

II. Responses to Comments

II. Responses to Comments

A. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "[T]he 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 that were received during the notice comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to each of the written comments received regarding the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. In addition, Section III.C, Topical Response, includes a topical response that addresses the issue of bungalow relocation, which was commonly raised in the public comments. Finally, Section II.D, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

II. Responses to Comments

B. Matrix of Comments Received on the Draft EIR

Table II-1 Matrix of Comments Received on the Draft EIR																																			
Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support	
STATE AND REGIONAL																																			
1	Rowena Lau Division Manager Wastewater Engineering Services Division LA Sanitation 2714 Media Center Dr. Los Angeles, CA 90065-1733																									X									
2	Jazmin Martin Environmental Specialist Los Angeles Department of Water and Power 111 N. Hope St., Rm. 1044 Los Angeles, CA 90012-2607																														X				
3	Charles C. Holloway Manager of Environmental Planning and Assessment Los Angeles Department of Water and Power 111 N. Hope St., Rm. 1044 Los Angeles, CA 90012-2607																								X										
ORGANIZATIONS																																			
4	Brian Curran Jr. Hollywood Heritage P.O. Box 2586 Hollywood, CA 90078-2586			X	X			X							X									X							X				

Table II-1 (Continued)
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support	
5	Adrian Scott Fine Senior Director of Advocacy Los Angeles Conservancy 523 W. Sixth St., Ste. 826 Los Angeles, CA 90014-1248							X									X													X					
6	Rebecca Davis Lozeau Drury LLP 1939 Harrison St., Ste. 150 Oakland, CA 94612-3507 Molly Greene Lozeau Drury LLP 1939 Harrison St., Ste. 150 Oakland, CA 94612-3507 Colby Gonzales Lozeau Drury LLP 1939 Harrison St., Ste. 150 Oakland, CA 94612-3507																																X		
7	Amalia Bowley Fuentes Lozeau Drury LLP 1939 Harrison St., Ste. 150 Oakland, CA 94612-3507																														X				
8	Naira Soghatyan Mitchell M. Tsai, Attorney at Law 139 S. Hudson Ave., Ste. 200 Pasadena, CA 91101-4990 Matt Hagemann SWAPE 2656 29th St., Ste. 201 Santa Monica, CA 90405-2984 Paul E. Rosenfeld SWAPE 2656 29th St., Ste. 201 Santa Monica, CA 90405-2984			X				X							X		X													X	X				

Table II-1 (Continued)
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support		
9	Naira Soghatyan Mitchell M. Tsai, Attorney at Law 139 S. Hudson Ave., Ste. 200 Pasadena, CA 91101-4990																																			X
INDIVIDUALS																																				
10	Hailey Buck haileybuck98@gmail.com															X							X								X					
11	Michael Callahan mshawmme@hotmail.com					X			X		X					X	X												X	X	X					
12	Michael Callahan mshawmme@hotmail.com					X			X		X					X	X												X	X	X					
13	Victoria Chang 6235 Afton Pl. Los Angeles, CA 90028-8204					X				X									X				X									X				
14	Julia Finder juliaisnotlost@gmail.com																X															X				
15	Inara Letdin inaraletdin1@gmail.com																X																			
16	Mar Robbart marrobbart@yahoo.com																														X					
17	Donna Williams Williams Art Conservation 6234 Afton Pl. Los Angeles, CA 90028-8205			X	X			X																						X						

II. Responses to Comments

C. Topical Response

Topical Response: Bungalow Relocation

Various commenters provided comments regarding the feasibility of temporary relocation of the bungalows off-site to a temporary storage site and for relocation back to the Project Site and whether the rehabilitation would meet the Secretary of the Interior's Standards. To respond to those comments, Page & Turnbull, experts in historic architecture prepared a relocation report entitled, 1360 Vine Relocation and Rehabilitation Study (Relocation Study), which is included as Appendix FEIR-2 of this Final EIR. Michael Krakower & Associates, expert structural engineers with extensive experience with historic buildings, assisted with the Relocation Study. Further, American Heavy Moving provided information regarding the route analysis and requirements to prepare the bungalows for relocation.

The Relocation Study evaluated in detail the existing condition of character-defining features; defined appropriate relocation criteria, including structural considerations; and provided an analysis of route issues and constraints related to the relocation to a temporary storage site. This information was used to develop a building relocation plan that considered the work required prior to the temporary relocation on a bungalow-by-bungalow, feature-by-feature basis. The Relocation Study also recommended measures to stabilize and protect the bungalows at the temporary storage site.

In accordance with the Secretary of the Interior's Standards and accepted historic preservation methodology, the Relocation Study categorized the character-defining features as "Significant," "Contributing," or "Non-Contributing." It also assessed the condition of each feature as good, fair, or poor. Based on this information, the Relocation Study identified which features should be rehabilitated, repaired, or replaced in-kind. It provided that "[w]here replacement is necessary due to extensive material deterioration or failure, replacement materials should match the original materials and forms."

Finally, the Relocation Study also provided an overall summary of the rehabilitation work required when the bungalows are returned to the Project Site for use as part of the Project. This work includes structural and other methods required to reassemble the bungalows and, based on the condition assessment and the building relocation plan, which features would be reconstructed, such as the foundations. Regardless of the relocation, other work would be required to rehabilitate the bungalows for any reuse. This work includes the provision of access in compliance with the Americans with Disabilities Act

(ADA) requirements; reconfiguration of the interior layout; and the installation of new bathrooms, kitchens, electrical systems, plumbing systems, HVAC systems, and landscaping that would be compatible with the historic character of the bungalows and the Afton Square Historic District.

The Relocation Study concluded that it is feasible to relocate the bungalows to a temporary storage site and then back to the Project Site based on the recommended structural measures. While stored, the bungalows would be protected against weather and vandalism with measures, such as shrink-wrapping, fencing, and regular monitoring. It also concluded that the temporary relocation would not result in a significant adverse impact on the historic character of the bungalows.

Therefore, consistent with the analysis, conclusion, and significance determination in Section IV.B, Cultural Resources, of the Draft EIR, the relocation and rehabilitation of the six historic bungalows would not affect the eligibility of the bungalows as contributing buildings to the Afton Square Historic District, and, as such, impacts on the Historic District itself that would result from the relocation and rehabilitation of the bungalows would be less than significant.

II. Responses to Comments

D. Comment Letters

Comment Letter No. 1

Rowena Lau
Division Manager
Wastewater Engineering Services Division
LA Sanitation
2714 Media Center Dr.
Los Angeles, CA 90065-1733

Comment No. 1-1

This is in response to your June 9, 2022 Notice of Completion and Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 1348–1360 N. Vine Street, Los Angeles, CA 90028. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review, it has been determined the project is in the final stages of the California Environmental Quality Act review process and requires no additional hydraulic analysis. Please notify our office in the instance that additional environmental review is necessary for this project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at chris.demonbrun@lacity.org

Response to Comment No. 1-1

This comment stating that no additional hydraulic analysis is required is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. 2

Jazmin Martin
Environmental Specialist
LADWP
111 N. Hope St., Rm. 1044
Los Angeles, CA 90012-2607

Comment No. 2-1

I am sending this note to let you know that the Los Angeles Department of Water and Power (LADWP) has prepared comments on the 1360 N. Vine Street Project but the comment letter is still being finalized and routed for signature. We recognize that the Notice requested comments by July 25, 2022 and will be sending you the signed letter just as soon as it is finalized.

Thank you for your understanding,

Response to Comment No. 2-1

This comment informs the City that LADWP intends to submit a comment letter after the close of the comment period. Refer to Comment Letter No. 2 for this letter and responses to the comments provided by LADWP.

Comment Letter No. 3

Charles C. Holloway
Manager of Environmental Planning and Assessment
LADWP
111 N. Hope St., Rm. 1044
Los Angeles, CA 90012-2607

Comment No. 3-1

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the 1360 North Vine Street Project (Project) located at 1360, 1358, 1356, 1354, 1352, 1350, 1348, 1334, and 1330 North Vine Street, 6274, 6272, 6268, 6262, 6264, 6256, 6258, 6256 1/4 and 1/2, 6254 and 6254 1/2 West De Longpre Avenue, 6265, 6261, 6255, 6251, 6249, 6253 and 6253 1/2, 6245, and 6241 1-8 West Afton Place, Los Angeles, CA 90028. The mission of LADWP is to provide clean, reliable water and power to the City of Los Angeles.

Based on our review of the Draft Environmental Impact Report (EIR) prepared for the Project, we respectfully submit the comments below:

Comments:**Joint:**

1. This response shall not be construed as an approval for any project.

Response to Comment No. 3-1

This introductory comment stating that this response shall not be construed as an approval for any project is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 3-2**Water System:****IV.L.1 Utilities and Service Systems—Water Supply and Infrastructure**

1. Page IV.L.1-1: The second paragraph under 1. Introduction states that a Water Supply Assessment (WSA) along with a copy of Resolution No 021144 is included in Appendix U of the Draft EIR. However, Appendix U includes the board letter, Resolution without the

Resolution number, and the WSA. The Resolution in the current document should be replaced with the approved Resolution that contains the Resolution number No. 021144. See Resolution No. 021144 enclosed.

