FAR of 2 to 6:1). The developer gets a $28 million "gift" from the City!

   - Conflicts with existing land use plans: The DEIR omits necessary background and clear calculations that show genuine conflicts of the proposed Project with multiple land use plans. The DEIR cherry-picks a few "goals" on in Chapter IV, drawing a false impression of compliance. CEQA requires open disclosure of specific conflicts of the Project with these Plans in their entirety, especially those adopted for the purpose of avoiding mitigating environmental effect. As such the DEIR is deceptive, noncompliant with CEQA, requires recirculation, and incomplete.

Response to Comment No. ORG 2B-23

The commenter here generally opines on whether sufficient justifications exist to support the Project's proposed entitlements, particularly related to the size and scale of the Project relative to development standards that presently exist under current zoning (such development restrictions would be altered by the Project's proposed entitlements). While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

With respect to alleged conflicts with existing land use plans generally, CEQA does not require a lead agency to establish that a project achieves perfect conformity with each and every component of such applicable plans, which often serve a variety of different and sometimes competing interests (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378.) Rather, a Project must generally be compatible with plans' relevant overall applicable objectives, policies, goals, use restrictions and requirements related to environmental issues. Moreover, under the CEQA Guidelines, Appendix G threshold adopted by the City with respect to Land Use inconsistency, it is only where an alleged inconsistency results in a significant environmental impact that a requirement to mitigate the effect would apply.

The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations *adopted for the purpose of avoiding or mitigating an environmental effect*. (Draft EIR, pp. IV.H-20 – IV.H-54.) In particular, the Draft EIR examines the Project's consistency with applicable policies and objectives of local plans including the General Plan Framework Element, the General Plan Health and Wellness Element, the General Plan Housing Element, the Hollywood Community Plan (the Land Use Element of the General Plan for the Hollywood Area), the Hollywood Redevelopment Project and Plan, the Los Angeles Municipal Code, the 2010 Bicycle Plan, the 2035 Mobility Plan, ZI No. 2427 regarding Health Risk Assessments for Freeway Adjacent Properties. It also analyzes the Project's consistency with the 2016 RTP/SCS. The Draft EIR concludes that the Project does not generally conflict with the relevant identified land use plans, policies, or regulations, as analyzed. In the absence of such a conflict and in accordance with and contingent upon required findings that must be made, the Draft EIR appropriately concludes no significant impact would occur. With respect to the Modified Alternative 2, which is a modified version of Alternative 2 analyzed in the Draft EIR, the Draft EIR concludes, similar to the Project, that no conflicts with relevant land use plans and requirements would occur. (Draft EIR, at p. V-42.) This analysis and conclusion with respect to the Modified Alternative 2 is confirmed on pages 3-43 and 3-44 in Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR.

Pursuant to CEQA, this Draft EIR land use consistency analysis appropriately focuses on General Plan and other plan and rule provisions related to mitigating or avoiding environmental effects, and not other policy considerations the City would address outside the CEQA context in evaluating the Project's entitlement approval requests. (See CEQA Guidelines, § 15125; Appendix G.) Thus, the commenter's statement of "cherry-picking" certain policies, plans, goals and objectives is inaccurate and misrepresents the appropriate scope of analysis in an EIR. And as the commenter does not identify any specific applicable plans, policies or goals that have a purpose of avoiding or mitigating an environmental effect with which the Project allegedly conflicts at all, much less in a manner that would result in a significant environmental impact that the City purportedly failed to analyze, no further response is required.

Comment No. ORG 2B-24

- Change "D" Conditions to triple development size: The proposed Project is correctly stated to be entitled to FAR of 2 (new buildings are allowed to be 2x the land area owned)-- for all the land covered by Building 1. Currently the land is commercially zoned for the west 19,679 sf parcel; and residentially zoned for the center 19,730 sf parcel. The "ask" is for removing the "D" (development limitation) placed by zoning ordinance to synch development to sustainable levels in Hollywood; to step buildings down between the commercial and low density residential area; and to stop any higher density unless Redevelopment restrictions to mitigate traffic and instill acceptable urban design were met.

Response to Comment No. ORG 2B-24

This comment refers to the proposed zone change that would amend the existing "D" limitation ordinance (Ord. 165,662) applicable to the Project Site's center and west parcels. The Draft EIR Project description fully discloses that the Project and Modified Alternative 2 requests this entitlement. (Draft EIR, II-36.) To the extent the comment addresses the required non-environmental findings for the City's approval of the requested zone change, it addresses non-environmental zoning consistency issues that are not within the scope of CEQA and require no further response.

To the extent the comment addresses the Project's aesthetic impacts, the Project's potential aesthetic impacts are addressed in Section IV.A-1 of the Draft EIR. That analysis notes that, under state law SB 743, the aesthetic impacts of mixed-use and employment center projects within a Transit Priority Area (TPA) such as the Project are not significant impacts under CEQA as a matter of law. (Draft EIR, p. IV.A-1.) Accordingly, the Project's aesthetic impacts are less than significant as a matter of law under CEQA. This same rule of law applies to the Modified Alternative 2. To the extent the proposed entitlements would enable the Project and Modified Alternative 2 to be larger than buildings that would be allowed on the Project Site under the current zoning, the impacts related to the Project and Modified Alternative 2's proposed size are consistently described, disclosed, and fully analyzed throughout the Draft EIR. In particular, the relevant development standards required by the existing zoning, and the effects that the proposed changes in the zoning would have on those development restrictions, are discussed in detail in the Land Use section of the Draft EIR, on pages IV.H-41 through 46, including the effects that the requested entitlements would have on the scope of development that would be allowed on the Project Site if the Project entitlements were approved by the City. In addition, the Draft EIR analyzes a No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative (Alternative 3), which analyzes a development scenario that complies with current zoning, and rejects this alternative as it fails to meet 5 of the Project's 8 identified objectives without eliminating the Project's one significant and unavoidable impact. (Draft EIR, pp. V-110-11.) Thus, the issue of the current and proposed changes to zoning, contrary to the assertion of the commenter, is fully disclosed and analyzed in the Draft EIR. As the comment does not raise any specific claims relative to the environmental impacts of the Project and Modified Alternative 2, no further response can be provided at this time.

Comment No. ORG 2B-25

- Affordable housing: The project proposes demolition of 44 rent-stabilized residential units. It proposes to offer current tenants units in the new building at old rents; carry costs during construction for dislocated tenants; and reimpose rent control (RSO) on those units, plus the other 66 units which will start at market rents. This is good. However, this is not a guarantee of any affordability. The Redevelopment Plan ties requests for the FAR increase such as requested herein to public benefits and affordable housing—but this Project doesn't provide.

Response to Comment No. ORG 2B-25

The comment addresses the issue of rent controlled and affordable dwelling units. Public comments on a Draft EIR are intended to address the environmental impacts of proposed development projects as analyzed in a Draft EIR. The opportunity for public response to a CEQA analysis is not the forum for addressing social and economic issues. (CEQA Guidelines, § 15131(a).) For a further informational discussion regarding these issues, please see Topical Response Nos. 2 and 3. Moreover, the Modified Alternative 2 has been revised to include 17 units of covenanted affordable housing at the Very Low Income level and, as with the Project, the remainder of the residential apartment units would be subject to the RSO. The Modified Alternative 2 was so modified to address this concern, and thus provides affordable housing in line with the request of the commenter and other members of the public who have expressed concerns over the lack of affordable housing proposed by the Project. City staff will provide the comment to City decision makers for their consideration in deciding on the Modified Alternative 2.

Comment No. ORG 2B-26

- R4 Zone doesn't allow Hotel: The Zone Change proposed by the Project changes the C4 zone (intended to limit less desirable raucous uses like pool halls) to the LESS restrictive C2 zone on the West parcel. The residential R4-2D zone on the Center parcel (implemented in the Community Plan and AB 283 zoning to provide a buffer between dense commercial and low density historic district) does not allow a Hotel, so a Zone Change is being requested. C2 zoning reduces the allowed housing units, but there is no calculation and this isn't disclosed. The DEIR omits clear discussion and quantification, and must be recirculated.

Response to Comment No. ORG 2B-26

The comment states that the proposed zone change as disclosed in the Draft EIR would allow a hotel use on the R4-zoned center parcel, where such a use is not allowed under the current zoning. However, the R4 zoned Center Parcel is not consistent with its General Plan Land Use designation of Regional Center Commercial. The Regional Center Commercial designation encourages mixed-use centers that provide jobs, entertainment, culture, and serve the region, such as hotels. Therefore, the zone change to C2 is required to make Center Parcel zoning consistent with the General Plan and, in addition, is required to allow the Project's hotel use. Therefore, if the zone change is approved, the Project's proposed hotel use would be consistent with the Project Site's zoning. Notably, the Modified Alternative 2 does not include a hotel use, but changes the Center Parcel zoning from R4 to C2 to achieve consistency with the General Plan. The Modified Alternative 2 includes only residential apartment uses and ground floor commercial uses. Therefore, the modifications to the Project reflected in the Modified Alternative

2 fully address and moot this issue. In any event, the land uses theoretically allowed on the Project Site by the zoning code and General Plan do not relate to the environmental impacts of the Project or Modified Alternative 2, they are rather merely zoning consistency issues not relevant under CEQA.

Additionally, the comment that the C2 zone limits the allowed amount of housing units currently on the parcel is incorrect as the residential and guest room density allowed by the City's zoning code for the C2 zone is the same as the R4 zone. (LAMC, § 12.14-C.2.) Thus, no reduction in allowed density is proposed. Regardless, the Modified Alternative 2's proposed density of 271 residential units is fully disclosed in the Draft and Final EIR, and the impacts associated with that amount of residential density are fully analyzed in Alternative 2 (Primarily Residential Mixed-Use Alternative) in Chapter V, *Alternatives*, of the Draft EIR, and in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. Notably, the comment does not identify any purported deficiency or inconsistency in the description of the Project or the Modified Alternative 2 or the analysis of its environmental impacts at the density proposed.

Recirculation of a Draft EIR is required where (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; and (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5; *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043). No circumstance warranting recirculation is identified by the comment.

Additionally, State law AB 283, referenced in the comment, requires all zoning within a city to be consistent with the city's General Plan. (Govt. Code, § 65860.) The Project's proposed entitlements would rezone the current R4-2D zoned center parcel, which prohibits commercial uses, to a C2-2 zone, which would be consistent with that parcel's present General Plan Land Use designation of Regional Center Commercial, a commercial designation. Thus, contrary to the assertion of the commenter, the proposed zone change ensures that the Project Site would comply with AB 283.

Comment No. ORG 2B-27

- No code-required public benefits: This density "ask" can only be considered under the current Community Plan and the recently -transferred Redevelopment Plan if the project provides specific public benefits. This Project offers no such benefits.

Response to Comment No. ORG 2B-27

The comment implies that the Project's entitlements require unspecified "community benefits." While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. Public comments on a Draft EIR are intended to address the

environmental impacts of proposed development projects as analyzed in a Draft EIR. The opportunity for public response to a CEQA analysis is not the forum for addressing social and economic issues. (CEQA Guidelines, § 15131(a).) The comment regarding the provision of "community benefits" in exchange for certain requested entitlements does not relate to any potential environmental impact of the Project, and is thus not an environmental issue under CEQA. Moreover, the commenter does not cite any provision of the Municipal Code or the Community Plan that actually require the provision of "community benefits" in exchange for the granting of the requested entitlements – such provisions are simply not present in the cited plans. City staff will provide the comment to City decision makers for their consideration in deciding on the Modified Alternative 2.

Comment No. ORG 2B-28

- Exceeds Community Plan top density: The proposed development intensity appears to exceed the stated cap in both the Hollywood Community Plan (HCP)(80 DU/gross acre) and the Redevelopment Plan (HRP) 130 DU/acre, triggering a General Plan Amendment requirement. The DEIR omits all needed calculations to determine this.

Response to Comment No. ORG 2B-28

While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. Moreover, the current Hollywood Community Plan that is in effect (adopted December 13, 1988), does not impose any density limit on the Project Site. The Redevelopment Plan similarly imposes no such density limit. Thus, neither cited plan actually mandates adherence to the densities cited in the comment (no citations to such alleged standards are provided). Moreover, the consistency of a project with zoning density requirements is not a CEQA issue and does not relate to the environmental impacts of a project. Additionally, the Modified Alternative 2's proposed density of 271 residential units has been fully disclosed in the Draft and Final EIR, and the impacts associated with that amount of residential density are fully analyzed in the Draft EIR, particularly in Alternative 2 (Primarily Residential Mixed-Use Alternative) in the Chapter V, *Alternatives*, of the Draft EIR, and in Chapter 3, *Revisions, Clarifications, and Corrections,* of this Final EIR.

Comment No. ORG 2B-29

- Hollywood Boulevard Urban Design Plan: The Hollywood Community Plan text requires that projects meet the objectives of the Hollywood Boulevard Urban Design Plan, which was a part of the Hollywood Redevelopment Plan Sec 506.2.1. One of these is "ensure that new development is sympathetic to and complements the existing scale of development". Two of the other 5 objectives address the pedestrian experience. The project fails.

Response to Comment No. ORG 2B-29

While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment asserts that the Project is not consistent with Section 506.2.1 of the Redevelopment Plan, which requires a project to complement the scale of the

surrounding area. Notably, the Project Site is directly adjacent to two existing high-rise towers. Additionally, Section 506.2.1 does not present findings that must be made for a demonstration of a project's consistency with the Redevelopment Plan. Rather Section 506.2.1 of the Redevelopment Plan states the general objectives of the Hollywood Boulevard District, which were to be embodied in a future design plan.

And while Section 506.2.1 of the Redevelopment Plan does call upon the former Redevelopment Agency to develop and implement a Hollywood Boulevard Urban Design Plan, a "draft" version of the plan was developed in 1993 but never formally adopted by the former Redevelopment Agency. Following the dissolution of the Redevelopment Agency in 2012 under state law AB1x26, the state appointed CRA/LA, a Designated Local Authority, as the successor agency to the former City Redevelopment Agency. Following the failure of the former Redevelopment Agency to adopt a plan, CRA/LA developed a separate, new draft Hollywood Boulevard District and Franklin Avenue Design District plan in 2011. However, CRA/LA also never formally adopted the plan. In November, 2019, pursuant to City Ordinance 186,325, in accordance with Health and Safety Code Section 34173(i), land use authority under the City's existing redevelopment plans, including the Redevelopment Plan, was transferred to the City. The City has not developed and adopted a Hollywood Boulevard Urban Design Plan. Accordingly, no such plan has ever been adopted and therefore no such plan is in effect. Thus, no such plan applies to the Project or Modified Alternative 2. City staff will provide the comment to City decision makers for their consideration in deciding on the Modified Alternative 2.

Comment No. ORG 2B-30

- Population and housing: By Hollywood Heritage's calculations all of the housing projected until the year 2040 needed in Hollywood is already built or entitled.

Response to Comment No. ORG 2B-30

The commenter asserts that, by its own calculations, all the housing needs in Hollywood until 2040 are already built or entitled. The commenter does not provide any such calculations or evidence to support this conclusory statement. Population growth and the projected need for additional housing through 2040 in the Draft EIR is based on the projections produced by the Southern California Association of Governments (SCAG). As stated on page IV.J-1 of the Draft EIR, "SCAG's mandated responsibilities include developing plans and policies with respect to the region's population growth, transportation programs, air quality, housing, and economic development. Specifically, SCAG is responsible for preparing the Regional Transportation Plan (RTP) and Regional Housing Needs Assessment (RHNA), in coordination with other State and local agencies. These documents include population, employment, and housing projections for the region and its 13 subregions. The Project Site is located within the Los Angeles subregion." (Draft EIR, at p. IV.J-1.)

The Draft EIR compares the projected increase in residents proposed for the Project against SCAG's projected population growth in the region, which notably envisions the most growth to occur within High Quality Transit Areas such as the Project Site. The Draft EIR concludes that the Project would provide housing for significantly less than one percent of such expected growth. (Draft EIR,

at p. IV-J.15-20.) The Draft EIR also includes a cumulative impacts analysis of the expected growth from the Project combined with identified related projects, concluding their collective increase in population and housing are well within SCAG's growth projections. (Draft EIR, on p. IV-J.22-24.) Similar analysis demonstrates that the Modified Alternative 2 would also only supply a small percentage of anticipated regional growth, as set forth on page V-44 of the Draft EIR (analysis of Alternative 2, Primarily Residential Mixed-Use Alternative), and in Chapter 3 of this Final EIR. This substantial evidence supports the conclusion that the Modified Alternative 2 is consistent with anticipated population and housing growth, contrary to the assertion of the commenter.

Comment No. ORG 2B-31

Current Land Area and Development Allowable by Zoning:

				Allowable	Proposed
Building 2					
1765 N Vista del Mar	APN 5546-031-008	4,043.7 sf	*(Q) R3 1XL		
1771 N Vista del Mar	APN 5546-031-007	4,042.3 sf	*(Q) R3 1XL		
1779 N. Vista del Mar	APN 5546-031-027	2,855.9 sf	*(Q) R31 XL		
	Total	10,941.9 sf	**30' height limit**	1200 sf lot area/DU **9 units**	**13 units** 16,345 sf
Building 1					
6210-6218 W Yucca	APN 5546-031-031	17,360.9 sf	***R4-2D		
Sliver	APN 5546-031-031	2,367.0 sf	***R4-2D		
	Subtotal	19,729.9			
					225'
6220-6222 W Yucca,	APN 5546-031-031	17,339.6 sf	**C4-2D-SN		
Sliver	APN 5546-031-031	2,339.7 sf	**C4-2D-SN		197 units + 136 hotel ms
	Total	19,679.3 sf	**75' height limit**	39,358.6 sf **78,712 sf 1.8 acres**	**300,603 sf 225'**
		50,351.1			DU/Acre?
	Buildable Area	**48,022 sf**			

Sources: LA City ZIMAS for lot areas; Developer Pre-dedication and post dedication project figures from DEIR

** DEIR Use of LAMC Sec 12.22.A.18 for Hotel use cannot be applied on R4 portion of land, owing to zoning restrictions and

DEIR Error: LAMC 12.22.A.18 claims R5 densities can be attained, but that contravenes the Hollywood Community Plan, and the code section says "notwithstanding"

** "D" condition limits density to 2:1 FAR

* Q Condition per Ord # 165,662 restricts density to 1,200 sf/DU

Response to Comment No. ORG 2B-31

The comment includes a table purporting to set forth the current development standards imposed by zoning on the Project Site (the City does not concede that this analysis is accurate). While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment thus does not address any environmental impacts of the Project requiring a response under CEQA. Moreover, the comment does not account for the entitlements requested by the Project or Modified Alternative 2, which ensure that they are consistent with zoning standards as amended.

The relevant development standards required by the existing zoning, and the effects that the proposed changes in the zoning would have on the development standards under the requested entitlements, are discussed in detail in the Land Use section of the Draft EIR, on pages IV.H-41 through 46. Thus, the relevant requirements of the current zoning and the manner in which the requested project approvals would alter that zoning in a manner that would accommodate the scale of the Project and Modified Alternative 2 are fully disclosed and analyzed in the Draft EIR.

Comment No. ORG 2B-32

The FEIR must address accurately and transparently the following:

- *<u>Land Use Plans conflicts a significant adverse effect:</u> Either the conflict with Land Use plans is described and the DEIR recirculated, or the FEIR must conclude that the Land Use Plan conflicts are inadequately evaluated, and thus a significant adverse effect.*

Response to Comment No. ORG 2B-32

The comment asserts that the Project conflicts with land use plans and that either the Draft EIR is recirculated or the Final EIR must conclude that there are significant effects related to conflicts with land use plans. With respect to conflicts with existing land use plans generally, CEQA does not require a lead agency to establish that a project achieves perfect conformity with each and every component of such applicable plans, which often serve a variety of different and sometimes competing interests (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378.) Rather, a Project must generally be compatible with plans' relevant overall applicable objectives, policies, goals, use restrictions and requirements related to environmental issues. Moreover, under the CEQA Guidelines, Appendix G threshold adopted by the City with respect to Land Use inconsistency, it is only where an alleged inconsistency results in a significant environmental impact that a requirement to mitigate the effect would apply.

The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations *adopted for the purpose of avoiding or mitigating an environmental effect*. (Draft EIR, pp. IV.H-20 – IV.H-54.) In particular, the Draft EIR examines the Project's consistency with applicable policies and objectives of local plans including the General Plan Framework Element,

the General Plan Health and Wellness Element, the General Plan Housing Element, the Hollywood Community Plan (the Land Use Element of the General Plan for the Hollywood Area), the Hollywood Redevelopment Project and Plan, the Los Angeles Municipal Code, the 2010 Bicycle Plan, the 2035 Mobility Plan, ZI No. 2427 regarding Health Risk Assessments for Freeway Adjacent Properties. It also analyzes the Project's consistency with the 2016 RTP/SCS. The Draft EIR concludes that the Project does not generally conflict with the relevant identified land use plans, policies, or regulations, as analyzed. In the absence of such a conflict and in accordance with and contingent upon required findings that must be made, the Draft EIR appropriately concludes no significant impact would occur. The comment puts forth no evidence or information that would suggest this analysis and conclusion are not supported by substantial evidence.

Recirculation of a Draft EIR is only required where (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; and (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5; *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043). No circumstance warranting recirculation is identified by the comment.

Comment No. ORG 2B-33

- *<u>Calculations:</u> Table IV.H-6 must be revised and corrected to show real numbers, not the erroneous conclusion of "No Conflict". Two scenarios must be shown—zoning PROPOSED (C2, etc.) and the zoning EXISTING. The Table currently mixes up the two to cherry pick whatever is advantageous.*

Response to Comment No. ORG 2B-33

The comment asserts that Table IV.H-6 within the Land Use and Planning section of Chapter 4 of the Draft EIR must be revised to demonstrate the current zoning of the Project Site. First, the current zoning of the Project Site is fully disclosed in the Project Description (page II-36) and in the analysis accompanying Table IV.H-8 on pages IV.H-41 through 46. Second, the Table does not need to be revised because it appropriately analyzes the Project's consistency with the relevant zoning standards that would apply if the Project is approved – there is no requirement and it would serve no purpose under CEQA to analyze a project's consistency with past land use requirements that would no longer apply to a project once approved.

In addition, to the extent the comment alludes to inconsistencies between the Project, Modified Alternative 2, and zoning requirements not related to environmental impacts, it addresses issues not relevant to CEQA and the Draft EIR. No further response is required on such issues.

Comment No. ORG 2B-34

- *<u>Change of "D" Condition:</u> In Hollywood, the "D" and "Q" conditions which this project seeks to remove were implemented to mitigate environmental effect, as evidenced in multiple documents accompanying Council adoption. Thus removing the "D" and "Q" conditions without analyzing the impacts they were mitigating must lead to DEIR revision, or an FEIR conclusion of significant adverse effect.*

Response to Comment No. ORG 2B-34

The comment first asserts, incorrectly and without citation to evidence, that existing "D" and "Q" limitations adopted by ordinance that are applicable to the Project Site were adopted to mitigate environmental effects. To the contrary, the "D" and "Q" condition ordinance at issue here, Ordinance No. 165,622, is a standard zoning ordinance that regulates the size of buildings, densities and requires that certain Redevelopment Plan consistency findings be made in the approval of development projects. It does not, and was not intended to, mitigate environmental impacts. The comment provides no evidence or information to the contrary.

To the extent the proposed removal of the "D" and "Q" limitation ordinance restrictions enables the Project and Modified Alternative 2 to be larger than buildings that would be allowed on the Project Site under the current zoning, the impacts related to the Project and Modified Alternative 2's proposed size are consistently described, disclosed, and fully analyzed throughout the Draft EIR. In particular, the relevant development standards required by the existing zoning, and the effects that the proposed changes in the zoning would have on those development restrictions, are discussed in detail in the Land Use section of the Draft EIR, on pages IV.H-41 through 46, including the effects that altering the "D" and "Q" conditions and other requested entitlements would have on the scope of development that would be allowed on the Project Site if the Project entitlements were approved by the City. Thus, the issue, contrary to the assertion of the commenter, is fully disclosed and analyzed in the Draft EIR. Based on the consistency of the Project and Modified Alternative 2 with the proposed changes in zoning, the Draft EIR concludes based on substantial evidence that a less than significant impact with respect to relevant land use regulations would occur.

Comment No. ORG 2B-35

- *<u>Zone Change:</u> FEIR must clarify the justification and effects for changing the zone from more restrictive C4 to less restrictive C2 uses—such as allowing a Hotel is a lower density residential zone, plus perhaps outdoor and rooftop bars if that is the reason. FEIR must acknowledge what is the accompanying adverse environmental impact; and put forth the necessary conditions and mitigation measures to control noise, glare, traffic, and public safety – whatever reasons customarily keep hotels out of residential zones. Amplified outdoor noise is a significant issue in Hollywood projects—and must be evaluated and mitigated. As noted above, the scrambling of current and proposed zones in the DEIR hides reality.*

Response to Comment No. ORG 2B-35

The comment asserts that that the proposed zone change to allow a hotel use on the R4-zoned center parcel disclosed in the Draft EIR must be justified and its adverse effects analyzed and mitigated, if necessary, where such a use is not allowed under the current zoning. To the extent

the proposed entitlements would enable the Project and Modified Alternative 2 to be larger than buildings allowed on the Project Site under the current zoning, and to include different uses, the impacts related to the Project and to Modified Alternative 2 are described, disclosed, and fully analyzed throughout the Draft EIR and Final EIR. In particular, the relevant development standards required by the existing zoning, and the effects the proposed changes in the zoning would have on those development restrictions, are discussed in detail on pages IV.H-41 through IV.H-46 of Section IV. H, *Land Use and* Planning, of the Draft EIR and at pages 3-43 and 3-44 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, including the effects that the requested entitlements would have on the scope of development that would be allowed on the Project Site if the Project's or Modified Alternative 2's entitlements were approved by the City. In addition, the Draft EIR analyzes a No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative (Alternative 3), which presents a development scenario that complies with current zoning, but rejects this alternative as it fails to meet five of the Project's eight identified Project Objectives without eliminating the Project's one significant and unavoidable impact. (Draft EIR, pp. V-110-V-111 of Chapter V, *Alternatives*.) Thus, the issue of the current and proposed changes to zoning, contrary to the assertion of the commenter, is fully disclosed and analyzed in the Draft EIR.

Further, the Modified Alternative 2 does not include a hotel use, but rather includes only residential apartment uses and ground floor commercial uses. Therefore, the modifications to the Project reflected in the Modified Alternative 2 fully address and moot this issue. In this instance, the land uses allowed on the Project Site by the zoning code and General Plan do not relate to the environmental impacts of the Project or Modified Alternative 2, but are rather zoning consistency issues not relevant under CEQA. Moreover, justification for the zone changes is provided as part of the entitlement approval or disapproval and is not required by CEQA. The Project's potential impacts with respect to noise, traffic are fully analyzed in the Draft EIR, in Chapter 4, Sections IV.I and IV.L, and with respect to the Modified Alternative 2 in Chapter V, *Alternatives*, and in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. The impacts related to glare are aesthetics impacts that are analyzed in the Draft EIR with respect to the Project in Chapter IV.A, and, respect to the Modified Alternative 2 in Chapter 5, Alternatives, and in Chapter 3, *Revisions, Clarifications, and Corrections,* of this Final EIR. The comment does not identify any specific impacts of the Project or Modified Alternative 2, and provides no information regarding any purported deficiencies of the analysis of the cited issues, therefore no further response can be provided.

Comment No. ORG 2B-36

- *<u>Project Description</u> to include detailed information on the site within the Vista del Mar/Carlos Historic District and urban design illustrations.*

Response to Comment No. ORG 2B-36

The location of the Project Site in relation to the Vista de Mar/Carlos Historic District is fully and sufficiently disclosed in the Draft EIR. (See Draft EIR, p. IV.C-20thriough IV.C-24, and IV.C-35, and Figure IV.C-1 of Section IV. C, *Cultural Resources*.)

Comment No. ORG 2B-37

- *<u>Hollywood Boulevard Urban Design Plan:</u> FEIR must include evaluation of the objectives AND specifics of the 1993 Plan., as expected as a part of the Hollywood Community Plan. As the project is not sympathetic to and complementing the existing scale of development, this should be explicitly recognized as a significant adverse effect*

Response to Comment No. ORG 2B-37

See Response to Comment No. ORG 2B-29.

Comment No. ORG 2B-38

- *<u>Haul Route:</u> If this EIR provides environmental clearance for a haul route, then the truck trips must be calculated and hauling's effects on traffic, noise etc. evaluated.*

Response to Comment No. ORG 2B-38

The commenter asserts that construction truck trips must be calculated and effects on traffic and noise must be assessed. An analysis of the environmental impacts on noise from Project haul trucks traveling on the prescribed haul routes is provided in detail on pages IV.I-33 through IV.I-35 in Section IV.I, *Noise*, of the Draft EIR. As discussed therein, the analysis considered the maximum daily truck trips and determined that haul truck traffic noise impacts would be less than significant under all three potential haul route options.

An analysis of the environmental impacts on traffic from Project haul trucks traveling on the prescribed haul routes is provided in detail on pages IV.L-24 and IV.L-25, page IV.L-35, and pages IV.L-38 and IV.L-39 in Section IV.L, *Transportation*, of the Draft EIR. As discussed therein, the analysis considered the maximum daily truck trips and determined that haul truck traffic would not impede school drop-off and pick-up activities or the use of LAUSD's identified pedestrian routes to access Cheremoya Avenue Elementary School, or any other local school for which these routes may be used for access and would not result in significant impacts for emergency access during construction. Also, as discussed on page IV.L-1, the City's Transportation Assessment Guidelines (TAG) identifies "non-CEQA" transportation issues, which include construction traffic, amongst other issues. Analyses of these "non-CEQA" issues are not required by CEQA and therefore are not included in the Draft EIR. However, prior to the adoption of the TAG, an analysis of construction traffic was prepared as part of a Traffic Study prepared by Gibson Transportation Consulting, dated February 2018, pursuant to a memorandum of understanding (MOU) with LADOT dated July 27, 2015. Accordingly, the construction traffic analysis included as part of the Traffic Study is provided for informational purposes only in Appendix L-2 of the Draft EIR. Therefore, CEQA traffic impacts as evaluated per the City's TAG from haul trucks would be less than significant.

Comment No. ORG 2B-39

- *<u>Entitlements requests- where?:</u> The Poject [sic] Description should include the full listing and explanation of the entitlements and processes—such as Haul Routes or Site Plan Review—that this EIR will be used to justify. If we missed it- that's what a rushed review period delivers.*

Response to Comment No. ORG 2B-39

The comment inaccurately asserts that the entitlements requested by the Project are not listed in the Project Description. The entitlements requested by the Project are listed in Chapter II, *Project Description*, Subsection 9, *Necessary Approvals*, of the Draft EIR. The proposed entitlements are described according the relevant LAMC requirement, such as Site Plan Review, and are discussed in greater detail in the referenced LAMC sections. The listing of necessary approvals, as presented in the Draft EIR, is the standard format used in all City of Los Angeles EIRs. Haul routes, as with building permits and other details, are typically developed during the approval of the Construction Traffic Management Plan required under PDF-TRAF-1. The final construction details required under PDF-TRAF-1 must be approved by the LADOT based on the City's understanding of routing that would result in the least impact to the public during construction.

Comment No. ORG 2B-40

3. **Redevelopment Plan obligations remain in force.** The project's impact must be itemized, evaluated, and added, with DEIR recirculated. The transfer of all land use responsibilities for this Project site from the Community Redevelopment Agency's successor Designated Local Authority to the City of Los Angeles has taken place, and the DEIR was not updated or corrected to reflect reality. Analysis of conformance of this Project to the Hollywood Redevelopment Plan (HRP)—the major land use controls in effect for over 30 years in central Hollywood-- is notoriously missing from this DEIR!

Response to Comment No. ORG 2B-40

The comment asserts that the Draft EIR omits discussion of the transfer of land use authority from the CRA/LA to the City and lacks analysis of the Hollywood Redevelopment Plan. In November, 2019, pursuant to City Ordinance 186,325, in accordance with Health and Safety Code Section 34173(i), land use authority under the City's existing redevelopment plans, including the Redevelopment Plan, was transferred from CRA/LA, the state-appointed successor agency to the City's former Redevelopment Agency, to the City. This ordinance was purely procedural, transferring regulatory authority of a plan from one agency to another – it does not relate to, affect, or otherwise regard in any manner the environmental impacts of the Project. The Redevelopment Plan transfer ordinance is thus not a CEQA issue, and neither is the consistency of the Project or Modified Alternative 2 with its general, non-environmental provisions. Moreover, an analysis of the consistency of the Project with the relevant sections of the Redevelopment Plan is provided in the Land Use and Planning section of Chapter IV of the Draft EIR, at pp. IV.H-38-41. This analysis concludes based on substantial evidence that the Project would not conflict with relevant provisions of the plan.

Recirculation of a Draft EIR is only required where (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; and (4) The draft EIR was so fundamentally and basically inadequate and

conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5; *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043). No circumstance warranting recirculation is identified by the comment.

Comment No. ORG 2B-41

This DEIR points to a June 2012 "Chris Essel memo" about the Argyle Hotel project as some kind of justification for "forgetting" about all the restrictions built into the Redevelopment Plan. This is very strange. The facts are that the Argyle Hotel was approved with all required CRA review, processing, and findings, and an OPA agreement when CRA was operating. The developer paid to mitigate traffic problems. While that approval had errors, at least the process was followed. It doesn't parallel this situation; it "proves" nothing about this Yucca project; and isn't the process today.

Response to Comment No. ORG 2B-41

The commenter asserts that the Draft EIR does not address CRA/LA review of the Project or Modified Alternative 2. In November, 2019, pursuant to City Ordinance 186,325, in accordance with Health and Safety Code Section 34173(i), land use authority under the City's existing redevelopment plans, including the Redevelopment Plan, was transferred to the City. Regarding consistency findings with the Redevelopment Plan, the Draft EIR indicates they must be made by the City in approving the Project (the same is true of the Modified Alternative 2). (Draft EIR, on p. IV.H-41.) To the extent the comment alleges that the Draft EIR lacks discussion of the Redevelopment Plan, an analysis of the consistency of the Project with the relevant sections of the Redevelopment Plan is provided in the Land Use and Planning section of Chapter IV of the Draft EIR, at pp. IV.H-38-41. This analysis concludes based on substantial evidence that the Project would not conflict with relevant provisions of the plan.

The remainder of the comment addresses the Project itself and not any environmental impacts of the Project. It appears to refer to issues related to administrative process and entitlements, and therefore is not related to the environmental analysis in the Draft EIR. References to a separate project's own process, an environmental analysis, and mitigation are not relevant to the City's analysis of the Project and Modified Alternative 2's potential impacts in the EIR. While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

Comment No. ORG 2B-42

The argument the DEIR is trying to make, but fails, is that CRA-planned lots can be upzoned, changed, or have discretionary "gifts" to developers like this one run though City Planning without CRA involvement, findings, or processes. That wasn't true whenever this EIR was written; isn't true now; and even if everything requested by the Project is ultimately granted, conflicts with current planning must still be disclosed according to CEQA. The purpose of CEQA is to disclose the actual requirements, so the public and decision-makers can openly decide whether the 30 years of planning should be thrown down the drain or not.

Response to Comment No. ORG 2B-42

The comment asserts that the Draft EIR lacks discussion of the Redevelopment Plan. An analysis of the consistency of the Project with the relevant sections of the Redevelopment Plan is provided in the Land Use and Planning section of Chapter IV of the Draft EIR, on pp. IV.H-38-41. Regarding consistency findings with the Redevelopment Plan, the Draft EIR indicates they must be made by the City in approving the Project (the same is true of the Modified Alternative 2). (Draft EIR, on p. IV.H-41.)

To the extent the proposed entitlements would enable the Project and Modified Alternative 2 to be larger than buildings that would be allowed on the Project Site under the current zoning, the impacts related to the Project and Modified Alternative 2's proposed size are consistently described, disclosed, and fully analyzed throughout the Draft EIR. In particular, the relevant development standards required by the existing zoning, and the effects that the proposed changes in the zoning would have on those development restrictions, are discussed in detail in the Land Use section of the Draft EIR, on pages IV.H-41 through 46, including the effects that the requested entitlements would have on the scope of development that would be allowed on the Project Site if the Project entitlements were approved by the City. In addition, the Draft EIR analyzes a No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative (Alternative 3), which analyzes a development scenario that complies with current zoning, and rejects this alternative as it fails to meet 5 of the Project's 8 identified objectives without eliminating the Project's one significant and unavoidable impact. (Draft EIR, pp. V-110-11.) Thus, the issue of the current and proposed changes to zoning, contrary to the assertion of the commenter, is fully disclosed and analyzed in the Draft EIR. As the comment does not raise any specific claims relative to the environmental impacts of the Project and Modified Alternative 2, no further response can be provided at this time.

Comment No. ORG 2B-43

<u>Not consistent with Redevelopment Plan:</u> Land Use section fails to address the specifics of the Redevelopment Plan. Table IV-H.5 recites a few of the Plan goals, cherry-picked—to conclude this project complies. It doesn't. A footnote on page IV.H-41 says "Approval of the project will require a finding of consistency with the Hollywood Redevelopment Plan." It is not consistent. Specifically, the following govern permits:

- Hollywood Core Transition District- Building 2
- Hollywood Boulevard District Urban Design Plan- Building 1

Response to Comment No. ORG 2B-43

The commenter refers generally to consistency findings with the Redevelopment Plan, which the Draft EIR indicates must be made by the City in approving the Project (the same is true of the Modified Alternative 2). (Draft EIR, on p. IV.H-41.) With respect to alleged conflicts with existing land use plans, CEQA does not require a lead agency to establish that a project achieves perfect conformity with each and every component of such applicable plans, which often serve a variety of different and sometimes competing interests (*San Franciscans Upholding the Downtown Plan*

v. City and County of San Francisco (2002) 102 Cal.App.4th 656, 678; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378.) Rather, a Project must generally be compatible with plans' relevant applicable objectives, policies, goals, use restrictions and requirements related to environmental issues. Moreover, under the CEQA Guidelines Appendix G threshold adopted by the City with respect to Land Use inconsistency, it is only where an inconsistency results in a significant environmental impact that a requirement to mitigate the effect would apply.

The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations *adopted for the purpose of avoiding or mitigating an environmental effect*. (Draft EIR, pp. IV.H-20 – IV.H-54.) In particular, the Draft EIR examines the Project's consistency with applicable policies and objectives of local plans including the General Plan Framework Element, the General Plan Health and Wellness Element, the General Plan Housing Element, the Hollywood Community Plan (the Land Use Element of the General Plan for the Hollywood Area), the Hollywood Redevelopment Project and Plan, the Los Angeles Municipal Code, the 2010 Bicycle Plan, the 2035 Mobility Plan, ZI No. 2427 regarding Health Risk Assessments for Freeway Adjacent Properties. It also analyzes the Project's consistency with the 2016 RTP/SCS. The Draft EIR concludes that the Project does not generally conflict with the relevant identified land use plans, policies, or regulations, as analyzed. In the absence of such a conflict and in accordance with and contingent upon required findings, the Draft EIR appropriately concludes no significant impact would occur. As noted, an analysis of the consistency of the Project with the relevant sections of the Redevelopment Plan is provided in the Land Use and Planning section of Chapter IV of the Draft EIR, on pp. IV.H-38-41. This analysis concludes based on substantial evidence that the Project would not conflict with relevant provisions of the plan. The comment provides no basis and no substantial evidence to suggest this analysis is inadequate or improper.