Response to Comment No. 3-2

This comment notes that Appendix U of the Draft EIR included the resolution approving the Project's WSA without a resolution number. A copy of the approved Resolution No. 021144 will be added to Appendix U as requested. Revised Appendix U is therefore included in this Final EIR. Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 3-3

If you have any questions regarding the comments, please contact Mr. Marshall Styers of my staff, at (213) 367-3541 or Marshall.Styers@ladwp.com.

Response to Comment No. 3-3

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. 4

Brian Curran Jr.
Hollywood Heritage
P.O. Box 2586
Hollywood, CA 90078-2586

Comment No. 4-1

Hollywood Heritage commented in 2017 on a residential Project at 1360 Vine St., presented in the NOP for this EIR. We cited adverse impacts to the Afton Square California Register Historic District. We also asked for specificity on the restoration of the 6 buildings in the District.

Now the Project has returned; it is now a DEIR for 2 different “maybe” projects—the earlier “Residential Option” (but a changed and improved design), and a “Commercial Option”, [sic] filed in May 2022. Both are roughly is [sic] the same size (3X FAR allowed, 1.7 x allowed density bonus units). Both Options request a General Plan Amendment and a Zone Change (from residential to commercial for land remaining residential) which we find unnecessary and insupportable. “Waivers” are requested that drastically increase the residential project’s size (density bonus figured on density bonus). The DEIR land use and zoning calculations appear to have errors, and the DEIR cherry picks Land Use “goals”, [sic] rather than evaluating the specific, intended, clear land use provisions. This is still correctable.

Response to Comment No. 4-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. It should be noted, however, that the six bungalows on the Project Site would be rehabilitated, not restored. Refer to Topical Response: Bungalow Relocation. Specific issues raised by the commenter are addressed below.

Comment No. 4-2

Approximately half of the land purchased by the developer is in the Afton Square California Register Historic District. The eastern 7 lots, residentially zoned, have 6 bungalows and one emptied apartment building within the District’s boundary. The Project does retain the 6 bungalows, and does not build the new large building inside of the District boundary. But we show that the proposed rearrangement of bungalows in both options fails to retain the character-defining features of the District, and is erroneously found in the DEIR to have no significant effect.

Response to Comment No. 4-2

The commenter correctly notes the apartment building is empty. Three of the bungalows are occupied by commercial uses, and the other three are vacant. Under either option, the bungalows would be temporarily moved off site for the construction of the subterranean parking structure and returned to the Project Site. Page & Turnbull, experts in historic architecture prepared a relocation report entitled, 1360 Vine Relocation and Rehabilitation Study (Relocation Study), which is included as Appendix FEIR-2 of this Final EIR. The Relocation Study concluded that the relocation for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

The three bungalows facing De Longpre Avenue would be returned to their original locations. The three bungalows facing Afton Place would be shifted east by one lot to an area created by the demolition of the non-contributing building. The bungalows would have the same orientation to the street and same front yard setbacks as they had historically. The Historical Resource Technical Report (Historical Report) concluded that the demolition of the non-contributing building would have a positive effect on the Historic District because it would remove a visual intrusion that otherwise diminishes the integrity of feeling. Shifting the three bungalows to the east would strengthen the cohesiveness of the Historic District. The bungalows on Afton Place would remain in the same order as they were historically. The Historical Report further concluded that this modest change would not negatively affect the character-defining features of the Historic District, which would continue to retain sufficient integrity to convey its significance.

The commenter's suggestion that the bungalows will be "rearranged" appears to be a misunderstanding of the Project. Furthermore, the commenter does not provide any evidence showing how shifting three bungalows east by one lot would destroy any of the character-defining features of the Historic District or materially impair the significance of the District, which is the threshold for impacts on historical resources in the CEQA Guidelines.

Comment No. 4-3**PERTINENT PROJECT BACKGROUND****Project Request Residential Option**

	Lot Area	Permissible Devt	Proposed Devt	Height Allowed	Proposed Height	Parking
Vine addresses+ 1 lot Lots 15-18	27,272 sf	Subarea 170; FAR 2:1 "D" C4-2D-SN; Note 26 R4 residential=68 DU 54,544 sf	Grocery: 55,000 sf Retail 5,000 sf Unclear use: in bungalows: 8,988 sf	Not stated	262 ft	2 sp /1,000 sf
De Longpre-- Lot 13	6,758 sf	FAR 2:1 TQ C2-2D Resid units 16??DU 13,516 sf		???		
De Longpre and Afton Lots 14,19,20	20,752 sf	Subarea 290; FAR 2:1 "D" R4-2D note 26 Resid units: 51 DU 41,504 sf		30' 2 stories	262 ft on 1 st residen. Lot east of Comm	
De Longpre and Afton Lots 11,12,21,22,23	34,506 sf	Subarea 295; FAR 1.5:1; R3-1 XL Resid units: 43 DU 51,759 sf		30' 2 stories		
.TOTAL	81,050 sf	178 DU 161,323 sf (178 x 1.35 = 240 DU) CRA: 61 DU max at resid--(1.5 /gr acre)	429 DU 484,421 sf 5.98) FAR			



Figure II-13
Residential Option Conceptual Rendering Looking
Northeast Across Project Site

Response to Comment No. 4-3

The commenter understates the permitted development under the existing zoning, Hollywood Community Plan (Community Plan), and Hollywood Redevelopment Plan (Redevelopment Plan) for the following reasons:

- The total lot area per the City's Zoning Information System (ZIMAS) of Lots 15 to 18 is 27,509.8 square feet (sf), not 27,272 square feet;
- The base residential density for a mixed-use project on C-zoned lots (i.e., Lots 15 to 18) within an area designated as "Regional Center" or "Regional Commercial" is 200 square feet of lot area per dwelling unit under Los Angeles Municipal Code (LAMC) Section 12.22 A.18(a);
- The Tier 3 Transient Oriented Communities Guidelines (TOC) base incentives provide for a "by-right" 70-percent increase in base density and an increase in floor area ratio (FAR) to 3.75 on lots designated as Regional Commercial under the Community Plan (i.e., Lots 12, 13, 14, 15 to 18, and 19 to 21);
- The residential density on Lots 11, 22, and 23, which are designated a Medium Residential under the Redevelopment Plan, is 40 dwelling units per acre of gross lot area, which includes one-half of the adjoining streets. Under recently enacted state law, AB 2334, where there is a conflict between the density under the Redevelopment Plan and the zoning, the higher density governs. As the zoning more density on these lots than the Redevelopment Plan, the zoning controls. While TOC incentives cannot be used to increase density on these lots, a density bonus can be applied;
- The residential density on Lots 11, 22, and 23 may be increased by 50 percent with a "by-right" state law density bonus under AB 2345 and the FAR increased to 4.05:1 with an on-menu density bonus incentive; and
- The maximum height on Lots 12 and 21 may be increased from 30 feet to 52 feet with a TOC additional incentive, and the maximum height on Lots 11, 22, and 23 may be increased to 41 feet with an on-menu density bonus incentive.

Taking all of the above into account, the maximum density for the Residential Option under the existing zoning, Community Plan, and Redevelopment Plan with TOC and density bonus (for Lots 11, 22, and 23) is 422 units as set forth below. Therefore, the Project's density is essentially the same as the maximum permitted.

Lot/Lot Area	Existing Zoning/General Plan/Redevelopment Plan Designations	Base Density under Existing Zoning or Redevelopment Plan (for Lots 11, 22, and 23)	Maximum Density under Existing Zoning with TOC Tier 3 Incentive or Density Bonus ^a
Lots 15–18 27,509.8 sf	C2-2D/Regional Center Commercial/Regional Commercial	137	235
Lots 13, 14, 19, and 20 27,510.2 sf	R4-2D/Regional Center Commercial/Regional Commercial	68	118
Lots 12 and 21 13,755.1 sf	R3-1XL/Medium Residential/Regional Center Commercial	17	31
Lots 11, 22, and 23	R3-1XL/Medium Residential/High Medium Residential	25	38
Total Units		247	422
^a Because TOC cannot be used to exceed residential density limits under the Hollywood Redevelopment Plan, Lots 11, 22, and 23 would utilize a by-right 50-percent density bonus.			

Comment No. 4-4

Note re plans and renderings: The technical analysis in sections of the DEIR appears in quite a number of places to conflict with its Project Description and Executive Summary.

Response to Comment No. 4-4

The commenter asserts that the Draft EIR conflicts with the Project Description but provides no examples or evidence to support this claim. Absent specific comments, no further response can be provided.

Comment No. 4-5

Project Request—Commercial Option The western third of the land is commercially zoned; 55,000 sf of development is allowed on it. The request is for 463,521 sf of commercial development—8 ½ X what is allowed. The Historic Resources Technical Report shows the Commercial Option as seeming less tall, but really bulky and sun-blocking tower with 8 levels of subterranean parking . [sic] The DEIR Project Description doesn't match: it shows the building as the same as the Residential Option, with the label saying "Residential Option". [sic] The EIR Project Description should be recirculated it appears.

	Lot Area	Permissible Devt	Proposed Devt	Height Allowed	Proposed Height	Parking
Vine addresses+ 1 lot Lots 15-18	27,272 sf **	Subarea 170; FAR 2:1 C4-2D-SN; Note 26* 54,544 sf				2/1000 required
De Longpre– Lot 13	6,758 sf	FAR 2:1 TQ C2-2D 13,516 sf ???				
De Longpre and Afton Lots 14,19,20	20,752 sf	Subarea 290; FAR 2:1 R4-2D note 26 41,504 sf		30' 2 stories		
De Longpre and Afton Lots 11,12,21,22,23	34,506 sf	Subarea 295; FAR 1.5:1; R3-1 XL -- 51,759 sf		30' 2 stories		
.TOTAL	89,290 sf	55,544 sf commercial	463,521 sf			

* Can exceed 2:1 with approved Transportation Plan – see 506 and 518etc ** miscalculated in the DEIR



Response to Comment No. 4-5

This comment inaccurately asserts the Project Description does not differentiate the building heights between the two options. As stated on pages II-1 and II-2 in Section II, Project Description, of the Draft EIR, the Residential Option would be 360 feet, 4 inches in height when accounting for rooftop mechanical equipment, and the Office Option would be 303 feet in height when accounting for rooftop mechanical equipment. As also stated on page II-22 in Section II, Project Description, of the Draft EIR, the Residential Option would be 32 stories in height, and the Office Option would be 17 stories in height. Moreover, the existing zoning would allow a total of 68,686 square feet of commercial users on Lots 13 and 15 to 18.

The Historical Report included illustrations from the entitlement submittal prepared for each Project Option. The commenter incorrectly suggests that the illustrations in the report are somehow different from the illustrations in the Draft EIR and mischaracterizes the depiction of the Office Option. Furthermore, in accordance with SB 743, aesthetic impacts, including those associated with shading, are determined to be less than significant given that the Project Site is located in a Transit Priority Area.

Comment No. 4-6

Historic Status: Please see our discussion of Cultural Resources in Attachment #1. These bungalows in the Project's ownership are exceptionally important, and the importance has not been fully described in the EIR.

- California Register District: The structures at 6254, 6258, and 6264 De Longpre and the structures at 6241, 6245, 6251, and 6255 Afton Place are located in the Afton Place California Register District (within the land purchased by the developer and considered a part of the Project)
 - o Some of these addresses per letter from the State Office of Historic Preservation dated March 14, 1990 are National Register Eligible
 - o Listed per ZIMAS 1995—Status code 2D2

Response to Comment No. 4-6

As set forth in the Historic Report, the bungalows on the Project Site are within the Afton Square Historic District. The eastern portion of the Project Site is located within the boundary of the Historic District, which was determined eligible for listing in the National Register and listed in the California Register. The determination of eligibility report did not identify any of the bungalows as “exceptional,” and the commenter provides no evidence that the bungalows on the Project Site are more important than any of the other contributing properties within the Historic District.

Comment No. 4-7

ENTITLEMENT SUMMARY

This Project violates the zoning for the properties proposed to be developed. The appropriate request is a Zone Variance application.

Entitlement Applications: The central entitlement request is:

- GPA: General Plan Amendment—Change residential parcels in the California Register District from Medium Density Residential to Regional Center.
- VZC HD—Vesting Zone and Height District Change from C4-2D-SN to (Q) C4-2-SN for the 4 westerly parcels, and from TQ C@-2D and R4-2D and R3-1XL to Q C4-2 for the remaining 9 parcels.
- VTT (Vesting Tentative Tract) and [sic] SPR (Site Plan Review) requests, which require Findings
- BL: Building line removal [sic] (effectively a setback line) along Vine St.
- DB: Density Bonus: (LAMC 12.22.A.25) compliance review selecting on meu [sic] incentives. But the added surprise is a (LAMC 12.22.A.25 (g) (3) request—_A [sic] “Waiver of Development Standards” to permit an approximately 50% area increase within the C4 zoned parcels to permit 475,433 sf in the C4 zone, as opposed to roughly 54,500 sf. This violates multiple current laws.

Response to Comment No. 4-7

As set forth in Section II, Project Description, of the Draft EIR, and updated in Section III, Revisions and Corrections, of this Final EIR, the Project would require the following approvals:

Residential Option

- Pursuant to LAMC Section 12.32 Q, a Vesting Zone and Height District Change from C4-2D-SN to [Q]C4-2-SN for the four westerly parcels, and from R4-2D and R3-1XL to [Q]C4 2 for the remaining nine parcels.
- Pursuant to LAMC Section 12.32 R, a Building Line Removal to remove a 10-foot building line along Vine Street.
- Pursuant to LAMC Section 12.22 A.25, Density Bonus Compliance Review for a 35 percent density bonus with 11 percent or 36 units designated for Very Low Income Households, utilizing Parking Option No. 1 and two on-menu incentives and two Waivers of Development Standards (Off-Menu).
 - Pursuant to LAMC Section 12.22 A.25(f)(7), an On-Menu incentive to calculate density prior to street dedications.
 - Pursuant to LAMC Section 12.22 A.25(f)(8), an On-Menu incentive to average density and floor area across the [Q]C4-2-SN and R3-1XL zones.
 - Pursuant to LAMC Section 12.22 A.25(g)(3), a Waiver of Development Standard to permit a 50 percent Floor Area increase within the C4 zoned parcels.

- Pursuant to LAMC Section 12.22 A.25(g)(3), a Waiver of Development Standard to calculate buildable area prior to street dedications.
- Pursuant to LAMC Section 12.24 W.1, Main Conditional Use Permit to allow one off-site license and one on-site license for the sale of a full line of alcoholic beverages for a grocery store, and three on-site licenses for the sale of a full line of alcoholic beverages within three restaurants.
- Pursuant to LAMC Section 12.24 X.12, a Zoning Administrator's Determination to allow commercial uses within six relocated historic bungalows designated on the California Register within the R3-1XL zone.
- Pursuant to LAMC Section 16.05 C.1, Site Plan Review for up to 429 residential units and up to 68,988 square feet of commercial uses.
- Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for the merger and resubdivision of the Project Site into three ground lots and for condominium purposes, and pursuant to LAMC Section 17.13, approval of a haul route.
- Any land use approvals that may be required under the Hollywood Redevelopment Plan and the LAMC, including approval to exceed the Plan's 4.5:1 FAR limit for the Regional Center Commercial.

Office Option

- Pursuant to LAMC Section 11.5.7(b), a General Plan Amendment for the five easterly parcels from Medium Residential to Regional Center.
- Pursuant to LAMC Section 12.32 Q, a Vesting Zone and Height District Change from C4-2D-SN to [Q]C4-2-SN for the four westerly parcels, and from R4-2D and R3-1XL to [Q]C4-2 for the remaining nine parcels. The [Q] conditions would, among other things, limit residential density to nine units, residential floor area to 8,988 square feet, and residential height to 20 feet.
- Pursuant to LAMC Section 12.32 R, a Building Line Removal to remove a 10-foot building line along Vine Street.
- Pursuant to LAMC Section 12.24 W.1, Main Conditional Use Permit to allow for the sale of a full line of alcoholic beverages.
- Pursuant to LAMC Section 16.05 C.1, Site Plan Review for more than 50,000 square feet of commercial uses.
- Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for the merger and resubdivision of the Project into three ground lots and for condominium purposes, and pursuant to LAMC Section 17.13, approval of a haul route.

- Any land use approvals that may be required under the Hollywood Redevelopment Plan and the LAMC, including approval to exceed the Plan's 4.5:1 FAR limit for the Regional Center Commercial.

With the above approvals, the Project will be consistent with the zoning and General Plan. No variance is necessary.

The density bonus waiver for the increased FAR for the Residential Option is not in violation of multiple laws but is expressly authorized under Government Code Section 65915 (State Density Bonus Law) and LAMC Section 12.22 A.25.

Comment No. 4-8

The Project is so far out of Land Use conformance as to request a General Plan Amendment and Zone and Height District Change. By definition the Project conflicts with all applicable Plans and Zoning, and fails to meet the "D" conditions. Findings must reflect that.

Response to Comment No. 4-8

This comment stating the commenter's opinion on the Project's requested entitlements is noted for the record and will be forwarded to the decision-makers for their review and consideration. The Project will be consistent with the zoning and General Plan with the requested approvals. Contrary to the comment, there is no limit on the General Plan Amendment or Zone and Height District Change that an applicant can request.

Comment No. 4-9

Missing Entitlement Applications: As noted above, a Variance request with required Findings is the appropriate entitlement request, not a spot zoned General Plan Amendment. Further, the critical Redevelopment Plan processes and approvals with Findings per the Redevelopment Plan are required:. [sic]

- The DEIR is vague about Redevelopment Plan: on Page 1-19 "Any land use approvals that may be required under the Hollywood Redevelopment Plan and the LAMC". [sic] The ENV Application was clearer: " Findings [sic] as required per the Hollywood Redevelopment Plan Sec 506.2.3 to allow the Project to be constructed with an FAR of 6:1 across the site. " [sic] We challenge that those findings can be made. We know that many land use planning constraints are on this Project and missed by the DEIR.
- Redevelopment Plan Amendment is required for the Land Use change requested from Residential to Regional Center Commercial [sic]

- Redevelopment [sic] Plan Variation: “Regional Center Commercial” carries with all of the requirements in the Redevelopment Plan as summarized in our list below. Most importantly, public benefits such as historic preservation are required, and the 6:1 FAR cannot be used on the Harold Way parcels. We believe the project does not meet Redevelopment Plan requirements, so the design must be revised, a Redevelopment Plan Variation processed, which in order to make findings would also trigger a revision to the Project design.
- “Unified Development” We have observed other LA/Hollywood projects required to make this application. We recommend a clear statement as to why or why not it is not required here.