Comment No. ORG 2B-44

FEIR must address accurately and transparently the following:

- *<u>Redevelopment Plan analysis and DEIR recirculation:</u> CEQA requires an accurate reflection of all applicable sections of the Hollywood Redevelopment Plan, not the goals. If goals are cited, then every goal must be <u>analyzed</u>. Citing goals and opining that they are met is inadequate. The goals for historic resources and procedures for protection are blindingly hidden. For example, the same Sec 506 of the Redevelopment Plan which allows considering a 6:1 FAR also mandates that the City monitor traffic and have a "moratorium" when Regional Center density reaches 2:1 FAR. Our calculations show that has happened.*
- *<u>Case Processing:</u> FEIR to identify City Planning procedures required for case processing under the Redevelopment Plan. This EIR can not be used to "clear" compliance with the Redevelopment Plan without first identifying the conflicts with it and the environmental effect if the Project is approved, and following all procedures*
- *<u>New Mitigation Measure:</u> Unless the FEIR and consultation with Hollywood Heritage produces a compliant redesign, new Land Use measure must be added to assume a significant adverse effect and require future of both buildings, design review in accordance with the Hollywood*

Urban Design Plan requirements and the Hollywood Core Transition District requirements must be carried out in this environmental review, or a significant adverse effect admitted.

- *Urban Design: FEIR and project re-design must reflect minimum 20% affordable units as required by the Urban Design Plan, as well as a reduction of overall project size to a 4.5 FAR.*
- *Hollywood Heritage review of demolition: Please see our first response to the Historic Assessment in the Cultural Resources discussion.*
- *Public Benefits: FEIR must cite process, calculations, and required findings for a 6:1 FAR "ask". Project must prove the absence of transportation/traffic effects as required by the Redevelopment Plan, not using VMT analysis, but LOS analysis so that the local gridlock is analyzed. Provide commitment to public benefits accruing to historic buildings—through a transfer of development rights-- or other public mechanism or the development intensity cannot be considered.*

Response to Comment No. ORG 2B-44

The comment refers generally to consistency findings with the Redevelopment Plan, which the Draft EIR discloses must be made by the City in approving the Project (the same is true of the Modified Alternative 2). (Draft EIR, on p. IV.H-41.) The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations *adopted for the purpose of avoiding or mitigating an environmental effect*. (Draft EIR, pp. IV.H-20 – IV.H-54.) In particular, the Draft EIR examines the Project's consistency with applicable policies and objectives of local plans including the General Plan Framework Element, the General Plan Health and Wellness Element, the General Plan Housing Element, the Hollywood Community Plan (the Land Use Element of the General Plan for the Hollywood Area), the Hollywood Redevelopment Project and Plan, the Los Angeles Municipal Code, the 2010 Bicycle Plan, the 2035 Mobility Plan, ZI No. 2427 regarding Health Risk Assessments for Freeway Adjacent Properties. It also analyzes the Project's consistency with the 2016 RTP/SCS. The Draft EIR concludes that the Project does not generally conflict with the relevant identified land use plans, policies, or regulations, as analyzed. In the absence of such a conflict and in accordance with and contingent upon required findings that must be made, the Draft EIR appropriately concludes no significant impact would occur.

As noted, an analysis of the consistency of the Project with the relevant sections of the Redevelopment Plan is provided in the Land Use and Planning section of Chapter IV of the Draft EIR, on pp. IV.H-38-41. This analysis concludes based on substantial evidence that the Project would not conflict with relevant provisions of the plan. Moreover, as noted on Page IV.H-41 of the Draft EIR, an increase up to and beyond 6:1 FAR is allowed by applicable municipal code provisions and the Redevelopment Plan with the adoption of certain findings, upon which the no significant impact conclusion made in the Draft EIR is made contingent. (Draft EIR, p. IV.H-41.) The comment provides no basis and no substantial evidence to suggest this analysis is inadequate or improper.

Moreover, notably, Section 506 of the Redevelopment Plan does not place a moratorium on all development in the Redevelopment Plan area once the total FAR in the area exceeds 2:1, it instead only requires the former Redevelopment Agency to make certain reports and conduct certain analyses once that threshold is surpassed. (Redevelopment Plan, § 506.2.3.) This not a

requirement that applies to the Project or the Modified Alternative 2, but is rather an area-wide requirement, and is thus not relevant to the Project's CEQA analysis. In any event, the commenter only provides a conclusory assertion that this FAR threshold has been met, which is not substantial evidence of the alleged fact and requires no further response.

With respect to the Hollywood Urban Design Plan, see Response to Comment No. ORG 2B-29. With respect to alleged historic impacts, see Response to Comment No. ORG 2B-4. With respect to alleged "public benefits," see Response to Comment No. ORG 2B-27.

Comment No. ORG 2B-45

4. Aesthetics: FEIR must address accurately and transparently the aesthetic effect on historic resources.

Building 2, proposed as infill to the Vista del Mar/ Carlos Historic District, would be a new addition to the District must comply with Secretary of the Interior Standards for Rehabilitation # 8 and 10, which are more deeply explored in the National Park Service Preservation Brief #14. Preservation Brief #14 states that the building height is one of the most important aspects of compatibility: "A new addition should always be subordinate to the historic building; it should not compete in size, scale or design with the historic building." However, Hollywood Heritage maintains that the demolition of 1771 and 1765 Vista del Mar is preventable, and that rehabilitation is the appropriate solution.

Building 1 rises above its neighbors on the other corners of Argyle. By virtue of its scale and massing there is no attempt at compatibility with the neighboring district to the east. It will further block views to and from the hills, adding to the altered appearance of this section of Hollywood. See Appx. 2 for comparison of Building 1 against the 1993 Urban Design Guidelines.

Response to Comment No. ORG 2B-45

The comment asserts that the Project's Building 2 must adhere to the Secretary of Interior Standards for Rehabilitation Nos. 8 and 10, and that the Project should preserve and rehabilitate the current structures at 1765 and 1771 N. Vista del Mar Avenue. It also asserts that the scale and massing of the Project's Building 1 is not consistent with the surrounding properties or with the former City Redevelopment Agency's purported Urban Design Guidelines dated 1993.

As discussed on pages IV.C-36 and IV.C-37 of Section IV.C, *Cultural Resources*, of the Draft EIR, though the Project would not directly impact and is not rehabilitating any historic buildings, the design of Building 2 aligns with Secretary of Interior Standards for Rehabilitation, Standard 9 because the adjacent new construction would not destroy any of the historic materials that characterize the Vista del Mar/Carlos Historic District.[15] The new construction would be differentiated from the old and would be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the District and its environment. The Project would also align with Standards 10 because, if removed in the future, the essential form

[15] U.S. Dept. of Interior, The Secretary of Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating and Reconstructing Historic Buildings (2017), at p. 76.

and integrity of the existing Vista del Mar/Carlos Historic District would be unimpaired. The Project's alignment with Standards 9 and 10 of the Secretary of the Interior's Standards for Rehabilitation further substantiates the conclusion that the Project's impacts on the Vista del Mar/Carlos Historic District are less than significant under CEQA.

Regarding the Project's Building 2, as set forth at pages 3-31 and 3-35 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would eliminate Building 2 and, its place, retain the current residential structures at 1765 and 1771 N. Vista Del Mar Avenue. The comment with respect to Building 2 is thus fully addressed by the Modified Alternative 2.

Notably, although the Modified Alternative 2 would preserve the two existing residential structures located at 1765 and 1771 N. Vista del Mar Avenue, as set forth in Chapter IV.C, *Cultural Resources*, and Appendices D-1 and D-2 of the Draft EIR, the Draft EIR's analysis determined, based on substantial evidence, that these structures are not contributors to the Vista Del Mar/Carlos Historic District because previous construction work on the buildings that occurred outside of the identified period of historic significance for the district has resulted in a loss of integrity, causing the buildings to no longer convey sufficient historic significance so as to validly be considered part of the district. (See e.g., Draft EIR, Section IV.C, *Cultural Resources,* page IV.C-35.) Under CEQA, compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings is deemed sufficient mitigation to reduce a potentially significant impact to a historic resource to a less than significant level. (CEQA Guidelines, § 15064.5(b)(3).) However, mitigation is only required where a project would result in a potentially significant impact in the first instance. (CEQA Guidelines § 15070(b); *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 495.) Here, as stated, above, neither the Project nor the Modified Alternative 2 would result in a potentially significant impact to the Vista del Mar/Carlos Historic District, as determined in the Draft EIR and supported by substantial evidence therein particularly as set forth in Chapter IV.C, *Cultural Resources*, and Appendices D-1 and D-2 of the Draft EIR. Nevertheless, as analyzed for the Project in Chapter IV.C, *Cultural Resources*, the Project's Building 2 (which is not part of Modified Alternative 2) is concluded, based on substantial evidence, to be consistent with the Secretary of Interior's Standards. As set forth on pages 3-35 through 3-38 in Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2's preservation of the buildings located at 1765 and 1771 Vista del Mar would also comply with the Secretary of Interior's Standards, further supporting the conclusion that the Modified Alternative 2 would not have a significant impact on the Vista del Mar/Carlos Historic District.

With respect to the Project's Building 1 tower, the Project's potential aesthetic impacts are addressed in Section IV.A, *Aesthetics*, of the Draft EIR. That analysis notes that, under State law SB 743, the aesthetic impacts of mixed-use and employment center projects within a Transit Priority Area (TPA) such as the Project are not significant impacts under CEQA as a matter of law. (Draft EIR, Section IV.A, page IV.A-1.) The same is true for the Modified Alternative 2. Thus, a claim that the Project or the Modified Alternative 2 would block views to and from the Hollywood

Hills does not relate to an impact recognized under CEQA. Even so, for informational purposes, the Project's potential impacts on views are analyzed on pages IV.A-19 through IV.A-27 in Section IV.A, *Aesthetics*, of the Draft EIR, which concludes that any such visual interference would not be substantial in light of the development of the two existing towers adjacent to the Project on the corner of Yucca Street and Argyle Avenues, in addition to the number of other high rise-buildings in close proximity to the Project Site. As discussed on page 3-29 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, this same analysis applies to and results in the same conclusion for the Modified Alternative 2. In light of the fact that, with the construction of the Project or the Modified Alternative 2, three of four street corners at the intersection of Yucca Street and Argyle Avenue will contain high-rise towers, the comment that the Project would be inconsistent with the immediate surroundings at that intersection is inaccurate. Notably, the Draft EIR analyzes the Project's potential aesthetic impacts on the Vista del Mar/Carlos Historic District on pages IV.A-23 and IV.A-24 of Section IV.A, *Aesthetics,* of the Draft EIR, and concludes based on an analysis of the visual features of the tower that views from and to the historic district would not significantly impact the district. With respect to the Modified Alternative 2, the aesthetics impacts of the similar Alternative 2 on the historic district and surrounding area are analyzed in pages V-33 and V-34 of Section V, *Alternatives,* of the Draft EIR, and determined to be less than significant, similar to the Project. The Modified Alternative 2's less than significant aesthetic impacts on the historic district are identified in the Final EIR, on pages 3-29 through 3-31, of Chapter3, *Revisions, Clarifications and Corrections*.

Finally, regarding the comment's reference to the 1993 Urban Design Guidelines, the Guidelines were not adopted by the former Redevelopment Agency and have never been adopted, and therefore do not apply to the Project or Modified Alternative 2 (for more information see Response to Comment No. ORG 2B-29, above).

Comment No. ORG 2B-46

5. **ELDP and Streamlining:** Certified as an "Environmental Leadership Development Project", the Project qualifies under AB 900 of 2011, as amended by SB 743 (2013) and SB 734 (2016) and AB 246 to avoid or shorten the time for lawsuits. "Streamlining" under SB 375 means an accelerated timeline for the developer under CEQA.

The Project signed an agreement in 7/26/2017 with the State of California promising rapid production of jobs (by 2019) and great reductions in car use and greenhouse gasses. It appears that approval has expired, according to documents on the OPR website. The City Planning Department should require clarity if this has changed. Other projects must be finally approved by the City before January 1, 2021.

The DEIR does not reflect that the Project will indeed meet these requirements: who is responsible to monitor, and how results will be monitored. "Environmental Leadership" legislation offers protection from CEQA lawsuits before permits and construction, but the Project's conformance with the developer's promises happens during construction and operation Thus it is critical that the City condition the project visibly.

The FEIR should transparently describe these state-granted benefits and requirements; whether the developer in compliance with their requirements and deadlines; and clarify where in the EIR the conformance with the developer's requirements is ensured.

DEIR must be recirculated. FEIR should transparently disclose developer responsibilities

- *ELDP MM1: Condition the Project with specific Project Design Features to implement the promises to the State, clarifying what City agency is monitoring: includes purchasing carbon offsets, paying prevailing wage rates, certifying LEED Gold or Silver required per law, etc. and require that the Certificate of Occupancy is withheld if the Project does not successfully complete the promised measures, as required in the law*
- *Energy Conservation Project Design Feature: FEIR must show the unequivocal commitment to the State to achieve certification: "the applicant shall submit a binding commitment to delay operating the project until it receives LEED Gold Certification or better. If, upon completion of construction, LEED Gold Certification or better is delayed as a result of the certification process rather than a project deficiency, the applicant may petition the Governor to approve project operation pending completion of the certification process." Due to the proponents delays, the current LEED version (not the 2014 version cited) must be required.*
- *Traffic/Transportation: Project transportation/traffic measures must ensure 15% improvement in transportation efficiency over comparable projects. All promised mitigations in TDM Program and vehicle parking promises made to the State must be formally incorporated in the Project conditions, specifying the responsible agency, implementation procedure, and monitoring. The FEIR must identify any discrepancies between what was promised to the State and what will be provided.*
- *Greenhouse Gases: Project must have zero net increase in greenhouse gas emissions. The Project fails this requirement and commits to purchasing carbon offsets. The City of Los Angeles must clarify what legitimizes a seller of carbon offsets, and what the time frame is for complying first with the construction-related GHG emissions, and then with all the subsequent operational years. The damage to our atmosphere from this kind of construction happens now. Environmental Leadership is never evidenced in new high-rise construction, so a believable purchase of offsets is needed.*
- *Recognition of wastefulness of demolition*

Response to Comment No. ORG 2B-46

The comment asserts that the Draft EIR does not including information showing that the Project would meet the ELDP requirements included in the agreement dated July 27, 2017, how the Project's compliance will be monitored and by whom. The comment further asserts that the Draft EIR must be recirculated to provide this information and that the Final EIR should include the mitigation measures and project design features listed in the comment ensuring that the Project will fulfill the ELDP requirements.

Unlike the statutory requirements contained in CEQA and the regulatory requirements contained in the CEQA Guidelines, the provisions contained in Public Resources Sections 21178 et seq. set forth a voluntary process through which a development project can be certified by the Governor as an Environmental Leadership Development Project (ELDP) by meeting certain requirements for that certification; if the project receives the Governor's certification, it is then entitled to certain

benefits, including, as the commenter acknowledges, streamlined litigation if the project is challenged. This process is outside the normal CEQA review process and, therefore, is not required to be analyzed in an EIR, and the EIR need not be revised and recirculated to provide the detailed information and add mitigation measures and project design features as the comment suggests. (See *Mission Bay Alliance v. Office of Community Investment and Infrastructure* (2016) 6 Cal.App.5th 160, 198, fn. 26 (the Governor's certification and CEQA analyses serve distinct purposes).)

Moreover, the comment fails to recognize the information and substantial evidence contained in the Draft EIR relating to the issues raised by the commenter. The Draft EIR does discuss the Project's certification as an ELDP. On page IV.F-88 of Section IV.F, *Greenhouse Gas Emissions*, although not required under CEQA, the Draft EIR states that the Project would voluntarily meet the requirements of the Jobs and Economic Improvement Through Environmental Leadership Act, which requires, among other things, that the Project qualify for LEED Silver Certification, be located on an infill site, and not result in any net additional GHG emissions. The Project will meet the commitments documented in the Application for Environmental Leadership Development Project, inclusive, of Exhibits 1 through 7, the California Air Resources Board (CARB) Staff Evaluation, the Governor's Determination of Eligibility, the Letter to Joint Budget Committee and the Joint Budget Committee Concurrence Letter, all of which are contained in Appendix G-2 of the Draft EIR.

The energy conservation PDF suggested by the comment is not required, since the Project is already designed to achieve such certification. As described on pages II-29 and II-30 of Chapter II, *Project Description*, of the Draft EIR, the Project would be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code (CALGreen) and the City of Los Angeles Green Building Code, and would achieve United States Green Building Standards (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification under the LEED version 2009 (v3) or the Silver Certification under the LEED v4 rating system, and would incorporate measures and performance standards to support its LEED Gold or Silver Certification that are described further on those pages.

With regard to the no net additional GHG emissions provision, the requirements for obtaining carbon credits are provided in Exhibit 3 to the Application for Environmental Leadership Development Project, which is contained in Appendix G-2 of the Draft EIR. As discussed therein, the Project Sponsor shall enter into one or more contracts to purchase voluntary carbon credits from a qualified GHG emissions broker from an accredited registry in an amount sufficient to offset the Project's construction and operational emissions. Verification will be assured through the Project Sponsor providing copies of calculations to CARB and the Governor's Office promptly following transmittal of the calculations to the City of Los Angeles. Further, as stated on page IV.F-44 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, the Project incorporates PDF-GHG-1, GHG Emissions Offsets, which requires the Project to provide or obtain GHG emission offsets as required in the Project's ELDP certification and related documentation.

The Project's transportation analysis is provided in Section IV.L. *Transportation*, of the Draft EIR. As discussed on pages IV.L-42 and IV.L-43, the Project would be required to implement mitigation

measure MM-TRAF-1. This mitigation measure requires that the Project Applicant prepare and implement a comprehensive Transportation Demand Management (TDM) Program to promote non-auto travel and reduce the use of single-occupant vehicle trips. The TDM Program shall be subject to review and approval by the Department of City Planning and Los Angeles Department of Transportation (LADOT). A covenant and agreement shall be implemented to ensure that the TDM Program shall be maintained. The exact measures to be implemented shall be determined when the Program is prepared, prior to issuance of a final certificate of occupancy for the Project. While the exact measures are not determined, MM-TRAF-1 includes two strategies that must, at a minimum, be included in the TDM Program: unbundled parking and promotions and marketing. The TDM Program is required to achieve a particular standard, that being a VMT reduction that would be below the applicable VMT threshold(s) established in the Transportation Assessment Guidelines which would be verified through such means that could include monitoring or reporting, as required by the City. Mitigation measure MM-TRAF-1 will be enforced as part of the Project's Mitigation Monitoring Plan, which is included in the Final EIR.

With respect to construction and demolition waste, the Draft EIR recognizes the requirements to reduce demolition waste. As discussed on page IV.N.1-19 in Section IV.N.1, *Utilities and Service Systems* – Water, Wastewater and Solid Waste, of the Draft EIR, the City has adopted the City of Los Angeles Solid Waste Management Policy Plan (CiSWMPP) as required by the Integrated Waste Management Act (Assembly Bill [AB] 939, Sher), the objective of which is to promote source reduction or recycling for a minimum of 50 percent of the City's waste by 2000, or as soon as possible thereafter, and 70 percent of the waste by 2020. Project construction demolition would comply with requirements to recycle or reuse nonhazardous construction and demolition debris, as stated on page IV.F-59 of the Draft EIR and would be accomplished via a Waste Hauler Permit Program requiring that C&D waste collected at the Project Site be taken to a City-certified waste processing facility for sorting and final distribution in compliance with recycling or reuse mandates.

It should be noted that, as described in Chapter 3, Revisions, Clarifications and Corrections, of this Final EIR, the Modified Alternative 2 incorporates the same PDFs and would implement the same mitigation measures as the Project.

Comment No. ORG 2B-47

6. Alternatives and Environmentally Superior Alternative- inclusion of a reduced density alternative that does not encroach on historic district boundaries.

Hollywood Heritage finds the Alternatives provided don't fully address the serious significant effects— some deriving simply because the analysis is missing from the DEIR, and some resulting from an erroneous conclusion.

- <u>The DEIR offers no preservation alternative:</u> An alternative which does not encroach into the identified boundaries of the historic district is essential to the evaluation of the project. There are still questions of appropriate uses and density, but without an alternative which protects the historic district, the DEIR is deficient.
- <u>Maintain and rehabilitate the Vista del Mar Historic District:</u> The loss of 1771 and 1765 Vista del Mar would irrevocably damage the integrity of the district. Hollywood Heritage sees no

need to inflict further damage on an already fragile district. The project should be amended to include the removal of Building 2, rehabilitation of 1771 and 1765 Vista del Mar according to the Secretary of the Interior's Standards and provide a policy to protect the district including listing as an HPOZ if appropriate.

- Improvement to Alternative 3: Alternative 3 appears to be environmentally superior as it is the only Alternative which stays within current zoning. This Alternative can be further improved by eliminating all significant effect on the Historic District from demolition (described above), new incompatible infill, parking podiums, shade, etc. from an altered Project Design. In alignment with the 1993 Urban Design Guidelines and Preservation Brief 14, the project can be redesigned to ensure compatibility with authentic its surrounds. Formal and overt Transfer of Development Rights plus compliance with State affordable housing incentives can justify some of the "asks" of the Project.

While this DEIR does not acknowledge the cumulative degradation of the historic setting due to the Hollywood Center, Yucca Street Condos Project, and Hotel Argyle in the immediate vicinity, compounded by the 16 other projects in the surrounding area, it doesn't need to make it worse.

Response to Comment No. ORG 2B-47

The commenter makes a number of comments regarding the project alternatives analyzed in the Draft EIR, asserting that the analysis improperly excluded a preservation alternative, and suggests alternatives to Alternative 3, the alternative analyzing a project under the current zoning.

The commenter misunderstands the purpose of an alternatives analysis. CEQA Guidelines Section 15126.6(a) requires that an EIR consider a reasonable range of potentially feasible alternatives to the project that would avoid or substantially lessen any of its significant effects.

As explained on pages IV.C-20 through IV.C-24, *Cultural Resources*, of the Draft EIR, two residences located on the Project Site at 1765 and 1771 North Vista del Mar were previously, but are no longer eligible at the federal, State or local levels to be contributors to the Vista del Mar/Carlos Historic District. As the Draft EIR reports on page IV.C-22 of Section IV.C, *Cultural Resources*, both residences were listed as historic in a 1984 local survey, but the residence located at 1771 North Vista del Mar was downgraded in the 2010 Hollywood Survey to 6Z CHR Status Code, meaning ineligible for listing in California, because substantial alterations had been made to the residence that affected its integrity. Therefore, the residence is no longer considered to be a contributor to the Vista del Mar/Carlos Historic District. As stated on page IV.C-23 of Section IV.C, *Cultural Resources*, of the Draft EIR, the Historical Resources Assessment Report and the *Historical Resources Peer Review Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR) confirmed the conclusions of the 2010 Hollywood Survey with respect to the residence at 1771 North Vista del Mar.

As discussed on pages IV.C-23 and IV.C-24 of Section IV.C, *Cultural Resources*, of the Draft EIR, the residence located at 1765 North Vista del Mar has been incorrectly identified as an eligible contributor to the Vista del Mar/Carlos Historic District in surveys beginning with the 1984 local survey, because of the alterations to the interior and exterior of the residence that have resulted in material adverse changes that have materially impaired the property's integrity and historic significance. Notably, the addition of a second story in 1935 altered the original 1918 residence

beyond recognition. Based on the property research and documentation of the property in the Historical Resources Assessment Report prepared for the Draft EIR (and contained in Appendix D to the Draft EIR), the Report's intensive analysis concludes that the residence at 1765 North Vista del Mar was previously mistakenly identified as a contributor to the Vista del Mar/Carlos Historic District and that the property should be reassigned to a 6Z CHR Status Code.

Therefore, the Draft EIR concludes that neither residence is an eligible contributor to the Vista del Mar/Carlos Historic District (Section IV.C, *Cultural Resources*, page IV.C-24), and that their demolition by the Project would not result in a significant impact (Section IV.C, *Cultural Resources*, page IV.C-35).

Section IV.C, Cultural Resources, of the Draft EIR further concludes that the Project would not result in substantial material changes to the integrity and the significance of the seven historical resources in the vicinity of the Project Site identified in the *Historical Resources Assessment Report* included in Appendix D to the Draft EIR. On pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, the Draft EIR discusses the substantial evidence supporting its conclusions that the Project would not materially alter the settings of these historical resources in a manner that would materially impair their historical significance or integrity. In summary, as explained on page IV.C-36 of Section IV.C, *Cultural Resources*, of the Draft EIR, although the scale and massing of the Project would alter the visual context of nearby historical resources, including the Vista del Mar/Carlos Historic District, the site of the former Little Country Church of Hollywood, Capitol Records Building, Pantages Theatre, Hollywood Equitable Building, Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, the historic settings for these resources have already been altered by changes and redevelopment in the area after the period of significance of these resources including, without limitation, the construction of the Yucca Argyle Apartments in 1953 and the Hollywood Freeway completed by the late 1940's and early 1950's to the northeast of the Project Site. The Draft EIR then addresses each of the seven historical resources individually, on pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, with more specific substantial evidence to support these general conclusions.

Therefore, the Draft EIR was not required to evaluate an alternative that would avoid any significant impact of the Project on historical resources either on the Project Site or in the Project Site's vicinity, since the Draft EIR concludes based on substantial evidence that the Project would not result in any such significant impact. (See CEQA Guidelines § 15126.6(a).) Since the Draft EIR was not required to analyze such an alternative, the Draft EIR was also not required to explain why it "rejected" such an alternative.

"An EIR need not consider every conceivable alternative to a project." (CEQA Guidelines, § 15126.6(a).) "Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." (CEQA Guidelines, § 15126.6(a).) No single factor "establishes a fixed limit on the scope of reasonable alternatives." (Id., subd. (f)(1).) The basic framework for analyzing the sufficiency of an EIR's description of alternatives is evaluated against a rule of reason. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565; CEQA Guidelines, § 15126.6(a), (f).)

The Draft EIR analyzes four different alternatives: (1) a no-project alternative that analyzes what would happen if the Project were not built, which is rejected because it would not attain the basic objectives of the Project; (2) a Primarily Residential Mixed-Use Alternative, which was selected as the environmentally preferred alternative, analyzes a 271 residential unit two building project consisting of no hotel uses and limited ground floor uses, and of which the Modified Alternative 2 is a variant; (3) a No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative that looks at what the current zoning would allow to be built, which is rejected because it would not attain the basic objectives of the Project; and (4) Primarily Office Mixed-Use Alternative that looks at developing the tower as an approximately 112,000 square foot office building with the Project's Building 2 maintained as a residential building, which is rejected because it would not attain the basic objectives of the Project. This analysis presents a CEQA-compliant reasonable range of alternatives. (See generally, Draft EIR, Chap. V.)

The commenter's assertion that Alternative 3 is preferable because it complies with the current zoning addresses an issue that is not relevant to the Project's CEQA alternatives analysis. Compliance with current zoning is not one of the Project's objectives. (Draft EIR, p. V-2-3.) Alternative 3 would also not eliminate the Project' s significant and unavoidable noise impact. (Draft EIR, p. V-105.) Notably, in contravention of state law, the current R4-zoned parcel, which prohibits commercial uses, is inconsistent with the Project Site's General Plan designation of Regional Center Commercial. Alternative 3 also fails to meet 5 of the Project's 8 identified objectives, and was appropriately rejected for that reason. (Draft EIR, pp. V-110-11.)

Further, the request for a preservation alternative in this comment is addressed by Modified Alternative which preserves the two existing structures at 1765 and 1771 Vista del Mar Avenue referenced in the comment, which had previously been identified as part of the Vista del Mar/Carlos Historic District, though the analysis in this Draft EIR demonstrates that these structures are not validly considered contributors to the Vista del Mar/Carlos Historic District because construction work on the properties occurring outside of the identified period of historic significance for the district has resulted in a loss of integrity, causing the structures no longer convey sufficient historic significance. (Draft EIR, p. IV.C-35.) With respect to alleged historic impacts of the Modified Alternative 2, see Response to Comment No. ORG 2B-4.

Comment No. ORG 2B-48

Summary

For the last decade, Hollywood Heritage has worked tirelessly with City officials and departments to craft land use policies which protect historic resources. Three years ago, we asked the Council office to support us in a series of proposals designed to meet those goals and institutionalize policies that were readily accessible to developers and owners of historic properties. Among those policies:

1. Adopt requirements from Section 511 of the Hollywood Redevelopment Plan into the Community Plan Ordinance:
    a. Provide for the retention, reuse, and restoration of buildings and resources determined by the Agency to be architecturally or historically significant.

b. Deny requests for housing incentive units, developments in the Regional Center Commercial designation above a FAR of 4.5:1, and variations for sites on which a structure determined by the CRA to be significant was demolished after the adoption of the Hollywood Redevelopment Plan and for sites on which such a structure is proposed to be demolished. Exceptions to this are instances where a significant structure has been substantially damaged and must be demolished due to circumstances beyond the control of the owner, as well as applicable state law.

c. In order to provide incentives to preserve architecturally and/or historically significant structures, permit the unused density from architecturally and/or historically significant structures to be transferred to other development sites via a Transfer of Development Rights (TDR) program. Hollywood Heritage recommends a FAR of 6:1 for projects utilizing this TDR. Promulgate procedures for such a TDR program consistent with the procedures and requirements established in the Hollywood Redevelopment Plan (Sections 506.2.3, 505.3, and 521). While doing so, obtain adequate assurances that the building(s) from which the density transfer is taken are preserved and the development on the site to which the density is transferred will occur in conformity with: the Hollywood Redevelopment Plan, the objectives of special districts as established by the Plan, and (if applicable) any adopted Design for Development.

2. Establish regulations (D limitations) on parcels with historic resources to ensure appropriate review of design for resources. To ensure alterations to actual or eligible resources are made appropriately, require that rehabilitation conforms to provisions of a Hollywood Boulevard Urban Design Plan, Community Plan design guidelines, HPOZ Preservation Plan guidelines, Secretary of the Interior Standards, etc. Publish and enforce the Secretary of the Interior Standards as the design guideline for alterations to, rehabilitation of, or adaptive reuse of historic properties as well as for assessing impacts on historic properties (CRA requirement). Distribute the current Urban Design Plan to all new project applicants.

3. Identify conflicts between: (i) zoning maps (existing and proposed changes); (ii) specific zoning regulations and tools; and (iii) the preservation of historic and cultural resources, including signage, sign use, and sign parcels. Study communities within Hollywood, e.g. hillside neighborhoods and other single- home residential neighborhoods, to ensure appropriate regulations are applied to encourage within- scale development and preservation of built and natural resources. See #6 above for use of D conditions.

4. Establish zoning which conditions a project's use of FAR Incentives upon conformance with the Secretary of the Interior Standards for Rehabilitation.

5. Implement a process to allow review by the Office of Historic Resources for projects impacting actual or eligible resources before the City Department of Building and Safety processes demolition requests

6. Prepare a publicly available Hollywood historic context statement to provide an understanding of the built environment.

7. Ensure all historic buildings with status codes ranging from #1 to #4 (prior OHP evaluation codes) within the Redevelopment Plan Area are registered as HCMs (CRA requirement from 1988).

8. Ensure that any residential area with survey-identified architecturally or historically significant structures be further planned to reduce allowable density, require compatible design, ensure adequate parking, and conserve the significant structures. These include, but are not limited to, the districts listed under #17 below.

9. Maintain and protect views and streetscapes that establish a context for historic buildings, structures, objects, sites, and zones, e.g., the Walk of Fame and Hollywood Sign. Establish an "historic streets" category to emphasize historic street patterns and major thoroughfares. Examples include: Hollywood Boulevard, Vine Street, Highland Avenue, Cahuenga Boulevard, etc.
10. Coordinate historic preservation and housing policies, encouraging the reuse of historic structures for affordable housing.
11. Promote renovation and reuse of historic structures as an environmentally-friendly alternative to demolition and new construction and as a catalyst for neighborhood economic development.

Response to Comment No. ORG 2B-48

The comment lists land use policies from the Redevelopment Plan that the commenter would like adopted in the Hollywood Community Plan. The comment does not identify any issue regarding the content or sufficiency of the Draft EIR or the Project's potential environmental effects. Therefore, although the comment is noted for the record, no further response is required.

Comment No. ORG 2B-49

Clearly, the City has not chosen to implement any of these recommendations. This proposed project is evidence that little guidance is given to developers when they submit a project that demolishes historic affordable/ workforce housing, impacts and erodes the integrity of the CA register district, and does not acknowledge the cumulative degradation of the historic setting due to the Hollywood Center, Yucca Street Condos Project, and Hotel Argyle in the immediate vicinity, compounded by the 16 other projects in the surrounding area.

Response to Comment No. ORG 2B-49

The comment states that none of the proposed land use policies listed in Comment No. ORG 2B-48 have been implemented by the City, and expresses the commenter's opinion that, despite the conclusions reached in the Draft EIR, the Project would have significant adverse project-level and cumulative effects on the Vista Del Mar/Carlos Historic District. The comment does not provide any specific facts or substantial evidence to support the commenter's opinions. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (See State CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, due to the comment's failure to identify errors in the content of or regarding the adequacy of the Draft EIR's analysis of the Project's project-level or cumulative effects on historical resources with specificity sufficient to enable the City to respond, no further response is possible or warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Even so, see Response to Comment No. ORG 5-20, below, regarding the Draft EIR's analysis of the Project's and the Modified Alternative 2's potential effects on the historical resources on or near the Project Site.

Regarding housing, the Project would provide 210 RSO units, a net increase of 167 RSO units at the Project Site. However, as described on page 3-27 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would provide 252 RSO units and 17 units affordable to Very Low-Income households. As such, the Modified Alternative 2 would result in a net increase of 209 RSO units at the Project Site and in the community, as compared to existing conditions. Also please refer to Topical Response No. 2, Rent Stabilized Housing.

Comment No. ORG 2B-50

Appendix 2: Conformance with 1993 Design Guidelines

Feature	1993 Design Guidelines	Proposed Design	Complies?
Density Standards (Section 3.3)	FAR of 3:1 with density bonus of up to 1.5:1 FAR in selected areas of Boulevard East and Boulevard West...with Agency approval if the developer or property owner provides public benefits such as rehabilitation of historic structures, affordable housing, live entertainment uses, and/ or off-site public open space. (p. 3-19)	6.6:1 FAR	No
Built Form Standards for Residential Mixed Use and Residential Land Use Areas - Modulation (Section 7.4.B)	Maintain small scale-built form pattern based which evolved based on the original parcelization… street facades should not exceed 100 feet in length unless separated by a 10 ft deep by 20 ft wide court or setback at each inhabitable level	Building 1- out of scale with district.	No
Facade Depth (7.4.B.3)	Each wall surface shall incorporate facade depth created through the use of individual windows set into the wall surface, facade surface breaks, shadow lines, articulation of edges, reveals, changes in material, ornament or similar architectural devices	Building 1- No individually set windows.	No
Height (7.3.A.2)	In Boulevard North and South and adjacent to areas of high density in Boulevard East and West, a 45--foot height limit rates to the existing low scale residential and commercial structures (additional height of up to 30 feet may be approved if certain standards are met.	Building 2- 255 foot tall.	No

Feature	1993 Design Guidelines	Proposed Design	Complies?
Materials (7.5.A)	Stone, terra cotta glazed to resemble stone, brick, cementitious materials; the majority should be of opaque construction with individual windows; maximum surface areas of vision and spandrel glass shall be 60% of a building's surface area	Building 2- Glass, aluminum, metals.	No
Color (7.5.A)	Light color palette - earth tones, creamy pastels, highlighted by brighter and darker accent colors	White, gray	Yes
Glazing (7.5.B)	Use of clear glass is strongly encouraged but glazed areas should be differentiated in color from building's surface materials (7.5.B)	Building 1: insufficient differentiation between glass and surface materials.	No

Response to Comment No. ORG 2B-50

See Response to Comment No. ORG 2B-29.

Comment Letter No. ORG 3

George Skarpelos, President
Jim Van Dusen, Chair
Hollywood United Neighborhood Council
P.O. Box 3272
Los Angeles, CA 90078
First email received May 20, 2020 (ORG 3A)
Second email received June 6, 2020 (ORG 3B)

Comment No. ORG 3A-1

Mr. Como, Attached please find the Hollywood United Neighborhood Council's letter requesting an extension of time for public comment.

Response to Comment No. ORG 3A-1

This comment provides an introduction to the request by the commenter's organization, the Hollywood United Neighborhood Council, for an extension of the comment period on the Draft EIR. Because the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment No. ORG 3A-2

The Hollywood United Neighborhood Council's Board of Directors at their May 11, 2020 regularly scheduled meeting overwhelmingly voted to submit the following comment extension request:

In response to the release of the 6220 West Yucca Project Draft Environmental Impact Report (DEIR) that was made on April 23, 2020, <u>we respectfully request that the comment period be extended to August 1, 2020</u> in light of the emergency shelter in place orders that are in effect and delay in setting up the protocols that will allow city agencies to function under the Brown Act. We understand the comment period for a Draft EIR is normally 45 days. However, we are in *[sic]* living in unprecedented times and Neighborhood Councils have been severely hampered from effectively gathering public input during the current pandemic.

This is a large project that will impact the immediate community and the 50 or so tenants whose potential homelessness will need to be addressed. In addition, a project of this scale will impact the extended community beyond Council Districts 13 and 4. Greater Los Angeles will be affected due to the development's proximity to crucial city transportation routes and the Hollywood Earthquake Fault Line.

In addition, there are myriads of other impacts that deserve a clear and transparent process which allows the community to weigh in on this matter, including the proposed mega-project Hollywood Center Project literally across the street from this project. These two projects will place an unprecedented strain on city resources and neighborhood safety and must be carefully and

thoroughly vetted by the city departments and affected neighborhood groups and we request that you accommodate the community during these limited times of public interaction.

Response to Comment No. ORG 3A-2

The comment requests that the City extend the Project's 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate, that it would not extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to extend the comment period on the Draft EIR, see Topical Response No. 1, *Public Participation and Review*, which discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted.

Comment No. ORG 3B-1

The Hollywood United Neighborhood Council's (HUNC) Board of Directors at their June 4, 2020 Special Joint Board and PLUM Committee Meeting voted to approve the following comments, questions and decisions regarding the 6220 West Yucca Project's Draft Environmental Report (DEIR):

1. We restate our dissatisfaction and concern with the blanket denial of an extension to review the DEIR in light of a pandemic, civil unrest, curfews and the size and complexity of this project. Allowing only 45 days is extraordinarily short and a denial of an extension flies in the face of most projects that come before the planning department. The project has been in the works for many years and an extension of 30-60 days is entirely appropriate and consistent with past Planning Department practices. The denial of the extension with a boiler plate denial seems to ignore widespread community concerns and demonstrates a lack of transparency needed for these types of projects.

Response to Comment No. ORG 3B-1

The comment reiterates the commenter's general concerns regarding the time allowed for public review of the Draft EIR. See Response to Comment No. ORG 3A-2, above, and Topical Response No. 1, *Public Participation and Review*.

Comment No. ORG 3B-2

2. The 6220 Yucca Street Project (Project) has agreed for all residential units to be RSO units. In addition, the Project has agreed to fund the difference in rents to those being displaced and to provide right of return to all residents affected to comparable units at the same rents they paid before. It also appears that they will pay moving expenses for those affected. Due to these extraordinary efforts on the part of the Project, the 6.6:1 FAR is agreeable as follows:

Response to Comment No. ORG 3B-2

The comment expresses support for the Project's component offering a right to return to existing tenants of the existing RSO units at the Project Site, as described on pages II-7 and II-8 in Chapter II, *Project Description*, of the Draft EIR, which is also a component of the Modified Alternative 2, as referred to on page 3-16 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR. The commenter's support has been noted for the record. However, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

The comment also lists specific points with which the commenter approves, which are addressed in Response to Comment Nos. ORG 3B-3 through ORG 3B-14, below.

Comment No. ORG 3B-3

a. APPROVE: Zone changes:
   i. West Parcel to C2-2D-SN with the D limitation amended to allow 6.6:1 FAR.
   ii. Center Parcel to C2-2D with the D limitation amended to allow 6.6:1 FAR.
   iii. East Parcel to R3-2D with the D limitation amended to allow 6.6:1 FAR.

Response to Comment No. ORG 3B-3

The comment expresses support for the three zone changes requested by the Project, as listed at page II-36 in Chapter II, *Project Description*, of the Draft EIR. As described on page 3-27 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 requests **the same zone changes as the Project.** The commenter's support has been noted for the record. However, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 3B-4

3. APPROVE: Conditional Use Permit for FAR Averaging per LAMC Section 12.24-W-19.
4. Questions regarding the management of the financial reimbursements to the residents affected by the destruction of their residences due to this project:
   a. It implies in the DEIR that the Project will pay for moving costs for tenants who elect to move to the Project, both out of their current residences and into the new residences. The September 7, 2016 HUNC motion specified that the Project would pay those expenses.
      i. Has the Project included in their plans to reimburse tenants for moving expenses out of the old residences and back into the new residences?
      ii. How will the Project determine the move-out and move back in allowances?
   b. How will the temporary residential units be chosen (they need to be located close to the project as many of them work in that area)?
   c. How will payment of the rent differential to senior citizens be managed in case the total amount affects the limits of any public assistance that they might be receiving?

d. What provisions will be made in the new apartments for senior citizens who may need and have had special accommodations in their prior residence?

e. What will be the mechanism and procedures by which the temporary rents will be funded by the Project?

Response to Comment No. ORG 3B-4

The comment expresses support for approval of the Project's request for a Conditional Use Permit for FAR Averaging per LAMC Section 12.24 W.19, as listed at page II-36 in Chapter II, *Project Description*, of the Draft EIR. As described on pages 3-27 and 3-28 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 requests a Conditional Use Permit for FAR Averaging as well. The commenter's support has been noted for the record. However, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

The comment also asks a number of questions regarding the specifics of how the existing residents who accept the Project's or Modified Alternative 2's offer of a right to return will be reimbursed for their moving expenses and interim rents, how these residents' temporary residential units will be chosen, whether provisions will be made in the temporary units for seniors. These are valid questions that will be considered at the time that the offers are made to the existing RSO tenants. However, these questions do not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project. Therefore, no further response is warranted.

Comment No. ORG 3B-5

5. Master Conditional Use Permit for Alcoholic Beverages and live entertainment/dancing:

   a. What restaurants and bar(s) will be installed?

   b. What will be the hours of operation?

   c. What will be done to mitigate noise and public drunkenness that might result from patrons frequenting these establishments?

   d. Will special events be allowed and if so, how many and of what kind?

Response to Comment No. ORG 3B-5

The comment expresses support for approval of the Project's request for a Master Conditional Use Permit Alcoholic Beverages and live entertainment/dancing, as listed at pages II-36 and II-37 in Chapter II, *Project Description*, of the Draft EIR. As described on page 3-28 in Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 also requests a Master Conditional Use Permit Alcoholic Beverages. The commenter's support has been noted for the record. However, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

The comment also asks several questions regarding the specifics of what restaurants and bars will operate in the Project or, now, the Modified Alternative 2 and how they will be operated. The

restaurants and bars have not yet been identified, since no approvals have been granted at this time. If approved, all uses would operate pursuant to the requirements of the LAMC and the conditions of approval, and any disturbances would also be handled pursuant to the requirements of the LAMC and conditions of approval. The Master CUB does not approve specific operator/individual establishments as they are not known at this time and thus would be speculative. Once an operator is identified, that individual establishment must go through the Plan Approval process. The Plan Approval process reviews the individual establishment and operator in detail and specific conditions are imposed tailored to that specific operator and use. Since these questions do not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project, no further response is warranted.

Comment No. ORG 3B-6

6. Transportation: The Project due to its potential immediate and long-range impact on the traffic flow and traffic management in Hollywood, a crucial center of the Los Angeles transportation network, should:
    a. Secure CalTran's input, determination and recommendations on the affects and remedies for the increased traffic flow that is planned for this project for the on and off ramps of the 101 Freeway (specifically, Gower Street, Cahuenga Blvd, and Argyle Street) in light of this project and the concurrent planned project to be built opposite this project on the corner of Argyle and Yucca streets (Hollywood Center Project).

Response to Comment No. ORG 3B-6

The comment asserts that Caltrans' input, determination and recommendations on the cumulative increase in traffic flow caused to the on- and off-ramps for the 101 Freeway, particularly at Gower Street, Cahuenga Boulevard and Argyle Street) should be obtained due to the Project's potential immediate and long-range impact on traffic flow and management in Hollywood.

The Project's potential effects on transportation are analyzed in Section IV.L, *Transportation*, of the Draft EIR. As the Draft EIR explains on pages IV.L-2 and IV.L-3, Senate Bill (SB) 743, which became effective on January 1, 2014, requires that CEQA transportation analyses focus on the reduction of greenhouse gas emissions, the creation of multi-modal networks and the promotion of mixed-use development, rather than on driver delay, and ordered the Governor's Office of Planning and Research to develop revised CEQA Guidelines to determine the significance of transportation impacts resulting from projects, such as the Project, that are located in transit priority areas. As a result, CEQA Guideline Section 15064.3, Determining the Significance of Transportation Impacts, now states that vehicle miles traveled (VMT) is the most appropriate measure for determining transportation impacts, and that driver delay, or level of service (LOS), should no longer be considered under CEQA, except as specifically provided. The City adopted VMT as one of the criteria for determining a project's transportation impacts on July 30, 2019.

Therefore, the Draft EIR has not concluded that the Project would cause a project-level or cumulative impact related to an increase in traffic flow at the on- and off-ramps identified in the comment. Further, to the extent that the comment refers to the analyses requested by Caltrans that appear in Chapter 10 of the Traffic Study for the Project, contained in Appendix L-2 to the Draft EIR, those analyses are provided for informational purposes only, as explained at page IV.L-

2, of Chapter IV.L, Transportation, of the Draft EIR. Moreover, the Caltrans analyses do not conclude that the Project would create any significant impacts, since Caltrans has not identified any criteria for measuring the significance of any impacts to any of their facilities, as explained on page 92 of the Traffic Study (Appendix L-2 to the Draft EIR).

Finally, Caltrans has submitted a comment letter on the Draft EIR, and responses to its comments are provided in this Final EIR. See Comment Letter No. AG 2 and the responses to the comments included in that letter.

Comment No. ORG 3B-7

7. Employee parking:
    a. How many employees are anticipated working in the hotel, residential properties, restaurants and bar(s)?
    b. What arrangements are being made for them to park their cars in non-residential areas if they drive to work?

Response to Comment No. ORG 3B-7

The comment asks the number of employees who will work at the Project and what arrangements will be made to ensure they do not park in residential areas if they drive to work. Section IV.J, *Population and Housing*, of the Draft EIR discusses the number of hotel and retail/restaurant employees anticipated under the Project. As shown in Table IV.J-2, *Project Increases in Population, Housing, and Employment*, on page IV.J-16, of the Draft EIR, according to employee generation factors for hotel and commercial uses is taken from the Los Angeles Unified School District, Developer Fee Justification Study, March 2017, the hotel would generate approximately 65 employees and the retail/restaurant uses would generate approximately 34 employees. The Project would provide parking consistent with applicable LAMC requirements, as discussed on pages II-22 to II-24 of the Draft EIR. The required parking accounts for employee parking. Note that the provided would be less than the number of employees as not all employees would work at the same time. As explained at pages IV.F-46 to IV.F-54 in Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, the location of the Project within a TPA, the proximity to transit, and the provision of bicycle facilities within the Project would reduce automobile dependency, and resulting VMT, and it is anticipated that off-site parking would not be required. In addition, of the Project potential effects related to parking is no longer required to be analyzed in the Draft EIR.

Also, it is noted that, as discussed on pages 3-17 through 3-18 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would reduce the Project's retail/restaurant floor area from 12,570 square feet to 7,760 square feet and would, respectively, reduce the Project's anticipated on-site retail/restaurant employees from approximately 34 to approximately 21. Under the Modified Alternative 2, the hotel component would be eliminated and no other source of on-site employment is proposed.

Comment No. ORG 3B-8

8. Construction:
    a. How will the Project guarantee public access to the sidewalks around the Project during construction?
    b. What arrangements will be made for construction workers to park in non- residential neighborhoods?

Response to Comment No. ORG 3B-8

The comment asks how the Project will ensure that the public has access to the sidewalks surrounding the Project Site during construction and that construction workers will not park in residential neighborhoods. PDF-TRAF-1 (Construction Traffic Management Plan) and PDF-TRAF-2 (Pedestrian Safety Plan), described on pages IV.L-24 and IV.L-25 in Section IV.L, *Transportation*, of the Draft EIR outline measures to protect sidewalk access. Because parking is no longer a CEQA issue, worker parking is not evaluated as a potential environmental impact of the Project in the Draft EIR. However, the City's standard practice in the adoption of Construction Traffic Management Plan is to ensure that sufficient construction worker parking is provided on-site or near the project site in a manner that does not negatively impact private residential streets, including, where appropriate, providing off-site lot parking with shuttles for workers if on-site parking is limited. Restrictions on neighborhood parking may be established as a Project Condition of Approval at the discretion of the Project's decision-makers separate from the CEQA process. Please refer to Section IV.L, *Transportation*, of the Draft EIR for additional discussion of the Construction Traffic Management Plan and Pedestrian Safety Plan. These same PDFs would be incorporated into to the Modified Alternative 2, as described on page 3-16 of Chapter 3, *Revisions, Clarification and Corrections*, of this Final EIR.

Comment No. ORG 3B-9

9. Earthquakes: This project's extraordinarily close proximity to the Hollywood Fault Line is a serious safety concern. The EIR should include: an investigation into the projects determination that the fault line is inactive by an independent geological source; a review that the site is engineered to comply with AB1857; an analysis of California EPA guidelines for resiliency on water and waste water vis-à-vis this project, and a thorough investigation of the acknowledged blind thrust fault which the DEIR acknowledges could cause a 6.7 magnitude quake.

Response to Comment No. ORG 3B-9

The comment expresses concerns regarding the Project Site's proximity to the Hollywood Fault line, and requests additional review. Contrary to the comment's assertion, the Geotechnical Feasibility Report for the Project did not conclude that the Hollywood Fault was inactive. Please refer to pages IV.E-14 through IV.E-20 in Section IV.E, *Geology and Soils*, of the Draft EIR for a discussion of the issues raised by the Hollywood Fault. As discussed therein, based on the official map released by the CGS on November 6, 2014, the Project Site is located within the Alquist-Priolo Earthquake Fault Zone for the Hollywood Fault as shown on Figure IV.E-2, *Earthquake Zones Map (page IV.E-14)*. The Draft EIR states further on page IV.E-17 that the Hollywood Fault has been classified by the CGS as a Holocene-active fault. As such, this fault has a high potential

for future earthquakes capable of producing future ground surface ruptures. The Draft EIR also provided information as to the location of the active fault traces to the north and south of the Project Site. As discussed on page IV.E-20, stratigraphic and structural data correlated from adjacent sites indicate the faulting encountered within the subsurface older alluvial soils on-site is related to pre-Holocene folding and was concluded to be inactive. A Holocene age alluvial sand deposit and underlying pre-Holocene "mud flow" deposits were encountered continuously from Argyle Avenue north of Yucca Street, west of Argyle Avenue south of Yucca Street to at least the southern extent of the Millennium East site. This continuous stratigraphy precludes the possibility of active east-west trending faulting underlying these sites and projecting east toward the Project Site. The Draft EIR reports on pages IV.E-14 through IV.E-18 of Section IV.E, *Geology and Soils*, that, as summarized in the Geotechnical Feasibility Report (March 2019), the fault activity investigations for the Project Site and for the surrounding areas, including the sites north and west of the Project Site (all provided in Appendix F of the Draft EIR) indicate that there is no active faulting beneath the Project Site and no fault projecting toward the Project Site.[16] On page IV.E-28, the Draft EIR reaches the same conclusion based on this substantial evidence, and that the potential for ground surface rupture at the Project Site is considered to be low.[17] The Draft EIR further concludes, based on the fault data collected and known for the Hollywood Fault near the Project Site, and the Project's design, that project structures would be located at a distance greater than 50 feet from the nearest Hollywood Fault trace, which distance would be consistent with the requirements of the Alquist-Priolo setback requirement.

As discussed on pages 3-39 through 3-40 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would also result in a less than significant impact related to ground surface rupture because, like the Project, it would also be constructed at the Project Site. See Section IV.E, Geology and Soils, of the Draft EIR for additional discussion of this issue. See also, Response to Comment No. ORG 2B-8, above.

Comment No. ORG 3B-10

10. Outdoor advertising signs: What provisions is the project making to ensure that there will be a prohibition on excessive lighting or electronic billboards or neon type advertisements that face north or west to the hill communities, or east facing that adversely impact the Griffith Park Observatory?

Response to Comment No. ORG 3B-10

The comment asks if excessively lighted outdoor signage or electronic billboards will be prohibited at the Project. The western parcel of the Project Site is subject to the requirements of the Hollywood Signage Supplemental Use District (HSSUD), as discussed on page IV.A-7, Section IV.A, *Aesthetics*, of the Draft EIR. The HSSUD was adopted to acknowledge and promote the continuing contribution of signage to the distinctive aesthetic of Hollywood Boulevard, as well as to control the blight created by poorly placed, badly designed signs throughout Hollywood, and to

[16] As stated earlier, fault Investigation Reports are included in Appendices E-2 through E-4 of this Draft EIR.

[17] Update Geotechnical Feasibility Report, Proposed High-Rise Residential Development, 6220 West Yucca Street, Hollywood District, Los Angeles, California, Section 4.3, page 8, prepared by Group Delta, dated March 2019.

protect street views and scenic vistas of the Hollywood Sign and the Hollywood Hills. The HSSUD defines the types of signs that may occur within the Project Site and regulates the design of the signs by type. Compliance requires that signs serve only on-site uses, and are coordinated with the Project's architectural design, are appropriately scaled to the buildings on the lot, and result in a visually uncluttered appearance. The regulation also addresses such design characteristics as dimensions, area, illumination, location and other appearance considerations. Permits for signs within the HSSUD are only provided after review of the sign, and sign-off, by the Department of City Planning. See Section IV.A of the Draft EIR for further discussion and analysis of this issue. As discussed on pages 3-29 through 3-30 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, these regulations also apply to the Modified Alternative 2.

Comment No. ORG 3B-11

11. What might be the potential impact on the Latino community in Hollywood due to the project's size and location and what plans are in place to mitigate any negative impacts?

Response to Comment No. ORG 3B-11

The comment asks if the Project would impact the Latino community in Hollywood and, if so, what mitigation measures are planned. The purpose of the EIR is to evaluate the environmental impacts of the Project in accordance with CEQA. Under CEQA, the potential social and economic effects of a project are not considered to be significant environmental effects. (CEQA Guidelines §§ 15064(e), 15131(a).) Nor does evidence of social or economic impacts that do not cause or contribute to physical environmental impacts constitute substantial evidence, though notably no such evidence is provided by the comment, nor is any clarification of what types of impacts on Hollywood's Latino population are mentioned. (CEQA Guidelines § 15384(a).) Therefore, the EIR does not consider the social or economic effects of either the Project or the Modified Alternative 2.

Comment No. ORG 3B-12

12. Has the project considered installing a Hollywood Visitor's Center on its top floor as a community service and to help drive more hotel business to the property?

Response to Comment No. ORG 3B-12

The comment asks whether the Project has considered including a Hollywood Visitor's center on the top floor of the hotel. This comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project, no further response is warranted. Nonetheless, the Project does not include a Hollywood Visitor's Center on the top floor of the hotel. Further, as described on page 3-16 of Chapter 3*, Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would eliminate the Project's hotel component. Therefore, the Modified Alternative 2's Building 1 would be primarily residential, except for its retail/restaurant uses at the first and second levels. As such, the installation of a Visitor's Center at the top floor of Building 1, now primarily residential. under the Modified Alternative 2 would not be a suitable use for the building.

Comment No. ORG 3B-13

It is the continuing position of HUNC that securing affordable housing alternatives needs to be continuously investigated and implemented in Hollywood and anything that this project can do to help with this housing crisis should be pursued. Setting RSO rates at market rates will probably put the Project's units out of financial reach of much of the Hollywood population. Whatever this project can contribute to helping with this housing crises is important.

Response to Comment No. ORG 3B-13

The comment states the commenter's opinion that affordable housing is a continuing need in Hollywood and one that the Project should help solve. The comment also speculates that the rents for the Project's RSO units will be too high for much of the Hollywood population.

The commenter expresses general concerns about affordable housing in Hollywood, and the commenter's desire that the Project help ease these concerns. The commenter's speculation and unsubstantiated opinion do not constitute substantial evidence. (CEQA Guidelines § 15384(a).) Further, the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project. While this comment is noted for the record, no further response is warranted.

Even so, it should be noted that both the Project, as explained on pages II-7 and II-8 of Chapter II, Project Description, of the Draft EIR, and the Modified Alternative 2, as referred to on page 3-16 of Chapter 3, Revisions, *Clarifications and Corrections*, of this Final EIR, would include offering all tenants of existing RSO units at the Project Site a right of return to comparable units within the Project, once it is occupied, at their last year's rent plus applicable annual increases under the RSO. Further, unlike the Project, the Modified Alternative 2 would add 17 multi-family units covenanted for Very Low-Income households to the area, as described on pages 3-16 through 3-18 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR.

Comment No. ORG 3B-14

Please see the attached September 7, 2016 HUNC Motion regarding this project and the promises make by the Project management.

Response to Comment No. ORG 3B-14

The attached letter is provided within Appendix A of the Final EIR.

The comment does not address the content of the Draft EIR or the environmental effects of the Project; however, the comment will become part of the administrative record and will be considered by the decision-makers. While this comment is noted for the record, no further response is warranted.

Comment Letter No. ORG 4

J.H. McQUiston, P.E.
McQuiston Associates
6212 Yucca Street
Los Angeles, CA 90028-5223
Email received June 3, 2020

Comment No. ORG 4-1

Both Projects say the purpose of an EIR is to show the differential impact the Project will have on the City. This Statement concerns their differential impact on the City's finances, and questions the City's ability to survive if it allows these Projects to be built in the zone known to be seismically-hazardous.

Briefly Said

These Projects together will bring the City to financial-doom, per immutable State law. They put thousands of denizens and visitors to death, dismemberment, and unending trauma, on account of the inevitable Faulting far beneath them.

Response to Comment No. ORG 4-1

This comment and the majority of the comments contained in this comment letter are confusing, as they refer to two projects, neither of which is identified. These Responses assume that one of the projects is the Project, and address the comments accordingly.

This comment is also confusing as it refers to an EIR as analyzing "differential impact[s]" on the City and on the City's finances if the Project is built in a "seismically hazardous zone." The comment also expresses the commenter's general concerns about development in an area subject to earthquakes. The comment does not identify any specific issues related to the Project, or provide any specific facts or substantial evidence to support these general concerns related to the Project. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response.

These comments are noted for the record. However, as the comment does not address any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Even so, see Section IV.E, *Geology and Soils*, of the Draft EIR for a discussion of the seismic issues affecting the Project Site and the Draft EIR's conclusions that the Project would not result in significant surface ground rupture impacts and that the Project's buildings are appropriately located on the Project Site. Also see pages 3-39 through 3-40 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR for these same conclusions regarding the Modified Alternative 2. Finally, see Responses to Comment Nos. ORG 2B-8 and ORG 3B-9.

Comment No. ORG 4-2

The catastrophe above is not only McQuiston's expert conclusions, but is also conclusions of those who have *also seismically-studied* the areas proposed to be re-re-developed with these projects.

After the Faulting catastrophe, by law those injured by the two projects' collapse will be entitled from this City a payment of $876,170,000 per year; for 30 years the total will be $20 Billion, 285 Million dollars.

City's payment is *specifically*-imposed by California's Alquist-Priolo Act, which the Projects admit is controlling for the properties[1], and it is also *generally*-imposed by the duty of the City to protect its people. There is no way the City may protect itself against the above payment if it allows the two Projects, as proposed to be sited on their proposed locations. Read the City's liability in law yourself.

The above-liability[2] doesn't include City's *similar indebtedness,* arising because it already-allowed new construction to occur in recognized active-fault zones.

The City's primary responsibility is to safeguard its inhabitants from such a seismic catastrophe, and the City *has the way to do so*: reduce the population inhabiting a recognized-dangerous fault zone, like the Hollywood Fault, and prohibit construction therein which blocks person from escaping damaged sites.

People will be trapped when doors jam. People may have to jump out of windows, and probably there will be no Firemen to catch them, or even to extinguish the blazes from ruptured lines. Also, the massive concrete water line beneath Franklin Ave, connecting the Eagle Rock and Hollywood Reservoirs, will be crushed and cause the area to flood.

Human suffering will greatly exceed that of New York in "9-11" because these projects were built as-is.

Footnote 1: The City's boilerplate "builder is liable for damages" is over-ridden by the Act. The City may not callously-doom people by ignoring well-known fault dangers.

Footnote 2: The amounts above do not include building and accessory damages at the project sites.

Response to Comment No. ORG 4-2

The comment discusses the commenter's speculation regarding liability should two unidentified projects, presumably including the Project, collapse during a major earthquake, and should the City be found liable on some ground. The comment is speculative and addresses economic issues, not the environmental effects of the Project recognized by CEQA. The comment does not identify any specific issues related to the Project or the content or accuracy of the Draft EIR, or provide any specific facts or substantial evidence to support the commenter's general concerns. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly

erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, as the comment does not address any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Even so, as discussed on pages 4 – 7 and 28-33 of Section IV.E of the Draft EIR, the California Building Code (CBC) and the Los Angeles Building Code include requirements applicable to seismic zones, with additional regulations related to ground shaking and seismic hazards provided in the Los Angeles Building Code that address the City's location in a highly active earthquake area. The function of City's Building Code is to ensure safe buildings and to protect life. LAMC Section 91.1803 includes specific requirements addressing seismic design, grading, foundation design, geologic investigations and reports, soil and rock testing, and groundwater. Section 91.1707 requires structural inspections for seismic resistance. Section 91.7006 requires that a Final Geotechnical Report with final design recommendations prepared by a California-registered geotechnical engineer be submitted to the Los Angeles Department of Building and Safety for review prior to issuance of a grading permit. Final foundation design recommendations must be developed during final project design, and other deep foundation systems that may be suitable would be addressed in the Final Geotechnical Report. The Building Code also requires that any Holocene-active fault traces in the proximity be located and identified. Respectively, the Building Code imposes setback requirements of at least fifty feet to prevent the construction of a structure over a potential Holocene-active fault. As discussed on pages IV.E-14 through IV.E-20 and pages IV.E-28 through IV.E-33 in Section IV.E, *Geology and Soils*, of the Draft EIR, with the implementation of CBC and Los Angeles Building Code requirements, impacts related to fault rupture and seismic ground shaking would be less than significant.

Comment No. ORG 4-3

McQuiston Associates

McQuiston Associates was founded in 1959 by J.H. McQuiston to be "all things to all men". E.g, McQuiston invented the device which allowed the United States to develop-rapidly giant rocket engines and achieve "MAD", ending the Cold War; subsequently those engines powered the United States to the Moon and beyond. McQuiston is cited as the reason Congress allows attorney fees if IRS unfairly attacks a taxpayer. McQuiston got the City to enact the City's refuse-collection charge, thereby saving $32 million a year for the General Fund. These illustrate the breadth of McQuiston's work.

McQuiston, a graduate of Caltech and admitted to its "Honor society" (Tau Beta Pi), holds California license of Engineering. There he got training from inventors of seismic engineering, like Charles Richter, the creator of the Richter Scale. For many of his 90 years he continued there with meetings, seismic engineering, and ICBO issues among other topics.

For 60 years, both McQuiston Associates' office and its manufacturing-plant are located atop the identified traces of the Hollywood and Santa Monica Faults. McQuiston thereby gained expertise about their seismicity.

Response to Comment No. ORG 4-3

This comment provides an introduction to the commenter's organization, McQuiston Associates. However, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment No. ORG 4-4

Hollywood Fault

The EIRs factually-belittle the magnitude and danger of the underlying Fault-system, of which the Hollywood Fault is one part of it. The system begins East of Pasadena and extends West to and including the Channel Islands in the Pacific. That system has been described as partly "reverse", because one side thrusts itself over or under the other side to varying extent, strongly-pushing against the hills to its North. The Los Angeles River ran through Cahuenga Pass before the upthrusts forced the river Eastward.

Caltech in lecture[3] and print said the Hollywood Fault soon will "shake" with an amplitude of 6 feet, will "accelerate" with a magnitude of *at least* 1 "g", and will have a magnitude of *at least* 7.5 with strong vertical component. A person will not be able to stand, nor dodge objects hurled at the person including walls and ceilings, during the lengthy seism. And, buildings like these will swing to destruction.

The Red Line subway investigation found the potential "rebound" of this fault to be about 30 feet. The "rebound" of the 1906 San Francisco quake was about 20 feet.

Typical "reverse" faults occurred years ago in Anchorage AK and in Kobe, Honshu. Japan has a seismic Code many times more-rigorous than the USA. Yet in both quakes building-floors "pancaked"[4]. Loaded floors pancaking may cause the entire building to collapse, akin to the collapses in New York City when "9-11" occurred.

"Reverse" faults are more-likely to elude simpleton's searches by their very nature; moreover, they may be "blind", buried deeply. *But they threaten peoples' lives and they can be evaluated by appropriate tests.*

Footnote 3: McQuiston was in Beckman Auditorium, Caltech, when a Caltech expert gave the public a lecture about imminent damage to properties near Hollywood and Vine, on account of the Hollywood Fault's presence. A person there, who worked in the Taft Bldg. at Hollywood and Vine, asked what to do about working there, and the lecturer said, "**Go to work late and leave early".** Residents can't escape harm that way.

Footnote 4: The Valley quakes spawned vertical "shakes" of 2g. When a floor "pancakes" it falls on top pf *[sic]* the floor below, with more energy than its weight, usually causing the floors to "pancake" also. Ad infimum. Persons have no time nor way to escape death.

Response to Comment No. ORG 4-4

The comment asserts that the Draft EIR belittles the magnitude and danger of the underlying fault system, but does not identify any defect in the Draft EIR's discussion, impact analysis or impact conclusions to support this assertion or otherwise support the commenter's opinion with substantial evidence. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, as the comment does not raise any issue regarding the content or adequacy of the Draft EIR's analysis regarding the fault system in the area with specificity sufficient to enable the City to respond, no further response is possible or warranted.

Even so, it is noted that Section IV.E, *Geology and Soils*, of the Draft EIR summarizes the findings of four geotechnical reports provided in Appendix F of the Draft EIR. These include Appendix F-1, *Updated Geotechnical Feasibility Report* (March 2019); Appendix F-2, *Supplemental Geotechnical Lot Evaluation* (2015); Appendix F-3, *Fault Activity Investigation at the NE Corner of Yucca and 1800 Argyle Avenue* (2015); and Appendix F-4, *Fault Activity Investigation for Yucca-Argyle Apartments* (2014). All of these reports address the seismic conditions in the Project Site area, and recognize the Holocene-active designation of the Hollywood Fault and the location of the Project Site within the Alquist-Priolo Fault Study Zone. The Updated Feasibility Report (Appendix F-1) provides a detailed seismic shaking analysis based on the Seismic Coefficients that would apply if performance-based seismic design were selected for the Project's structural design and recommends that the Project be developed consistent with the seismic provisions provided in *An Alternative Procedure for Seismic Analyses and Design of Tall Building in the Los Angeles Region* (2017 with 2018 Supplements) (Los Angeles Tall Building Structural Design Council). The Updated Feasibility Report also provides the option to use the seismic design parameters in accordance with 2014 Los Angeles Building Code. Site Class C was preliminarily assumed for the Project Site. Site Class C is based on buildings of occupancy categories I, II, and III under severe ground shaking. Although the preliminary analysis of ground shaking safety is based on severe conditions, prior to the issuance of a building permit, the Project design must comply with maximum seismic design loads anticipated for the area. It is noted that the Los Angeles Building Code goes beyond the CBC and International Building Code (IBC) in seismic load requirements. Because the structural design of either the Project or the Modified Alternative 2 has not been completed, their structural integrity has not been calculated. However, under either methodology recommended in the Updated Feasibility Report, Seismic design measures in new construction in the City of Los Angeles are known to address maximum anticipated accelerations. Further, the recommendations of the Updated Feasibility Report demonstrate the extent to which the Project designers and engineers and, accordingly, the City in preparing the Draft EIR take the issue of earthquake hazard seriously. Please refer to page 16 of the Updated Feasibility Report for a detailed discussion of the recommended seismic coefficients.

Comment No. ORG 4-5

Comment on Subject EIRs' Seismic Approach

The EIRs admit that the Hollywood Fault is present in the vicinity, and that the Fault is recognized as "active". They admit the existence of the State's Alquist-Priolo Act. The Act imposes a heavy penalty on governments' allowing additional construction in active-fault zones.

To allow approval it follows that the developers must present facts proving the actual location of the Fault and must prove its faulting will not bring harm to inhabitants of the proposed developments[5].

The Developers' researchers are apparently-certified for "petroleum geology". McQuiston questions the propriety of their writing, facts, and conclusion as *seismic engineers.* There is no showing that the researchers are certified to calculate the amount of damage the Fault may cause to the developments. There are also no calculations in the EIRs in the seismic section, to justify their bizarre conclusions.

Developers *did not perform testing in the Fault Zone that would assess the actual danger* to people inhabiting the proposed projects. McQuiston witnessed their on-site activities. The investigators did not even determine the Fault's actual location or its seismicity. Nor did they review the extensive Hollywood Fault's trace-analysis performed slightly to the West in preparation for the Red-Line subway.

Totally absent, for example, is the famous Converse Foundation Engg's wealth of facts about the Hollywood Fault developed for the Red Line subway[6]. And, totally absent from EIRs is the wealth of Reports from local Engineering Groups and Universities about the Fault and its location; those sources declared the Fault is an imminent danger to nearby inhabitants. If the EIRs had been done correctly, they *could not have concluded the seismic threat is so low that no mitigation is required;* they should have said the projects are *dangerous and should not be built in the proposed locations*[7].

Also they artificially-shortened the length of the Fault System, perhaps to disguise its capacity for destruction. The "periods" of the buildings were not set forth. The Fault's type wasn't listed. There was no evidence the researchers found the Fault's actual trace and its "dip". Not going beneath the mountain of detritus left by earthmovers in the prior re-development, the report is totally-inadequate.

Nor is it proper for these EIRs to allege that if *one* type of active Fault that will kill people is present but *not specifically cited in law forbidding development thereon or nearby*, that a *development allowing the Fault to kill its inhabitants is entirely-proper* if the *City* lets the development proceed!

That is what the seismic report alleges. It puts the burden on the City to stop unsafe development without giving it facts, knowing that the City will bear the liability if the project "kills" the inhabitants.

Moreover, the EIRs put it to the City to inspect every detail of the site and Plans and Construction, warning that otherwise the development will not be safe and occupation will be a deathtrap.

Developers thus use Alquist-Priolo as a sword against the City, a position which the City should not allow[8].

McQuiston does not accuse the property-owners of such callous behavior, because they usually have no actual knowledge of seismic issues. Nor have City personnel charged with approving or denying developments. But people admitted to Engineering registration are sworn to obey the laws of City, State and Country and are required not to be so callous with people's lives.

Footnote 5: Young geologists have no idea what the subject area was like before the Hollywood Freeway was built. We old-timers remember Franklin Hill, which was leveled because the State declined to tunnel the freeway through it. Surrounding terrain is now devoid of geological accuracy.

Footnote 6: The Red Line's SEIR contains a letter from City Engineer Morhar denying the Hollywood Fault is a hazard. Morhar's allegations were ignored by the United States and the Red Line designers, who designed extra protection for travelers from the Fault's measured-seismicity.

Footnote 7: Floors are not designed to stay intact under such massive vertical shaking as expected here. On the Anatolia Fault, modern designs became submerged with such shaking. A similar outcome will occur for these properties.

Footnote 8: EIR: "**There is a possibility of damage * * * if a moderate to strong shaking occurs as a result of a large earthquake"**

Response to Comment No. ORG 4-5

The comment acknowledges that the EIR discloses the proximity of the Holocene-active Hollywood Fault and the location of the Project Site within the State's Alquist-Priolo Earthquake Fault Zone. The Applicant would be required to comply with the requirements set forth in the Earthquake Fault Zone, including complying with setback requirements. The Alquist-Priolo Special Studies Zone Act enforces restrictions with respect to proximity to an active fault, but does not disallow development within an Earthquake Fault Zone.

To the extent the remainder of the statements in this comment raise any issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects, the statements constitute "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) Otherwise, the remaining statements are unrelated to any issue regarding the Draft EIR or the Project's potential environmental effects. As such, while the comments are noted for the record, no further response is warranted. Even so, the following information is provided.

The comment stating that Group Delta are petroleum geologists is not supported by any facts or substantial evidence. Group Delta, who performed the geotechnical studies provided in Appendices F-1 through F-4 of the Draft EIR, is a Southern California geotechnical engineering and environmental consulting firm that has provided instrumentation, materials testing and

inspection, and construction support services for more than 30 years. The company is staffed by more than 100 civil and geotechnical engineers, environmental engineers and scientists, geologists, laboratory and field technicians, deputy grading and construction inspectors, and other staff.

The Updated Geotechnical Feasibility Study (March, 2019) (Appendix F-1) recommends that building design take into account severe ground shaking because of proximity to the Hollywood Fault and provides that building design can be based on either the provisions of the City's Building Code or the recommendations of the Los Angeles Tall Building Structural Design Council. Neither the Project nor the Modified Alternative 2 have been approved, and as such, final construction drawings have not been designed. Thus, the preliminary reports have only provided generalized information, as summarized in the Draft EIR Section IV.E, *Soils and Geology*. Specific requirements will be established, and fulfilled, in final construction documents

As discussed in Section IV.E, *Geology and Soils*, and supported by the reports contained in Appendix F of the Draft EIR, the location of the Holocene-active Hollywood Fault was determined based on trenches and borings within the Project Site and surrounding area. No traces of faulting were located within or at the periphery of the Project Site. Since the faulting analysis was based on the specific location of traces of the Hollywood fault, studies done for the Metro Redline, although demonstrating that the area (as with much of the City) is seismically active and given to ground shaking, are not directly applicable to the conditions affecting the Project Site and surrounding area assessed in the preliminary geotechnical study for the Draft EIR.

The actual danger to inhabitants would be created by development physically located across a fault rupture (across an active fault), or by the occupation of a substandard building that does not meet the requirements of the City's Building Code with respect to required seismic loads. Neither danger would occur under the Project or Modified Alternative 2.

The assertions that the investigators did not determine the Fault's actual location or its seismicity or review the extensive Hollywood Fault's trace-analysis performed to the west in preparation for the Red-Line subway constitutes speculation not based on stated facts or substantial evidence, since the commenter cannot know what research contributed to the geotechnical engineer's understanding of existing conditions in the region.

As explained on page IV.E-1 of Section IV.E, *Geology and Soils*, the Draft EIR summarizes the geotechnical studies of the Project Site and surrounding area provided by the geotechnical engineer. The Draft EIR would not appropriately include Engg's analysis of conditions related to the development of the Red Line (located approximately 0.3 miles to the south of the Project Site), or the reports of other groups and universities regarding the fault when determining the location of an active fault under or near the Project Site. The geotechnical studies, including the on-site and peripheral trenching and boring performed by the Project's geotechnical engineer in prior 2015 geotechnical studies at the Project Site, provide substantial evidence supporting the Draft EIR's conclusions regarding the location of the active fault.

The comment that the length of the Fault System was "artificially-shortened" is an expression the commenter's opinion, which the commenter does not support with facts or substantial evidence.

The comment that "there was no evidence the researchers found the Fault's actual trace and its 'dip' and not going beneath the mountain of detritus left by earthmovers in the prior re-development," also constitutes unsubstantiated opinion. The Draft EIR contains substantial evidence supporting its conclusions. The Updated Geotechnical Feasibility Report illustrates continuous borings 55 and 60 feet bgs into the Modelo Formation. No indication of the active fault was discovered on-site; however, such traces were located running in an east-west direction to the north and south of the Project Site. See Draft EIR, Appendix F-1, on pp. 3, 6.

The comment that "a fault that will kill people is present but not specifically cited in law forbidding development thereon or nearby, that a development allowing the Fault to kill its inhabitants is entirely-proper if the City lets the development proceed," expresses the commenter's unsubstantiated opinion. The commenter's opinion is entirely antithetic to the mission of the Department of Building and Safety and the City's Building Code. The purpose of the City's Building Code is to develop safe buildings. If any conditions are present that would inhibit the development of a safe building that could potentially result in severe public harm, it would not be permitted by the City. The Department of Building and Safety approves building plans based on accepted engineering principles and facts, including seismic safety analyses, in accordance with the Building Code. The claim otherwise is the commenter's unsubstantiated opinion and is unsupported by the facts.