Response to Comment No. 4-9

No variance is required, and the Project will require approvals under the Redevelopment Plan, including any necessary findings. Refer to Response to Comment No. 4-7 above. The comment refers to certain planning constraints but does not identify any. As such, no further response is possible.

No Redevelopment Plan amendment is required. Redevelopment Plan Section 502 provides:

In 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.

Therefore, upon approval of the proposed General Plan Amendment under the Office Option for the parcels currently designated as Medium Residential, the Redevelopment Plan will be automatically modified accordingly.

No Redevelopment Plan variation is required. On September 30, 2019, under authority granted in the Redevelopment Dissolution statutes, the Los Angeles City Council and Mayor approved a resolution and accompanying Ordinance No. 186,325 to transfer all responsibility for land use-related plans and functions in the 19 remaining Redevelopment Project Areas, including the Hollywood Redevelopment Project Area, from the CRA/LA to the City of Los Angeles, effective November 11, 2019. Thus, the City can take action regarding any Redevelopment Plan land use approval under LAMC Section 11.5.14.

The comment regarding Unified Development appears to refer to a Conditional Use Permit (CUP) for FAR averaging and residential density transfer in unified developments

under LAMC Section 12.24 U.19. Such a CUP is appropriate for projects to be developed on sites that are separated by a street or an alley. In this case, all the lots are contiguous. Under the Residential Option, on-menu incentive would allow for the averaging of density and floor area across the different zones. Under the Office Option, all the lots would have the same C4-2 zoning with approval of the requested Zone and Height District Changes. Therefore, a CUP under LAMC Section 12.24 U.19 is not required.

Comment No. 4-10

Brief Review of Significant Adverse Effects: Our more detailed review of the DEIR for pertinent comments on pertinent Chapters is included in Attachment A.

- **Findings for 35% density Bonus on top of Density Bonus:** We believe the Land Use calculations for the Residential Option are unclear. They appear incorrect based on our research into the original Council motions and entitlements. We further specifically request scrutiny in the DEIR and notice to the Public of the Public Hearing on a further Density Bonus achieved through a “Waiver”. [sic] The code section says:
 - The Density Bonus isn’t Hollywood Heritage’s subject, but the gargantuan project it leads to, and the e [sic] Findings for public benefit (as required when requesting a 6:1 FAR) are. 36 deed restricted units out of 429 is 8%—appears to fail at the purpose and specifics of the underlying DB (Density Bonus) request.
 - “The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low-, Low- and Moderate-Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. “ [sic]

Response to Comment No. 4-10

The commenter contends that the land use calculations are incorrect but provides no evidence thereof. The comment refers to original City Council motions and entitlements but does not provide any specifics. No further response is possible.

The 36 Very Low Income units under the Residential Option represent 11 percent of the base density after the proposed rezoning. The Residential Option is, therefore, entitled to a “by-right” 35-percent density bonus under the State Density Bonus law and LAMC Section 12.22 A.25.

The comment appears to claim that the City can only grant a density bonus waiver if it finds that there is a public benefit. There is no such requirement under the State Density Bonus Law or LAMC Section 12-22 A.25. Rather, under LAMC Section 12-22. A,25 the City must make one of the following two findings, supported by substantial evidence, to disapprove a density bonus incentive or waiver:

(i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or

(ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

The commenter correctly cites the second of these findings.

Comment No. 4-11

- Significant Adverse Effects for California Register Historic District: The direct effect of a request to build 2 ½ or 3X times the maximum allowable development, and over 8 times the development expected on the commercially-zoned property, is adverse. Our attachments address this in more detail. Using this current EIT [sic], and its conclusions re Cultural resources, as a basis for entitlement Findings is insupportable. (Doubling the construction square footage with the parking garages, in one option 8 levels below grade, is extensive and potentially damaging. Hollywood Heritage has provided specific language previously to City planning for better-crafted conditions regarding vibration and underpinning.)

Response to Comment No. 4-11

This commenter asserts that the Project will result in a significant impact on the Historic District but provides no evidence to support this claim. The new construction described in the comment was analyzed based on the thresholds of significance for determining impacts on historical resources in the CEQA Guidelines. The thresholds are not based on the size of a proposed project relative to the zoning. The thresholds are based on whether a project will materially impair the identified historical resource(s). In this case, the seven factors of integrity are the relevant methodology for determining whether or not the integrity of the Historic District is materially impaired. The Historical Report

appropriately applied the thresholds in the CEQA Guidelines and concluded that impacts would be less than significant because the Historic District would continue to retain sufficient integrity to convey its significance.

With respect to the claim that the Project is potentially damaging, the commenter has provided no evidence to support this claim. Nevertheless, as discussed in Section IV.H, Noise, of the Draft EIR, impacts with respect to building damage (using the significance criterion for historic buildings) would be less than significant with implementation of Mitigation Measure NOI-MM-2.

With respect to the commentor's assertion that "Hollywood Heritage has provided specific language previously to City planning for better-crafted conditions regarding vibration and underpinning," no such language was included in either the commenter's Draft EIR comment letter or NOP comment letter for this Project. Without further information, no response can be provided.

Comment No. 4-12

- Aesthetics: As noted below, the glare, shade and shadow effects of the Options affect the surrounding historic areas. The supporting analyses confuse the options and the designs, and should be revised and reissued to the public. These effects may very well be adverse; the architectural designs are not developed enough to truly evaluate. As well, as noted below, the TPA does not create an exemption from this analysis.

Response to Comment No. 4-12

In claiming that the Project will result in significant glare, shade and shadow effects of the Options affect the surrounding historic area, the commenter is misreading the law. The cited exception only means that even if a project is exempt from an analysis of aesthetic impacts, the EIR must nonetheless include a full analysis of impacts to historical resources. As noted in Section VI, Other CEQA Considerations, of the Draft EIR, the Residential Option is a mixed-use residential and commercial development and the Office Option is an employment center project. The Project Site is entirely within 0.5 mile of a major transit stop (i.e., the Metro B Line Hollywood/Vine Station 0.4 mile north of the Project Site) and meets PRC Section 21099's definition of an infill site as a lot located within an urban area that has been previously developed. In addition, City of Los Angeles Zoning Information File No. 2452 (ZI No. 2452) states that projects meeting these criteria are exempted from a determination of significant impacts on aesthetic resources (scenic vistas, scenic resources, aesthetic character, and light and glare) as outlined in CEQA Appendix G. Therefore, pursuant to SB 743 and ZI No. 2452, the Project's aesthetic impacts shall not be considered a significant impact on the environment as a matter of law. Notwithstanding the mandate imposed by SB 743, the Initial Study included a discussion of

aesthetics for informational purposes only. Impacts on historical resources are fully analyzed in Section IV.B, Cultural Resources, of the Draft EIR. This includes a detailed discussion of the impact of the Project's size, scale, and design on pages IV.B-39 and IV.B-40 of the Draft EIR. Lastly, shadows being cast on a historical resource would not impair the integrity of the resource or otherwise result in a significant impact to historical resources.

Comment No. 4-13

Preferred Alternative: The DEIR should identify a preferred Option, and revise the EIR to consistently reflect that Option. The DEIR is plagued by comingling of analyses and omissions for each proposed development option.

Response to Comment No. 4-13

CEQA does not require identification of a preferred option. The Draft EIR is required to evaluate the Project as proposed by the Applicant. Throughout the Draft EIR, the more severe impacts are analyzed to present the most conservative analysis possible. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-14

A preferable project per Hollywood Heritage includes

- Preservation Plan: See "Cultural Resources".
- All De Longpre and Afton Place frontages in the California Register Historic District returned to residential use with the homes in their current locations, and the District's character-defining features retained.
- No zone change to commercial zoning is needed nor should be requested. In order to use any FAR from created for the residentially zoned land (or currently on it) a formal and public process is required: a formal development rights transfer through a CUP process used formerly by City Planning, (or is it a Unified Development process) . Or something else.
- Project Conditions: Any future development rights on the current land parcels in the District must be reduced to current use and square footage, with some allowance for 1 story additions, ADU's, garages, etc [sic] serving the homes.
- The Project subterranean parking can be built below the whole site using a Zone Variance, which has as a Condition of Approval [sic] the conservation of the bungalows under a façade easement.

Response to Comment No. 4-14

This comment, which summarizes the commenter's preferred project, is noted for the record and will be forwarded to the decision-makers for review and consideration.

With respect to the Preservation Plan, a Preservation Plan is already included in the proposed Project as a Project Design Feature CUL-PDF-1.

With respect to the locations and uses of the bungalows, the Project already proposes that the three bungalows facing De Longpre Avenue be returned to their original locations and, following the demolition of the non-contributing building, the three bungalows facing Afton Place would be shifted east by one lot. Overall, the integrity of the Historic District would be improved by eliminating one non-contributing building. As noted above in Response to Comment No. 4-2, the Relocation Study, included as Appendix FEIR-2 of this Final EIR, concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the Project Site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

The specific use of the bungalows has not yet been determined; they may be reused as offices and restaurants or used as residential units. The use is irrelevant to the analysis of impacts on historical resources because the Secretary of the Interior's Standards allow for the adaptive reuse of historic buildings. There are numerous examples of bungalows converted to commercial uses in compliance with the Standards. One such example is Whitley Court at 1720–28 Whitley Avenue. This bungalow court, which is listed in the National and California Registers and designated as a City Historic-Cultural Monument, was converted to offices and yet retains its physical integrity. The commenter has provided no evidence the character-defining features of the bungalows would be destroyed if they are adaptively reused.