Comment No. ORG 4-6

There are other defects in the Reports, but herein already is enough to get the Projects re-designed or relocated. But note also that for this amount of development, Yucca must be widened to 4 lanes plus parking from Argyle to Gower, and Freeway ramps at Argyle and Gower require widening and signals.[9]

Footnote 9: Already Yucca is blocked by trucks double-parking during long periods, on account of City's forgetting the requirement for an off-street loading place for the new Hotel at Yucca and Argyle. Yucca is now "double-double striped" for the exclusive benefit of that Hotel, meaning Yucca is impassible a substantial time of day and night. Any development on the South side requires widening the street.

Response to Comment No. ORG 4-6

The comment asserts the commenter's opinion that the Project must be either redesigned or relocated based on the commenter's comments, above. The comment offers the commenter's additional opinions that Yucca must be widened to four lanes plus parking from Argyle to Gower, due to the congestion caused by the new Kimpton Hotel, and that the freeway ramps at Argyle and Gower must be widened and improved with signals.

Neither the Project nor the Modified Alternative 2 would be required to mitigate existing congestion on Yucca Street, for CEQA does not require a development project to mitigate impacts in the existing setting. (See *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369; *Ballona Wetlands Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196

Cal.App.4th 1604.) In addition, the comment regarding the widening of Argyle Avenue is antithetical to SB 743, the State's Complete Streets standards, the City's Transit Priority Area (TPA) policy, and the range of State and City policies intended to reduce vehicle miles traveled (VMT) and GHG emissions. Regarding the comment's reference to the commenter's earlier comments, see Responses to Comment Nos. ORG 4-2 through 4-5, above, which together with the Draft EIR contain substantial evidence supporting the Draft EIR's conclusions that the Project is properly designed and located. The commenter offers no substantial evidence in support of the commenter's opinions regarding the Freeway ramps, and these opinions do not address any issue relating to the content or adequacy of the Draft EIR or the Project's potential environmental effects. As such, while these comments are noted for the record, no further response is warranted.

While this comment is noted for the record, as the comment does not raise any specific with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 4-7

Calculating City's Eventual Liability

Liability is conservatively-calculated by amassing the number of people liable to be on the properties when the Fault lets-go, calculating their loss of incomes, life, and other effects on themselves and dependents, and calculating the time over which their livelihoods will be interrupted.

The number of people liable to be on the properties was calculated using McQuiston's experience in the neighborhood and throughout the City. McQuiston calculated 976 residents and 1457 visitors for "6220", and 3116 residents and 2366 visitors for "Center". The grand total is 7965 people present at the quake.

The properties will be very costly to inhabit, so inhabitants must be wealthy. McQuiston witnessed lawsuits awarding multi-millions in damages to wealthy people. Accordingly, McQuiston used for each person the average-award of $110,000, without anything for costs or fees.

The time period for compensation will be long because the population in the buildings will be youth-skewed and permanently-"disabled". McQuiston used only 30 years for each person's compensation.

Thus the yearly assessment City *must pay* will be $872,170,000. Yearly payments will last for 30 years. For just the two projects the City *must pay* $24,285,100,000.

The City cannot pay that much without cutting almost 1/4 of each of its entire services for 30 years. At last 2,500 police will have to be let-go, and retirement benefits will require axing. The City's AAA Rating will vanish. Borrowing will become costly.

Think how much the City can accomplish with that sum if it does not allow the Projects as-is on those sites.

Response to Comment No. ORG 4-7

The commenter purports to calculate the City's liability regarding the Project's future buildings, presumably, although unstated in the comment, if they fail in an earthquake. The comment consists entirely of speculation. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) In addition, the evaluation of a speculative future liability is, at best, an economic issue, not a CEQA issue and therefore is not an issue addressed in the Draft EIR. (CEQA Guidelines §§ 15064(e), 15131(a); see also CEQA Guidelines § 15384(a).) While this comment is noted for the record, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment No. ORG 4-8

Alternatives

McQuiston is not saying the projects have no merit, but they require *safe location* and *strict inspection.* In this City there is too much failure to obey what the State imposes on the City regarding its General Plan. Developers now can pay the City a "bribe" and develop the City haphazardly, unlawfully, like these projects.

It is time to stop haphazard development, and the State and Courts repeatedly require the City to do that. Don't wait for the U.S. Department of Justice to act. Alquist-Priolo subject-areas are excellent places to begin.

Response to Comment No. ORG 4-8

The comment expresses the commenter's general concerns and opinions regarding improper interpretation of the City's General Plan and Building Code and other unlawful behaviors. The comment is also highly speculative and does not provide any facts or substantial evidence to support the commenter's general concerns or opinions. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) While this comment is noted for the record, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment No. ORG 4-9

Conclusion

The City must reject the Projects as-propose for these plots. They are only suitable for construction elsewhere.

Response to Comment No. ORG 4-9

This comment provides a conclusion to the earlier comments and asks the City to reject the Project. The comment will become part of the administrative record and will be considered by the

decision-makers. However, because the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment Letter No. ORG 5

Dean Wallraff, Executive Director
Counsel for AIDS Healthcare Foundation
Advocates for the Environment
10211 Sunland Boulevard
Shadow Hills, CA 91040
Email received May 20, 2020

Comment No. ORG 5-1

Mr. Como:

Please add the attached letter to the record for the 6220 West Yucca Project and add me to the interest list for that project, so I receive notices of hearings, etc.

Also, please reply to this email to acknowledge receipt.

Response to Comment No. ORG 5-1

The comment requests that the comment letter be added to the Project's administrative record and that the commenter, Advocates for the Environment on behalf of AIDS Healthcare Foundation, be added to the list of interested parties for the Project. These requests are noted. Otherwise, as the comment does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted. Responses to the referenced letter are provided below in Responses to Comments Nos. ORG 5-2 to ORG 5-21, below.

Comment No. ORG 5-2

Dear Mr. Como:

Advocates for the Environment submits the comments in this letter on behalf of our client, the AIDS Healthcare Foundation (AHF), regarding the proposed 6220 West Yucca Project (the Project), to demolish 44 existing residential units and construct a mixed-use development within the Hollywood Community Plan area of the City of Los Angeles. We have reviewed the Draft Environmental Impact Report (DEIR) released on April 23, 2020, and submit comments during the public comment period ending on June 8, 2020.

The proposed Project includes a mixed-use development in two buildings of 20 and 3 stories, with a 136-room hotel, 12,570 square feet of commercial and restaurant uses, and 210 multi-family residential units. None of the residential units are planned to be affordable units.

The Project involves a zone change, a height district change, a site plan review, various conditional use permits, findings of consistency with the Hollywood Community Plan and objectives in the Hollywood Redevelopment Plan, a development agreement, an owner participation agreement, a vesting tentative tract map, and a haul route permit, as well as other discretionary and ministerial permits and approvals.

Response to Comment No. ORG 5-2

This comment summarizes the Project as set forth in the Draft EIR, but does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no response is warranted.

Comment No. ORG 5-3

Demolition of Rent-Controlled Housing

AHF is opposed to demolishing rent-controlled housing. Because the Costa-Hawkins Rental Housing Act curtails the creation of new rent-controlled housing, such housing is gone forever once it is demolished. Even with potential future changes to Costa Hawkins, that would not itself create additional rent control locally in Los Angeles. It is inexcusable to demolish rent stabilized units. Currently, the Project site contains 43 residential units subject to rent control under the Rent Stabilization Ordinance (RSO). The disruption to current tenants is extreme and it is harmful to approve projects where existing vulnerable tenants live when there are plenty of sites in Los Angeles that would not require the demolition of rent controlled housing. Even with a full right of return, described below, this project would cause a major and unnecessary disruption to tenants in rent-controlled units. The Applicant should find another site for this Project, where RSO units do not need to be demolished to make way for the Project.

Response to Comment No. ORG 5-3

The comment claims that, once the existing RSO units are demolished, new RSO cannot be developed, and that the Project should provide a pathway for existing tenants of the existing RSO units to return to the Project, once built. The comment also urges the Applicant to build the Project at a different site not including existing RSO units, to avoid these problems.

The commenter misunderstands the Project and the RSO. As explained on pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, the Project would replace the 43 existing RSO units with 210 RSO units, and includes an offer to the existing tenants of the existing RSO units of a right to return to a comparable unit in the Project, once occupied, at the same rent they are paying now, plus annual rent increases allowed under the RSO; in addition, for those tenants who accept the Project's offer, the Project would fund the difference in those tenants' rent between the tenants' current rent and new rent during construction until their right of return is exercised. As explained on page 3-27 of Chapter 3, Revisions, Clarifications and Corrections, of this Final EIR, the Modified Alternative 2 would replace the existing 43 RSO units with 252 RSO units and 17 multi-family units covenanted for Very Low-Income households. See **Topical Response No. 2**, *Rent Stabilized Housing*, and Response to Comment No. FORM 1-4, above, regarding RSO units, and how the Project and the Modified Alternative 2 meet the requirements of the City's RSO.

The comments on the merits of the Project do not address the content of the Draft EIR or the environmental effects of the Project. These comments will become part of the administrative record and will be considered by the decision-makers. While this comment is noted for the record, no further response is warranted.

Comment No. ORG 5-4

Treatment of Existing Tenants

If the Project constructs new units and they are subject to the RSO, as the DEIR says they will be (p. II-8), the Applicant may set the rents at market rate. (LAMC § 151.28.) This will price them out of reach of the existing tenants.

The DEIR states that "the Project would provide all onsite tenants a right of return to comparable units within the Project at their last year's rent . . . plus applicable annual increases under the RSO." (DEIR p. II-8.) But that right is illusory because it is not enforceable by the City or the tenants. It should be made enforceable by including it as a Condition of Approval. Since the Applicant is offering the right of return, the Applicant should be willing to agree to such a condition.

The DEIR also states that relocation assistance must be provided to existing tenants displaced when their units are demolished for the Project. (p. II-7.) But the assistance required by law is limited to 42 months, and Project construction could take longer than that. If this occurs, existing tenants will need to pay by themselves the differential in rent between what they're paying now and the rent of the units they temporarily occupy during construction. If they cannot afford to pay the differential, they may be evicted and become homeless.

The project description contains extremely little information about the anticipated construction schedule, which says only that construction may begin as early as 2020 with construction activities ongoing for approximately two years, and that full build-out and occupancy could occur as early as 2022 but would be dependent on final construction timing. While there are many unknowns in a construction schedule, the description does not provide essential information about the potential factors and likely effects of such factors, including an estimate of the longest time construction might last. This is problematic given the impact on current residents, because it fails to inform the public and decision-makers about the potential length of time those residents might need to live somewhere else, and the potential for them to become homeless as a result of extended construction time.

Response to Comment No. ORG 5-4

The comment speculates that the Project's RSO units may be priced too high for the tenants of the existing RSO units. The comment also acknowledges the Project includes an offer of a right of return to those tenants, but claims that Project component is illusory unless the City makes it a condition of approval. The comment then speculates that, if Project construction lasts longer than 42 months, the statutory relocation payments may end before the existing tenants can relocate to the Project, once occupied, and those could be evicted and be homeless.

The commenter misunderstands the Project. The Project includes offering the existing tenants of the existing RSO units the right to return, as described on pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, as does the Modified Alternative 2, as referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR. Therefore, this offer is not

illusory and is as much a part of the Project or of the Modified Alternative 2 as are their residential units, and no condition of approval is required. Further, as described at pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR and referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, both the Project and the Modified Alternative 2 include paying the tenants who accept the right to return the difference in their rent during the time of construction, however long construction lasts, until the tenants are able to exercise their right to return.

The commenter's speculation and unsubstantiated opinion do not constitute substantial evidence (CEQA Guidelines § 15384(a)), and are contradicted by the substantial evidence in the EIR.

The comments on the merits of the Project do not address the content of the Draft EIR or the environmental effects of the Project. These comments will become part of the administrative record and will be considered by the decision-makers. While this comment is noted for the record, no further response is warranted.

Comment No. ORG 5-5

Incomplete Project Description

The Conditions of Approval are an important part of the description of the Project, because they may limit the Project's social and environmental impacts. Similarly, a Mitigation Monitoring and Reporting Plan is an important part of the project description, because it provides information on how mitigation will be ensured.

CEQA requires a stable and complete project description. As of this writing, Conditions of Approval, Findings, and a Mitigation Monitoring and Reporting Plan are not available on the Project's Administrative-Record Web site. Without access to these documents, members of the public cannot adequately evaluate the Draft Environmental Impact Report, in violation of CEQA.

Response to Comment No. ORG 5-5

The comment asserts that the Project Description in Chapter II, Project Description, of the Daft EIR is defective because it does not include either the Conditions of Approval or the Mitigation Monitoring Plan. The comment is illogical. The Conditions of Approval and the Mitigation Monitoring Program for a project are not adopted until the lead agency has determined to approve a project. The City has not yet determined whether to approve the Project or the Modified Alternative 2. The Project's Mitigation Measures (MMs) and Project Design Features (PDFs), which would become part of the Mitigation Monitoring Program (MMP) are summarized on pages II-31 through II-38 in Chapter II, *Project Description*, of the Draft EIR; as described on page 3-16 of Chapter 3, Revisions, Clarifications and Corrections, of this Final EIR, the same MMs would be implemented by and the same PDFs would be incorporated into the Modified Alternative 2. The MMs and PDFs are also identified and discussed, where applicable, throughout Chapter IV of the Draft EIR in conjunction with the evaluation of specific potential environmental impacts of the Project, and throughout pages 3-29 through 3-65 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR for the Modified Alternative 2. The final version of the MMP is

provided in Chapter IV, *Mitigation Monitoring Program*, of this Final EIR; however, it is still subject to revision during the continuing administrative process. Again, Conditions of Approval for the Project would not be adopted by the City unless and until the City has made a determination to approve the Project or the Modified Alternative 2, which has not yet occurred. If the City should decide to approve the Project, the Conditions of Approval for the Project would include the MMP, and such additional conditions placed on the Project by the decision-makers during the approval process.

Comment No. ORG 5-6

Demolition of Rent-Controlled Housing

The DEIR (p. II-8) states that the "Project would provide 100 percent of its 210 residential dwelling units as RSO units." But the DEIR doesn't state how this goal would be required. There is no representation that it will be required as a condition of approval. The RSO requires that units built to replace demolished RSO units be subject to the RSO (LAMC § 151.28 A), but allows the landlord to obtain an exemption to the RSO requirement if the units are affordable. (LAMC § 151.28 B.)

The change in the units' RSO status is not itself an environmental impact under CEQA, but the increase in rents, either under the RSO's provision allowing market-rate rents in the Project, or under the RSO exemption, may result in homelessness for existing tenants, which is an environmental impact under CEQA. CEQA requires the DEIR to analyze this potentially significant impact, but it does not.

Response to Comment No. ORG 5-6

The comment asserts that the description of the Project as including 210 RSO units is a "goal" and that the City must include a condition of approval requiring that all 210 residential units be governed by the RSO to make this goal enforceable. The comment also repeats the commenter's speculation that the new RSO units may be rented at rates that the existing tenants of the existing RSO units cannot afford.

The commenter misunderstands the Project, and the purpose of a Project Description in an EIR. Chapter II, *Project Description*, of the Draft EIR describes the Project; therefore, the statement on page II-8 that all of the Project's 210 residential units will be governed by the RSO is a description of a facet of the Project, not a goal – no condition of approval is required to impose that requirement on the Project because it is already a part of the Project as proposed. Similarly, pages 3-16 through 3-17 of Chapter 3, Revisions, Clarifications and Corrections, of the Final EIR describe the Modified Alternative 2, not goals of the Modified Alternative 2; therefore, the statements on pages 3-27, 3-43, and 3-54 that the Modified Alternative 2 will include 252 multi-family RSO units and 17 multi-family units covenanted for Very Low-Income households is a description of those facets of the Modified Alternative 2, and no condition of approval is required to impose those requirements on the Modified Alternative 2 because they are already a part of the Modified Alternative 2 as proposed. Moreover, the provision of RSO units within the Project

and Modified Alternative 2, is mandated by and complies with the requirements of the RSO. (LAMC, § 151.28.)

Regarding the commenter's speculation that the new RSO units would not be affordable to the existing tenants, see Response to Comment No. ORG 5-4, above.

To the extent the comments do not address the content of the Draft EIR or the environmental effects of the Project. These comments will become part of the administrative record and will be considered by the decision-makers. While this comment is noted for the record, no further response is warranted.

Comment No. ORG 5-7

Land Use

The DEIR claims that the Project is consistent with the applicable General Plan, but part of the Project site is designated Highway-Oriented Commercial. There is no definition of that land-use designation in the applicable portions of the General Plan—the Framework Element or the Hollywood Community Plan—so there is no basis for the DEIR's contention that the Project is consistent with that land-use designation. The City thus abuses its discretion in finding the Project consistent with the General Plan.

Measure JJJ requires that, to be eligible for "any zone change or height-district change that results in increased allowable residential floor area, density or height" rental projects must provide a certain amount of affordable housing. (LAMC § 11.5.11.) This Project seeks such changes, but provides no affordable housing, as that term is defined under Measure JJJ. The Project approval would therefore violate Measure JJJ.

Response to Comment No. ORG 5-7

The comment claims that the Project is inconsistent with the General Plan because part of the Project Site is designated Highway-Oriented Commercial. The comment also asserts that the Project fails to comply with Measure JJJ by not including affordable housing units. The comment is incorrect.

As shown in Figure IV.H-1 in Section IV.H, *Land Use and Planning*, in the Draft EIR, and as discussed on page II-5 of Chapter II, *Project Description*, of the Draft EIR, the Project Site is designated Regional Center Commercial and Medium Residential. Therefore, the Draft EIR's analysis of the Project's consistency with the General Plan on pages IV.H-23 through IV.H 30 and pages IV.H-37 and IV.H-38 of Section IV.H, *Land Use and Planning*, of the Draft EIR, and the Final EIR's analysis of the Modified Alternative 2's consistency with the General Plan on pages 3-43 through 3-44 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR are correct.

Further, Measure JJJ's requirements does not apply to the Project or to the Modified Alternative 2 because the Project's application was deemed complete in August 2016. Measure JJJ, by contrast, did not become effective until December 2016. Under the state Subdivision Map Act, a

local agency may only apply the "ordinances, policies, and standards in effect" on the date an application is deemed complete. (Govt. Code § 66474.2.) Therefore, Measure JJJ cannot be applied to either the Project or to the Modified Alternative 2.

Comment No. ORG 5-8

Improper Labelling of Some Mitigation Measures as Project Design Features

The DEIR concludes some environmental impacts are not significant because of project design features (**PDFs**) included in the Project. This conclusion violates CEQA because many of the identified PDFs, rather than being features of the Project's design, are in fact measures to reduce or eliminate environmental impacts. The City was required to evaluate the significance of impacts before mitigation and then analyze available mitigation measures and the selection of some and rejection of others. (See CEQA Guidelines § 15126.4(a)(1)(B).)

The PDFs that are in reality mitigation measures include, but are not limited to, PDF- AES-2, temporary construction fencing; PDF-AQ-1, green building measures; PDF-GHG-1, GHG emission offsets; PDF-GHG-2, 20% of code-required parking capable of supporting future EVSE; PDF-GHG-3, 5% of code-required parking equipped with EV charging stations; PDF-TRAF-1, construction traffic management plan; PDF-TRAF-2, pedestrian safety plan; and PDF-WS-1, water conservation measures.

The mischaracterization of mitigation measures as project design features is highlighted by the project design features identified for noise impacts. PDF-NOI-1 provides that generators used in construction will be electric or solar powered, while MM-NOI-2 provides for use of electric power cranes and other electric equipment during construction. PDF-NOI- 2 prohibits impact pile drivers and blasting during construction, and MM-NOI-2 contains those same prohibitions among its requirements.

Response to Comment No. ORG 5-8

The comment claims that the Draft EIR violates CEQA by failing to disclose the Project's significant impacts and identifying appropriate feasible mitigation measures and instead improperly using PDFs to avoid or minimize the Project's potential impacts. The comment claims that the listed PDFs are actually mitigation measures.

The commenter is incorrect. CEQA encourages a project applicant to design a project to avoid or reduce its impacts from the onset. (See CEQA Guidelines § 15002(a)(2).) CEQA does not require that a project include or retain environmentally impactful components, analyze their impacts, and later include mitigation to reduce those impacts, as the commenter suggests. Avoiding environmental problems in the first instance by agreeing to incorporate certain design elements or, in the case of the Project, the use of certain pollution-reducing equipment and other environmentally friendly use restrictions and design elements into the Project as proposed, is encouraged by CEQA and regulatory agencies and constitutes sound public policy. (See *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185

[Whether identified as mitigation or a PDF, the label ultimately does not matter so long as project impacts are fully and fairly disclosed in an EIR].)

All of the Project's PDFs are specific design and/or operational characteristics proposed by the Project Applicant and agreed to by the City that are incorporated into the Project to avoid or reduce its potential environmental effects. The Project Applicant is committed to the Project's PDFs and the City will take appropriate steps to enforce and verify compliance with these commitments.

Some PDFs are features whose benefits in reducing potential impacts are obvious without the need for extensive analysis of the project's potential impacts – such as PDF AES-2, temporary construction fencing, PDF TRAF-1, construction traffic management plan, and PDF TRAF-2, pedestrian safety plan. PDF-AQ-2, consisting of a list of "Green Building Features" incorporated into the Project's design whose requirements the Project will exceed, include the use of energy efficient appliances and water-efficient fixtures, the installation of solar panels, a ban on fireplaces, drought-tolerant plants and low-flow irrigation. Similarly, the GHG PDFs and the WS PDF contain features to reduce GHG emissions and water use, respectively. These are purely design elements. The commenter's suggestion that CEQA requires the Draft EIR to first analyze the Project's impacts with inefficient appliances, high-flow water fixtures and irrigation, water intensive landscaping, fireplaces, no accommodation for alternative-fueled vehicles and wasteful water use, only to then include the green building features, GHG and water use reduction measures as mitigation, highlights the fundamental error in the commenter's arguments.

PDF NOI-1 and PDF NOI-2 also are not mitigation measures mischaracterized as PDFs. PDF NOI-1 requires generators used during construction to be electric- or solar-powered and located away from sensitive uses, and PDF NOI-2 bans impact pile drivers and blasting. Mitigation Measure MM NOI-2 is a standard noise mitigation measure that more broadly controls noise generated by construction equipment, and also happens to ban the use of pile drivers of any type and blasting. The fact that PDF NOI-2 and MM NOI-2 overlap in that one respect is legally irrelevant under CEQA, since the Project Applicant voluntarily incorporated PDF NOI-1 and PDF NOI-2 into the Project, whether or not the EIR's analysis concluded that the Project would result in any potentially significant noise impacts. Choosing to implement such environmentally friendly measures into projects in the first instance is encouraged under CEQA.

Therefore, the Project's impacts were properly analyzed under CEQA throughout the Draft EIR, taking the Project's PDFs into consideration as design features of the Project.

Comment No. ORG 5-9

The Project's GHG Impacts Are Significant, So All Feasible Mitigation Is Required

The DEIR correctly states the GHG emissions should be analyzed as cumulative impacts under CEQA. (DEIR p. IV.F-14.) The key issue is whether the GHG impacts are cumulatively considerable. There is a lower threshold for finding an impact to be cumulatively considerable than for finding that it is significant. The Project's GHG impacts are cumulatively considerable. Therefore, CEQA requires all feasible mitigation measures to be adopted.

As discussed in the previous section of this letter, PDF-GHG-1 is really a mitigation measure. It requires off-site offsets, and off-site offsets have nothing to do with the Project's design and therefore can't be project design features.

One of the significance thresholds the DEIR adopted for GHG impacts is "Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?" (DEIR p. IV.F-45.) In support of its conclusion that the Project's GHG emissions are not cumulatively considerable under this threshold, the DEIR analyzes consistency with the CARB 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, and the City's Green New Deal and Green Building Code. Despite the DEIR's conclusion to the contrary, the Project is consistent with none of these documents.

The primary goal of the CARB 2017 Climate Change Scoping Plan (**2017 Scoping Plan**) is to reduce California's GHG emissions 40% below 1990 levels by 2030. (Scoping Plan p. ES4.) The DEIR's conclusion that the Project is consistent with the 2017 Scoping Plan is an important part of the DEIR's analysis purporting to show that the Project' GHG emissions are not cumulatively considerable.

Yet the DEIR contains no significant analysis showing the Project is consistent with the 2017 Scoping Plan. A quick comparison shows it is not consistent. The 2017 Scoping Plan calls for a statewide reduction of between 27% and 32% in transportation emissions. (2017 Scoping Plan p. 31.) But the Project will result in a net increase of 2,652 daily trips (Appendix L, Traffic Study, p. 2) and 11,929 vehicle miles travelled (**VMT**) (DEIR p. IV.L-45). The addition of a large amount of traffic is not consistent with statewide goals to reduce traffic by approximately 30%. This same critique of inconsistency is applicable in the areas of Residential and Commercial (building design), Electric Power, and Global Warming Potential (**GWP**).

The DEIR's GHG analysis also suffers from the same defect the California Supreme Court faulted in the *Newhall* case (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204), namely that the Project, to be consistent with statewide GHG- reduction goals, must do more than its pro-rata share because most housing in the state won't be modified to reduce GHG emissions in the next ten years. New projects must bear a larger than average share of the reductions in order to be consistent with the 2017 Scoping Plan.

On December 5, 2008, the South Coast Air Quality Management District (**SCAQMD**) adopted guidance on CEQA GHG thresholds, including a screening level of 3,000 MTCO2e for residential and commercial projects. (http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2, p. 8.) The Project will emit 3,134 MTCO2e (DEIR p. IV.F-82), which is higher than the threshold, so the Project's emissions would be considered cumulatively considerable using the SCAQMD's threshold.

Since GHG emissions are significant, the City must adopt all feasible mitigation measures. There are many possibilities, such as:

- Eliminating natural gas from the Project. Using all electric appliances for space and water heating and for cooking will progressively lower the Project's carbon footprint as California increasingly obtains its electricity from renewable sources; it will also eliminate methane emissions from leaks, which will reduce the high-GWP (global warming potential) emissions.
- Solar panels and battery storage. The Project could obtain a substantial part of its electricity from solar panels, which could be backed up with battery storage on-site so the power generated on-site could be used at times when the sun is not shining. An advanced control system would allow electric vehicles to be charged from on-site batteries, or from the grid at times when overall usage is low, lowering the grid's peak- hour requirements.

Response to Comment No. ORG 5-9

The comment claims there is a different, and lower, threshold for determining whether a Project's contribution would be cumulatively considerable than for determining whether a Project would have a significant cumulative impact. The comment provides no support for this assertion, which is contrary to the provisions of CEQA Guidelines Sections 15064(h), 15065(a)(3), 15131(a), and 15355. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines §§ 15064(f)(5), 15384(a).)

The comment also incorrectly asserts that the Project's GHG emission impacts are cumulatively considerable, arguing that PDF-GHG-1 is actually a mitigation measure rather than a PDF, that the Project is inconsistent with the CARB 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, and the City's Green New Deal and Green Building Code, and that, to be consistent with the State's GHG reduction goals, the Project must "do more than its pro-rata share" to comply with the California Supreme Court's decision in *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, and, therefore, that mitigation measures must be considered and adopted. The commenter suggests mitigation measures that eliminate all use of natural gas and that require fulfilling a substantial portion of its electricity demand from solar panels.

The Draft EIR contains substantial evidence supporting its conclusion that the Project's GHG emissions would not be cumulatively considerable. State CEQA Guidelines Section 15064.4 states that a lead agency shall make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency has the discretion to determine, in the context of a particular project, whether to: (1) quantify greenhouse gas emissions resulting from a project; and/or; or (2) rely on a qualitative analysis or performance based standards. The City has exercised its discretion to utilize qualitative thresholds, which is stated on pages IV.F-36 through IV.F-44, and fully explained on pages IV.F-65 through IV.F-80 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR. The statement in the comment that the Project's GHG emission impacts would be significant is incorrect and unsubstantiated.

The GHG significance determination is not based on the Project's commitment in PDF-GHG-1 to provide or obtain GHG emission offsets as required in the Project's ELDP certification and related documentation pursuant to the Jobs and Economic Improvement Through Environmental Leadership Act. As discussed on page IV.F-88 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, projects are not required to comply with the Jobs and Economic Improvement Through Environmental Leadership Act under CEQA. Nonetheless, the Project would voluntarily meet the requirements of the Jobs and Economic Improvement Through Environmental Leadership Act, which requires, among other things, that the Project qualify for LEED Silver Certification, be located on an infill site, and not result in any net additional GHG emissions. The Project will meet the commitments documented in the Application for Environmental Leadership Development Project, inclusive of Exhibits 1 through 7, the California Air Resources Board (CARB) Staff Evaluation, the Governor's Determination of Eligibility, the Letter to Joint Budget Committee and the Joint Budget Committee Concurrence Letter, all of which are contained in Appendix G-2 of the Draft EIR. See Response to Comment No. ORG 2B-46, above.

As discussed on pages IV.F-35 and IV.F-36 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, in the absence of any adopted thresholds of general application, the City as Lead Agency has determined that the Project's net GHG emissions would not be cumulatively considerable and therefore would not have a significant cumulative effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's 2017 Climate Change Scoping Plan, SCAG's 2016 RTP/SCS, and the City's Green New Deal (Sustainable City pLAn 2019) and Green Building Code. Therefore, if the Project would not conflict with these plans, the City would be able to achieve its GHG reduction goals, and, therefore, these plans can be used at a project level to show a projects consistency with the plans.

In addition, support for this threshold is found in California Supreme Court case law, such as *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife* and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.).

Thus, substantial evidence supports that the City has properly exercised its discretion to utilize a qualitative threshold based on consistency with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016 RTP/SCS, and the City's Green New Deal (Sustainable City pLAn 2019) and Green Building Code. As the substantial evidence provided on pages IV.F-45 through IV.F-87 of Section IV.F, *Greenhouse Gas Emissions,* of the Draft EIR shows, the Project would be consistent with the applicable provisions of these plans. Therefore, the Draft EIR properly concludes, based on substantial evidence, that the Project's GHG impacts are less than significant and mitigation measures are not required.

Contrary to the assertions made in the comment, the Draft EIR specifically discusses the Project's consistency with the 2017 Climate Change Scoping Plan on pages IV.F-55 through IV.F-66 of Section IV.F, *Greenhouse Gas Emissions*, which provide substantial evidence describing in detail that the Project would not conflict with applicable actions and strategies related to energy, mobile sources, water, solid waste, and other actions and strategies. In addition, the comment erroneously conflates Project-level vehicle miles traveled (VMT) with consistency with GHG plan,

policy, and regulations. The 2017 Climate Change Scoping Plan is focused on the broad context of GHG emissions statewide. The 2017 Climate Change Scoping Plan does not mandate or even suggest a moratorium on new development as a strategy to reduce GHG emissions. In fact, the 2017 Climate Change Scoping Plan supports new transit-oriented and infill development.[18] Specifically, the 2017 Climate Change Scoping Plan recognizes that accelerating transit-oriented and infill development is a pathway for reducing VMT and promoting sustainable communities.[19] Clearly, when viewed in isolation, any net new development would generate additional VMT from its proposed uses and generate additional mobile source GHG emissions. However, an isolated view of a single project's VMT and associated GHG emissions, without consideration of the broader context, is inappropriate for a GHG emissions analysis. As stated on page IV.F-85 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR, GHG emission impacts are by their very nature cumulative as both the California Natural Resources Agency and CAPCOA, as well as the commenter, have recognized. When viewed in the broader context of GHG emissions, the reason the 2017 Climate Change Scoping Plan recognizes that accelerating transit-oriented and infill development is a pathway for reducing VMT is because such developments would accommodate and serve a greater population in a less GHG-intensive manner. Pages IV.F-46 through IV.F-54 of Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR describe in detail that the Project is located in a high-quality transit area (HQTA), areas the 2016 RTP/SCS has targeted for the most intense future development. Additionally, these pages describe at length the factors that would support public transit usage, which include: increased density on the Project Site; location efficiency of the Project Site in proximity to high-quality transit and other existing commercial, entertainment, and residential uses; the Project's mixed-use design that would reduce VMT by allowing on-site residents and visitors to take advantage of different commercial services on the site without the need to drive; and improving the pedestrian environment to encourage walking and bicycling.

Regarding the commenter's assertion that PDF-GHG-1 is actually a mitigation measure, refer to Response to Comment No. ORG 5-8, above.

Comment No. ORG 5-10

Inadequate Analysis of Air-Quality Impacts

The DEIR does not sufficiently analyze or mitigate air-quality impacts of the Project. Among its flaws, the DEIR does not adequately analyze operational air-quality impacts of the Project. The DEIR states that the operational emission estimates assume compliance with PDF-AQ-1, which includes increased energy efficiency features. The measures included in PDF-AQ-1 are measures designed to reduce operational emissions—in other words, they are mitigation measures. Therefore, the DEIR fails to present information and analysis about the potentially significant operational impacts without mitigation.

[18] CARB, California's 2017 Climate Change Scoping Plan, pages 78, 81, and 84, November 2017.
[19] CARB, California's 2017 Climate Change Scoping Plan, pages 78, 81, and 84, November 2017.

The DEIR also fails to adequately discuss or support the selection of significance thresholds for air-quality impacts, contrary to CEQA Guidelines section 15064.7.

Response to Comment No. ORG 5-10

The commenter again claims that PDF AQ-1 should be a mitigation measure, not a PDF, and that the Draft EIR improperly analyzes the Project's operational air quality impacts as a result. The comment also claims that the Draft EIR violates CEQA Guidelines Section 15064.7 by failing to discuss or support the selection of the thresholds of significance used to determine the Project's potential air quality impacts.

The Project's potential air quality impacts are analyzed in Section IV.B, Air Quality, of the Draft EIR. PDF AQ-1 is properly designated as a PDF, and the Draft EIR properly analyzed the Project's impacts assuming that PDF AQ-1 is a feature of the Project. See Response to Comment No. ORG 5-8, above.

CEQA Guidelines Section 15064.7 addresses thresholds of significance. Subsection (b) of Section 15064.7 provides that lead agencies have the discretion to either adopt thresholds of significance for general use, or "use thresholds on a case-by-case basis as provided in Section 15064(b)(2).) Subsection (c) of Section 15064.7 provides that, when adopting or using thresholds of significance, lead agencies can consider thresholds of significance "previously adopted or recommended by other public agencies or recommended by experts," so long as their decisions are supported by substantial evidence.

The comment completely ignores the Draft EIR's extensive discussion of the thresholds of significance used to determine the Project's potential air quality impacts on pages IV.B-35 through IV.B-40 of the Draft EIR, where it explains why the thresholds are relevant and how they reduce the Project's impacts, as required by subsection (d) of Section 15064.7. There, the Draft EIR explains that the City had determined to use the checklist items from Appendix G of the CEQA Guidelines as the Project's air quality thresholds of significance, and to rely to a great extent on the expert advice and guidance of the South Coast Air Quality Management District (SCAQMD) as the regional air quality expert. Where applicable, the Draft EIR uses the South Coast Air Quality Management District's (SCAQMD) numeric indicators of significance to determine the significance of the Project's impacts under those thresholds. (See pages IV.B-36 through IV.B-38.) To determine the Project's consistency with air quality plans, the Draft EIR relied on the SCAQMD's Air Quality Handbook, potential odor impacts, and potential cumulative impacts. (See pages IV.B-36 and IV.B-38 through IV.B-40.) Therefore, the Draft EIR relies on air quality thresholds of significance supported by the regional air quality expert, the SCAQMD, as permitted by subsection (c) of Section 15064.7 of the CEQA Guidelines and explains each threshold and the reason for its use. As such, the Draft EIR fully complies with CEQA Guidelines Section 15064.7.

Comment No. ORG 5-11

Inadequate Analysis of Cultural Resources Impacts

The DEIR's analysis of impacts to cultural resources is inadequate, including in its discussion of impacts to historical resources.

The Vista del Mar/Carlos Historic District is in the immediate vicinity of the Project site, and in fact two of its constituent parcels are within the Project site boundaries, with the residences on those parcels slated for demolition as part of the Project. The Vista del Bar/Carlos Historic District was determined to be eligible for the National Register of Historic Places, and—although the DEIR relegates this information to a footnote—is listed in the California Register of Historic Resources, and is therefore a historical resource under CEQA.

The DEIR's analysis improperly concludes that there will be no significant impacts to the Vista del Mar/Carlos Historic District. First, the analysis concludes that 1765 North Vista del Mar Avenue is not a contributor to the historic district, but that conclusion was not properly reached. The historic district was first recognized in 1984, and 1765 North Vista del Mar Avenue was identified as a contributor then, as it was in 1994 and in 2010. The DEIR claims that 1765 North Vista del Mar Avenue does not meet the criteria for eligibility as a contributor to the Vista del Mar/Carlos Historic District because it has been highly altered. But the alterations referenced occurred before the residence was identified as a contributor, and there is no basis for the DEIR's conclusion that now, just because a developer wishes to demolish the residence, it no longer is a contributor to the historic district.

The DEIR cannot rely on Public Resources Code section 5024.1(g)(4) to re-evaluate the historic district for purposes of the Project in a way that conflicts with the City's historic resources surveys, which have not determined that 1765 North Vista del Mar Avenue is an ineligible non-contributor. This includes both the 2010 and 2020 Hollywood surveys, both of which identified 14 contributors to the historic district, not 13, as stated in the DEIR.

Additionally, the conclusion that the Project will not cause a significant impact to the Vista del Mar/Carlos Historic District is based on a faulty analysis of impacts to the individual buildings without adequate consideration of the character of the historic district as a whole.

Lastly, the DEIR fails to support its conclusion that demolition of the residences at 1765 and 1771 Vista del Mar and their replacement with the Project would not result in the removal of any key physical characteristics of the district that convey its historical significance and justify its inclusion in the California Register or eligibility for inclusion in the National Register. The statement is not supported by analysis, so the DEIR lacks information showing the analytical route to the conclusion. Similarly, the analysis of compatibility between Building 2 and the historic district's buildings is conclusory and unsupported.

Response to Comment No. ORG 5-11

The comment claims the Draft EIR's analysis of the Project's impacts on the Vista del Mar/Carlos District is defective for several reasons, including: (1) it improperly concludes that 1765 N. Vista

Del Mar is not a contributor to the Vista del Mar/Carlos District because the disqualifying alterations were made before the residence was identified as a contributor; (2) the analysis improperly conflicts with the City's 2010 and 2020 surveys identifying 14 contributors; (3) the analysis does not consider the character of the District as a whole; (4) the analysis does not consider the effect of removing key physical characteristics of the District that convey its historical significance and replacing them with the Project.

Section IV.C, *Cultural Resources*, of the Draft EIR, together with the *Historical Resources Assessment Report* and the *Historical Resources Peer Review Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR), provide substantial evidence supporting the Draft EIR's conclusions that 1765 N. Vista Del Mar is not a contributor to the Vista del Mar/Carlos Historic District and, in fact, should never have been identified as a contributor to the District beginning in 1984, as a result of the addition of a second story to the residence in 1935 that altered the original 1918 residence beyond recognition. See the discussion on page IV.C-24 of the Draft EIR.

The statement in the comment that the City cannot "use" Public Resources Code Section 5024.1(g)(4) to "re-evaluate" the eligibility of 1765 Vista del Mar as a contributor to the Vista del Mar/Carlos Historic District as assessed in prior surveys does not correctly characterize the Draft EIR's historic resource impact analysis. Public Resources Code Section 5024.1(g)(4) lists the factors for the inclusion of historic resource surveys in the California Register, and provides that a survey submitted for inclusion in the register should be re-evaluated if it is more than 5 years of age. A misstatement on Page IV.C-20 of the Draft EIR that incorrectly suggested that the district's eligibility for inclusion in the register would be re-evaluated has been corrected in the Final EIR, Chapter 3, *Revisions Clarification and Corrections*, at pages 3-6 and 3-7.

CEQA requires a lead agency to make two distinct determinations regarding potential impacts to historical resources. First, the lead agency must decide whether the project would impact any CEQA-defined "historical resources." Second, if there is a historic resource that would be impacted, the lead agency must decide if the project's impacts on the resource will be "significant." (CEQA Guidelines § 15064.5(a) and (b).) With respect to the first determination, because the Vista del Mar/Carlos Historic District is listed in the California Register, it is treated in the Draft EIR as an historical resource, and the potential impacts of the Project on the historical resource are appropriately evaluated.

The Draft EIR's analysis did not assess whether the district is eligible for the California Register; rather, the analysis assumes the validity of the determination that the district is an historical resource because the district is listed in the California Register. As such, the Draft EIR analyzes, among other things, whether the two residential structures at 1765 and 1771 N. Vista Del Mar are valid contributors to the historic district in light of a detailed review of the buildings' historic documentation, assessing whether the planned demolition of those buildings under the Project would have a significant impact on the district. (See, e.g., Draft EIR, in Section IV.C, *Cultural Resources*, p. IV.C-35, "Because the Project would result in the removal of these two highly altered, ineligible residences that do not contribute to the Vista del Mar/Carlos Historic District, the Project would not demolish, destroy, or alter any primary character-defining features of the

Vista del Mar/Carlos Historic District that would qualify it for listing in the California Register or any other relevant historical resources lists.")

Notably, the prior surveys, which were evaluations that covered numerous properties in larger geographic areas, were, by necessity, not in-depth analyses of individual potential resources determined at such times to be contributors. The prior survey analyses of the district are provided in Appendix E of Draft EIR, Appendix D-1. In these surveys, the analyses of each of the individual buildings within the district, including 1765 and 1771 N. Vista Del Mar, consist of brief assessments based on limited facts about each individual building. In addition, as noted in the Draft EIR, the 1994 evaluation of 1765 N. Vista Del Mar (incorrectly identified as 1767 N. Vista Del Mar in the survey) was flawed, as it determined the building was eligible as a contributor despite noting that the "original design of this two-story residence cannot be discerned from its present appearance" and that the building "altered beyond recognition." (Draft EIR, Appendix D-1, Appendix E.) As indicated, such alterations included, most notably, the addition of a second story to the original building in a different style in 1935. The 1994 analysis did not mention that this substantial 1935 addition to the building fell outside the 1908-1922 period of significance for the district, or provide any analysis of how that substantial alteration in combination with other alterations impacted the integrity of the building under National Register standards. The 2010 survey analysis is even more cursory, noting with a small list of changes to the building, without any analysis, that 1765. Vista Del Mar "retains integrity."

Conversely, the Draft EIR conducts an in depth, intensive-level analysis of the eligibility of 1765 N. Vista Del Mar for contributor status to ascertain whether its demolition would constitute a significant impact on the district, evaluating building permits and a variety of other historical records regarding the property, assessing in detail such facts against the applicable criteria for inclusion in the Vista del Mar/Carlos Historic District, and the applicable criteria for individual resource and contributor status. (Draft EIR, pp. IV.C-13 – 15; 20 - 24; and Appendix D-1, at pages 21-36, 58-60.) As a result of the substantial alterations to the building occurring outside the period of significance to the district documented in the analysis, and in light of the unremarkable and stylistically inconsistent design and appearance of the building, the Draft EIR appropriately concludes that 1765 N. Vista Del Mar was improperly determined to be a contributor to the district previously, as it lacked sufficient integrity and quality to adequately convey the historic significance of the district. This determination is more than sufficiently supported by facts in the record, and the comment provides no facts that would suggest otherwise, merely incorrectly stating that limited prior determinations in surveys cannot be reconsidered. Based on the conclusion that the 1765 N. Vista Del Mar residence is not validly a contributor to the Vista del Mar/Carlos Historic District, the Draft EIR concludes its demolition would not result in a significant impact because it would not materially impair any of the district's identified character defining features that render it eligible for listing, a determination fully supported but substantial evidence in the record. (Draft EIR, Section I.C, *Cultural Resources*, p. IV.C-35.)

Moreover, the contention that, once a historic resources survey determines an individual building is a district contributor, that analysis can never again be revisited is further undermined by the fact that the 1994 survey determined 1771 N. Vista Del Mar was a contributor, while it was downgraded in the 2010 Hollywood Survey to a 6Z CHR Status Code, meaning it was determined

to not be eligible as an individual resource or contributor. Thus, 1771 N. Vista Del Mar, which is not mentioned in the comment regarding the reevaluation of the prior survey results that focuses on 1765 N. Vista Del Mar, was determined ineligible as a contributor to the district based on further evaluation in 2010. The ineligibility of 1771 N. Vista del Mar as a contributor is confirmed by the analysis conducted for the Draft EIR. As is true of the analysis of 1765 N. Vista Del Mar, the analysis with respect to 1771 N. Vista Del Mar is supported by substantial evidence.

The assertion that the Draft EIR does not consider the character of the district as a whole and the effect of removing the residences at 1765 and 1771 N. Vista Del Mar is also incorrect, although the Draft EIR does not conclude these residences to be "key physical characteristics" of the district as the commenter claims. Section IV.C, *Cultural Resources*, of the Draft EIR assesses the Project's impacts on the Vista del Mar/Carlos Historic District on pages IV.C-35 through IV.C-37 and concludes, based on substantial evidence, that they would be less than significant. For the reasons explained on pages IV.C-20 through IV.C-23, the Draft EIR concludes that the residences at 1765 and 1771 N. Vista Del Mar that the Project would demolish are neither individual resources nor contributors to the District; therefore, their removal would not adversely affect the district's historic status of remove any of its key physical characteristics that convey its historical significance justifying its inclusion in, or eligibility for inclusion in, the California Register. Additionally, the Project would have a less than significant indirect effect on the district for the same reasons, and because the Project's design, with Building 2 serving as a transitional buffer between the adjacent district contributors and the Project's Building 1, would be compatible with the district. Additionally, the Project would align with Standards 9 and 10 of the Secretary of the Interior's Standard for Rehabilitation, as discussed on page IV.C-37.

Finally, the Project as well as the Modified Alternative 2 is being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot align with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Supplemental Historic Resources Assessment (Appendix C-2 to this Final EIR). Therefore, as analyzed in the Supplemental Historic Resources Assessment, the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 5-12

Inadequate Analysis of Hazardous-Materials Impacts

The DEIR omits analysis of hazards and hazardous materials, relying on the Initial Study's conclusion that the Project would have no potentially significant impacts in this area. But the Project involves demolition of structures built before 1953, which may contain asbestos or lead-based paint. Toxic dust from the demolition could affect people near the Project site. The Initial Study relied on regulatory compliance measures to reach the conclusion that any impacts would be less than significant, including impacts at the nearby Cheremoya Avenue Elementary School. In failing to discuss potential impacts from hazardous materials, including during the construction phase, the DEIR fails to provide information necessary to allow adequate evaluation of potential hazardous-materials impacts.

Response to Comment No. ORG 5-12

The comment asserts that the Draft EIR should have assessed whether the Project could result in a significant impact related to hazards or hazardous materials, rather than relying on the Initial Study's conclusions that such impacts would be less than significant, because the existing buildings that would be demolished could contain asbestos or lead-based paint and therefore could create a hazard to nearby sensitive receptors, including students at the Cheremoya Avenue Elementary School.

The potential impacts of the Project associated with asbestos containing materials (ACM) and lead based paint (LBP) are fully addressed, based on substantial evidence, in the Initial Study, which is attached to the Draft EIR at Appendix A-2, on pages B-15 through B-18. As noted in the Initial Study, the Project would involve the demolition of buildings constructed between 1918 and 1953, and therefore it is possible that the buildings would contain ACMs and LPBs. (Draft EIR, Appendix A-2, on p. B-16.) In particular, as noted in the Initial Study, a Phase I Environmental Site Assessment (ESA) performed for the Project Site, provided as Appendix B to the Draft EIR, identified the potential presence of ACMs in existing building drywall systems, floor tile mastic, and stucco, though it noted no friable, i.e., easily crumbled, ACMs. (Draft EIR, Appendix B, Phase I ESA.) The Phase I ESA also noted that on-site paints, which may consist of LBPs, did not appear to be chipped broken, but were rather in good condition. The Initial Study identified that the Project would comply with City Regulatory Compliance Measures IS-5 and IS-6, which include requirements to conduct comprehensive surveys of the buildings for ACMs and LPBs prior to demolition and, if ACMs or LBPs are encountered, to perform abatement efforts in accordance with SCAQMD Rule 1403, the National Emissions Standards for Hazardous Air Pollutants, applicable Cal-OSHA regulations, and California and Los Angeles Building Code requirements. (Draft EIR, Appendix A-2, pp. B-16 - B-18.) The Initial Study concluded that, in accordance with these regulatory compliance measures, Project impacts with respect to ACMs and LBPs would be less than significant. (Draft EIR, Appendix A-2, p. B-17.)

Under CEQA, compliance with regulations, particularly those consisting of technical requirements adopted to address particular environmental impacts, can be sufficient to ensure the impacts of projects are less than significant. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 933-

34 [Compliance with building code sufficient to reduce potential energy impacts to less than significant valid under CEQA]; *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal. App. 4th 884, 906 ["[A] condition requiring compliance with regulations is a common and reasonable mitigation measure"].) Moreover, where an Initial Study identifies potential impacts of a project that would be less than significant and such conclusion is supported by substantial evidence, such topics do not have to be carried through and addressed in any further detail in the analysis provided in the body of an EIR, but rather information regarding such issues can be provided in an attached Initial Study. (CEQA Guidelines, §§ 15128; 15063(c).)

The risks associated with ACMs and LPBs have been studied and extensively documented, as have been the methods for effectively abating such risks during the process of the demolition of older structures such as those that would be demolished for the Project and Modified Alternative 2. The extensive study and documentation of effective testing and abatement methods for ACMs and LPBs are embodied in the applicable regulations that address those topics, which are identified in City Regulatory Compliance Measures IS-5 and IS-6. These regulatory requirements provide substantial evidence to support the conclusion of the Initial Study that the potential impacts of the Project related to ACMs and LPBs would be less than significant. In accordance therewith, the City had no obligation to further address the issue in the Draft EIR. Furthermore, as the Initial Study and the Phase I ESA provide substantial evidence supporting the conclusion that the Project would not result in any significant impacts related to hazards and hazardous materials generally, the topic was appropriately scoped out of the body of the Draft EIR, and is instead addressed in the Initial Study attached to the Draft EIR as Appendixes A-2 and B.

Regarding Cheremoya Avenue Elementary School in particular, the potential impacts from ACMs and LPBs on the school are addressed in the Initial Study, which can be found at Draft EIR, Appendix A-2 on page B-18. The Initial Study notes that the school is located approximately one-quarter mile away from the Project Site and is separated from the Project Site by the 101 Freeway. It states that that any ACMs or LPBs encountered during demolition of the existing buildings would be subject City Regulatory Compliance Measures IS-5 and IS-6, would be localized to the Project Site, and that the distance of the school and the existence of intervening structures are sufficient such that no real risk to the students attending the school exists. (Draft EIR, Appendix A-2, p. B-18.) The Initial Study concludes based on this analysis there would be no significant impact on the school with respect to ACMs and LPBs, a conclusion supported by substantial evidence.

In response, the comment provides nothing more than speculation that, despite such regulatory compliance measures identified in the Initial Study that would be required of the Project and Modified Alternative 2, hazardous materials impacts from ACMs and LBPs may nonetheless be significant. Under CEQA, speculation is not substantial evidence. (CEQA Guidelines, §§ 15064(f)(5); 15384(a).) Moreover, the comment provides no support for the commenter's opinion that these topics should have been addressed in the body of the Draft EIR, rather than in the Initial Study attached to the Draft EIR as Appendix A-2. Further, the comment fails to address the substantial evidence in the Initial Study and explain why it would not support the Initial Study's conclusion that potential impacts resulting from the removal of ACMs and LBPs during demolition would be less than significant.

In addition, as the impacts related to ACMs and LPBs are associated with the demolition of the existing residential structures on the Project Site, the analysis in the Initial Study applies with equal force to the Modified Alternative 2, which will also calls for the demolition of existing onsite structures. Notably, the Modified Alternative 2 reduces this potential impact by preserving two of the existing onsite structures that the Project would demolish at 1765 and 1771 Vista del Mar Avenue, which are the two oldest structures on the Project Site. Any work on these buildings would be conducted in accordance with the same regulatory requirements identified in the Initial Study. Based on these facts, substantial evidence also supports the conclusion that the Modified Alternative 2 would not result in significant impacts with respect to ACMs, LPBs and hazardous materials.

Comment No. ORG 5-13

Inadequate Analysis of Transportation and Traffic Impacts

The DEIR's analysis of transportation and traffic impacts is flawed and fails to present sufficient, accurate information about potentially significant impacts.

The discussion of impacts under threshold (a) fails to adequately analyze the significance of the Project's impacts before implementation of PDF-TRAF-1, construction traffic management plan, and PDF-TRAF-2, pedestrian safety plan. The DEIR also incorrectly relies on PDF-TRAF-1 in its analysis of emergency access impacts.

The analysis of vehicle miles traveled (**VMT**) is insufficient and incorrect. The analysis is based on assumptions that are unsupported and inconsistent with information in other parts of the DEIR as to the Project's population. Additionally, the analysis omits consideration of VMT that would be generated by the Project, including some household VMT and work VMT, as well as VMT from hotel uses.

The DEIR concludes that the Project would result in a potentially significant impact for household VMT but that mitigation measure MM-TRAF-1, Transportation Demand Management Program, would reduce the impact to a less-than-significant level. The conclusion that MM-TRAF-1 would avoid significant impacts is unsupported by sufficient analysis or by substantial evidence, including because of the flaws identified above in the analysis of VMT generation.

Also, the DEIR fails to show that MM-TRAF-1 would be effective to avoid potentially significant impacts. Formulation of this mitigation measure is largely deferred to a time after Project approval, before issuance of a final certificate of occupancy, and the mitigation is uncertain. MM-TRAF-1 does not identify the exact measures to be implemented, and the effectiveness of transportation demand management programs varies widely, as the DEIR acknowledges.

One concern is that the DEIR concludes that with MM-TRAF-1, the household VMT per capita would be reduced from 7.4 to the identified impact threshold of 6.0, thereby reducing impacts to less than significant. Any errors of the analysis, including those mentioned above, call into question the conclusion that impacts will be less than significant with mitigation. Furthermore, the DEIR does not explain how MM-TRAF-1 would meet the threshold criterion of being 15% less

than the existing average household VMT per capita for the Central Area Planning Commission (**APC**) area.

The DEIR's conclusion that the Project will not conflict with programs, plans, ordinances, or policies addressing the circulation system is insufficiently supported by analysis or substantial evidence. The reasons for this include the analytical flaws of the DEIR's VTM calculations and discussion, as set forth above. For example, the analysis of consistency with Mobility Plan 2035 relies on MM-TRAF-1, which as discussed previously has not been shown to effectively reduce VMT impacts to below the Central APC area threshold and average VMT values, nor to reduce household VMT per capita to 15% below the existing average household VMT for the area.

Response to Comment No. ORG 5-13

The comment states that the analysis of the Project's transportation impacts is flawed and does not provide sufficient and/or accurate information about the Project's potentially significant impacts. The comment identifies several specific items, as individually discussed below.

<u>Analysis with Project Design Features</u>

The comment asserts that the Draft EIR's discussion under Threshold (a) fails to analyze the significance of the Project's impacts before the implementation of the two traffic-related Project Design Features (PDFs). The comment's claim is incorrect. As explained on pages IV.L-24 and IV.L-25 of Section IV.L, *Transportation*, of the Draft EIR, PDF-TRAF-1, the construction traffic management plan, and PDF-TRAF-2, the pedestrian safety plan, are incorporated into the Project as part of the Project, itself. In compliance with CEQA's mandate (see Pub. Res. Code § 21002.2(b); CEQA Guidelines § 15002(a)(2)), these two PDFs are designed to minimize and avoid inconvenience to the surrounding community and potential safety hazards during Project construction (which is itself a temporary condition). The two PDFs formalize the Project's plans to implement common safety measures during construction *which are already required by the City through standard conditions of approval (*see LAMC 91.7006.7.2*).* PDFs are, by definition, components of a project, not mitigation measures; these PDFs, therefore, have properly been analyzed as integral parts of the Project. (See *Mission Bay Alliance v. Office of Community Investment and Infrastructure* (2016) 6 Cal.App.5th 160, 185.)

The comment asserts that the Draft EIR "incorrectly relies on PDF-TRAF-1 in its analysis of emergency access impacts." This statement is also incorrect. As stated on Page IV.L-39 of Section IV.L, *Transportation*, of the Draft EIR, Project construction would not prevent through access on any streets adjacent to the Project Site at any time, and also would not prevent access to the Project Site itself, and, therefore, impacts regarding emergency access during construction would be less-than-significant. The Draft EIR points out that the temporary traffic controls incorporated into the Project's construction by the Project's incorporation of PDF-TRAF-1 would *further ensure* that emergency access would not be adversely affected during construction by directing traffic around any temporary street closures, should they occur. As noted above, temporary traffic controls are typically required by the City though standard conditions of approval and, therefore, the Project's incorporation of PDF-TRAF-1 is not necessary to ensure that the Project would not negatively affect emergency access during construction, as the City would

impose the same requirements on the Project and the Modified Alternative 2 even in the absence of the PDFs disclosed to the public in the Draft EIR.

As described on pages 3-16 and 3-61 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, and as indicated above, like the Project, the Modified Alternative 2 also incorporates PDF-TRAF-1 and PDF-TRAF-2.

VMT Analysis Assumptions

The comment asserts that the Draft EIR's analysis of the Project's vehicle miles traveled (VMT) is insufficient and incorrect because it is based on assumptions that are inconsistent with other information in the Draft EIR and does not consider all VMT that would be generated by the Project. The comment is incorrect. The analysis of the Project's VMT was prepared in accordance with the *LADOT Transportation Assessment Guidelines* (July 2019) (TAG)[20] using the latest version of LADOT's VMT Calculator tool (version 1.2, released by LADOT in November 2019) operative at the time (LADOT's version 1.3 was released in June 2020, after the Draft EIR was released; an analysis of the Project's and Modified Alternative 2's VMT using LADOT's updated version 1.3 is provided later in this response).

Using the VMT Calculator, the Project's VMT analysis estimates that the Project would include 473 residents and 111 employees. The VMT Calculator estimates the residential population based on the average apartment rate (2.25 persons per household) based on the United States Census Bureau, American Community Survey 2015, 5-year estimates. (VMT Calculator Documentation, Version 1.3, p. 15.) LADOT, as the expert agency regarding the assessment of traffic impacts, has selected a valid data source to support its residential population assumptions from the US Census Bureau, which provides substantial evidence in support of those assumptions. In its separate calculation, Table IV.J-2 on page IV.J-16 of Section IV.J, *Population and Housing*, of the Draft EIR estimates that the Project would result in an *increase* of 403 residents (based on 166 net new residential units) and an *increase* of 99 employees in the population and housing analysis. Using the rates used in Table IV.J-2, the Project would result in a total estimate of 510 residents in its proposed 210 residential units. The residential population estimate in Section IV.J, *Population and Housing*, of the Draft EIR is based the overall average household rate (2.43 persons per household) as determined in the American Community Survey 2016 5-year average household size. Thus, in preparing the Population and Housing Section of the Draft EIR, the City also selected a valid data source providing substantial evidence in support of its residential population assumptions. In each instance, the two different, analyses are supported by substantial evidence, and in any event, the difference in numbers does not change the outcome. (See Final EIR, Appendix C-3, Supplemental Transportation Analysis).

The estimated employee populations in the Transportation Section and the Population and Housing Section also differ due to the requirements of the VMT Calculator when estimating VMT impacts. The VMT Calculator estimates employee populations by land use using a variety of sources together which include Los Angeles Unified School District floor area per employee data,

[20] The TAG (2019) is included at Appendix D of this Final EIR. The VMT Calculator can be accessed at https://ladot.lacity.org/businesses/development-review#transportation-assessment.

2012 SANDAG Activity Based Model floor area per employee data, ITE trip generation rates per thousand square feet divided by the trip generation rates per employee, the US Department of Energy, and other modeling resources. (Final EIR, at Appendix D, TAG, pp. 18-21.) With respect to the VMT analysis, the City's expert transportation agency, LADOT, working with an expert transportation consultant, determined that, for the purposes of the VMT analysis, it is appropriate to use these multiple sources of data to determine employee population for the purposes of a VMT transportation analysis. As such, the employee population number is supported by substantial evidence. Section IV.J, *Population and Housing*, uses the Los Angeles Unified School District *Developer Fee Justification Study* (March 2017) to estimate employee populations – which is the data source the City consistency relies on for assessing employee populations for Population and Housing impacts. Again, each of these valid data sources provides substantial evidence in support of the population assumptions utilized in the Draft EIR for the employee transportation and population and housing analyses, respectively.

The Project's VMT analysis was also conducted properly in accordance with the TAG regarding the types of Project VMT to be included in the analysis. The comment's assertion that the absence of certain VMT, including from hotel, demonstrates flaws in the Project's VMT analysis is incorrect. Specifically, in accordance with the TAG, the household VMT analysis focuses specifically on all home-based production trips (including home-based work production and home-based other production, which comprises all residential trips originating at the Project Site). (See VMT Calculator Documentation, Version 1.3, pp. 15, 19-20, and Appendix D) Similarly, in accordance with the TAG, the work VMT analysis considers home-based work attraction trips (i.e., employee trips made to the Project Site from the employees' homes). In this regard, the TAG is consistent with *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Governor's Office of Planning and Research, December 2018) (OPR Technical Advisory).[21] The VMT Calculator uses a trip-based method for assessing VMT, rather than a tour-based method,[22] and therefore focuses on specific types of trips rather than the cumulative total of all trips to or from the Project Site. The OPR Technical Advisory allows the use of either a tour-based or a trip-based analysis, and states on page 5, "When a trip-based method is used to analyze a residential project, the focus can be on home-based trips. Similarly, when a trip-based method is used to analyze [an employment project], the focus can be on home-based work trips." Importantly, the VMT thresholds of significance were developed based on the same metrics (i.e., home-based trips and home-based work trips) as the VMT Calculator assesses, thus resulting in an apples-to-apples comparison of Project-level VMT per capita to area-wide average VMT per capita. Thus, it is not necessary to capture all components of the Project's VMT to conduct a valid analysis. Thus, the claim in the comment that certain types of VMT are excluded from the analysis does not address an issue that is relevant to the analyses for the Project and the Modified Alternative 2 under the methodology utilized by the City in assessing VMT impacts. (Draft EIR, Appendixes L-1 and L-3; Final EIR, Appendix C-1.) As this methodology was created by the City's expert transportation

[21] *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Governor's Office of Planning and Research, December 2018) (OPR Technical Advisory) available at: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

[22] A tour-based assessment counts the entire home-back-to-home tour that includes the project. *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Governor's Office of Planning and Research, December 2018, Appendix 1, page 29.

agency, LADOT, in accordance with State guidance, it is supported by substantial evidence. The comment does not address this substantial evidence or provide any information to suggest the methodology is flawed in any manner, or that it produced an invalid analysis and conclusion as a result. Instead, the comment merely makes the claim that not each and every type of trip is accounted for – which is not necessary for the comparative analysis under the City's chosen, State-sanctioned methodology.

Evidence for TDM Effectiveness

The comment asserts that the Draft EIR's conclusion that implementation of Mitigation Measure MM-TRAF-1, the transportation demand management (TDM) program, would reduce the Project's potentially significant household VMT impact to a less than significant level is not supported by substantial evidence. As an initial matter, the comment primarily asserts that the alleged invalidity of the Draft EIR's analysis of the effectiveness of the Project's TDM program (MM-TRAF-1) results from the use of an inappropriate population per residential unit figure in the Draft EIR's transportation analysis. As stated above, this argument fails, as the population per unit number utilized by the City in its VMT Calculator is valid, is supported by substantial evidence, is a more conservative figure for the per capita analysis, and did not produce an invalid analysis or impact conclusion. As the commenter's argument relies entirely on a false premise, the comment's claim that the analyzed TDM measures do not support the analyzed reduction in VMT is incorrect.

Regarding the substantial evidence supporting the Draft EIR's analysis of the effectiveness of the TDM program, and the individual measures that comprise the TDM program, is supported by the research and documentation compiled by LADOT during its development of its VMT Calculator, which is documented in detail in Attachment G to the TAG (*Transportation Demand Management Strategies in LA VMT Calculator,* November 2019). In line with that research, the VMT Calculator is specifically designed not to overstate the effectiveness of TDM program strategies by both dampening the effects of multiple overlapping strategies and capping the maximum effect based on the travel behavior zone[23] (TBZ) in which the project is located (see VMT Calculator Documentation, Version 1.3, pp. 17-18).

The TDM program strategies proposed in MM TRAF-1 include, at a minimum, unbundled parking and promotions and marketing, as described on page IV.L-43 of Section IV.L, *Transportation*, of the Draft EIR. Additional measures could be implemented as well, but no further reduction credit was claimed in the analysis for any additional measures. The Project is located within a Compact Infill TBZ where the maximum TDM program reduction is 40 percent, as stated on page 18 of LADOT's VMT Calculator Documentation; even so, the Project's household VMT per capita has only been reduced by approximately 18.4 percent with the implementation of the TDM program

[23] As explained in Appendix A of the VMT Calculator Documentation, Version 1.3, four TBZs are defined to categorize the location efficiency of a given location within the City. The TBZs include Suburban (Zone 1), Suburban Center (Zone 2), Compact Infill (Zone 3), and Urban (Zone 4) and are determined for each location based on factors including population density, daytime population density, land use diversity, intersection density, distance to nearest major bus stop, and distance to nearest major fixed-guideway transit stop.

strategies based on the results from analyzing the Project using the LADOT's VMT calculator, shown in Table IV.L-4 on page IV.L-45 of Section IV.L, *Transportation*, of the Draft EIR.

As reported in Attachment G to the TAG, the unbundled parking strategy has the potential to create a maximum of a 26 percent reduction in residential-based VMT based on research and methodology from *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Officers Association, 2010). The unbundled parking strategy separates the cost of parking from the cost of housing, and allows residents the choice to purchase parking or not, thereby encouraging reduced automobile ownership and reduced automobile trips. Based on the proposed minimum cost of residential parking at the Project site ($150/month), the VMT reduction from unbundled parking would be 18 percent.

As reported in Attachment G to the TAG, strategies involving promotions and marketing have the potential to create a maximum of a four percent reduction in residential and employee-based VMT based on the same research as for the unbundled parking strategy. This strategy involves educating and informing residents and employees about site-specific transportation options and how their travel choices affect health, congestion, and their finances. Based on the percentages of residents and employees expected to review the materials (10%), the VMT reduction expected from the promotions and marketing strategies would be 0.4 percent.

Notably, after the Draft EIR was released, LADOT released an updated version of the VMT Calculator, version 1.3, in June 2020. According to *City of Los Angeles VMT Calculator Documentation Version 1.3* (LADOT and Los Angeles Department of City Planning, May 2020),[24] the VMT Calculator was updated to incorporate the latest available data, and included adjustments to trip length averaging, transit mode splits, and trip purpose splits to better match the VMT Calculator with the City's Travel Demand Forecasting Model on which it is based. These updates to the VMT Calculator thus improve its accuracy by more closely aligning its assumptions with research findings regarding people's driving habits. If the Project's VMT impacts were analyzed using LADOT's current version 1.3 of its VMT Calculator, the Project would have a household VMT per capita of 5.1 and a work VMT per capita of 6.7, both of which would be below the significance thresholds *before* the implementation of the Project's TDM program (MM-TRAF-1). Thus, under this updated analysis, the Project's household VMT per capita would be less than significant, and MM-TRAF-1 would not be required to reduce the Project's VMT impacts below the level of significance.

With respect to the Modified Alternative 2, the supplemental VMT analysis performed for the Modified Alternative 2 for this Final EIR utilized both version 1.2 of the VMT calculator and the most recent version of the City's VMT calculator (version 1.3). The use of VMT Calculator version 1.2 demonstrates the Modified Alternative 2 would result in a household VMT per capita of 7.5, which would be above the threshold of 6.0, but would be reduced to 5.9 with a modified version of MM-TRAF-1 that would raise the monthly. Under the version 1.2 analysis, the employee per capita VMT would be 5.0, well beneath the threshold of 7.6. The use of VMT calculator version 1.3 demonstrates the Modified Alternative 2 would result in a less than significant impact without

[24] https://ladot.lacity.org/sites/default/files/documents/vmt_calculator_documentation-2020.05.18.pdf

the need for mitigation, including no need for any TDM program measures (MM-TRAF-1) to reduce impacts to a less than significant level; using VMT calculator version 1.3, the Modified Alternative 2 would result in a household VMT per capita of 5.2 and a work VMT per capita of 5.3, also below the threshold of significance. (Final EIR, Appendix C-3.) Though the Modified Alternative 2 would continue to implement MM-TRAF-1 (TDM Program) to further reduce its already less than significant VMT impacts, such mitigation is not actually required by CEQA as the Modified Alternative 2 does not result in a significant impact in the first instance under the City's most recent version of the VMT calculator.

Deferral of Mitigation

The commenter claims the Draft EIR improperly defers the formulation of Mitigation Measure MM TRAF-1to a later date. The comment is incorrect. Although page IV.L-42 of Section IV.L, *Transportation*, of the Draft EIR states that "[t]he exact measures to be implemented shall be determined…prior to issuance of a final certificate of occupancy for the Project," it also states on page IV.L-43 that the TDM program "*shall include at a minimum*" the two strategies discussed above – unbundled parking and promotions and marketing. (Emphasis added.) As described above, these are the only two strategies for which reduction credit was taken in the VMT Calculator, and which, together, *were sufficient to fully mitigate the Project's potentially significant household VMT impact to a less than significant level*. As these measures are mandatory strategies incorporated into mitigation measure MM-TRAF-1, additional potential TDM program strategies and membership in the Hollywood TMO were not considered in the analysis of the effectiveness of MM-TRAF-1 as they were not needed to reduce the Project's potentially significant household VMT impact to a less than significant level. However, notably, even if the TDM program only included a specific list of items that in their entirety would be determined by the City at a later date in a manner necessary to reduce impacts to a less than significant level (which is not the case here), that would not constitute improperly deferred mitigation, as CEQA allows the specific mitigation measures to be finally determined at a later date when such mitigation measures are reasonably identified, incorporated as enforceable conditions, and meet a particular performance standard, which here would be the City's objective VMT reduction standard. (See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 418; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525.) Therefore, there is no improper deferral of mitigation, nor is there a failure to demonstrate that the TDM program would effectively mitigate the Project's potentially significant household VMT impact.

Furthermore, as stated above, after the Draft EIR was released, LADOT released an updated version of the VMT Calculator, version 1.3, in June 2020. If the Project's VMT impacts were analyzed using LADOT's current version 1.3 of its VMT Calculator, the Project would have a household VMT per capita of 5.1 and a work VMT per capita of 6.7, both of which would be below the significance thresholds before the implementation of the Project's TDM program (MM-TRAF-1). Thus, under this updated analysis, the Project's household VMT per capita would be less than significant, and MM-TRAF-1 would not be required to reduce the Project's VMT impacts below the level of significance. As also stated above, with respect to the Modified Alternative 2, the supplemental VMT analysis performed for the Modified Alternative 2 for this Final EIR utilizing the most recent and improved version of the City's VMT calculator (version 1.3) demonstrates the

Modified Alternative 2 would result a less than significant impacts without the need for mitigation, including no need for any TDM measures (MM-TRAF-1) to reduce impacts to a less than significant level; using VMT calculator version 1.3, the Modified Alternative would result in a household VMT per capita of 5.2 and a work VMT per capita of 5.3. (Final EIR, Appendix C-3)

Project Impact Relative to Impact Threshold

The comment states that because the household VMT per capita, after mitigation, is at the significance threshold of 6.0, any error in the Draft EIR's analysis of the Project's VMT could result in an unmitigated significant impact. The above discussion demonstrates that the Draft EIR's analysis of the Project's VMT was correctly performed pursuant to LADOT's TAG, accurately estimates the Project's VMT before and after mitigation, and meets City and State of California standards for CEQA VMT analyses. Therefore, the results showing a less-than-significant VMT impact after mitigation are accurate and are supported by substantial evidence. Moreover, as discussed above, the VMT analysis only accounted for the minimum measures required to be included in MM-TRAF-1 (unbundled parking and promotions and marketing strategies), which are sufficient by themselves to reduce the Project's potentially significant household VMT impact to a less than significant level; therefore, if other strategies are added to the TDM program, through the review and approval of City Planning and LADOT, the Project's mitigated impact will be further reduced when these other strategies are implemented.

The comment further claims that the Draft EIR fails to explain how Mitigation Measure MM-TRAF-1 would enable the Project to meet the threshold of 15 percent below the existing average household VMT per capita for the Central Area Planning Commission (APC) area. It appears that the commenter fails to understand that the 6.0 significance threshold already incorporates the 15 percent reduction from the existing average, and, therefore, by meeting or exceeding that threshold, the Project's project-level VMT per capita is at least 15 percent lower than the APC area average. As discussed above, the Project's household VMT per resident and work VMT per employee are both lower than the respective significance thresholds after mitigation (although the work VMT per employee for the Project is less than significant without mitigation).

Furthermore, as stated above, after the Draft EIR was released, LADOT released an updated version of the VMT Calculator, version 1.3, in June 2020. If the Project's VMT impacts were analyzed using LADOT's current version 1.3 of its VMT Calculator, the Project would have a household VMT per capita of 5.1 and a work VMT per capita of 6.7, both of which would be below the significance thresholds before the implementation of the Project's TDM program (MM-TRAF-1). Thus, under this more refined analysis, the Project's VMT impacts would be less than significant, and MM-TRAF-1 would not be required to reduce the Project's VMT impacts below the level of significance. As also stated above, with respect to the Modified Alternative 2, the supplemental VMT analysis performed for the Modified Alternative 2 for this Final EIR utilizing the most recent and improved version of the City's VMT calculator (version 1.3) demonstrates the Modified Alternative 2 would result a less than significant VMT impacts without the need for mitigation, including no need for any TDM program measures to reduce impacts to a less than significant level; using VMT calculator version 1.3, the Modified Alternative 2 would result in a household VMT per capita of 5.2 and a work VMT per capita of 5.3. (Final EIR, Appendix C-3)

Conflict with Programs, Plans, Ordinances, or Policies

The comment claims that the Draft EIR's analysis under Threshold (a) (conflicting with programs, plans, ordinances, or policies addressing the circulation system) is insufficiently supported by analysis or substantial evidence due to the purported flaws and insufficiencies in the Draft EIR's VMT analysis discussed above. However, as the above discussion shows, the VMT analysis for the Project presented in the Draft EIR is neither flawed nor insufficient, and, as discussed above, substantial evidence supports the Draft EIR's VMT analysis for the Project which, in turn, provides substantial evidence supporting the Draft EIR's consistency analysis under Threshold (a). Moreover, the updated version 1.3 of the VMT Calculator shows that the Project would result in a less than significant household VMT per capita and work VMT per capita, requiring no mitigation. Therefore, the Draft EIR's analysis of the Project's VMT using version 1.2 of the VMT Calculator is conservative. As stated, the analysis of the Modified Project utilizing the updated version 1.3 of the VMT calculator also shows its VMT impacts are less than significant without the need for mitigation.

The comment specifically cites concerns that the Project's consistency with the Mobility Plan relies on MM-TRAF-1 to reduce the Project's potential household VMT impacts to less than significant and enable the Project's VMT to meet the threshold of 15 percent below the existing average household VMT per capita for the Central APC area. However, as explained above, the 6.0 threshold incorporates the 15 percent below the existing average household VMT per capita for the Central APC area, and substantial evidence supports the Draft EIR's conclusion that MM-TRAF-1 would reduce the Project's potential household VMT impact to a less than significant level. As discussed on pages 3-58 to 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, implementation of mitigation measure MM-TRAF-1 would reduce the Modified Alternative 2's household VMT to below threshold, as determined by VMT Calculator version 1.2. As determined by VMT Calculator 1.3, however, the Modified Alternative 2 would not result in a significant impact before the implementation of a TDM program (MM-TRAF-1); the Modified Alternative 2 would implement a TDM program via mitigation measure MM-TRAF-1 to further reduce its already less than significant household VMT impact.

In the course of providing a thorough discussion of any aspects of the Project that pertain to City programs, plans, ordinances, or policies, MM-TRAF-1 is referenced several times because the proposed TDM program strategies actively support certain Mobility plan policies and programs.

Mobility Plan Policy 4.8, "Encourage greater utilization of Transportation Demand Management Strategies to reduce dependence on single-occupancy vehicles," does not *require* implementation of TDM measures beyond those that would be required by the TDM Ordinance (Los Angeles Municipal Code Section 12.26J), which does not apply to the Project in any case. MM-TRAF-1 is referenced because it specifically supports Mobility Plan Policy 4.8; however, its absence would not interfere or conflict with the policy.

The Project is consistent with Mobility Plan Policy 4.13, "Balance on-street and off-street parking supply with other transportation and land use objectives," due to its provision of sufficient off-street parking to meet Project parking requirements. MM-TRAF-1 is mentioned because it has the

potential to further reduce parking demand, but the implementation of this measure is not necessary to demonstrate the Project's consistency with Mobility Plan Policy 4.13.

The discussion of consistency with Mobility Plan Policy 5.2, "Support ways to reduce VMT per capita," appropriately describes the Project's VMT analysis and the TDM program measures that would reduce VMT per capita. This discussion demonstrates how the Project supports the policy, regardless of the fact that there is no explicit mandate for an individual project to do this, outside of complying with the TDM Ordinance or mitigating significant VMT impacts.

The Draft EIR notes that the Project would implement unbundled parking options as part of the TDM program in support of Mobility Plan Program PK.14. As with Mobility Plan Policy 5.2, it is not mandatory for the Project to include unbundled parking, and thus there would be no conflict with this program without it. However, because the Project would implement MM-TRAF-1 which includes unbundled parking, it specifically supports the program.