The commenter's preference for a project that does not change residential zoning to commercial is noted for the record and will be forwarded to the City decisionmakers. While LAMC Section 12.24 U.19 provides a CUP for FAR averaging and residential density transfer in unified developments, that CUP only applies to commercially zoned parcels. Refer also to Response to Comment No. 4-9.

Comment No. 4-15

Cumulative Impacts: Hollywood Heritage has found data in the DEIR that undercounts contributions to cumulative impacts, We reserve the right to provide that data in the future.

Response to Comment No. 4-15

The commenter asserts that the Draft EIR underestimates cumulative impacts but provides no examples of evidence to support this claim. While the commenter states that they reserve the right to provide the referenced data, the commenter is reminded that the Draft EIR comment period closed on July 25, 2022. As of January 2023, no additional information has been submitted to the City. Absent specific comments, no further response can be provided.

Comment No. 4-16

Entitlement Findings : [sic] We point out that any Findings must be based in [sic] a comprehensive review all the Land Use Plans being referenced and in effect—such as zoning, current Community Plan, Redevelopment Plan, General Plan Framework. The DEIR does not have that, and is deficient.

Planning has a purpose. It establishes what growth, and locations for growth, are positive, sustainable, and coordinated in terms of infrastructure and environment. It lays the “blueprint” for orderly growth. In Hollywood, developers routinely ask for and receive entitlements worth \$20–\$120 million of land value free from the City Council, bringing inequity, lopsided effects on livability, endangering adjoining investments and homes, etc.

This project is a threat to Afton Square. Planning and zoning was in place in which Afton Square could grow a bit, but continue to be viable—both as an historic District and truly as stakeholders’ homes in Hollywood. Blasting through that with this project serves no public purpose. There is an opportunity here to revise the “ask” and revise the design. Onni has responded in the past. They have improved the project. The designs are so “iffy” and preliminary even they don’t know what the market can bear or what they want to build. We suggest transforming the entitlements “ask” and the project for a compliant and stellar outcome.

Response to Comment No. 4-16

This comment states the commenter’s opinion of what should be included in the findings for the Project. Findings are not required at this stage of environmental review. However, Section IV.G, Land Use, of the Draft EIR, and its accompanying appendix, Appendix K, include an analysis of the Project’s consistency with all applicable provisions of the zoning, current Community Plan, Redevelopment Plan, General Plan Framework adopted for the purpose of avoiding or mitigating an environmental effect.

The Project would retain and rehabilitate the contributors to the Historic District in accordance with the Secretary of the Interior’s Standards for Rehabilitation. Furthermore,

the Draft EIR and the Historical Report demonstrate the Project would not materially impair the significance of the Historic District. With respect to the claim that the Project is a “threat” to Afton Square, the commenter provides no evidence. Absent specific comments, no further response can be provided.

Comment No. 4-17

Att: Attachment 1—HHI DEIR detailed response

ATTACHMENT I

HHI DEIR Detailed Response

This Attachment accompanies and incorporates the memo it is attached to [sic]

Response to Comment No. 4-17

This comment introduces the attachment. Specific issues raised by the commenter are addressed in Response to Comment Nos. 4-18 through 4-45, below.

Comment No. 4-18

Project Description: The [sic] Project Description is inadequate and incomplete. See following. The project description and Executive Summary are inconsistent with technical reports.

Response to Comment No. 4-18

This commenter asserts that the Project Description is inadequate but provides no examples or evidence to support this claim. Absent specific comments, no further response can be provided.

Comment No. 4-19

EIR Alternatives Analysis: The DEIR includes Alternatives as required by CEQA, and should select the environmentally superior alternative. Hollywood heritage has proposed features of the environmentally superior project. We reserve the right to add iur [sic] conclusion in the future.

Response to Comment No. 4-19

The Project’s alternatives analysis is consistent with CEQA Guidelines Section 15126.6(e)(2) and identifies the environmentally superior alternative. Specifically, the analysis identified the environmentally superior alternative for the Residential Option and

the Office Option (i.e., Residential Option Alternative 3 and Office Option Alternative 3, respectively), as well as the overall environmentally superior alternative (Office Option Alternative 3).

Comment No. 4-20

EIR and Implementation of Current Mitigations Already in Effect: The DEIR should have recited and includes [sic] compliance with, and implementation of, Mitigation Measures carried over and currently effective from the Hollywood Community Plan and the Hollywood Redevelopment Plan.

Response to Comment No. 4-20

As the Draft EIR does not tier off the EIR for the Community Plan or the Redevelopment Plan, it not necessary to incorporate mitigation measures from either EIR. Moreover, the Draft EIR already incorporates all feasible mitigation measures to reduce or avoid the Project's potentially significant impacts. However, the comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-21

I: Aesthetics:

The EIR must review aesthetics—including Shade and Shadow (including glare) and night lighting effects on an historic district. The analysis stating that TPAs need not consider aesthetic impacts has a major omission: TPA exemptions for aesthetic effects are NOT allowed for evaluations of effects on historical and cultural resources per CAC 21099 (d) (1) [sic], and reflected in the City of Los Angeles ZI 2452; . [sic]

d)(1) Aesthetic and parking 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.
 (2)(A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.
 (B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources."

The DEIR must analyse [sic] these effects fully, and unless the project is changed significantly, will very likely trigger Mitigation Measures. Since Hollywood Heritage last reviewed this project, the developer has responded to concerns about aesthetics in the Historic District, re-designing the residential building to minimize sun-blocking effects and eliminating outdoor residential balconies. The new design appears to be highly preliminary. We have worked successfully with other developers to adjust facades facing into the

historic district. We suggest this project be conditioned in the DEIR for a stakeholders review of façade materials, reflectivity. Scale elements etc [sic] for compatibility.



We find the aesthetics discussion inadequate. We will review in detail, but the DEIR should:

- Provide full and accurate description of the building aesthetics as experienced by the public. trees and nature following normal patterning at the ground level; and limitations of interruption of light and air to existing dwellers.
- Provide full shade and shadow studies: Full shade and shadow studies for loss of sunlight are required.
- Provide specifics on building reflectivity, glare analysis, and mitigation measures. “ [sic]
- Provide description of night lighting; [sic]
- Provide full renderings and drawings of grade level aesthetics , [sic] to provide a factual basis for an analysis of effects both to the historic district and the pedestrian environment [sic]
- Include the required Mitigation Measure for Design Review. The schematic early design nature of the drawings means that the Project—if approved—must include specific design review conditions.

Response to Comment No. 4-21

Refer to Response to Comment No. 4-12, above. As discussed therein, the Project’s aesthetic impacts shall not be considered a significant impact on the environment as a matter of law, and impacts on historical resources are fully analyzed in Section IV.B, Cultural Resources, of the Draft EIR. The commenter’s request that the Project include design review conditions is noted for the record and will be forwarded to the decision-makers for review and consideration. It should be noted that the City typically imposes a standard condition of approval requiring that the final plans be in substantial conformance with the approved plans.

Comment No. 4-22

XI; [sic] Land Use and Planning The [sic] Land Use section [sic] DEIR has errors, omissions, and incorrect calculations. (For example, the current Vine St. commercially zoned 4 lots are 27,272 approx sf lot area, not 55,000). [sic] Statements of conformance with the General Plan Elements; the Hollywood Community Plan; and the Hollywood Redevelopment Plan are cherry picked—omitting a genuine discussion of compliance for vague platitudes which might be favorable to this project.

The Land Use discussion in this EIR must state clearly and honestly the conflicts with current adopted Plans—EIR discussion and Findings for entitlement actions cannot be based on the changes that the Project entitlements request! Findings needed for these entitlement requests cannot be based on an EIR that pre-supposes the entitlements “would” or “will” happen. This is deficient and must be corrected.

Response to Comment No. 4-22

Section IV.G, Land Use and Planning, and its accompanying appendix, Appendix K, of the Draft EIR, include a detailed discussion of the Project’s potential to conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect (i.e., CEQA Guidelines Appendix G, threshold XI.b). As concluded therein, impacts with respect to conflicts with land use plans were determined to be less than significant. The commenter has provided no examples or any evidence to support their claim that the analysis included “errors, omissions, and incorrect calculations” beyond their incorrect assertion that the commercial lot area is incorrect. The comment appears to conflate the current zoning with the proposed zoning. As correctly stated in Section IV.G, Land Use and Planning, of the Draft EIR, the eight westerly parcels, comprising 55,000 square feet, will be commercially zoned (i.e., (Q)C4-2-SN) with approval of the proposed Zone and Height District change.

Comment No. 4-23

- **Non-conformance with Conservation Element of General Plan:** Cite [sic] precise language and how the project complies, or doesn’t, conform in the FEIR

Response to Comment No. 4-23

Section IV.G, Land Use and Planning, of the Draft EIR, includes a detailed discussion of the Project’s potential to conflict with the applicable policies of the Conservation Element adopted for the purpose of mitigating or avoiding and environmental effect. Refer to pages IV.G-36 through IV.G-38 of the Draft EIR.

Comment No. 4-24

- **Non-conformance with the Framework:** The EIR is required to be accurate, not selecting one positive section out of many Framework goals and procedures to report on. Case in point:
 - The Framework Goal to “provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character” is hardly supported by a density 2.5 times that permissible and a 262’ height encroaching into a 2 story 30’ height district.

Response to Comment No. 4-24

Section IV.G, Land Use and Planning, and its accompanying appendix, Appendix K, of the Draft EIR, include a detailed discussion of the Project’s potential to conflict with the applicable policies of the Framework Element. Refer to pages IV.G-31 through IV.G-35 and Table 2 of Appendix K of the Draft EIR.

With respect to the cited example, Framework Element Policy 3.2.1 was not adopted for the purpose of avoiding or mitigating an environmental effect and is, therefore, not relevant to the CEQA threshold. Nonetheless, Framework Element Policy 3.2.1 does not pertain to height or density.

Comment No. 4-25

- **Non-conformance with current Hollywood Community Plan:**
 - As noted earlier—the request for a General Plan Amendment is de facto evidence of the project’s non-conformance with Land Use Plans Land Uses non-conforming with current Community Plan [sic]—this must be clearly disclosed.

Response to Comment No. 4-25

The General Plan Amendment required for the Project’s Office Option is disclosed on page I-20 of Section I, Executive Summary, page II-41 of Section II, Project Description, and pages IV.G-28 and IV.G-39 of Section IV.G, Land Use and Planning, of the Draft EIR. Again, the CEQA threshold is the potential to conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. The land use designation in and of itself is not relevant to the CEQA threshold, and a General Plan Amendment request is not in and of itself evidence of a significant land use impact.

Comment No. 4-26

- Interconnection to the Redevelopment Plan, as mandated in the Plan Text of the Hollywood Community Plan

CPC 86-835 GPC Cultural Heritage	Historic Listing and Protection Requirement: . CRA was required in this case to list all
	<u>National Register Status Code 1-3 buildings as Cultural Heritage landmarks</u> , affording Cultural Heritage permit reviews. CRA extended this to Status Code 4's. City created a ZI (ZI 1812) so that Plan Checkers send applicants <u>back</u> to CRA. City Planning now is conducting these reviews

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Response to Comment No. 4-26

The cited requirement applies to the City and not related to the environmental review for the Project.

Comment No. 4-27

- Removal of D Conditions: The [sic] DEIR must state explicitly the requirements for removing “D” conditions and applying for a higher FAR. The DEIR must state that “D” conditions in the first place have not been met [sic]:
 - Conformance with the Hollywood Redevelopment Plan (non compliant due to requested density in excess of 4.5:1 without procedure followed)
 - Conformance with a CRA-adopted Transportation Plan under Sec 518.1 (non-compliant due to CRA Transportation Plan never adopted, CRA and City of LA non-compliant with requirement to complete such a plan)
 - Conformance with any applicable Design Plan (none applies at this address)
 - No Disposition and Development Agreement or Owner Participation Agreement (City may do this with a public hearing)
 - Approval by the City Planning Commission (this complies)

- [sic]

Response to Comment No. 4-27

The comment appears to refer the existing “D” Limitation, which would be removed in its entirety as part to the proposed Zone and Height District Change pursuant to LAMC

Section 12.32. Once removed, the “D” Limitation will no longer apply to the Project Site. Refer to Response to Comment No. 4-9 above regarding required approvals under the Redevelopment Plan.

Comment No. 4-28

- **Non conformance with the Redevelopment Plan:** “D” [sic] Conditions coordinated in 1990 with the Hollywood Community Plan reflected the decision to keep this portion of Vine Street at a low density and height near the residential neighborhoods. Justifications for a 6:1 FAR request by this project based on a commercial Plan change will not be found in the Redevelopment Plan. A Redevelopment Plan Amendment following state guidelines and making required findings would be a part of this entitlement process. Hollywood heritage [sic] finds this approach would be precedent-setting; unsupportable; unnecessary; and have cumulative impacts. Pertinent sections which the DEIR must state and analyze are:

Sec 409	<u>Design Review:</u> All rehabilitation undertaken in the Project Area.. [sic] determined by the Agency to be of architectural and/or historical significance shall be rehabilitated in accordance with the Secretary of the Interior Standards
Sec 505	<u>Environmental quality in residential historic districts:</u> Within portions of the Project Area designated for residential use there are clusters of single family homes and architecturally and/or historically significant buildings or groups of buildings. There is also a need for additional parking. Therefore, in order to enhance the environmental quality of residential areas Design(s) for Development may be adopted to: 1) Ensure that the scale, density, bulk and general architectural style of new development is compatible with the architectural and/or historical features of a neighborhood; 2) Reduce the permitted density of an area below that density otherwise permitted in order to preserve clusters of houses; and 3) Ensure that an appropriate amount of parking is provided for residents of the area [sic]
Sec 506.2.3	<u>Public benefit required:</u> any development exceeding 4.5:1 FAR must have a binding written agreement (formerly with the Redevelopment Agency, now transferred to City Planning) to show how the project meets obligations for public purpose, defined as “such as [sic] the provision of additional open space, cultural facilities, public parking, or the rehabilitation of an architecturally or historically significant building; [sic] and document the contribution and cumulative impact of peak hour trips and of totaled floor area within the Regional Center Commercial designation.
Sec 505.4 and 506.3:	<u>Design/permit review:</u> Agency must review commercial uses in residential areas and residential uses in commercial areas. Findings of conformance must be made, following analysis of stated requirements [sic] (This project does not meet stated requirements [sic])
Sec 511	<u>TDRs</u> “The Agency shall promulgate procedures for such transfer proposals(and shall) obtain adequate assurances that the building 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 Redevelopment Plan, the objectives of special districts as established by the Plan and if applicable, any adopted Design for Development” [sic]
Sec 511	<u>Listing/Public Information:</u> “Agency .. [sic] shall maintain publicly available list of all buildings within the Project Area which it determines to be architecturally and/or historically significant.” Selma LaBaig District was recognized as an historic resource by CRA [sic]

Sec 511	Protection requirement-delay of any kind of permit/ delay of demolition: Buildings listed by CRA, CHM, CHRIS, and National Register deemed to be of architectural significance; eligible for procedures for design review for alterations and for delay of demolition for 180days process, extendable to 360 days.
Sec 511	Scorched Earth- bonus denial: “ The Agency shall deny requests for housing incentive units, development in the Regional Center Commercial designation above an FAR of 4.5:1 and variations for sites on which a structure determined by the agency to be significant was demolished after the adoption of this Plan or is proposed to be demolished”. [sic] (Note exempts SB 1818 increase [sic])
Sec 407.1.4	Design Review: All development plans (whether public or private) shall be subject to review and approval by the Agency. I The [sic] City of Los Angeles received this responsibility through the “Transfer Ordinance [sic]”.

Response to Comment No. 4-28

This comment cites a number of Redevelopment Plan sections the commenter claims the Project is in non-conformance with. Each of these is addressed below.

Section 409: The Project fully complies with Section 409 of the Redevelopment Plan. The contributors to the Historic District would be rehabilitated in accordance with the Secretary of the Interior’s Standards for Rehabilitation. See also Response to Comment No. 4-9, above.

Section 505: There is no Design for Development applicable to the Project.

Section 506.2.3: As stated in Section II, Project Description, of the Draft EIR, the Project is seeking approval under the Redevelopment Plan to exceed an FAR of 4.5 to 1. If this approval is granted, the City decisionmaker will make any and all required findings. See Response to Comment No. 4-9, above.

Sections 505.4 and 506.3: The Redevelopment Plan permits residential use in commercial areas. See Response to Comment No. 4-9, above.

Section 511: There are no transfer of development rights proposed in connection with the Project.

Listing: The status of the Historic District has been included in multiple versions of CRA surveys of historic resources, including most recently in the 2020 CRA Hollywood Survey.

Delay: The Project would rehabilitate the contributors to the Historic District in accordance with the Secretary of the Interior’s Standards and would not materially impair the significance of the Historic District. Therefore, this provision is not applicable.

Scorched Earth: The Project is not seeking a housing incentive under the Redevelopment Plan. Furthermore, the Project does not propose to demolish any historical resources. For these reasons this provision is not applicable.

Design Review: The Project will be subject to review under LAMC Section 11.5.14 for Redevelopment Plan consistency. Refer also to Response to Comment No. 4-9. The Project's design has also undergone review by the City's urban design studio and Private Volunteer Program.

Comment No. 4-29

- **Redevelopment Plan—Hollywood Core Transition District Plan and Sunset Plan:** As well, the Redevelopment Plan outlines measures to protect fragile residential neighborhoods such as Afton Square, whose zoning was known 3 decades ago to be far too intense for the current homes. "D" conditions and zoning restrictions were purposely placed by City Planning and coordinated with CRA. Referral to the Cultural Heritage Commission, historic surveys, and lower density multifamily zoning were tools of CRA. The Redevelopment Plan sought to ameliorate the conflict of the Community Plan's density with existing development in these bungalow districts, although they were not officially listed until after the Redevelopment Plan adoption. No building permits could be issued, without amelioration of damaging effects from traffic, etc. The recent adopted Sunset Plan—although not a perfect document at all—did formally reflect CRA's commitment to Afton Square California Register District as a protected neighborhood.