Therefore, the Draft EIR provides adequate analysis and supporting information to conclude that the Project would not conflict with the identified programs, plans, ordinances, or policies addressing the circulation system. As discussed on pages 3-57 through 3-58 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, like the Project, the Modified Alternative 2 also would not conflict with the identified programs, plans, ordinances, or policies addressing the circulation system.

Comment No. ORG 5-14

Inadequate Analysis of Noise Impacts

The DEIR's noise analysis concludes that construction-related noise and vibration impacts will be significant and unavoidable but that operational impacts will be less than significant. The analysis and proposed mitigation are flawed in several respects.

First, the analysis of existing ambient noise levels at locations of noise-sensitive receptors is incomplete and undermines the validity of the DEIR's evaluation of noise impacts. The DEIR identified nearby residential uses on all sides of the Project site. Noise measurements were taken at five selected locations, but not at the location closest to the Project site, residences immediately south and east of the eastern portion of the Project site, and measurements at the locations selected were taken inconsistently, with some long-term measurements and some short-term measurements and no average hourly levels provided for some locations.

Response to Comment No. ORG 5-14

The commenter asserts that the analysis of existing ambient noise levels at locations of noise-sensitive receptors is incomplete and undermines the validity of the DEIR's evaluation of noise impacts. As discussed on page IV.I-15 of Section IV.I, *Noise*, of the DEIR, the predominant existing noise source surrounding the Project Site is traffic noise from the US 101 Freeway and from Yucca Street to the north, Argyle Avenue to the west, and Vista Del Mar Avenue to the east. Ambient noise measurements were taken at five locations along or near the public right-of-way.

The short-term and long-term ambient noise measurements all meet the City's requirement for ambient noise as defined in LAMC Section 111.01.

Noise measurements for locations R1, R2, R3, and R4 represent the ambient noise levels at nearby land uses in the vicinity of the Project Site and were used to establish ambient noise levels as shown in Figure IV.I-2 on page IV.I-16. Noise measurement location R5 represents the residential uses farther to the north of the Project Site, just north of the U.S. Route 101 Freeway. The ambient noise measurement locations are described in detail on page IV.I-17 of Section IV.I, *Noise*, of the Draft EIR. These noise measurement locations were selected because they are considered to be representative of the noise environment of the existing off-site noise-sensitive receptors, including residential and hotel uses. Noise measurement location R3 represents the existing noise environment at the residential uses east and southeast of the Project Site along Vista Del Mar Avenue, and noise measurement location R4 represents the existing noise environment of the single- and multi-family residential uses south of the Project Site along Carlos. As previously mentioned, the predominant existing noise source surrounding the Project Site is traffic noise from the US 101 Freeway, Yucca Street, Argyle Avenue, and Vista Del Mar Avenue. All four of the ambient noise measurement locations near the Project Site are placed along the nearby streets and the nearby noise-sensitive receptors; therefore, substantial evidence supports the Draft EIR use of these noise measurement locations as representative of the ambient noise levels surrounding the Project Site, and no additional analysis is required.

Comment No. ORG 5-15

The DEIR's significance thresholds and analysis of significance of noise impacts are also flawed. The significance thresholds do not adequately capture noise impacts that are potentially significant. The analysis for both construction-related and operational impacts is undermined by the incomplete and faulty assessment of existing ambient noise levels.

The DEIR concludes that operational noise impacts would be less than significant, based in part on a conclusion that noise from outdoor/open space activity and loading dock and refuse collection areas, as well as moving trucks, would not exceed significance thresholds at receptor locations R3 and R4. As noted above, the selected locations do not allow adequate assessment of noise levels at residential uses adjacent to the Project site, undermining the validity of this conclusion.

Response to Comment No. ORG 5-15

The comment asserts that the Draft EIR uses "flawed" significance thresholds that do not adequately identify potentially significant noise impacts. However, the comment does not explain why the commenter believes the thresholds are flawed or why the thresholds fail to identify the Project's potentially significant impacts. The comment also does not support the assertion that the Draft EIR's thresholds are flawed with any facts or substantial evidence. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines §§ 15064(f)(5), 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response.

The comment also claims that the Draft EIR's conclusions that operational noise impacts would be less than significant for sensitive receptors represented by noise measurement locations R3 and R4 due to the flaws in the Draft EIR's ambient noise measurements noted in Comment No. ORG 5-14. The comment is incorrect. As discussed in Response to Comment No. ORG 5-14, above, ambient noise measurements were properly collected to represent the noise environment of the existing off-site noise-sensitive receptors. The short-term and long-term ambient noise measurements all meet the City's requirement for ambient noise as defined in LAMC Section 111.01. As such operational noise impacts from outdoor/open space activity, loading dock, refuse collection areas, and moving trucks were properly evaluated based on measured ambient noise levels consistent with the LAMC and were based on substantial evidence contained in the Draft EIR. No additional analysis is required.

Comment No. ORG 5-16

The operational noise impacts analysis from parking structures also appears flawed, including because it assumes that only 7 trips are expected to use the entrance driveway to access Building 2 parking, a value that appears to be greatly underestimated given the population of that building. The proximity of that parking driveway to adjacent residential uses requires a more searching analysis.

Response to Comment No. ORG 5-16

The comment claims that the Draft EIR's analysis of the operational noise impacts from Building 2's parking structure is flawed due to underestimating the trips generated by that structure. The operational noise impacts analysis from parking structures is based on peak hourly trips provided in the Project's Traffic Study provided in Appendix L-2 of the Draft EIR. In Chapter II, *Project Description*, page II-14, the Draft EIR states that Building 2 would have 13 residential dwelling units and no commercial/restaurant uses. Building 1 would have 197 residential dwelling units and all of the hotel and commercial/restaurant uses. As indicated in Table 8 on page 63 of the Project's Traffic Study and as discussed on page IV.I-39 in Section IV, *Noise*, of the Draft EIR, the Project would result in a maximum of 238 peak hour trips. Also, according to Table 8 of the Project's Traffic Study, the Project's 210 residential dwelling units would generate a maximum of 110 peak hour trips. Therefore, Building 2 would generate a maximum of approximately 7 trips per peak hour (13 residential units divided by 210 total residential units, multiplied by 110 trips, equals 6.8 trips, which was then rounded up to 7 trips). Since Building 2 would have one parking entrance, all 7 peak hour trips were modeled as noise sources at the Building 2 parking entrance. As such, the parking structure analysis is based on substantial evidence and no additional analysis is required.

Even if, hypothetically, the number of peak hour trips at the Building 2 parking entrance were to double (i.e., 14 trips instead of 7 trips), based on the calculation formula for parking noise (see page IV.I-27 of Section IV.I, *Noise*, of the Draft EIR), the Building 2 parking entrance noise level contribution, by itself, would only increase from 35 dBA to 38 dBA. When considered together with the composite noise sources, a hypothetical noise level increase from the Building 2 parking entrance from 35 dBA to 38 dBA would be so low that it would have no effect on the total composite noise level.

Moreover, it should be noted that, as described on page 3-17 and shown in Figure 3-1 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 has eliminated Building 2 altogether, and the only entrance to the Modified Alternative 2's Building 1 parking is located off Yucca Street. Therefore, the Modified Alternative 2 would create no noise impact on the adjacent residences to the east of the Project Site due to a second building's parking structure.

Comment No. ORG 5-17

The analysis of impacts from the emergency generator is also undermined by the faulty assessment of noise levels at sensitive residential receptors adjacent to the Project. These flaws call into question the conclusion that proposed mitigation is sufficient to avoid potentially significant impacts.

Response to Comment No. ORG 5-17

The comment claims that the Draft EIR's analysis of the noise impacts of the Project's emergency generator is flawed due to its purported faulty ambient noise measurements. Refer to Responses to Comment Nos. ORG 5-14 and ORG 5-15, above. As discussed in Response to Comment No. ORG 5-14 and ORG 5-15, above, the assessment of ambient noise levels at sensitive residential receptors adjacent to the Project incorporates representative ambient noise levels for the nearby sensitive receptor locations. With respect to the emergency generator noise, as discussed on page IV.I-40 in Section IV.I, *Noise*, of the Draft EIR, the emergency generator is anticipated to be located approximately 75 feet from Argyle Avenue and along the southern perimeter of Building 1, which is located approximately 155 feet from the multi-family residential uses to the west side of Argyle Avenue (R1) and approximately 200 feet from the noise-sensitive uses to the south side of Carlos Avenue (R4). Other off-site noise-sensitive receptors, R2 and R3, would be farther away or would not have a line-of-sight to the emergency generator and thus would be less impacted by noise from this source of noise.

Based on a noise survey that was conducted for an equivalent generator by ESA, noise from an emergency generator would be approximately 96 dBA (L_{eq}) at 25 feet.[25] Two off-site locations (R1 and R4) would experience noise from the emergency generator exceeding the existing ambient noise levels, with R1 experiencing approximately 80 dBA at 155 feet and R4 experiencing approximately 78 dBA at 200 feet. As discussed on page IV.I-60 of Section IV.I, *Noise*, of the Draft EIR, MM-NOI-5 would require a sound enclosure and/or equivalent noise-attenuating features (i.e., mufflers) for the emergency generator that would provide approximately 25 dBA noise reduction. The required 25 dBA noise reduction from a sound enclosure and/or equivalent noise-attenuating features (i.e., mufflers) is feasible given the many different types of materials (e.g., steel enclosure, concrete masonry enclosure, etc.) that can achieve this level of noise reduction, or even greater reductions, as per the Federal Highway Administration, Noise Barrier

[25] The generator noise measurements were conducted at a Verizon facility using the Larson-Davis 820 Precision Integrated Sound Level Meter (SLM) in November 2000. The Larson-Davis 820 SLM is a Type 1 standard instrument as defined in the American National Standard Institute S1.4. All instruments were calibrated and operated according to the applicable manufacturer specification. The microphone was placed at a height of approximately 5 feet above the local grade. See Appendix I to the Draft EIR for the supporting documents.

Design Handbook (see page IV-I-41 of Section IV.I, *Noise*, of the Draft EIR, footnote 89). During the plan check phase, building plans for the Project would be provided along with documentation prepared by a noise consultant verifying compliance with this measure. Therefore, substantial evidence supports the Draft EIR's conclusions that, with implementation of feasible Mitigation Measure MM-NOI-5, noise impacts associated with the emergency generator would be reduced to less than significant and no additional analysis is required.

It should be noted that, as stated on pages 3-45 and 3-52 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would also implement MM-NOI-5 and, as a result, the noise from its emergency generator would also be reduced to a less than significant level, like the Project's.

Comment No. ORG 5-18

The analysis of composite noise level impacts is also weakened because as discussed above, each of the component noise sources appears understated, so the composite is also underestimated.

Response to Comment No. ORG 5-18

The comment asserts that the Draft EIR's analysis of the Project's composite noise levels is flawed due to the Draft EIR's flawed ambient noise measurements. Please see Responses to Comment Nos. ORG 5-15, 5-16 and 5-17, above. As discussed in those Responses, substantial evidence supports the Draft EIR's analysis of the noise levels generated by the sources of the composite noise levels, including evidence provided in the Project's Traffic Study provided in Appendix L-2 of the Draft EIR, and reasonable assumptions.

The composite noise sources include off-site roadway noise and on-site noise sources. As discussed on page IV.I-48 of Section IV.I, *Noise*, of the DEIR, the maximum composite noise impacts would generally be expected near the Project Site boundary. As shown in Table IV.I-12, of Section IV.I, *Noise*, the primary contributors to composite noise levels would be the emergency generator and traffic noise. The maximum composite noise impacts are expected to occur at noise-sensitive receptors represented by noise measurement locations R1 and R4. Location R1 represents uses located across Argyle Avenue that could experience composite noise from the Project's emergency generator, Podium Courtyard (4th level), and Building 1 parking access, as well as from traffic on Argyle Avenue. Location R4 represents uses located adjacent to the south of the Project Site that could experience composite noise from the Project's emergency generator, Podium Pool Deck (4th level), and Building 2 parking access as well as from traffic on Vista Del Mar and Carlos Avenue. Locations R2 and R3 to the north and west of the Project Site would be less affected by composite noise because the Project buildings would provide a buffer from composite noise including the emergency generator and also would be situated farther away from the Podium Pool Deck (for R2 and R3) and the Podium Courtyard (for R3).

The composite noise levels from the operation of the Project prior to mitigation would be up to 80.2 dBA at sensitive receptor location R1 and up to 78.0 dBA at sensitive receptor location R4. As previously stated, the sources of the composite noise levels are estimated based on

substantial evidence, including evidence provided in the Project's Traffic Study provided in Appendix L-2 of the Draft EIR, and reasonable assumptions.

It should be noted that, as described on page 3-45 to 3-53 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 eliminates Building 2. Therefore, noise from Building 2's parking structure would no longer contribute to the Modified Alternative 2's composite noise levels.

Comment No. ORG 5-19

The DEIR's discussion of noise mitigation is also inadequate, in several respects. First, although the DEIR identifies some construction-related noise impacts—including cumulative impacts—as significant and unavoidable, the DEIR does not adequately discuss the feasibility of additional mitigation measures beyond those proposed, and does not provide information regarding the incremental benefits of increasing mitigation beyond that in the identified mitigation measures MM-NOI-1 through MM-NOI-5. For example, the DEIR states that MM-NOI-1 will not avoid significant noise impacts to upper floors of residential uses, but the DEIR provides no discussion of the effectiveness or feasibility of using additional or larger sound barriers or other methods to achieve a higher level of noise reduction. Also, the DEIR does not provide enough information to understand the level of mitigation offered by MM- NOI-2, which lacks standards for evaluating the success of the mitigation measure, and which contains uncertain and vague provisions. Nor does the DEIR provide sufficient information to evaluate the effectiveness or feasibility of mitigation measures MM-NOI-3 and MM-NOI-4 to address groundborne vibration impacts, or other mitigation measures that might further reduce these impacts, including those identified as significant and unavoidable.

Also, the DEIR does not sufficiently explain how the proposed mitigation measures will reduce construction and operational noise impacts to less than significant levels. Where analysis is provided regarding the amount of noise reduction from mitigation measures, such as for MM-NOI-5, the analysis is questionable, including because of the flawed selection of receptor locations. At other points, such an analysis is entirely lacking.

Response to Comment No. ORG 5-19

The commenter asserts the Draft EIR does not adequately discuss the feasibility of additional mitigation measures beyond those proposed and does not provide information regarding the incremental benefits of increasing mitigation beyond what is identified. On pages IV.I-57 through IV.I-60 of Section IV.I, *Noise*, of the Draft EIR, the proposed mitigation measures to minimize construction and operational-related impacts are discussed. The mitigation measures included were developed to be feasible, effective, and implementable. Pursuant to CEQA Guideline 15151, "[a]n EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible…The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." Mitigation Measures MM-NOI-1 through MM-NOI-5 meet

the requirements of Guideline 15126.4(a)(1) in that they are feasible measures that the Draft EIR demonstrates, based on substantial evidence, could minimize the Project's significant adverse impacts.

For example, MM-NOI-1 requires the Project to use 15-foot tall noise barriers that achieve a noise reduction of 15 dBA. The barrier height is based on the ability to block the line-of-sight between the Project Site and the nearby residential uses while also considering barrier height limitations according to the FHWA, which include barrier wind loads, foundation requirements, and the presence of overhead utilities[26] in the Project Site area. MM-NOI-2 is comprised of a number of measures that reduce construction noise levels; while the reductions each measure achieves has not been quantified, their reductions are obvious – the ban on the use of blasting, jack hammers and pile drivers, which are among the construction equipment producing the highest noise levels; the requirement to limit truck idling and thereby limit the amount of time truck engine noise is produced; the requirement to keep construction equipment as far from noise sensitive uses as possible and to muffle the equipment where possible.

Mitigation measures MM-NOI-3 and MM-NOI-4 are adaptive measures that include both mandatory provisions intended to reduce groundborne vibration and measures specifically designed to respond to conditions during construction should groundborne vibration reach prescribed levels. Pages IV.I-58, IV.I-59 and IV.I-61 specifically describe how these measures will reduce the Project's groundborne vibration impacts to less than significant levels. Therefore, the Draft EIR contains substantial evidence supporting its conclusions, contrary to the commenter's assertions.

Note, however, that, as explained on page 3-10 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, mitigation measure MM-NOI-4 has been clarified and modified to provide, as follows:

> **MM-NOI-4:** Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.
>
> The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. <u>Monitoring shall be conducted at a feasible location between the Project Site and</u>

[26] FHWA, Highway Noise Barrier Design Handbook, Sections 8.2, 8.3, and 8.4, August 2000.

the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.

- The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.
- In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as halting/staggering concurrent activities or utilizing lower vibratory techniques.
- In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.
- In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3) due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

The modification of MM-NOI-4 to require that monitoring be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible removes the need to obtain the other property owners' consent and ensures that MM-NOI-4 can be implemented to reduce the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue to a less than significant level. (See Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR) Therefore, with its implementation of MM-NOI-3 and MM-NOI-4, the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue would be reduced to less than significant.

Additionally, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail on pages 3-2 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted into a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del

Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot are consistent with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Historic Resources Memorandum (see Appendix C-2 to this Final EIR). Further, as discussed on pages 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, and shown in Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR, the Modified Alternative 2 would not create any significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue; even so, the Modified Alternative 2 would implement mitigation measures MM-NOI-3 and MM-NOI-4, as clarified and modified, to further reduce its less than significant groundborne structural vibration impacts in recognition of the historic significance of the District.

As discussed in Response to Comment No. ORG 5-14 and ORG 5-15, the Draft EIR's assessment of noise levels at sensitive residential receptors adjacent to the Project incorporates representative ambient noise levels for the nearby sensitive receptor locations, and is supported by substantial evidence.

Comment No. ORG 5-20

The Alternatives Analysis Does Not Comply with CEQA

The DEIR's analysis of project alternatives does not comply with CEQA and does not include alternatives that would preserve affordable housing or avoid demolition of the buildings that are part of the Vista del Mar/Carlos Historic District, despite a comment submitted in response to the Notice of Preparation requesting such an alternative to be included based on concerns that demolition of those homes may damage the integrity of the historic district. The DEIR fails to include discussion of why such an alternative was rejected or the feasibility of such an alternative.

The DEIR does not provide an adequate evaluation, analysis, and comparison of the project alternatives and the proposed Project, including why the alternatives were rejected. For example, the DEIR's analysis of Alternative 2, a primarily residential mixed-use alternative, is rejected despite having overall less impacts than the Project, although it would provide more housing.

Additionally, the DEIR does not justify the selection of Project objectives, which are too specific to the Project and allow alternatives to be rejected despite their lesser environmental impacts. Specifically, the Project objectives include inclusion of a hotel, both in the underlying purpose and in objectives 1 through 3. The DEIR provides no explanation for why a hotel is needed, given that the area is well served by other hotels. In fact, comments in response to the Notice of Preparation included a concern about saturation of hotel uses in the Hollywood Community. Yet the discussion of Alternative 2 says that it would only partially be consistent with policies related to the provision of a hotel use, and that appears to be one of the reasons for rejecting the alternative in favor of the Project. The failure to explain why a hotel would be needed undermines the analysis, as does the failure to clearly state the reasons for rejecting this and other alternatives.

Response to Comment No. ORG 5-20

The comment claims that the Draft EIR's analysis of alternatives to the Project violates CEQA requirements because it fails either to assess an alternative that would preserve affordable housing or avoid demolition of the buildings that are part of the Vista del Mar/Carlos Historic District or to explain why such an alternative was rejected or the feasibility of such an alternative. The comment also claims that the Draft EIR's Alternatives section does not adequately evaluate the alternatives selected, or compare them to the Project, or explain why they were rejected (particularly Alternative 2, the Primarily Residential Alternative).

The commenter misunderstands the purpose of an alternatives analysis. CEQA Guidelines Section 15126.6(a) requires that an EIR consider a reasonable range of potentially feasible alternatives to the project that would avoid or substantially lessen any of its significant effects. As described on pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, there are 43 existing multi-family RSO units at the Project Site that the Project would demolish and replace with 210 RSO units. There are no existing affordable units at the Project Site; therefore, the Project would not demolish any affordable housing, would not create a significant impact by doing so, and no alternative to reduce such an impact would be required by CEQA. (See CEQA Guidelines § 15126.6(a).) Since the Draft EIR was not required to analyze such an alternative, the Draft EIR was also not required to explain why it "rejected" such an alternative.

Similarly, as explained on pages IV.C-20 through IV.C-24, *Cultural Resources*, of the Draft EIR, two residences located on the Project Site at 1765 and 1771 North Vista del Mar were previously, but are no longer eligible at the federal, State or local levels to be contributors to the Vista del Mar/Carlos Historic District. As the Draft EIR reports on page IV.C-22 of Section IV.C, *Cultural Resources*, both residences were listed as historic in a 1984 local survey, but the residence located at 1771 North Vista del Mar was downgraded in the 2010 Hollywood Survey to 6Z CHR Status Code, meaning ineligible for listing in California, because substantial alterations had been made to the residence that affected its integrity. Therefore, the residence is no longer considered to be a contributor to the Vista del Mar/Carlos Historic District. As stated on page IV.C-23 of Section IV.C, *Cultural Resources*, of the Draft EIR, the *Historical Resources Assessment Report* and the *Historical Resources Peer Review Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR) confirmed the conclusions of the 2010 Hollywood Survey with respect to the residence at 1771 North Vista del Mar.

As discussed on pages IV.C-23 and IV.C-24 of Section IV.C, *Cultural Resources*, of the Draft EIR, the residence located at 1765 North Vista del Mar has been incorrectly identified as an eligible contributor to the Vista del Mar/Carlos Historic District in surveys beginning with the 1984 local survey, because of the alterations to the interior and exterior of the residence that have resulted in material adverse changes that have materially impaired the property's integrity and historic significance. Notably, the addition of a second story in 1935 altered the original 1918 residence beyond recognition. Based on the property research and documentation of the property in the *Historical Resources Assessment Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR), the Report's intensive analysis concludes that the residence at 1765 North Vista del Mar was previously mistakenly identified as a contributor to the Vista del Mar/Carlos Historic District and that the property should be reassigned to a 6Z CHR Status Code.

Therefore, the Draft EIR concludes that neither residence is an eligible contributor to the Vista del Mar/Carlos Historic District (Section IV.C, *Cultural Resources*, page IV.C-24), and that their demolition by the Project would not result in a significant impact (Section IV.C, *Cultural Resources*, page IV.C-35).

Section IV.C, *Cultural Resources*, of the Draft EIR further concludes that the Project would not result in substantial material changes to the integrity and the significance of the seven historical resources in the vicinity of the Project Site identified in the *Historical Resources Assessment Report* included in Appendix D to the Draft EIR. On pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, the Draft EIR discusses the substantial evidence supporting its conclusions that the Project would not materially alter the settings of these historical resources in a manner that would materially impair their historical significance or integrity. In summary, as explained on page IV.C-36 of Section IV.C, *Cultural Resources*, of the Draft EIR, although the scale and massing of the Project would alter the visual context of nearby historical resources, including the Vista del Mar/Carlos Historic District, the site of the former Little Country Church of Hollywood, Capitol Records Building, Pantages Theatre, Hollywood Equitable Building, Hollywood Commercial and Entertainment District and the Hollywood Walk of Fame, the historic settings for these resources have already been altered by changes and redevelopment in the area after the period of significance of these resources including, without limitation, the construction of the Yucca Argyle Apartments in 1953 and the Hollywood Freeway completed by the late 1940's and early 1950's to the northeast of the Project Site. The Draft EIR then addresses each of the seven historical resources individually, on pages IV.C-36 through IV.C-38 of Section IV.C, *Cultural Resources*, with more specific substantial evidence to support these general conclusions.

Therefore, the Draft EIR was not required to evaluate an alternative that would avoid any significant impact of the Project on historical resources either on the Project Site or in the Project Site's vicinity, since the Draft EIR concludes based on substantial evidence that the Project would not result in any such significant impact. (See CEQA Guidelines § 15126.6(a).) Since the Draft EIR was not required to analyze such an alternative, the Draft EIR was also not required to explain why it "rejected" such an alternative.

It should be noted, however, that unlike the Project, the Modified Alternative 2 would preserve rather than demolish the residences located at 1765 and 1771 North Vista del Mar, so that these residences, even though they are not historical resources, would stand as a buffer between the Modified Alternative 2 and the Vista del Mar/Carlos Historic District. Therefore, the Modified Alternative 2's potential impacts on historical resources would be even less than the Project's impacts. The Modified Alternative 2 would also include 17 units covenanted for Very Low-Income households in addition to 252 RSO units. The Modified Alternative 2 is described on pages 3-16 through 3-28 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR.

The comment asserts that the Draft EIR's evaluation and analysis of the Project's alternatives is inadequate. However, the commenter has not identified any defect in that evaluation and analysis. Given the comment's lack of specificity, it is impossible to prepare a good faith, reasoned

response to the comment. While the comment is noted for the record, no further response is possible or warranted.

The comment incorrectly claims that the Draft EIR fails to compare the alternatives selected for analysis to the Project and explain why each alternative was concluded to be infeasible. The alternatives to the Project are evaluated in Chapter 5, *Alternatives*, of the Draft EIR. Four alternatives, listed on page V-3, were selected for evaluation, including Alternative 1, the No Project/No Build Alternative; Alternative 2, the Primarily Residential Mixed-Use Alternative; Alternative 3, the No Commercial Zone Change, No High Density Residential, No Density Bonus Alternatives; and Alternative 4, the Primarily Office Mixed-Use Alternative. The potential impacts or impacts of each Alternative are evaluated and compared to the potential impacts or impacts of the Project, and, in addition, each Alternative's ability to meet or not meet the Project's Objectives are determined and compared to the Project. (Draft EIR, Chapter V, Alternatives, pages V-8 through V-104.) Table V-13, *Comparison of Impacts Associated with the Alternatives and the Project*, on pages V-106 through V-109 of Chapter V, *Alternatives*, of the Draft EIR compares in a table format the level of the Project's impacts in each environmental topic area to the level of each Alternative's impacts in the same environmental area. Table V-14, *Ability of Alternatives to Meet Project Objectives*, on pages V-110 and V-111 of Chapter V, *Alternatives*, of the Draft EIR compares in table form the ability of the Alternatives to meet the Project's Objectives. Therefore, the Draft EIR does include all of the information the commenter claims is missing.

The comment assert that the Draft EIR fails to justify the Project objectives, and claims that the objectives are too specific to the Project and allow alternatives to be rejected despite their lesser environmental impacts, particularly because the objectives include the development of a hotel use. CEQA Guidelines Section 15124(b) requires that the Draft EIR's Project Description section include a clearly written list of project objectives that the lead agency can use to develop a reasonable range of alternatives, and does not require that this list include extensive detail or supporting data. While "[a] lead agency may not give a project's purpose an artificially narrow definition," an agency "may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basis goal." (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166; see also *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668.) The Project's Objectives are appropriately scaled for the redevelopment of a project site located within a Transit Priority Area: to increase the density of the site with a mixed-use development that will provide both housing and jobs needed in the community and that will promote transit use and provide associated environmental benefits, as well as enhance and improve the surrounding area.

The inclusion of a hotel use in one of these Project Objectives is certainly not a limiting factor. As discussed on pages 1-1 and 1-4 through 1-6 of Chapter 1, *Introduction*, and at page 3-2 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, in response to public comments and at the City's request, the Project Applicant has asked the City to consider approval of the Modified Alternative 2. The Modified Alternative 2 is a modified version of Alternative 2, which includes primarily residential uses and only a small area retail/commercial uses, but does not include a hotel.

Finally, the lead agency, not the staff which prepares the EIR, ultimately determines whether to reject an alternative analyzed in an EIR. The feasibility of an alternative is determined at two different stages of the CEQA process: (1) at an earlier stage, when the alternatives to be discussed in the EIR are chosen, and (2) at a later stage, when the agency decides whether to approve the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th at 957, 981, 999 [*CNPS*].) At the earlier stage, the agency staff decides whether an alternative is *potentially* feasible and therefore should be evaluated in the EIR. (CEQA Guidelines § 15126.6(a).) At the later stage, it is the agency decision-makers, not the agency staff, who decide whether the alternative is *actually* feasible. (CEQA Guidelines § 15091(a)(3).) At this stage, "[b]roader considerations of policy … come into play when the decision-making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of alternatives." (*CNPS*, *supra*, at 1000.) The lead agency may reject as actually infeasible alternatives that were identified in the EIR as potentially feasible on the basis of "[s]pecific economic, legal, social, technological, or other considerations." (CEQA Guidelines § 15091(a)(3).) These considerations include the alternative's inconsistency with the project's objectives. (See *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 947-949; *CNPS*, *supra*, 177 Cal.App.4th at 1000-1001.) For these reasons, the Draft EIR appropriately did not reject any of the alternatives, but left that determination to the decision-makers.

Comment No. ORG 5-21

Conclusion

AHF opposes the 6220 West Yucca Project because it will have significant environmental impacts that are neither adequately analyzed nor sufficiently mitigated. The lack of proper environmental analysis is grounds for a court to set aside the DEIR and order the City to conduct environmental review that complies with CEQA.

The Project also displaces the existing tenants and destroys affordable RSO units, in an area of the city that is sorely lacking in affordable housing. It is one more example of gentrification and development for the sake of profit at the expense of Los Angeles's working- class residents. The City should deny the requested entitlements for the Project and instead pursue affordable housing developments that do not sacrifice existing RSO units.

Response to Comment No. ORG 5-21

The comment claims that the Draft EIR does not adequately analyze or sufficiently mitigate the Project's significant environmental impacts. However, the commenter has not provided substantial evidence either in this comment or in the commenter's prior comments (Comments No. ORG 5-3 through ORG 5-20) to support this claim.

The comment also claims that the Project would displace existing tenants and destroy affordable RSO units in an area sorely lacking in affordable housing. The commenter is confusing affordable housing units with RSO units. Further, the Project would not displace existing tenants. As explained on pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, the Project

would replace the 43 existing RSO units with 210 RSO units, and includes an offer to the existing tenants of the existing RSO units of a right to return to a comparable unit in the Project, once occupied, at the same rent they are paying now, plus annual rent increases allowed under the RSO; in addition, for those tenants who accept the Project's offer, the Project would fund the difference in those tenants' rent between the tenants' current rent and new rent during construction until their right of return is exercised. As explained on page 3-27 of Chapter 3*, Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would replace the existing 43 RSO units with 252 RSO units and 17 multi-family units covenanted for Very Low-Income households. See **Topical Response No. 2**, *Rent Stabilized Housing*, and Response to Comment No. FORM 1-4, above, regarding RSO units, and how the Project and the Modified Alternative 2 meet the requirements of the City's RSO.

The comment on the merits of the Project does not address the content or adequacy of the Draft EIR or the environmental effects of the Project. While this comment is noted for the record, no further response is warranted.

Comment Letter No. ORG 6

Yucca Association
6500 Sunset Boulevard
Los Angeles, CA 90028
Email received June 8, 2020

Comment No. ORG 6-1

Mr. Como,

Please see the attached. One is the DEIR written comment. The second is a letter for the administrative record.

Response to Comment No. ORG 6-1

Responses to the referenced letter are provided below in Response to Comment No. ORG 6-2, below.

Comment No. ORG 6-2

Mr. Como,

On behalf of the Yucca Association, we are asking for the following:

To date, no Plan for First Right of Refusal has been created for the tenants at the proposed project site. We are requesting that a condition of approval be applied to ensure an enforceable right to return to a newly constructed unit exists for the tenants. A similar condition of approval was also applied at the proposed Crossroads project as Condition #14, a copy of that letter of determination is attached.

We are asking for a real Plan to ensure the tenants have a pathway back to a newly constructed unit, and not a tent on the street. In order to ensure this, I am attaching a Plan for First Right of Refusal Under Full Demolition to demonstrate what the Plan should look like. We ask that the Plan be implemented in this case to ensure that all tenants are protected and that there is a clear, equitable, and enforceable right created.

Response to Comment No. ORG 6-2

The comment requests that a Plan for First Right of First Refusal be imposed on the Project as a condition of approval. However, as explained on pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, the Project would include offering all tenants of existing RSO units at the Project Site a right of return to comparable units within the Project, once it is occupied, at their last year's rent plus applicable annual increases under the RSO. As referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 would also include offering all tenants of existing RSO units the same right of return. Since this offer would be a component of the Project and of the Modified Alternative 2, there would be no need for a condition of approval as suggested by the comment.

In addition, as discussed at page IV.J-22 of Section IV.J, *Population and Housing*, of the Draft EIR and on page 3-27 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the tenants of the existing RSO units at the Project Site would be afforded the benefits provided to them under the Ellis Act and the RSO, including, among other things described there, specified monetary payments to cover relocation expenses and relocation assistance. Further, as part of the Project as described on page II-8 of Chapter II, *Project Description*, of the Draft EIR, and as part of the Modified Alternative 2 as referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, both the Project and the Modified Alternative 2 would fund the difference in rent between the tenants' current rent in their RSO units and their new rent until their right of return, described above, is exercised.

Attachments

The remainder of this letter includes two attachments as referenced within the letter.

The first attachment is a copy of the Letter of Determination for the proposed Crossroads project and a Plan for First Right of Refusal Under Full Demolition.

The second attachment is based on Comment Letter No. FORM 1. Responses to that letter are provided in Responses to Comment Nos. FORM 1-1 through 1-11.

Comment Letter No. ORG 7

Yucca Argyle Tenants Association
Email received June 8, 2020

Comment No. ORG 7-1

Hi Alan,

Please see the attached public comment letter from the Yucca Argyle Tenants Association. Thank you.

Response to Comment No. ORG 7-1

This comment directs the reader's attention to a letter from the commenter's organization, the Yucca Argyle Tenants Association. However, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 7-2

Dear Mr. Como,

The Yucca Argyle Tenants Association (YATA) represents all tenants living on the existing property called Yucca Argyle Apartments and single unit homes involved. We are a diverse population expressly mirroring the great and diverse population of our City of Los Angeles. We are the melting pot of Los Angeles; families with children, seniors on fixed incomes, young and middle-aged professionals, working people, church goers, Spanish is our primary language, we are Asian American, Black, Latino and White, we are gay and we are straight. We are neighbors and we are united. We have lived in Hollywood collectively for over 100 years.

The property is now owned by Riley Realty, L.P. who submitted this EIR for 6220 Yucca Street. The developer plans to demolish our current housing that is under the City of Los Angeles Rent Stabilization Ordinance (RSO) and will build the developments described in the EIR.

Response to Comment No. ORG 7-2

This comment provides an introduction to the commenter's organization, the Yucca Argyle Tenants Association. However, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted and the comment is noted for the record.

Comment No. ORG 7-3

The comments herein briefly describe the YATA tenants:

1. Concerns of the project regarding legally binding contract between YATA tenants and the development, affordability' and larger Hollywood community issues. Promises made by the developer, Bob Champion, that tenants are awaiting to come to fruition.
2. Support of the EIR's efforts towards the EIR issue topic of Population and Housing

Response to Comment No. ORG 7-3

The comment lists unspecified concerns of the YATA tenants regarding a binding contract between the tenants and the development, affordability and Hollywood community issues, purported promises made by the developer and Population and Housing topics. The comment does not provide any specific facts or substantial evidence to support these general concerns. Because the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project, this comment is noted for the record, but no further response is possible or warranted. However, see Response to Comment Nos. ORG 6-2, and FORM 1-4 and FORM 1-5, below regarding the Project's and Modified Alternative 2's offer to existing tenants to return.

Comment No. ORG 7-4

Since 2015, when YATA tenants first heard about the development project, YATA's main arguments for opposing any new development in Hollywood have been three-fold:

1. Any demolition or loss of RSO housing in the City of Los Angeles is a significant loss of mixed income housing and loss of critical protections for the renter population, who according to the 2016 US Census, make up an overwhelming majority (or 64%) of households in the City of Los Angeles.

Response to Comment No. ORG 7-4

The comment expresses one of the commenter's three main arguments for opposing any new development in Hollywood, that any demolition or loss of RSO housing in Los Angeles is a significant loss of mixed income housing and of critical protections for the renter population. While the commenter expresses general concerns about development in Los Angeles that demolishes existing RSO housing, the comment does not provide any specific facts or substantial evidence to support these general concerns, particularly in view of the replacement housing requirements contained in the City's RSO. While this comment is noted for the record, as the comment does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

It should be noted, however, that, as described in Chapter II, *Project Description*, of the Draft EIR, the Project would provide 210 RSO residential units, which represents an increase of 167 RSO residential units at the Project Site and in the community; the Modified Alternative 2, as described in detail on page 3-27 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, would provide 252 RSO units and 17 units for Very Low-Income households, resulting in a net increase of 209 RSO units and 17 affordable units as compared to existing conditions at the Project Site and in the community. The Modified Alternative 2 would result in a total of 271 residential units, including the two existing residences at 1765 and 1771 N. Vista Del Mar. Also please refer to **Topical Response No. 2**, *Rent Stabilized Housing*.

Comment No. ORG 7-5

2. Displacement of senior tenants, families, working class populations, and diverse population results in a significant hardship for our City's most vulnerable population. These are

populations that require access to public transportation and who utilize public transportation significantly more than middle income or wealthier populations. For statistics, please see the On-Board Survey Results + Trend Report by Metro at www.thesource.metro.net.

Response to Comment No. ORG 7-5

The comment expresses one of the commenter's three main arguments for opposing any new development in Hollywood, that such development displaces seniors, families, working class populations and diverse populations. Please refer to **Topical Response No. 2**, Rent Stabilized Housing. Also, please refer to Response to Comment No. ORG 7-4, above, regarding the increase in supply of RSO units under the Project and the increase in supply of RSO units and of affordable units under the Modified Alternative 2. As described therein, both the Project and Modified Alternative 2 would result in an increase RSO units when compared to existing site conditions.

In addition, neither the Project nor the Modified Alternative 2 described in Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR would permanently displace the existing tenants of the existing RSO units at the Project Site necessitating the construction of replacement housing elsewhere. See Response to Comment No. 5-21, above.

Comment No. ORG 7-6

3. Hollywood is already too congested and unsustainable. The roads, the constant repair and remedy of our area's plumbing infrastructure and the Hollywood Faultline studies prove this case. The freeway entrances off of Argyle Avenue and Franklin Avenue is a traffic hazard. Adding more residences will only exacerbate the challenges we already face.

Response to Comment No. ORG 7-6

The commenter expresses general concerns about traffic congestion, plumbing infrastructure and the Hollywood fault, and identifies the Argyle Avenue and Franklin Avenue freeway entrances as traffic hazards. However, the comment does not provide any specific facts or substantial evidence to support these general concerns and comments. "Argument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence. (CEQA Guidelines § 15384(a).) The comment is too vague and lacks sufficient specificity to enable the City to prepare a good faith, reasoned response. This comment is noted for the record. However, due to the comment's failure to identify issues related to the Project's potential environmental effects or the content or adequacy of the Draft EIR with sufficient specificity to enable the City to respond, no further response is possible or warranted

Even so, please refer to Sections IV.H, *Land Use and Planning*, and IV.L, *Transportation*, of the Draft EIR regarding overall State and City policies that encourage alternative transportation modes and reduce automobile dependency and vehicle miles traveled (VMT). As discussed therein, the Project's mix of uses and increased density at an urban site located within a Transit Priority Area (TPA) would increase transit ridership and reduce VMT and associated air pollutant emissions. As discussed on page 3-42, and pages 3-58 to 3-60 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2's design and location

would achieve the same benefits and reductions in VMT and air pollutant emissions as would the Project.

Comment No. ORG 7-7

CONCERNS

1. YATA tenants are awaiting legally binding documentation between tenants and Riley Realty, Inc, relating to the provisions that current tenants will be provided the following per pages 21-22 in the Population and Housing section of the EIR:
   - "The Project would provide all such tenants a right of return to comparable units within the Project at their last year's rent plus applicable annual increases under the RSO once the Project is occupied."
   - "During construction, the Project would fund the difference in rent between the tenants' current rent and new rent until the right of return is exercised."
   - "The Project would not displace substantial numbers of existing people such that the unplanned construction of replacement housing elsewhere would be required."

Response to Comment No. ORG 7-7

The comment states the YATA tenants are waiting for a binding contract relating to the Project's offer to existing RSO tenants to return, as described in the Draft EIR. However, neither the Project, nor the Modified Alternative 2 has been approved. Therefore, at this time, the comment provides these tenants' general concerns. Because the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project, this comment is noted for the record, but no further response is possible or warranted. However, see Response to Comment Nos. ORG 7-2, and FORM 1-4 and FORM 1-5, below, regarding the Project's and Modified Alternative 2's offer to existing tenants to return.

Comment No. ORG 7-8

2. The DEIR review time should not start when a Stay-at-Home order is in place. We know these concerns have been brought up already with the City and yet the City still does not respect this concern. The review and comment period must be closed and postponed until after the lifting of the order.

Response to Comment No. ORG 7-8

The comment requests that the City extend the Project's 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate, that it would not extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to extend the comment period on the Draft EIR, see **Topical Response No. 1**, *Public Participation and Review*, which discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

Comment No. ORG 7-9

3. Although the project does not call for the density bonus, the project is not beneficial to our community for yet another development be built that is financially out of reach for the average resident of Hollywood and the City of Los Angeles.

Response to Comment No. ORG 7-9

The comment expresses the commenter's opposition to the Project for providing new housing "financially out of reach for the average resident of Hollywood and the City of Los Angeles." Please see Responses to Comment Nos. ORG 7-4 and ORG 7-5, above, regarding unit availability and affordability of the Project and Modified Alternative 2. Also please refer to **Topical Response No. 2**, Rent Stabilized Housing.

Comment No. ORG 7-10

4. Although the project does not displace current residents, it does not allow a mixed income and diverse community (similar to the current residents) to reside in the main residential tower. Market units starting at $2,500-3,000/month in rent is out of reach for Angelinos who earn less than $75,000-$90,000 in yearly income.

Response to Comment No. ORG 7-10

The comment disputes the conclusion in the Draft EIR that the Project will not displace current residents because the Project will not allow a mixed income and diverse community to live in the Project. Displacement of current residents and the creation of a new development with a diverse, mixed income population are two different topics. As explained on page IV.J-12 of Section IV.J, *Population and Housing*, of the Draft EIR, the threshold addressed under CEQA is whether the Project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Moreover, as described at pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, the Project would include offering all tenants of existing RSO units at the Project Site a right of return to comparable units within the Project, once it is occupied, at their last year's rent plus applicable annual increases under the RSO. As referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 would also include offering all tenants of existing RSO units the same right of return.

To the extent the comments do not address the content of the Draft EIR or the environmental effects of the Project. These comments will become part of the administrative record and will be considered by the decision-makers. While this comment is noted for the record, no further response is warranted.

Comment No. ORG 7-11

5. The DEIR under Housing and Population and Aesthetics fails to acknowledge the surplus of market-rate housing in the Hollywood area. It also creates a conflict by citing the SCAG projections which cite a population plateauing for the area and conflicts with a demand for more housing.

Response to Comment No. ORG 7-11

The comment expresses the commenter's opinion that there is a surplus of market-rate housing in the Hollywood area, which the Draft EIR fails to acknowledge in Sections IV.J, *Population and Housing*, and IV.A, *Aesthetics*. The comment also expresses the commenter's opinion that the SCAG projections show that the population in the area is plateauing, which contradicts the Draft EIR's statement that there is a need for housing in the Hollywood area.

The commenter's opinions are unsupported and do not constitute substantial evidence (see CEQA Guidelines § 15384(a)). The commenter's opinions are also contrary to the conclusions in the Draft EIR, which are supported by substantial evidence. See Response to Comment FORM 1-3, below.

Comment No. ORG 7-12

6. The DEIR does not quantify the impacts of gentrification and displacement on tenants in Hollywood area. *Displacement has a direct link to homelessness.* The DEIR has failed to analyze that link.

Response to Comment No. ORG 7-12

The comment expresses the commenter's opinion that there is a direct link between displacement and homelessness, and that the Draft EIR is defective for failing to analyze that link and quantify the impacts of gentrification and displacement on tenants in the area. The commenter fails to provide any substantial evidence supporting the commenter's opinions, which are contrary to the information in the Draft EIR. See Response to Comment No. FORM 1-4, below.

Comment No. ORG 7-13

7. The DEIR also fails to analyze that there is a large vacancy rating and surplus of housing units in the Hollywood area.

Response to Comment No. ORG 7-13

The comment expresses the commenter's opinion that there is "a large vacancy rating and surplus of housing units in the Hollywood area" that the Draft EIR fails to analyze. However, the commenter fails to provide any substantial evidence supporting the commenter's opinion, which is contrary to the information in the Draft EIR. See Response to Comment No. FORM 1-4, below.

Comment No. ORG 7-14

8. The development is within 500 feet of a highway, which is a health risk for everyone who will occupy the future development, especially vulnerable populations and children (ZI 2427). We look forward to the implementation of the City of Los Angeles's requirements including regulations for indoor air filtration systems to help mitigate the health hazard we have been living with for so many years.

Response to Comment No. ORG 7-14

For informational purposes, a Freeway Health Risk Assessment (HRA) was prepared for Project operations, which evaluated potential health risk impacts to future Project residents from freeway toxic air contaminate (TAC) emissions; the HRA is discussed in Section IV.H, *Land Use and Planning*, and briefly in Section IV.B, *Air Quality*, of the Draft EIR, with supporting calculation files provided in Appendix C-2 of the Draft EIR. The HRA concludes that, although the Project would place residential uses near the Hollywood Freeway, residents would be located at an adequate distance from the freeway so that exposure to freeway-generated TACs would not pose a significant health risk to them.

As discussed on page IV.B-76 of Section IV.B, *Air Quality*, and page IV.H-15 Section IV.H, *Land Use and Planning,* of the Draft EIR, since the Project Site is located within 1,000 feet of a freeway, in compliance with Los Angeles Municipal Code (LAMC) subsections 99.05.504.5.3 and 99.04.504.6, mechanical ventilation systems for regularly occupied areas of Project buildings would be equipped with air filtration media for outside and return air that meet or exceed the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 MERV 13 rating, which would minimize health risk impacts from freeway emissions. As discussed on pages IV.H-15 and IV.H-49 of the Draft EIR, per ASHRAE Standard 52.2 (2012), MERV 13 would result in a removal efficiency of 50 percent for particles from 0.3 to 1.0 micrometers (µm), 85 percent for 1.0 to 3.0 µm, and 90 percent for 3.0 to 10.0 µm.

Pages IV.H-48 through IV.H.50 of Section IV.H, *Land Use and Planning,* of the Draft EIR provide specific analyses for health risk impacts to future residents from proximity to U.S. Route 101, assuming, alternatively, that Project windows for sensitive receptors would be closed and that Project windows for sensitive receptors would be opened. Given that future Project residents may individually choose to open or close windows in a manner that cannot be known, the Draft EIR provides a reasonable range of health risk impacts based on windows being closed or opened. As shown in Tables IV.H-7 and IV.H-8 on pages IV.H-48 through IV.H-50 of Section IV.H, *Land Use and Planning,* of the Draft EIR, health risk impacts to future Project residents would not exceed the thresholds of significance in the ‘windows opened’ or ‘windows closed’ scenarios. Therefore, MERV 13 filters are not actually required for a less than significant impact. Nonetheless, MERV 13 filters would be installed as required by the LAMC.

Comment No. ORG 7-15

<u>PROJECT SUPPORT</u>

YATA tenants would like to express our support for the following:

1. Introducing 210 new RSO units into the City of Los Angeles and the State of California. The project aims to replace the existing 44 RSO units with new RSO units and adds an additional 167 RSO units into the City’s rental market.
2. Taking serious consideration of the challenges that current tenants will face. When YATA tenants were first interviewed by Del Richards & Associates, Inc (DRA) in 2015 to assess our displacement, we expressed concern about what would happen to our fixed income seniors. DRA responded by stating they would have to be moved outside of Los Angeles County. This

was vexing as it spoke to item #2 above. However, Bob Champion took our concerns seriously and has offered a relocation package (verbal and written form that is not legally binding). Meanwhile, since 2015 and to this day, the DRA continues to voice their opinion that tenants do not deserve what Bob Champion has promised us. The DRA continues to occupy an empty apartment but have not done anything of substance to help YATA tenants. We feel badly that Bob Champion is wasting his money on this firm. Thankfully the YATA tenants and Bob Champion have not played into DRA's "crabs in a barrel" mentality as DRA has verbally intimated and belittled tenants.

3. We are pleased to be part of a historical moment where renters' concerns have been addressed in writing on pages ii-8 (Description of the Proposed Project) and 21-22 in the EIR's Population and Housing section. More specifically, "To comply with these requirements, the Project would provide 100 percent of its 210 residential dwelling units as RSO units. In addition, though not required by law, the Project would provide all onsite tenants a right of return to comparable units within the Project at their last year's rent once the Project is occupied plus applicable annual increases under the RSO. In addition, during construction, the Project would fund the difference in rent between the tenants' current rent and new rent until the right of return is exercised." This is a first in the history of the City of Los Angeles and should be celebrated and held as the on-going policy on handling <u>all future RSO housing loss</u>.
4. The right to return, as stated above, should provide current tenants the right to return regardless of the length of time required to build the new development.
5. We recognize that such a response comes not just from the goodness of Bob Champion's heart, but is also informed by city and state regulations, such as the Diverse Community Goals of the Southern California Association of Governments.
6. Bob Champion has gone to lengths to provide tenants with relocation assistance that meets our individual needs. However, we are awaiting the same for the Right of Return provisions.

Response to Comment No. ORG 7-15

The comment expresses support for the Project and has been noted for the record. However, as the comment does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment No. ORG 7-16

7. It must be stated here that YATA <u>EXPLICITLY DOES NOT SUPPORT</u> the Hollywood Center Project Environmental Case No ENV-2018-2116-EIR, known as the Hollywood Center Project. This project calls for adding an additional-1,000 residential units to this unsustainable and crowded comer of Hollywood. This project is dangerous for the reasons described above. This project will hide our historical monument of the Capitol Records Building. We implore the City of Los Angeles PLUM and City Council Departments to vote NO on passage of the Hollywood Center Project EIR.

Response to Comment No. ORG 7-16

The comment expresses opposition to another project, but does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment Letter No. ORG 8

Adrian Scott Fine, Director of Advocacy
Los Angeles Conservancy
523 West Sixth Street, Suite 826
Los Angeles, CA 90014
Email received June 8, 2020

Comment No. ORG 8-1

Dear Mr. Como,

Please find the Los Angeles Conservancy's comment letter for the 6220 Yucca Project attached to this email.

Response to Comment No. ORG 8-1

Responses to the referenced letter are provided below in Responses to Comments Nos. ORG 8-2 to ORG 8-5, below.

Comment No. ORG 8-2

Dear Mr. Como:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the 6220 Yucca Project. The Conservancy believes this project will significantly impact the California Register listed Vista del Mar / San Carlos Historic District. The current project proposes to demolish two residences within the district's boundaries and to construct two buildings.

Building One is a mixed-use tower, that incorporates residential units, hotel units, and commercial space. The tower will rise 255 feet tall, well above the one and two-story residences of the historic district. Building Two, located within the historic district, is an all residential building with a total of thirteen units. Building two comprises three residential stories atop a two- story parking podium

Response to Comment No. ORG 8-2

This comment states the opinion of the Los Angeles Conservancy that the Project would significantly impact the Vista del Mar/San Carlos Historic District. It also purports to summarize of the Project as set forth in the Draft EIR, but does not address the content of the Draft EIR. The Project's impacts to historic resources were fully evaluated in Section IV.C, *Cultural Resources*, of the Draft EIR, which was based on the *Historical Resources Assessment and Environmental Impacts Analysis Report* (Historical Resources Assessment Report) prepared by ESA's Historic Resources Division in August 2019 and the 6220 Yucca Street Historical Resources Peer Review Report (Historical Resources Peer Review Report), prepared by ICF in August 2019, both included in Appendix D of the Draft EIR. As evaluated on pages IV.C-35 to IV.C-37 of the Draft EIR, the Project's impacts on the Vista del Mar/Carlos Historic District would be less than

significant under CEQA. Regarding the Project's effects on the Vista del Mar/San Carlos Historic District, see Response to Comment ORG 5-20, above.

However, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. The Modified Alternative 2, like the Project, would be a mixed-use development that would provide greater density at a previously developed urban site within a Transit Priority Area in which an array of transit opportunities, including Metro's Redline Hollywood Station, are located within walking distance. The Modified Alternative 2 would eliminate the Project's hotel component and provide 269 new multi-family residential units and approximately 7,780 square feet of commercial/restaurant uses in Building 1 (the former Building 1). The former Building 2, which previously provided 13 units, would not be constructed. The existing residences located at 1765 and 1771 N. Vista Del Mar would not be demolished, and the residence located at 1765 N. Vista Del Mar, formerly converted to a triplex, would be returned to a single-family residence. The existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue will be converted to a publicly accessible open space/park. Therefore, the Modified Alternative 2 would provide a total of 271 residential units at the Project Site, including the two single-family residences on N. Vista Del Mar and the 269 multi-family units in Building 1. This would be the same in total units as Alternative 2, the Primarily Residential Alternative, evaluated in the Draft EIR.

Regarding the Modified Alternative 2's effects on the Vista del Mar/San Carlos Historic District, also see Response to Comment ORG 5-20, above.

Comment No. ORG 8-3

1. The project will result in the cumulative loss of 31% of the historic district, this is a significant impact to the district.

The Vista del Mar/ San Carlos Historic district, identified in 1984, is a California Register of Historical Resources listed district. At the time of listing, the district comprised sixteen parcels. The district is representative of early Hollywood development and holds a period of significance of 1910- 1923. The district forms an L-shape running south from Yucca Street along Vista Del Mar Avenue and west from Gower Street along Carlos Avenue. The district's L-shape is a significant example of the Hollywood's transition from agricultural land to a developed commercial and residential center of Los Angeles.

Since the district's listing, three of the sixteen original parcels have been razed, causing a cumulative loss of contributors at 18%. If the proposed project moves forward as planned, with the two additional parcels to be demolished cumulative loss to the district will be 31%. As noted in the Draft EIR, 1776 Vista del Mar Avenue was misclassified in the past because of alterations that fell outside the period of significance. Excluding this property, the cumulative loss of contributors since listing will be 25%.

Allowing for such a high cumulative loss sets a dangerous precedent for future projects among Hollywood's California Register historic districts. These districts include Afton Square, Ivar Hill,

and Selma-Le Baig. Historic resources within Hollywood's former Community Redevelopment Area (CRA), especially the regions historic districts, are experiencing heightened development pressures. As new development encroaches into historic districts, losses of resources will ultimately render them non-eligible for listing in for national, state, and local designation.

Response to Comment No. ORG 8-3

The comment expresses the commenter's concerns regarding the continued existence of the Vista del Mar/Carlos Historic District and the commenter's dislike of the Project. The comments are noted for the record. However, as the comment does not raise any issues with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

However, the Project together with the Modified Alternative 2 are being considered by the City, as discussed in detail in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted to a duplex and an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot align with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Supplemental Historic Resources Assessment (Appendix C-2 o this Final EIR). Therefore, as analyzed in the Supplemental Historic Resources Assessment, the Modified Alternative 2 would have even less of an effect on the Vista del Mar/Carlos Historic District than the Project's less than significant effect. See Response to Comment No. ORG 2B-3, above.

Comment No. ORG 8-4

2. Proposed Project does not include an alternative for no build within the HPOZ boundaries

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."[1] To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."[2] The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.[3] Reasonable alternatives must be considered "even if they substantially impede the project or are more costly."[4] Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.[5]

The proposed project offers five project alternatives in the Draft EIR. However, only the "No Project/No Build Alternative" explores no demolition within the historic district alternative. Because of the project's encroachment into the district's boundaries and is the nexus with this significant impact, the applicant must include an additional alternative.

Such an alternative would include rehabilitation of the existing buildings with combined new construction on the vacant corner parcel. Any new construction at this location should mirror with the prevailing building height and reflect the district's character defining features. The northern portion of Vista del Mar Avenue acts as an important gateway into the district. When turning off of Yucca Street, one can immediately sense the unique character of the street. Therefore, the threatened buildings shall remain in place to retain the district's sense of place.

Footnote 1: Public Resource Code, Sec. 21001 (b), (c).

Footnote 2: *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

Footnote 3: Guideline § 15126.6(a).

Footnote 4: *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

Footnote 5: Public Resources Code § 21081.5.

Response to Comment No. ORG 8-4

The comment asserts that the Draft EIR should have evaluated an alternative to avoid demolition of the two residences, located at 1765 and 1771 North Vista del Mar, and rehabilitate them to retain the district's sense of place. However, for the reasons discussed in Section IV.C, Cultural Resources, of the Draft EIR and in the supporting *Historical Resources Assessment Report* and the *Historical Resources Peer Review Report* prepared for the Draft EIR (and contained in Appendix D to the Draft EIR), these residences are no longer eligible contributors to the historic district and their demolition would not be a significant impact. See Response to Comment ORG 5-20, above.

Moreover, the request for a preservation alternative in this comment is addressed by Modified Alternative 2, which preserves the two existing structures at 1765 and 1771 Vista del Mar Avenue referenced in the comment. As noted herein, these properties had previously been identified as part of the Vista del Mar/Carlos Historic District, though the analysis in this Draft EIR demonstrates that these structures are not validly considered contributors to the Vista del Mar/Carlos Historic District because construction work on the properties occurring outside of the identified period of historic significance for the district has resulted in a loss of integrity, causing the buildings on those properties to no longer convey sufficient historic significance. (Draft EIR, p. IV.C-35.)

Comment No. ORG 8-5

3. Conclusion

In conclusion, the Conservancy believes the demolition of 1765 and 1771 Vista del Mar Avenue is a significant impact to the historic resource. The razing of the two residences will leave 69% of the Vista del Mar/Carlos remaining. Because the district is so limited in size, each property holds a significant amount of weight. To reduce impacts on historic resources, the applicant must consider alternatives that include rehabilitation of 1765 and 1771 Vista del Mar Avenue and appropriately scaled and designed new construction. Such an alternative may also include new construction on the vacant corner lot as a means to reach residential unit goals.

Response to Comment No. ORG 8-5

The comment disputes the Draft EIR's conclusion that the demolition of the residences located at 1765 and 1771 N. Vista del Mar Avenue would not result in a significant impact to an historic resource, and asserts that the Draft EIR should have considered alternatives that rehabilitated those residences and new construction on the vacant corner lot to achieve additional residential units. The Draft EIR's conclusions that the demolition of 1765 and 1771 Vista del Mar Avenue would not create significant impacts and therefore that no preservation/rehabilitation alternative or mitigation was required are supported by substantial evidence. Refer to Response to Comment No. ORG 5-20, above.

Comment No. ORG 8-6

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Response to Comment No. ORG 8-6

This comment introduces the Los Angeles Conservancy as the largest historic preservation organization in the United States and the nature of its mission to preserve and revitalize the architectural and cultural heritage of Los Angeles County. It also provides contact information and is noted for the record.

Comment Letter No. FORM 1 – General Comment Letter

Jodi Chang (email received on May 27, 2020)
Paisley Mares (email received on May 28, 2020)
Colin Beckett (email received on June 1, 2020)
Edwin Mantanico (email received on June 1, 2020)
Michael Lopez (email received on June 1, 2020)
Lois DeArmond (email received on June 3, 2020)
Amy Tannenbaum (email received on June 5, 2020)
Carla Lupita Rowley (email received on June 5, 2020)
Jessica Savio (email received on June 7, 2020)
Norman Kemble (email received on June 7, 2020)
David Reiman (email received on June 8, 2020)
Dont Rhine (email received on June 8, 2020)
JoAnn Paolantonio (email received on June 8, 2020)
Paula Peng (email received on June 8, 2020)
Nadia Sadeghpour (email received on June 8, 2020)
Starr Scesniak (email received on June 8, 2020)
Aaron Sandnes (email received on June 9, 2020)

This comment letter, with some minor non-substantive comment variations, was submitted by the individuals listed above. Copies of the individual letters are included in Appendix A of this Final EIR.

Comment No. FORM 1-1

Dear Mr. Como

I am writing as a resident of Hollywood regarding the Draft Environment Impact Report on the proposed development for 6220 West Yucca Street Project (ENV-2014-4706-EIR).

I insist that the Department of City Planning immediately withdraw the Draft EIR project review until 30 days after the City's Stay at Home order is lifted.

Community members received the Draft EIR notification for 6220 West Yucca Street Project (ENV-2014-4706-EIR) on April 23, 2020. According to the notification, tenants and community members have from April 23, 2020 to June 8, 2020 to submit public comment on the Draft EIR.

It is entirely *unacceptable* that the Department of City Planning post the public notice for the Draft EIR when we are still under a Stay at Home order due to the COVID-19 health emergency. The notification to the tenants announcing public comment invites community members to make an appointment with the Planning Dept to review the DEIR. The same letter also suggests going to the library to review the DEIR. However, according to the Planning Dept website (https://planning.lacity.org/contact/public-counters), *no appointments* are being taken at this time.

All Los Angeles libraries are also *closed* at this time. The lack of public access to the DEIR violates the process of public comment as required under CEQA.

As a community member I ask for the following:

1. The DEIR review time should not start when a Stay-at-Home order is in place. The public cannot access documents in public places such as the library, the planning department, or City Hall. In fact, the action of opening review time when the public is barred from accessing documents for review is the kind of corruption that critics cite with regards to the City's favoritism towards developers over communities. The review and comment period must be closed and postponed until after the lifting of the order.

Response to Comment No. FORM 1-1

The comments request that the City withdraw or extend the Project's 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate and that it would neither withdraw nor extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to withdraw or extend the comment period on the Draft EIR, see **Topical Response No. 1**, *Public Participation and Review*, discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

While these comments are noted for the record, they do not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. FORM 1-2

2. The DEIR under Housing and Population and Aesthetics fails to acknowledge the surplus of market-rate housing in the Hollywood area. It also creates a conflict by citing the SCAG projections which cite a population plateauing for the area which conflicts with a demand for more housing. The housing needs must be re-analyzed to include any developments who have been granted their entitlements, smaller by-right units, and housing currently under construction.

Response to Comment No. FORM 1-2

The comment asserts that the Project fails to comply with the affordable housing requirements contained in California Health & Safety Code Section 33413(b)(2)(A)(i) as "implemented under Assembly Bill (AB) 1505," and that the Project's density bonus was improperly calculated. The comment further asserts that the density bonuses must be recalculated "for all projects that sought entitlements under any specific or community plan that existed before the decision in *Palmer/Sixth Street Properties, L.P., et al. v. City of Los Angeles* (2009) 175 Cal.App.4th 1396 was issued."

See **Topical Response No. 3**, *Affordable Housing Requirements*. As explained in Topical Response No. 3, the affordable housing requirements contained in California Health & Safety

Code Section 33413(b)(2)(A)(i) and the Hollywood Redevelopment Plan do not apply to the Project, to the Modified Alternative 2, or to any individual project. AB 1505 does not contain affordable housing requirements, and does not implement California Health & Safety Code Section 33413(b)(2)(A)(i).

The Project does not seek a density bonus. The Modified Alternative 2 does seek a density bonus and, as explained in **Topical Response No. 3**, it complies with the City's Density Bonus Ordinance.

The comment that density bonuses requested by other projects should be recalculated is not a comment on the Draft EIR or on a potential environmental effect of the Project. The comment will become part of the administrative record and will be considered by the decision-makers.

Comment No. FORM 1-3

1. The DEIR under Housing and Population and Aesthetics fails to acknowledge the surplus of market-rate housing in the Hollywood area. It also creates a conflict by citing the SCAG projections which cite a population plateauing for the area which conflicts with a demand for more housing. The housing needs must be re-analyzed to include any developments who have been granted their entitlements, smaller by-right units, and housing currently under construction.

Response to Comment No. FORM 1-3

The comment expresses the commenter's opinion that there is a surplus of market-rate housing in the Hollywood area, which the Draft EIR fails to acknowledge in Sections IV.J, *Population and Housing*, and IV.A, *Aesthetics*. The comment also expresses the commenter's opinion that the SCAG projections show that the population in the area is plateauing, which contradicts the Draft EIR's statement that there is a need for housing in the Hollywood area. The comment concludes that the Draft EIR's housing needs analysis must be revised to include approved development projects, smaller by-right units and housing projects under construction.

The commenter's opinions are unsupported and do not constitute substantial evidence (see CEQA Guidelines § 15384(a)). The commenter's opinions are also contrary to the conclusions in the Draft EIR, which are supported by substantial evidence. The commenter provides no evidence supporting the commenter's opinions that there is a surplus of market-rate housing in the Hollywood area and that the SCAG projections show that the population in the Hollywood area is "plateauing." The Project's potential impacts related to population and housing as assessed in Section IV.J, *Population and Housing*, of the Draft EIR are based on the data provided by SCAG, including the growth projections for population, housing and employment prepared for regional, county and local jurisdictional areas and TAZs for 2012 and 2040 included in SCAG's 2016 RTP/SCS and the Regional Housing Needs Assessment (RHNA) Allocation to the City of Los Angeles for the period 2014 to 2021, which is addressed in the Housing Element of the City's General Plan. (Draft EIR, Section IV.J, *Population and Housing*, pages IV.J-6 through IV.J-8, IV.J-11 and IV.J-12.) As reported in Table IV.J-1, on page IV.J-12 of Section IV.J, *Population and Housing*, of the Draft EIR, SCAG's projections show there would be a four percent population increase in the City of Los Angeles, which includes the Hollywood area, by the year 2022 (the

Project's build-out year) as compared to the year 2016, and a 17 percent population increase in the City of Los Angeles by the year 2040 as compared to the year 2016. Those increases, based on SCAG's data, do not show that population figures in Hollywood are "plateauing" in Hollywood, as the commenter opines.

SCAG's RHNA Allocation to the City of Los Angeles similarly shows a need for housing for all income levels, including market-rate housing, as the Draft EIR reports. As discussed on page IV.J-7 of Section IV.J, *Population and Housing*, of the Draft EIR, SCAG's RHNA Allocation to the City of Los Angeles includes a total of 82,002 housing units, including: 35,412 units (43.2 percent) for above-moderate-income households; 13,728 units (16.8 percent) for moderate-income households; 12,435 units (15.2 percent) for low-income households; 10,213 units (12.5 percent) for very low-income households; and 10,213 units (12.5 percent) for extremely low-income households.[27] In turn, as explained on pages IV.J-7 and IV.J-8 of Section IV.J, *Population and Housing*, of the Draft EIR, the Housing Element of the City's General Plan includes numeric objectives for new housing units the City anticipates being constructed, including: 46,500 units for above moderate-income households; 1,122 units for moderate-income households; 4,873 units for low-income households; 3,834 units for very low-income households; and 1,730 units for extremely low-income households. Therefore, contrary to the commenter's unsupported opinion, the SCAG RHNA data and the City's housing objectives reported in Section IV.J, *Population and Housing*, of the Draft EIR show there is a need for market-rate housing in the City of Los Angeles, which includes the Hollywood area.

The Draft EIR does not assess, and under CEQA is not intended to assess, either the City of Los Angeles' or the Hollywood area's current housing needs. Rather, the purpose of the Draft EIR is to assess the Project's potential impacts on the environment, to list the ways that the Project's significant impacts can be minimized through mitigation and consideration of alternatives, and to consider alternatives to the Project. (Pub. Res. Code §§ 21002, 21002.1(a), (b), 21061.) As the Draft EIR explains on page IV.J-14 of Section IV.J, *Population and Housing*, Section 15131(a) of the CEQA Guidelines provides that a project's economic and social effects shall not be treated as significant effects on the environment unless those effects cause physical effects, such as the need to construct new infrastructure or new housing elsewhere, which construction would itself cause significant effects. Therefore, as explained on page IV.J-13 of Section IV.J, *Population and Housing*, the Draft EIR assesses the Project's consistency/inconsistency with the Housing Element and RHNA Allocation for the City of Los Angeles, as discussed above, and with SCAG's 2016 RTP/SCS and, in particular, its population, housing and employment projections, both at a project-level and cumulatively. The Draft EIR concludes that the Project's potential project-level and cumulative impacts on population, housing and employment would be less than significant. (Draft EIR, Section IV.J, pages IV.J-14 through IV.J-21 and IV.J-22 through IV.J-25.)

The Modified Alternative 2's potential impacts on population and housing are assessed based on this same information, as discussed on pages 3-53 and 3-54 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR. Like the Project, the Modified Alternative 2's

[27] Percentages are rounded and may not total 100 percent.

potential project-level and cumulative impacts on population, housing and employment would be less than significant.

For the reasons explained above, it would not have been appropriate, or accurate, for the Draft EIR to report a surplus of market-rate housing in the Hollywood area in any of its analysis. Specifically regarding Section IV.A, *Aesthetics*, of the Draft EIR, with the exception of potential aesthetics impacts on historic and cultural buildings, the information provided in that Section of the Draft EIR is provided for informational purposes only, based on the mandate contained in Senate Bill (SB) 743 (Pub. Res. Code Section 21099(d)(1)) that "Aesthetic … impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment". As described in Chapter II, *Project Description*, of the Draft EIR, the Project meets the qualifications of a project whose aesthetics impacts are exempt from CEQA under SB 743. The Modified Alternative 2 also meets these qualifications, as described in Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR.

Comment No. FORM 1-4

2. The DEIR does not quantify the impacts of gentrification and displacement on tenants in the area. *Displacement has a direct link to homelessness.* The DEIR has failed to analyze that link. The DEIR also fails to analyze when there is a large vacancy rating and surplus of housing units as an aesthetics issue as well as a housing issue.

Response to Comment No. FORM 1-4

The comment expresses the commenter's opinion that there is a direct link between displacement and homelessness, and that the Draft EIR is defective for failing to analyze that link and quantify the impacts of gentrification and displacement on tenants in the area, and failing to analyze the effects of "a large vacancy rating and surplus of housing units" as an aesthetics and housing impact.

The commenter does not explain what the commenter means by "gentrification," and provides no support for the commenter's opinion that there is a direct link between displacement and homelessness. The commenter also fails to explain how the Project's potential gentrification and displacement effects could be quantified. In addition, the commenter provides no support for the commenter's opinion that there is a large vacancy rating and surplus of housing, presumably in the Hollywood area as the commenter opined in Comment No. FORM 1-3.

The comment expresses concern about the potential for the Project to cause homeless people to move into nearby residential areas. Homeless-related concerns such as the concern raised by the commenter are not an environmental topic recognized under CEQA, but are instead a social and economic topic (CEQA Guidelines §15064(e)) is appropriately not evaluated in the Draft EIR. Furthermore, the comment does not provide any specific facts or substantial evidence to support the stated concern. While this comment regarding homelessness is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or an environmental effect of the Project, no further response is warranted.

Neither the Project nor the Modified Alternative 2 would displace substantial numbers of people or housing so as to require the construction of infrastructure or new housing elsewhere, as the Draft EIR concludes for the Project in Section IV.J, *Population and Housing*, and the Final EIR concludes for the Modified Alternative 2 on pages 3-53 through 3-54 of Chapter 3, *Revisions, Clarifications and Corrections*. See also **Topical Response No. 2**, *Rent Stabilized Housing*.

Further, neither the Project nor the Modified Alternative 2 would result in removing RSO units from the area. Section IV.J, *Population and Housing*, of the Draft EIR analyzes the Project's potential impacts relating to population, housing and employment. As described in Section IV.J, *Population and Housing*, of the Draft EIR, the Project would replace 44 residential units, including 43 multi-family RSO units, with 210 multi-family RSO units of varying sizes, a 136-room hotel and approximately 12,570 square feet of commercial/restaurant uses, resulting in a net increase of 166 residential units, or 167 RSO units, at the Project Site. As described in Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would replace the existing residential units with 252 RSO units and 17 units covenanted for Very Low-Income households.

On pages IV.J-21 and IV.J-22 of Section IV.J, *Population and Housing*, the Draft EIR analyzes the Project's potential to displace substantial numbers of existing people or housing, thereby necessitating the construction of replacement housing elsewhere. As that analysis explains, the Project would more than replace the 44 residential units it would demolish by building 210 RSO units, or a net increase of 166 units; therefore, the construction of residential units elsewhere would not be required, and the Project would not create a significant impact under CEQA related to displacement. Further, the Project would comply with the RSO by replacing the 43 existing multi-family RSO units with 210 RSO units, for a net increase of 167 RSO units in the Hollywood area and the City of Los Angeles as a whole.

Similarly, as discussed on pages 3-53 through 3-54 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 also would not displace substantial numbers of existing people or housing, thereby necessitating the construction of replacement housing elsewhere. Like the Project, the Modified Alternative 2 would more than replace the 42 residential units it would remove by building 269 new residential units, or a net increase of 227 units; therefore, the construction of residential units elsewhere would not be required, and the Project would not create a significant impact under CEQA related to displacement. Further, like the Project, the Modified Alternative 2 would comply with the RSO by replacing the 43 existing multi-family RSO units with 252 RSO units, for a net increase of 209 RSO units at the Project Site, in the Hollywood area and the City of Los Angeles as a whole. Further, unlike the Project, the Modified Alternative 2 would add 17 multi-family units covenanted for Very Low-Income households to the Project Site and the area.

Moreover, even the Project's demolition of 44 residential units would not impact a "substantial number of people" and therefore would not constitute an impact on "the environment of persons in general" that would fall within the purview of CEQA under decisions such as *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782-786, *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492, and *Topanga Beach Renters*

Assn. v. Department of General Services (1976) 58 Cal.App.3d 188, 195. Additionally, as set forth on pages II-7 and II-8 of Chapter II, *Project Description*, of the Draft EIR, the Project would include offering all tenants of existing RSO units at the Project Site a right of return to comparable units within the Project, once it is occupied, at their last year's rent plus applicable annual increases under the RSO. As referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the Modified Alternative 2 would also include offering all tenants of existing RSO units the same right of return.

Finally, as discussed on page IV.J-22 of Section IV.J, *Population and Housing*, of the Draft EIR and referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, the tenants of the existing RSO units at the Project Site would be afforded the benefits provided to them under the Ellis Act and the RSO, including, among other things described there, specified monetary payments to cover relocation expenses and relocation assistance. Further, as part of the Project as described at page II-8 of Chapter II, *Project Description*, of the Draft EIR, and as part of the Modified Alternative 2 as referred to on page 3-16 of Chapter 3, *Revisions, Clarifications and Corrections*, of the Final EIR, both the Project and the Modified Alternative 2 would fund the difference in rent between the tenants' current rent in their RSO units and their new rent until their right of return, described above, is exercised.

For these reasons, even though the effects of displacement on tenants at the Project Site are not CEQA impacts, the EIR concludes that the features included in both the Project and the Modified Alternative 2 (including the offer of a right of return and funding the difference in the tenants' rent during the construction period until they accept the right of return) and the Project's and Modified Alternative 2's compliance with the RSO and Ellis Act effectively eliminate negative effects on tenants of the demolition of the existing units on the Project Site. (Draft EIR, Section IV.J, *Population and Housing*, page IV.J-22; Final EIR, Chapter 3, *Revisions, Clarifications and Corrections*, pages 3-27 and 3-53 through 3-54)

Finally, the substantial evidence in Section IV.J, *Population and Housing*, of the Draft EIR contradicts the commenter's opinion that there are large vacancies and a surplus of housing in the area. See Response to Comment No. FORM 1-3, above, which explains that both SCAG and the City of Los Angeles have identified a need for additional housing in Los Angeles.

Comment No. FORM 1-5

3. The landlord should not be allowed to invoke California Government Code Chapter 12.75. Demolition of units doesn't meet the qualifications of the property owner wanting to leave the rental market. In fact, the landlord has shown that they don't intend to leave the rental market by submitting this project for approval to create more rental housing. The DEIR and the 6220 West Yucca Street Project fail to include any Plan for Universal Right of Return in order to prevent a loss of population. Making the units RSO isn't enough to address the crisis of affordable housing, if the units are not qualifying for comparative affordable levels that are being charged to the current residents.

Response to Comment No. FORM 1-5

The comment expresses the commenter's opinion that the Applicant should not be allowed to exercise its rights under the Ellis Act, which is codified at Government Code, Chapter 12.75, Sections 7060, *et seq*., because the Project would replace rental units with new rental units. The commenter also criticizes the Project for failing to include a "Plan for Universal Right of Return," which the commenter believes would avoid a "loss of population." The commenter also opines that the Project's RSO units will not address the "crisis of affordable housing" if the Project's RSO units are not rented at the same rate as the current RSO units.

Insofar as the comment asserts that the Project and Modified Alternative 2 are not subject to the Ellis Act, the comment is incorrect. The Ellis Act enables a local jurisdiction with a local rent control ordinance to require certain noticing and other restrictions for a property owner who has expressed "an intention to withdraw those accommodations from rent or lease," which includes circumstances where an owner will demolish existing rental units. (Govt. Code, § 7060.4.) Neither the Ellis Act nor the RSO prohibits new rental units from being constructed in place of existing demolished RSO units. Rather, among other things such as paying cash relocation assistance to existing tenants, the Ellis Act and RSO require that newly constructed rental units be subject to the RSO if they are offered for rental within 5 years of the date of withdrawal. (Govt. Code, § 7060.2(d); LAMC, § 151.28-A.) In the alternative to the RSO requirement, a new rental project can be exempt from having to make its new units subject to the RSO where it either provides one-to-one replacement of existing RSO units with covenanted affordable units, or 20 percent of the total number of new units are provided as covenanted affordable units, whichever is greater. (LAMC, § 151.28-B.) The Project proposes to provide all of its residential units as RSO units, thus replacing 43 existing onsite RSO units with 210 RSO units. The Modified Alternative 2 proposes to provide all of its non-covenanted affordable units as RSO units, and would thus replace 43 existing onsite RSO units with 17 covenanted affordable units and 252 RSO units. Both are in compliance with the Ellis Act and the RSO.