Sec 505	It is an important goal of this Plan to maximize the opportunity for housing choices. Therefore, the Plan designates six residential categories in the Project Area which permit a variety of housing choices in order to encourage the preservation and enhancement of the varied and distinctive residential character of the community, preserve stable single-family residential neighborhoods, and provide multiple-family dwelling units. All new housing shall be developed in accordance with the densities indicated below: For this project— Medium: Up to 40 units per gross acre
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Response to Comment No. 4-29

As set forth in Section IV.B, Cultural Resources, of the Draft EIR, the Project would not result in a significant impact to the Afton Square California Register District. Regarding Redevelopment Plan Section 505, the Residential Option would increase housing choices by developing market rate and affordable units in a variety of sizes and configurations. As the Office Option with the bungalows repurposed for restaurant use would not result in the construction of new housing units, Section 505 does not apply. If the existing bungalows are repurposed as residential units under the Office Option, the resulting density would be well below the maximum permitted under the Redevelopment Plan.

Comment No. 4-30

- **Non-conformance with Zoning**

- Missing reference to multiple ZI's for the property—some [sic] listed in ZIMAS, some applicable but not listed
- Land Use: project [sic] proposes removal of residential zoning—thus non-compliant
- Height District: The Height District, especially on the residentially zoned lots, was 30' for reason.. [sic]
- There is no justification, hardship, or genuine offsetting benefits. This exacerbates a damaging practice by LA City Planning of granting excess development rights to individual developers, effectively “taking” rights from other property owners. The cumulative effect of all these projects must be quantified now in this EIR.

Response to Comment No. 4-30

The Project's requested entitlements, including the Vesting Zone Change and Height District Change, are fully disclosed in Section II, Project Description, of the Draft EIR. Refer to Pages II-40 through II-42 of the Draft EIR. The Draft EIR addresses the impacts of the Project's height on the physical environment, including historic resources, as well as the Project's consistency with applicable plans.

With respect to the Zoning Information files (ZIs) listed in ZIMAS, these are informational documents intended to inform the reader of how various ordinances and policies are implemented. They are not zoning requirements in and of themselves and as stated above, any proposed deviation from the Project Site's zoning is included in the list of requested entitlements.

Comment No. 4-31

IV: Cultural Resources: As [sic] noted below, the DEIR misses the special nature and significance of these specific bungalows; the necessity of a full evaluation of District features and effects on the District as a whole; and misses the special emphasis in planning handled for 35 years by the CRA to keep this rare and remaining Hollywood historic district intact. We recommend that the technical report appendix and the DEIR be updated as follows. Right now we recommend clearing up the many inconsistencies, and the actual proposals for the bungalows is unclear.. [sic]

Response to Comment No. 4-31

The Historical Report accurately states that the eastern portion of the Project Site is located within the boundary of the Historic District, which was determined eligible for listing in the National Register and listed in the California Register. Specifically, there are six contributing and one non-contributing properties within the Historic District on the Project Site. The six contributing properties are occupied by bungalows.

The determination of eligibility report did not identify any of the bungalows as “special,” and the commenter provides no evidence that the properties are more important than any of the other contributing properties within the Historic District. The Historical Report analyzed the impacts on the Historic District as a whole and concluded it would not be materially impaired by the Project.

With regard to the proposed plan for the bungalows, see Response to Comment No. 4.2, above.

Comment No. 4-32

1. Buildings to be demolished: Hollywood Heritage has no comment on the findings regarding addresses 6272 De Longpre; 1330 Vine Street; 1348 Vine St; and 6241 Afton.

Response to Comment No. 4-32

This comment, stating that the commenter has no comment on the findings regarding addresses 6272 De Longpre Avenue, 1330 Vine Street, 1348 Vine Street, and 6241 Afton Place, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-33

2. Standard of Review: Hollywood Heritage asserts that the EIR should reflect a standard of review which is not delimited—not solely a review for “significant adverse effect”. [sic] Compliance with the Secretary of the Interior Standards is required. The DEIR must include this nuance.

Response to Comment No. 4-33

The Secretary of the Interior’s Standards provide guidance for the analysis of historical resources under CEQA, specifically with regard to categorical exemptions. However, the Standards are not identified or recognized in CEQA or the CEQA Guidelines as the thresholds for determining significant impacts on historical resources. Therefore,

reviewing a project for compliance with the Standards is not required, as suggested by the commenter. It should be noted, however, that Project Design Feature CUL-PDF-1 requires that a Preservation Plan be prepared in accordance with the Secretary of the Interior's Standards for Rehabilitation.

Comment No. 4-34

3. New construction proposed in historic district—requires evaluation in EIR: The proposed large-scale Project proposed on Vine St. does not need to be evaluated as “new construction” in the Historic District. However, the extension of modern paving materials and changes to landscaping—shown preliminarily in Project drawings and crossing into the District should be changed. If those ideas are proposed to go forward, then Hollywood Heritage finds them non-conforming with the Standards; the effect must be stated [sic] and noted in the DEIR

Response to Comment No. 4-34

As discussed in Response to Comment No. 4-33, the Secretary of the Interior's Standards are not identified or recognized in CEQA or the CEQA Guidelines as the thresholds for determining significant impacts on historical resources. Nonetheless, Project Design Feature CUL-PDF-1 requires that a Preservation Plan be prepared in accordance with the Secretary of the Interior's Standards for Rehabilitation.

Comment No. 4-35

4. Uniqueness and importance of bungalows—missed in technical Report and DEIR: Within the Afton Square Historic District, the identified six (6) one-story wood clad bungalows constitute over half of the 12 bungalows of similar architectural type in the district. These building types are represented on the western-most portion of the district, and define a unique residential character within the district as a whole. Analysis to identify patterns and characteristics within the district should be performed to accurately identify impacts to the historic district.

Response to Comment No. 4-35

As discussed in Response to Comment Nos. 4-6 and 4-31, the National Register determination of eligibility report did not identify any of the six contributing properties as special or the residential character of the Historic District as unique. The Historic District includes single-family building types, such as bungalows, and multi-family building types, such as bungalow courts, duplexes, fourplexes, and apartment buildings. The characteristics of each type are somewhat different. There is a range of styles, heights, and setbacks. Some apartment buildings provided no accommodations for parking cars, while most, but not all bungalows, included garages.

None of the contributing properties were identified as individually distinctive in the determination of eligibility report. The Historic District was found significant as one of the few remaining intact residential neighborhoods in Hollywood, which does not mean the residential character of the Historic District is unique. Since the portion of the Project Site within the boundary of the Historic District includes bungalows, which are across the street from other bungalows, the relevant characteristics within the Historic District pertain to the physical features of lots with bungalows, which is described in the Historical Report.

Furthermore, the proposed Project does not involve the demolition of any of the contributing bungalows. In fact, the bungalows will be improved by their rehabilitation in compliance with the Secretary of the Interior's Standards, while a non-contributing building will be demolished. Overall, the demolition of one non-contributing building will enhance the character of the Historic District as a whole because it would remove a visual intrusion that otherwise diminishes the integrity of feeling. Thus, the Historical Report concluded the integrity of the Historic District will be retained and will not be materially impaired by the Project.

Comment No. 4-36

5. Afton Square "district features" must be clearly defined in the DEIR: Afton Square Historic District connects it to Hollywood's history and its socioeconomic and cultural context through both the vernacular architecture of the era and through the District urban features. The DEIR misses this important analysis. These narrow streets laid out with homes of the "teens" and their driveways, offers [sic] an ensemble that is a powerful reflection of Hollywood's roots. The District is more than isolated bungalows to be moved without respect for their setting and their presence for their neighbors. Districts themselves are acknowledged to have character-defining features (outlined here) which must be clearly described in the FEIR:
 - a. Characteristic lot size (frontage and depth) with consistency in front, side, and rear yards;
 - b. Street section with paved section, flanking parking, sidewalks, concrete driveways to the rear garages;
 - c. Landscaping, with street trees, low fencing, and lawns;
 - d. Characteristic one or two story building massing, with roof massing described; characteristic use of front porches' , , [sic]
 - e. Historic street lighting continuity [sic]

- f. Materials, coloration, and aesthetics of the historic architectural styles. (Just as HPOZ's [sic] have color as an important District feature, these should also,.) [sic]

Response to Comment No. 4-36

The features listed by the commenter do not exist within the Historic District. Nevertheless, the Project would reconstruct the sidewalks consistent with the existing character adjacent to the Project Site. Similarly the materials would be retained or reconstructed as stated in the Relocation Study included as Appendix FEIR-2 of this Final EIR. There are no historic streetlights within the Historic District. Thus, the Draft EIR is not missing analysis.

The Project does not involve changes to the lot sizes, development patterns, or architectural styles within the boundary of the Historic District. The bungalows would not, as claimed by the commenter, be moved without respect for their setting. As discussed in Response to Comment No. 4-2, the bungalows would be temporarily moved off-site for the construction of the subterranean parking structure, returned to the Project Site, and rehabilitated in compliance with the Secretary of the Interior's Standards. Therefore, they would be the same height, scale, massing, and style as they are presently. Furthermore, they would retain their primary character-defining features, such as roof forms and front porches.