The comment does not explain what the commenter means by a "Plan for Universal Right of Return." However, as explained in Response to Comment No. FORM 1-4, above, both the Project and the Modified Alternative 2 would include an offer to the tenants of the existing RSO units a right of return, which would, if accepted, enable those tenants to return to a comparable RSO unit in the Project or Modified Alternative 2, once occupied, at the same rental rate as they were paying before and subject to the same rent increases as the RSO allows. Therefore, if all of the existing tenants accept the Project's or the Modified Alternative 2's offer, there would be no loss of the current population at the Project Site. That being said, however, the right of return would not be offered in order to keep the population at the Project Site at the existing level, but instead to provide the existing tenants the ability to continue to live at the Project Site in comparable RSO units once the Project or Modified Alternative 2 is built, should they wish to do so.

The comment appears to confuse RSO units and affordable units, which differ from one another significantly. See **Topical Response No. 2**, Rent Stabilized Housing, for an explanation of the differences. Even so, the current RSO tenants who accept the offer of a right to return will be able to rent a new, comparable unit at the Project or the Modified Alternative 2 at the same rate as their current RSO units.

The Modified Alternative 2 includes both covenanted affordable units and RSO units. Therefore, the Modified Alternative 2 will assist the housing market in the Hollywood area of Los Angeles by adding both new covenanted Very Low-Income units and new RSO units.

Comment No. FORM 1-6

Based on the above five issues, I ask that Alternative #3 be selected and that the DEIR be revised in order to address all of the stated issues. A Universal Right of Return Plan must be adopted for the project while retaining the original certificate of occupancy, and then overlaying the additional certificate of occupancy in order to preserve the already existing RSO units by creating replacement units. Replacement units are not subject to California Government Code Chapter 12.75. By selecting Alternative #3, and by only constructing by-right with a Universal Plan of Right of Return, all housing and population issues would be addressed.

Response to Comment No. FORM 1-6

The comment expresses the commenter's preference for Alternative 3, the No Commercial Zone Change, No High Density Residential, No Density Bonus alternative. However, the comment does not address the content of the Draft EIR or the environmental effects of the Project. Therefore, the comment will become part of the administrative record and will be considered by the decision-makers.

The comment also requests that a "Universal Right of Return Plan" be adopted, but provides no description of such a plan. However, as explained in Response to Comment No. FORM 1-5, above, both the Project and the Modified Alternative 2 include an offer to existing tenants of the existing RSO units of a right to return to comparable units in the Project or the Modified Alternative 2, once occupied, at the same rent they are currently paying, subject to rent increases provided by the RSO.

The comment suggests retaining the original certificate of occupancy for the existing residential units that will be demolished and then "overlaying" the certificates of occupancy for the new development "to preserve the already existing RSO units by creating replacement units" which the commenter believes are not subject to the Ellis Act. However, once a building has been demolished, its certificate of occupancy is no longer valid and no longer has any legal effect. However, the commenter's suggestion does not relate to a defect in the Draft EIR or to an environmental effect of the Project. Therefore, the comment will become part of the administrative record and will be considered by the decision-makers.

Finally, the comment requests that the Draft EIR be revised in accordance with the issues raised in Comment Nos. FORM 1-2 through 1-6, above. However, as explained in Responses to Comment Nos. FORM 1-2 through 1-6, above, the information in the Draft EIR is accurate, and the Draft EIR fully analyzes the potential impacts of the Project. Therefore, no revisions to the Draft EIR are required based on Comment Nos. FORM 1-2 through 1-6, above. Moreover, as discussed in Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, the Modified Alternative 2's impacts are generally similar to or less than those of the Project, and similarly, no revisions to the Draft EIR are required with respect to the Modified Alternative 2.

Comment No. FORM 1-7

The largest conflict in this DEIR is in the Findings of Housing, Population, and Jobs in the proposed Hollywood Community Plan:

> "Displacement of low-income renters is also a concern, but it is a social and economic impact, which is not a CEQA impact unless it results in an indirect physical impact. To the extent that the CEQA Guidelines could be interpreted as calling for an analysis of social and economic impacts or create a threshold that is a social and economic impact that does not involve a physical impact to the environment, the CEQA Guideline would be invalid. Based on this, an impact from displacement and/or gentrification is only a CEQA impact if it results in a physical impact to the environment. As identified in Appendix G, those physical impacts could be from construction of new housing. It may also be from transportation or other impacts related to people driving a farther distance. The CEQA Guidelines require a lead agency to consider the reasonably foreseeable indirect environmental consequences of a project's economic or social impacts. To require an analysis of the indirect physical impacts, the social and economic impacts must be supported by substantial evidence. An EIR would be required to analyze reasonably foreseeable, not speculative impacts, resulting from social and economic impacts."

The above statement raises the question: do we have too much housing and have we met our housing needs if we are not going to look at RHENA—the current City housing element—and State law for affordability categories with a massive 12.2% vacancy rate as determined by the U.S. Census? Have we not met our housing needs with a 12.3% County-wide vacancy rating? Or an 8% City-wide vacancy rate? Isn't a massive overstock of empty housing a direct environmental impact leading to blight and other foreseeable environmental conditions such as the current homelessness where the issue is not supply but affordability? *Without analyzing affordable housing requirements correlating with the housing needs then we aren't abiding by state law.*

There is no legal reason to disobey the requirements for inclusionary zoning. The proposed 6220 West Yucca Street Project sits within the boundaries of the Hollywood CRA redevelopment plan area. The requirement to have 15% area- wide *affordable housing* has not been met. This project will only serve to exacerbate the problem as we are on a trajectory of failure to meet the state law. DEIR fails to analyze the required level of affordable housing in the specific Hollywood CRA redevelopment plan area by claiming that affordable housing categories aren't an environmental issue. *However, affordable housing categories <u>are required under state law</u>, which means that the DEIR is not in compliance with all State, Community, and Specific Plans if the DEIR doesn't analyze the affordable categories.*

This DEIR and the 6220 West Yucca Street Project then is meant to be non-equitable as it is based only on the highest income bracket and intends to create an area only accessible for high-income earners. The plan fails to acknowledge if any other income level of renters will be displaced thru gentrification, or how it would affect low-income renters. The DEIR doesn't examine when too many types of units are created for one income level and the high vacancy rates that follows. This DEIR also fails to examine the blight that is induced by a high vacancy rate. Blight is then a conflict established under Aesthetics.

Response to Comment No. FORM 1-7

The comment first quotes the proposed Hollywood Community Plan Update Draft EIR, in the Population Housing and Employment chapter, on page 4.13-20, then asks a number of rhetorical questions, based on unsupported statistics regarding purported vacancy rates, that are not related to the Project or the Draft EIR. While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

The comment then asserts that the Project is required to comply with inclusionary housing zoning, and that its failure to do so exacerbates the area's failure to meet the 15 percent affordable unit area wide requirement under State law. The comment also asserts that the Draft EIR failed to analyze the level of affordable housing required in the specific Hollywood Redevelopment Plan area, and that its failure to do so violates State, Community and Specific Plans since affordable housing categories are required by State law.

As explained in Response to Comment No. FORM 1-2, and in **Topical Response No. 3**, *Affordable Housing Requirements*, neither the Project nor the Modified Alternative 2 is subject to any inclusionary housing zoning or ordinance, and the Hollywood Redevelopment Plan does not require that either the Project or the Modified Alternative 2, or any privately developed individual project, contain any affordable housing. Further, as explained in Response to Comment No. FORM 1-3, the Draft EIR does not assess, and under CEQA is not intended or required to assess, either the City of Los Angeles' or the Hollywood area's current housing needs or current affordable housing needs.

Comment No. FORM 1-8

Another issue and conflict with Aesthetics is Goal 5A of the City of Los Angeles General Plan Framework Chapter 5, 2001. Goal 5A states:

> "A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales."

How can a DEIR for a Community Plan claim to benefit existing and future residents while also claiming that it can't analyze speculative impacts that would protect current residents; but this DEIR can analyze speculative impacts for future residents? *How can a DEIR for a project call for diversity while creating economic discrimination by refusing to even analyze the refusal to incorporate the required affordable housing needs prior to invoking a density bonus?*

Response to Comment No. FORM 1-8

The commenter claims, in general and without explanation, that the Project conflicts with Goal 5A in Chapter 5 of the City of Los Angeles General Plan Framework, which the commenter quotes. However, the comment does not identify any specific issue related to the Project regarding Goal 5A or any conflict between the Project and Goal 5A, and does not provide any specific facts or substantial evidence to support the existence of a purported issue or conflict.

The comment also includes rhetorical questions, including one comparing an unidentified Draft EIR's analysis of an unidentified Community Plan to the Project's Draft EIR's analysis of unidentified purported "speculative impacts for future residents analysis," and one relating to an unidentified Draft EIR for an unidentified project refusing to include required affordable housing before invoking a density bonus. The comment does not include any information or substantial evidence connecting these questions to the Project or to the Draft EIR, or to any environmental issue related to either.

These comments do not raise any issues with respect to the content and adequacy of the Draft EIR or the environmental effects of the Project. Further, given the comments' lack of specificity, it is impossible to prepare a good faith, reasoned response to these comments. While these comments are noted for the record, no further responses are possible or warranted.

Comment No. FORM 1-9

Based on the issues brought up in this letter, the DEIR is incomplete and conflicts with itself. The DEIR is not in compliance with State, Community, and Specific Plans. The DEIR needs to be re-written in order to address these issues. Or, the City must select Alternative #3 in conjunction with a Universal Right of Return Plan to become a by-right project in order to address the core of the housing needs in this community that are centered around displacement and not production.

Response to Comment No. FORM 1-9

The comment summarizes the commenter's prior comments that the Draft EIR is incomplete and contains conflicting information and must be revised, because it is not in compliance with State, Community and Specific Plans. See Responses to Comment Nos. FORM 1-2 and 1-3, above.

The comment also expresses the commenter's preference for Alternative 3, the No Commercial Zone Change, No High Density Residential, No Density Bonus alternative, over the Project, coupled with a Universal Right of Return Plan to address existing housing needs in the community. See Response to Comment No. FORM 1-6, above. In addition, CEQA does not require a development project to mitigate impacts in the existing setting. (See *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369; *Ballona Wetlands Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455; *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604.) While this comment is noted for the record, as the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

Comment No. FORM 1-10

As has been shown by the COVID-19 crisis, Hollywood has plenty of luxury housing sitting empty. We need to stop creating more luxury housing at the expense of displacing our community members.

Response to Comment No. FORM 1-10

The comment asserts the commenter's unsupported opinions that the Hollywood area has an abundance of new luxury housing that is vacant as a result of the pandemic, and that luxury housing should not be created at the expense of displacing community members. The commenter does not relate these unsupported opinions to the Project. Moreover, even if the commenter had done so, speculation and unsubstantiated opinion do not constitute substantial evidence. (See CEQA Guidelines § 15384(a).) While this comment is noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted. The comment will become part of the administrative record and will be considered by the decision-makers.

Even so, it should be noted that the Project would provide 210 RSO residential units, which would result in a net increase of 167 RSO units at the Project Site. In addition, as discussed on page 3-27 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR, the Modified Alternative 2 would provide a total of 252 RSO units and 17 affordable units, and would therefore result in a net increase of 209 RSO units at the Project Site. Also, see **Topical Response No. 2**, *Rent Stabilized Housing*.

Comment No. FORM 1-11

Finally, it is outrageous that the Department of City Planning expects the community to contribute public comment during the COVID-19 crisis. I join with many other community members in demanding that this notice and the review period be withdrawn until 30 days after the governor and mayor lift the Stay at Home order and that the DEIR be redrafted to address the above issues.

Response to Comment No. FORM 1-11

The comment repeats the commenter's demand that the Notice of Preparation be withdrawn and demands that the Draft EIR be revised to address the issues raised in the comments stated earlier in the letter. See Response to Comment No. FORM 1-1, and **Topical Response No. 1**, Public Participation and Review.

Attachment 1

The Attachment 1 to the Form letter is copy of the form letter. Each of the comments in Attachment 1 has been addressed in the Responses to Comment Nos. Form 1-1 to Form 1-11, above.

Comment Letter No. IND 1

Susan Hunter
First email received April 23, 2020 (IND 1A)
Second email received April 30, 2020 (IND 1B)
Third email received April 30, 2020 (IND 1C)
Fourth email received April 30, 2020 (IND 1D)

Comment No. IND 1A-1

Mr. Como,

I am in receipt of this draft EIR notification. However, I am unsure why public notice for a draft EIR is being sent out when we are still under a Stay at Home order due to COVID-19. We can't access the library to review the file. As such, I am asking that with limited public resources, this notice and it's *[sic]* review period be suspended until the lifting of the order. It is incomprehensible that anyone who is having to deal with loss of jobs, loss of family members, or battling this sickness would be expected to have an ability to review this information.

So I am respectfully asking that this, and all project EIR's reviews, be withdrawn until 30 days after the order is lifted.

Response to Comment No. IND 1A-1

The comment requests general concern that with the COVID 19 Safer at Home order, and that library access the Draft EIR is not available. The City determined that the Draft EIR comment period for the Project is appropriate, that it would not extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to extend the comment period on the Draft EIR, see **Topical Response No. 1**, *Public Participation and Review*, which discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

Comment No. IND 1B-1

Mr. Como,

I am still awaiting a response to my email.

Why is the City Planning Department opening review and comment periods on large scale developments while the population is under a Stay-at-Home order? We can't access the DEIR at the library, or any documents at the Planning Department, or documents at City Hall.

So why is the public being barred access to public documents while the developer is allowed to proceed forward on large scale projects?

I am asking that any review periods be suspended while the Stay-at-Home order is in place and for 30 days afterwards.

We have to deal with paying rent, being sick, and the loss of loved ones. Does the Planning Department really think this is acceptable to prevent us from looking at documents while asking for input? How is this not being done as a way of showing favoritism to developers over the community?

Please withdraw all review and comment requests on all projects until after the one is lifted.

Response to Comment No. IND 1B-1

Please refer to Response to Comment No. IND 1B-1 regarding the commenter's concern regarding the public review of the Draft EIR and to **Topical Response No. 1**, Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

Comment No. IND 1C-1

Hi Alan,

I would like to clarify my ask. I am not asking that the comment period by extended. I am saying it need to be halted completely until after the stay at home order is lifted. Then the planning department can open the comment and review period after 30 days after the period is lifted.

Are you saying that the planning department and city hall are open for people to come in and review the file in person? Has the planning department taken into consideration that internet access is a privilege, and is not a publicly provided service? And that many homes in LA do not have internet?

Has the planning department taken into consideration that only the EIR is available online? How do I know what copies of the documents in the file I will need without looking at the file first?

The decision made by the planning staff that having only the EIR available online or at the cost of $5 isn't inclusive of members of the public who don't own a computer or have internet. So how is the city going to provide access for those people?

To be clear, what you are proposing isn't enough to meet public involvement needs. So what is the planning departments plan for those who don't have internet? Are you opening up the planning department to come and look at the rest of the file outside of the EIR? When?

Response to Comment No. IND 1C-1

Please refer to Response to Comment No. IND 1B-1 regarding the commenter's concern regarding the public review of the Draft EIR and to **Topical Response No. 1**, Public Participation and Review, which includes a discussion of CEQA public participation requirements and steps

undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

Comment No. IND 1D-1

Hi Alan,

For example, can you please tell me the source of Carbon Credits for the ELDP certification? Is the Credit based on locally supplied sources or internationally supplied? What is the verification process? Is the supplier a third party provider? Is that third party listed on approved contractors for the State? The City?

Response to Comment No. IND 1D-1

The comment poses several questions about obtaining carbon credits pursuant to the state ELDP process. The requirements for obtaining carbon credits are provided in Exhibit 3 of the Application for Environmental Leadership Development Project, which is contained in Appendix G-2 of the Draft EIR. As discussed therein, the Project Sponsor shall enter into one or more contracts to purchase voluntary carbon credits from a qualified GHG emissions broker from an accredited registry in an amount sufficient to offset the construction and operational emissions. Verification will be assured through the Project Sponsor providing copies of calculations to the California Air Resources Board (CARB) and the Governor's Office promptly following transmittal of the calculations to the City of Los Angeles.

The general policy of the South Coast Air Quality Management District (SCAQMD) is to obtain credits in the following prioritized manner: (1) project design feature/on-site reduction measures; (2) off-site within the neighborhood; (3) off-site within the SCAQMD jurisdiction; (4) off-site within the State; (5) off-site out-of-State. Thus, the Project may obtain credits through Project derived on-site measures, Project derived off-site measures, and/or third-party measures. As indicated on page 6 of the Application for Environmental Leadership Development Project (see Appendix G-2 of the Draft EIR), the Project will prioritize on-site measures by providing a minimum of 30 kilowatts of solar photovoltaic panels on the Project Site, unless additional kilowatts of photovoltaic panels become feasible. Additionally, the Project will reduce building energy demand and associated greenhouse gas (GHG) emissions by designing the buildings to achieve at least Silver certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED)-CS® or LEED-NC® Rating System. Additional carbon credits will be obtained from implementation of other energy-saving Project Design Features described in Section IV.F, *Greenhouse Gas Emissions*, of the Draft EIR (see pages IV.F-44 and IV.F-45) and may also be obtained from third-party sources in accordance with the requirements in Exhibit 3 of the Application for Environmental Leadership Development Project.

Comment Letter No. IND 2

Vilia Zemaitaitis
1763 Vista Del Mar
Los Angeles, CA 90028
First email received April 24, 2020 (IND 2A)
Second email received June 8, 2020 (IND 2B)

Comment No. IND 2A-1

Hello, and thank you for your email.

We will review the documents and respond by the deadline.

By the way, what happened to the previous case planner, William Lamborn?

Response to Comment No. IND 2A-1

The comment acknowledges receive of the Draft EIR and states that the commenter will review the document and respond by the deadline. However, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment No. IND 2B-1

Please see the attached Draft EIR comments and acknowledge receipt of the email.

Response to Comment No. IND 2B-1

Responses to the referenced comments are provided below in Responses to Comment Nos. IND 2B-2 to IND 2B-8.

Comment No. IND 2B-2

Dear Mr. Como,

Thank you for the opportunity to comment on the Draft EIR for the above project.

My parents are the longtime property owners of the 1-1/2 story duplex at 1761-1763 Vista del Mar directly adjacent to Building 1's proposed parking structure at the rear and all of Building 2 to the north on Vista Del Mar. As such, we oppose the current proposal and rezoning application, and are greatly concerned with the impacts from the proposed 20-story, 250-foot tower on Yucca, and the 34 to 47-foot tall building proposed on the least parcels fronting Vista Del Mar to be rezoned and developed as part of the project.

Response to Comment No. IND 2B-2

This comment expresses opposition to the Project as set forth in the Draft EIR, but does not address the content or adequacy of the Draft EIR or any specifics regarding the Project's potential

environmental effects. While this comment and the commenter's opposition to the Project are noted for the record, the comment does not raise any specific issue regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. Therefore, no further response is warranted.

Comment No. IND 2B-3

Excerpts from the Draft EIR identifying our property are included on the page 3 of this letter.

Below are comments on the Draft EIR:

Response to Comment No. IND 2B-3

Responses to the referenced letter are provided below in Responses to Comments Nos. IND 2B-4 to 2B-8.

Comment No. IND 2B-4

<u>Noise Vibration</u>

Page IV.I-7 of the Draft EIR defines sensitive receptors for groundborne vibrations as including "buildings where vibration would interfere with operations within the building or cause structural damage (especially older masonry structures), locations where people sleep..." The building directly adjacent to the project site contains at 1761-1763 Vista Del Mar Ave. is an older structure constructed in 1922 and used for rental housing qualifying it as a sensitive receptor for both vibration as well as noise impacts. This residence is specifically called out on page IV.I-51 of the EIR as significantly impacted by vibration impacts due to its proximity from the project site as within five feet. The EIR also recognizes vibration impacts to residents as significant (see page IV.I-53). Due to the age of the residence, nearly 100 years old, it is possible that significant damage may occur that can not "be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records" as required by MM-NOI-4; however, the mitigation measure does not indicate what would happen in the case of disrepair and therefore, does not adequately reduce potential impacts to less than significant.

MM-NOI-3 requires that "Heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single - family residential building adjacent to the Project Site along Vista Del Mar Avenue ". Not sure how this is possible considering that the project is only setback six feet from the property line adjacent to 1761-1763 Vista Del Mar Avenue. This is especially true due to the need to set piles for shoring the underground parking structure that would certainly require heavy equipment to install, and where some pile driving may be necessary.

Response to Comment No. IND 2B-4

The commenter asserts Mitigation Measure MM-NOI-4 does not indicate what would happen in the case of disrepair to the structure located at 1761-1763 Vista Del Mar Avenue and therefore does not adequately reduce potential impacts to less than significant. However, as stated on page

IV.I-59 of Section IV.I, *Noise*, of the Draft EIR, Mitigation Measure MM-NOI-4 states that in the event damage occurs to the residential buildings along Vista Del Mar Avenue due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records provided for in MM-NOI-4.

Note, however, that, as explained on page 3-10 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, mitigation measure MM-NOI-4 has been clarified and modified to provide, as follows:

> **MM-NOI-4:** Prior to start of construction, the Project Applicant shall retain the services of a licensed building inspector, or structural engineer, or other qualified professional as approved by the City, to inspect and document (video and/or photographic) the apparent physical condition of the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3), including but not limited to the building structure, interior wall, and ceiling finishes.
>
> The Project Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a groundborne vibration monitoring program capable of documenting the construction-related groundborne vibration levels at each residence during demolition, excavation, and construction of the parking garages. The groundborne vibration monitoring program shall measure (in vertical and horizontal directions) and continuously store the peak particle velocity (PPV) in inch/second. Groundborne vibration data shall be stored on a two-second interval. The program shall also be programmed for two preset velocity levels: a warning level of 0.15 inch/second PPV and a regulatory level of 0.2 inch/second PPV. The program shall also provide real-time alerts when the groundborne vibration levels exceed the two preset levels. <u>Monitoring shall be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible.</u>
>
> - The groundborne vibration monitoring program shall be submitted to the Department of Building and Safety, prior to initiating any construction activities for approval.
> - In the event the warning level (0.15 inch/second PPV) is triggered, the contractor shall identify the source of groundborne vibration generation and provide feasible steps to reduce the groundborne vibration level such as halting/staggering concurrent activities or utilizing lower vibratory techniques.
> - In the event the regulatory level (0.2 inch/second PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the affected residences and visually inspect the affected residences for any damage. Results of the inspection must be logged. The contractor shall identify the source of groundborne vibration generation and implement feasible steps to reduce the groundborne vibration level such as staggering concurrent activities or utilizing lower vibratory techniques. Construction activities may continue upon implementation of feasible steps to reduce the groundborne vibration level.
> - In the event damage occurs to the residential buildings along Vista Del Mar Avenue (measurement location/sensitive receptor location R3) due to Project construction

> groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records. Any such repair work shall be conducted in accordance with the Secretary of Interior's Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3).

The modification of MM-NOI-4 to require that monitoring be conducted at a feasible location between the Project Site and the residential buildings along Vista Del Mar Avenue adjacent to the Project Site as near to the adjacent residential structures as possible removes the need to obtain the other property owners' consent and ensures that MM-NOI-4 can be implemented to reduce the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue to a less than significant level. (See Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR) Therefore, with its implementation of MM-NOI-3 and MM-NOI-4, the Project's potentially significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue would be reduced to less than significant.

Mitigation measure MM-NOI-3 on page IV.1-58 of Section IV.I, *Noise*, of the Draft EIR, states that heavy construction equipment such as a large dozer, a large grader, and a large excavator shall not operate within 15 feet from the nearest single-family residential building adjacent to the Project Site along Vista Del Mar Avenue. However, should these types of construction equipment be required within 15 feet, smaller versions of these equipment types that generate substantially lower vibration levels as per the Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual (2018) will be permitted. Additionally, a construction relations officer to serve as a liaison with the nearest single-family residential buildings will be responsible for responding to concerns regarding construction groundborne vibration within 24 hours of receiving a complaint. The liaison will ensure that steps will be taken to reduce construction groundborne vibration levels as deemed appropriate and safe by the on-site construction manager. Such steps could include the use of vibration absorbing barriers, substituting lower groundborne vibration generating equipment or activity, rescheduling of high groundborne vibration-generating construction activity, or other potential adjustments to the construction program to reduce groundborne vibration levels at the residential building adjacent to the Project Site along Vista Del Mar Avenue.

Additionally, the Project together with Modified Alternative 2 are being considered by the City, as discussed in detail on page 3-2 of Chapter 3, *Revisions, Clarifications, and Corrections*, of this Final EIR. As pertinent to this comment, the Modified Alternative 2 would eliminate the Project's Building 2, would not demolish the existing residences located at 1765 and 1771 N. Vista Del Mar, and would return the residence located at 1765 N. Vista Del Mar, which had previously been converted into a duplex with an apartment over the garage, to a single-family residence without changing the exterior of the structure. The Modified Alternative 2 would also convert the existing paved surface parking lot within the Project Site at the corner of Yucca Street and Vista Del Mar Avenue to a publicly accessible open space/park. Although the residences at 1765 and 1771 N. Vista Del Mar and the park (former parking lot) are not contributors to the Vista del Mar/Carlos Historic District, the Modified Alternative 2's retention of the two residences without any alteration to their exterior appearance and creation of a park at the site of the former surface parking lot are

consistent with Standards 9 and 10 of the Secretary of Interior Standards for Rehabilitation, for the reasons discussed in the Historic Resources Memorandum (see Appendix C-2 to this Final EIR). Further, as discussed on pages 3-44 through 3-45 of Chapter 3, *Revisions, Clarifications and Corrections*, and shown in Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR, the Modified Alternative 2 would not create any significant groundborne vibration impacts on the residential buildings along Vista Del Mar Avenue; even so, the Modified Alternative 2 would implement mitigation measures MM-NOI-3 and MM-NOI-4, as clarified and modified, to further reduce its less than significant groundborne structural vibration impacts in recognition of the historic significance of the District.

Comment No. IND 2B-5

Shade Shadow

According to the exemption provisions for SB743 eligible projects, the exemption for aesthetic impacts does not include impacts to historic or cultural resources. Since a portion of the project is located in the Vista del Mar-Carlos Historic District, which 1761 - 1763 is a contributor to the district as identified on Figure IV.C-1, aesthetic impacts cannot be exempted from CEQA analysis as stated on page IV.A-14.

Response to Comment No. IND 2B-5

The comment asserts that the Project's potential aesthetics impacts relating to shade/shadow on historic or cultural resources such as the Vista del Mar/Carlos Historic District must still be assessed despite SB 743As discussed on page IV.A-1 of Section IV.A, Aesthetics, of the Draft EIR, aesthetics impact analyses are no longer required for transit-oriented infill projects such as the Project and the Modified Alternative 2 pursuant to PRC Section 21099 and ZI 2452 (both of which implement SB-743); these analyses include evaluation of the Project's physical impacts associated with aesthetics such as shade/shadow analyses. In addition, with regard to shade/shadow analyses, the CEQA Guidelines do not provide a threshold standard for shade/shadow. For these reasons, shade/shadow is no longer evaluated as a CEQA impact irrespective of PRC Section 21099. Therefore, the analyses in Section IV.A, *Aesthetics*, of the Draft EIR are provided for informational purposes only.

However, aesthetic impacts to historic or cultural resources must still be assessed. Section IV.C, *Cultural Resources*, of the Draft EIR evaluates the Project's direct and indirect impacts on historical buildings and other historical and cultural resources (such as the Vista Del Mar/Carlos Historic District). Those analyses are cross referenced on page IV.A-1 of Section IV.A, *Aesthetics*, of the Draft EIR to avoid repetition.

Comment No. IND 2B-6

Cultural Resources

Section IV.C of the EIR does not discuss impacts due to vibration that are clearly identified in the Noise Section. Specifically, the EIR identifies less than significant impacts to the residence at 1761-1763 with mitigation due to vibration. However, MM- NOI-4 does not indicate what would

happen in the case of disrepair resulting from vibration impacts. Should this district contributor be lost, or any other contributor, would the district still be intact? This should be discussed in the Draft EIR as a potential impact.

Response to Comment No. IND 2B-6

As indicated in Figure IV.C-1 of Section IV.C, *Cultural Resources*, of the Draft EIR, the property located at 1761-1763 Vista Del Mar Avenue is a Vista del Mar/Carlos Historic District Contributor. As discussed in Response to Comment No. 2B-4, the Draft EIR identifies Mitigation Measure MM-NOI-4, which states that in the event damage occurs to the residential buildings along Vista Del Mar Avenue due to Project construction groundborne vibration, such materials shall be repaired to the same or better physical condition as documented in the pre-construction inspection and video and/or photographic records.

As Response to Comment No. IND 2B-4 also explains, Mitigation Measure MM-NOI-4 has been clarified to provide that repairs to historic resources would be done in accordance with the Secretary of the Interiors Standards for Rehabilitation pursuant to CEQA Guidelines Section 15064.5, subsection (b)(3), and modified to ensure that it would reduce the Project's potentially significant groundborne vibration impacts to structures to less than significant by removing the need for consent from other property owners. See Response to Comment No. IND 2B-4, above, and Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR on pages 3-35 through 3-38. Mitigation Measure MM-NOI-3 prohibits the use of high-vibration generating equipment near specified structures to avoid damage. The combination of required monitoring and repairs if damage occurs, along with the prohibition of high-vibration generating equipment near specified structures would ensure the Project would create less than significant impacts to the District Contributor.

It should be noted, however, that as discussed on pages 3-16 through 3-18 of Chapter 3, *Revisions, Clarifications and Corrections*, of this Final EIR, the Modified Alternative 2 would retain the residences at 1765 and 1771 N. Vista Del Mar and would not include the Project's Building 2. The nearest off-site building to the Project Site is the residential building located at 1761-1763 Vista Del Mar. This building is located at least 20 feet from the Modified Alternative 2 construction area. At a distance of 20 feet, the maximum vibration level would be 0.124 inches per second (PPV),[28] which is clearly below the significance threshold of 0.2 inches per second (PPV). Thus, structural damage impacts under the Modified Alternative 2 would be less than significant. (See Appendix C-1 - Supplemental Air Quality, Greenhouse Gas, Energy, and Noise and Vibration Assessment, of this Final EIR) Therefore, MM-NOI-3 is technically not required for the Modified Alternative as the distance from heavy construction equipment would be greater than the 15-foot buffer. Nonetheless, the Modified Alternative 2 would retain and implement the same mitigation measures as the Project, including MM-NOI-4 as clarified and modified, to further reduce the Modified Alternative 2's less than significant groundborne vibration impacts on structures and in recognition of the historic importance of the district.

[28] FTA, Transit Noise and Vibration Impact Assessment Manual, Table 7-4 and page 185, 2018.

Comment No. IND 2B-7

Land Use

Rezoning the properties along Vista Del Mar Avenue would result in impacts to the residence along this street, especially 1761-1763, which is directly adjacent. Impacts associated with noise and vibration, aesthetic, cultural resources etc. would be much less if the properties were not rezoned from R3-1XL. Furthermore, by rezoning the properties along Vista Del Mar, is the project still able to take advantage of being classified as transit oriented under SB743? These properties would not qualify on their own absent the properties fronting Yucca Street.

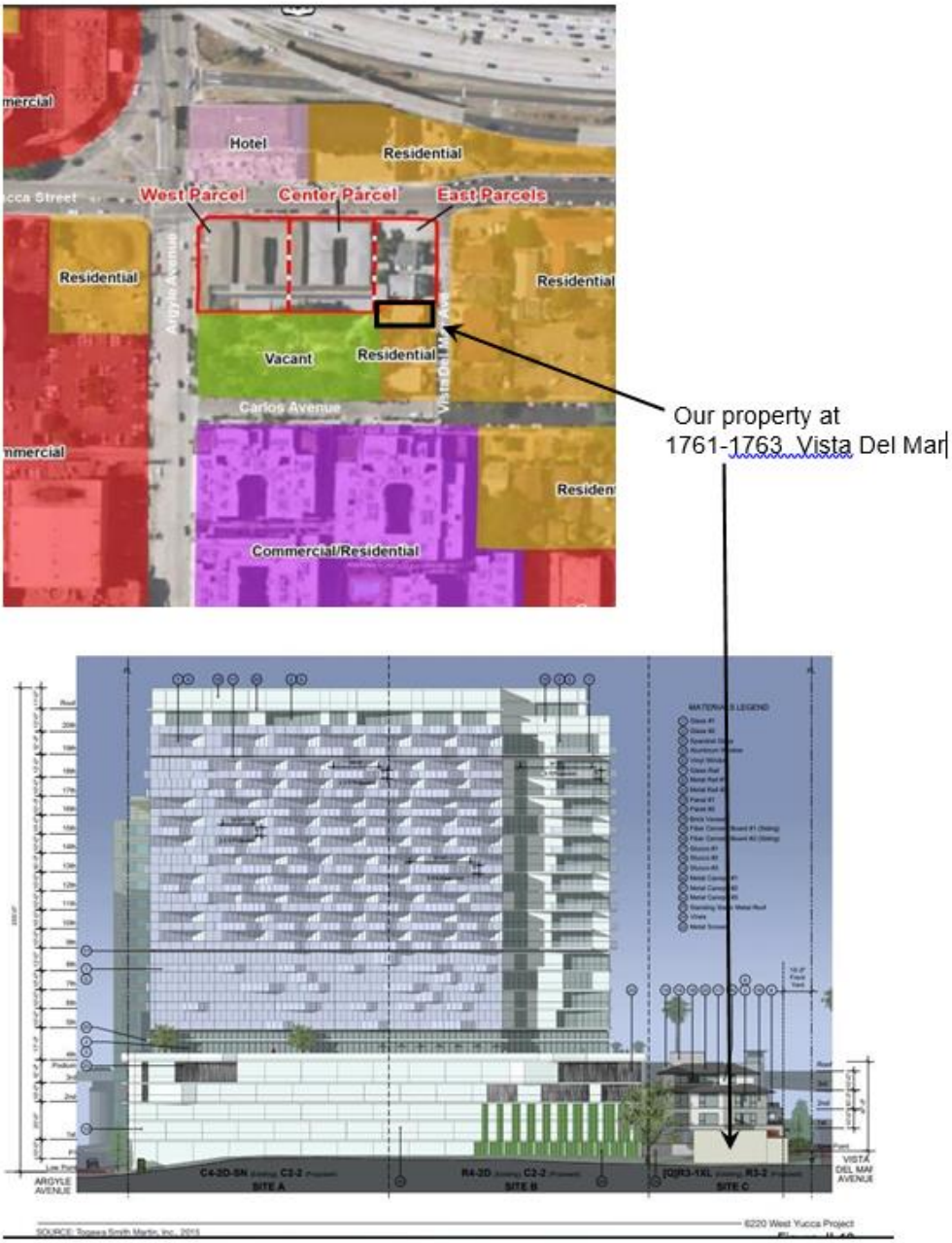
Response to Comment No. IND 2B-7

The comment observes that the Project would result in impacts that would not occur if the Project did not rezone the property along Vista Del Mar to allow for development for the Project. The comment also questions whether the Project would still be a transit-oriented project with this rezoning. The Project would have required a height district change for the Vista Del Mar Parcels from [Q]R3-1XL to R3-2 to allow for Project development. As the Draft EIR discusses on pages V-8 through V-28 and pages V-106 through V-111 of Chapter V, *Alternatives*, the effects of Alternative 1, the No Project/No Build Alternative, would be less than those of the Project, but that Alternative would not achieve any of the Project's Objectives. The Draft EIR also analyzes a No Commercial Zone Change, No High Density Residential, No Density Bonus Alternative (Alternative 3), which analyzes a development scenario that complies with current zoning, and appropriately rejects this alternative as it fails to meet 5 of the Project's 8 identified objectives without eliminating the Project's one significant and unavoidable impact. (Draft EIR, pp. V-110-11.) Moreover, as described in Chapter III, *Revisions, Clarifications, and Corrections*, of this Final EIR, the Modified Alternative 2 would not demolish the existing residences at 1765 and 1771 N. Vista del Mar.

Comment No. IND 2B-8

Should you have any questions, please contact me, Vilia Zemaitaitis, at viliazem@gmail.com, and copy ramunmarie@gmail.com.

Thank you for considering our concerns and comments.



Response to Comment No. IND 2B-8

This comment provides contact information to conclude the comment letter. While this comment is noted for the record, as the comment does not raise any specific issue with respect to the content or adequacy of the Draft EIR or the Project's potential environmental effects, no further response is warranted.

Comment Letter No. IND 3

Shauna Johnson
Email received June 3, 2020

Comment No. IND 3-1

Hi Mr. Como –

I'm writing ask if the June 8, 2020 deadline will be extended for comments on the 6220 West Yucca Street Project Draft EIR (ENV-2014-4706-EIR) as the Planning Meeting for June 9, 2020 has been cancelled? If so, what is the new deadline.

I appreciate your help with this.

Response to Comment No. IND 3-1

The comment requests that the City extend the Project's 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate, that it would not extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to extend the comment period on the Draft EIR, see **Topical Response No. 1**, *Public Participation and Review*, which discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

Comment Letter No. IND 4

Robert Mori
419 South Cloverdale Avenue
Los Angeles, CA 90036
Email received June 5, 2020

Comment No. IND 4-1

Dear Mr. Como,

I am writing as a resident of Hollywood regarding the Draft Environment Impact Report on the proposed development for 6220 West Yucca Street Project (ENV-2014-4706-EIR).

I insist that the Department of City Planning immediately withdraw the Draft EIR project review until 30 days after the City's Stay at Home order is lifted.

As has been shown by the COVID-19 crisis, Hollywood has plenty of luxury housing sitting empty. We need to stop creating more luxury housing at the expense of displacing our community members.

Finally, it is outrageous that the Department of City Planning expects the community to contribute public comment during the COVID-19 crisis. I join with many other community members in demanding that this notice and the review period be withdrawn until 30 days after the governor and mayor lift the Stay at Home order and that the DEIR be redrafted to address the above issues.

Response to Comment No. IND 4-1

The comment requests that the City extend the Project's 45-day public review period. The City determined that the Draft EIR comment period for the Project is appropriate, that it would not extend the comment period, and that the comment period would remain at 45 days as stated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 23, 2020. For additional information regarding the City's determination not to extend the comment period on the Draft EIR, see **Topical Response No. 1**, *Public Participation and Review*, which discusses CEQA's public participation requirements and the steps undertaken by the City to ensure the public's ability to timely review and comment on the Draft EIR during the comment period.

The comment also asserts the commenter's opinion that Hollywood has "plenty of luxury housing sitting empty" and that "[w]e need to stop creating more luxury housing at the expense of displacing our community members." See Response to Comment FORM 1-10, above.

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