Furthermore, as also noted above in Response to Comment No. 4-2, the Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

When returned to the Project Site, the six bungalows will have the same orientation, setting, and general environment as they had before their temporary relocation. Therefore, they will continue to contribute to the significance of the Historic District.

Comment No. 4-37

2. [sic] DEIR must describe how and whether the Project retains District character-defining features; [sic] The DEIR fails to evaluate proposed changes to the bungalow use and locations. In fact, drawings and text are inconsistent from Technical Report to DEIR. As both Afton Place and deLongpre [sic] Ave have District building across from these bungalows, physical changes to setbacks, locations of side yards, etc [sic] on the Project site affects other District properties .Alterations [sic] as suggested in the project drawings and the

Technical Appendix are not in keeping with the Standards. Those proposals should be eliminated from the FEIR. (Hollywood Heritage can provide the legal basis for this on request). [sic]

Response to Comment No. 4-37

With regard to the character-defining features, see Response to Comment No. 4-36.

With regard to the use of the bungalows, see Response to Comment No. 4-14. As discussed in Response to Comment No. 4-14, the specific use of the bungalows has not yet been determined; they may be reused either as offices and restaurants or as residential units. The use is irrelevant to the analysis because the Secretary of the Interior's Standards allow for the adaptive reuse of historic buildings.

With regard to the location of the bungalows, see Response to Comment No. 4-2. The Draft EIR explained and analyzed the proposed locations of the bungalows. As discussed in Response to Comment No. 4-2, they would be temporarily moved off-site for the construction of the subterranean parking structure, returned to the site, and rehabilitated in compliance with the Secretary of the Interior's Standards. The analysis concluded that the impact on the Historic District would be less than significant.

With regard to the claim the Draft EIR and Historical Report are inconsistent, see Response to Comment No. 4-4.

As discussed in Response to Comment Nos. 4-2 and No. 4-14, the Project proposes returning the three bungalows facing De Longpre Avenue to their original locations and, following the demolition of one non-contributing building, shifting the three bungalows facing Afton Place east by one lot, which would improve the integrity of the Historic District by eliminating one non-contributing building. Thus, the spatial relationships between the bungalows and the other contributing properties within the boundary of the Historic District would remain essentially the same. The other contributing properties within the boundary of the Historic District will not be materially impaired by the Project because their status as contributing properties would not be affected by the Project.

With regard to the claim the alterations would not comply with the Secretary of the Interior's Standards for Rehabilitation, Project Design Feature CUL-PDF-1 requires a Preservation Plan be prepared in accordance with the Standards for Rehabilitation. Thus, there is no evidence the alterations would not comply with the Standards. Indeed, at Project completion, the current condition and physical integrity of the bungalows would be improved by their rehabilitation. Furthermore, as noted above in Response to Comment No. 4-2, the Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the

site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

Comment No. 4-38

3. [sic] Preservation Plan for 6 Bungalows a [sic] Mitigation Measure: : [sic] This CUL-PDF is a positive feature. We believe that it must be a Mitigation Measure, due to the relocation and reinstallation of bungalows that is proposed. The Preservation Plan will include a full description of the buildings' character-defining features and their current condition, as well as District character-defining features:
- a. The Preservation Plan Mitigation Measure must require review and OHR approval prior to issuance of any building or alteration permits.
 - b. Buildings' relocations must be subject to alteration permits, having architectural plans clearly documenting existing character-defining features-to-remain. Materials such as brick will be salvaged, not demolished; concrete must be salvaged for chemical testing. Storage off the project site should not be allowed. Protection measures for the existing historic fabric must be prescribed. No requirement for structural upgrades is required—consult the State Historic Building Code and Hollywood Heritage.
 - c. The report should be prepared by a qualified historic architect with 10 years minimum experience.; [sic] monitored by a qualified monitor (multiple site visits during preparation for relocation) and the Office of Historic Resources.
 - d. Prior to acceptance by OHR, the report should be available for public review and public input be required. Homes that have been stripped or badly treated could be reconstructed based on evidence or vernacular examples.

Response to Comment No. 4-38

The Preservation Plan is a Project Design Feature because the temporary off-site relocation of the bungalows for the construction of the subterranean parking structure, as well as their return to the site, incorporation into the Project, and rehabilitation in compliance with the Secretary of the Interior's Standards is an integral component of the Project. Project Design Features, similar to Mitigation Measures, will be enforceable conditions of project approval. Furthermore, the Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

Pursuant to LAMC Section 91.106.4.5., OHR reviews building permits for officially designated buildings, including all of the contributing properties within the Historic District. The Department of Building and Safety determines the adequacy of architectural drawings during the plan check process. Project Design Features and Mitigation Measures need not duplicate regulations already applicable to a project, including the subject Project.

The Preservation Plan as described in the Draft EIR already includes many of the commenter's suggestions, including the minimum professional qualifications of the preparer(s), a construction monitoring program at regular intervals, and oversight by the OHR.

Comment No. 4-39

4. [sic] Proposed demolition of garages: Hollywood heritage [sic] is still formulating a position on demolition of garages.

Response to Comment No. 4-39

This comment, which takes no position on the subject at this time, is noted for the record and will be forwarded to the decision-makers for review and consideration. However, the garages do not meet the National Park Service definition of contributing buildings. Therefore, they are not historical resources as defined by CEQA, and their demolition would not result in a significant impact.

The ancillary buildings behind the contributing bungalows include storage sheds, garages, and additional dwelling units. The demolition of these non-contributing buildings would not result in a substantial adverse change in the Historic District because they are not individually significant and do not contribute to the significance of the Historic District. The buildings are either not visible or minimally visible from the public right-of-way, so their presence has no bearing on the character of the Historic District. Those ancillary buildings at 6256 and 6262 De Longpre Avenue and 6249 Afton Place were identified as non-contributing in 1994 determination of eligibility report. The ancillary building at 6254 De Longpre Avenue was not identified as contributing or non-contributing in 1994, but post-dates the period of significance (1939) of the Historic District and, therefore, should have been considered non-contributing according to the National Park Service instructions for evaluating historic districts.

Comment No. 4-40

5. [sic] Disassembly and new locations for the bungalows: Hollywood Heritage finds that the proposed new locations for bungalows in not compliant with the Secretary of the Interior Standards.

- a. A Feasibility Study by qualified construction managers, historic architect, and building mover should evaluate possible moving schemes and the security of the buildings in each option.
- b. Bungalows should return to their prior locations
- c. Bungalows should have distinct front, side, and rear yards, in keeping with the historic District urban patterning. That area may be counted by the Project as its “open space”, [sic] but it should not be used by commercial tenant, the public, or condo dwellers.
- d. 6255 Afton should return to its current location.
- e. Bungalows should have their own back yards and side yards—as required for fire safety; habitability; and normalcy.

Response to Comment No. 4-40

As discussed in Response to Comment No. 4-2, the Historical Report explains and illustrates that the bungalows would have the same orientation to and setback from the street as they had originally. The three bungalows facing De Longpre Avenue would be returned to their original locations. The three bungalows facing Afton Place would be shifted east by one lot created by the demolition of the non-contributing apartment building. The commenter provides no evidence the proposed Project would not comply with the Secretary of the Interior’s Standards. The Standards for Rehabilitation do not address the practice of moving buildings, temporary or otherwise. Rather, they address best practices for the rehabilitation of buildings and are not prescriptive.

The Historical Report concluded that the demolition of the non-contributing apartment building will have a positive effect on the Historic District because it would remove a visual intrusion that otherwise diminishes the integrity of feeling. No purpose would be served in demolishing the apartment building and leaving the lot vacant. However, shifting the bungalows one block east would provide a buffer between the new construction on Vine Street and the Historic District to the east. The bungalows on Afton Place would remain in the same order as they were historically. The Historical Report further concluded that this modest change would not negatively affect the character of the Historic District, which would continue to retain sufficient integrity to convey its significance.

A Feasibility Study, as recommended by the commenter, would not be required because a Preservation Plan is included as Project Design Feature CUL-PDF-1. In addition, the Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior’s Standards for Rehabilitation.

Furthermore, the Relocation Study provided detailed information regarding disassembling the bungalows and rehabilitation upon return to the site, as well as protective measures while they are being stored off the Project Site. See Topical Response: Bungalow Relocation.

Comment No. 4-41

6. [sic] Afton Square Historic District formally recognized by National Register listed on California Register in 1998: By 1994 four of Hollywood's historic neighborhoods had been lost to new development, [sic] reducing by ½ the intact remaining area and type. These neighborhoods were primarily made up of working class housing, [sic] 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.) In 1994, due to evaluations required by the State of California and FEMA, the previously identified districts of Vista del Mar/ Carlos, [sic] Serrano, and Selma–LeBaig [sic] 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 The Afton/DeLongpre [sic] district, which had been recognized by CRA in its 1986 survey, joined this group in 1995. By virtue of that status, the districts were included in the California Register when it was implemented in 1998.

Response to Comment No. 4-41

This comment summarizing the identification of potential historic districts in Hollywood, as well as some of the subsequent determinations of eligibility for listing in the National Register, is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 4-42

7. [sic] A Statement of Over-riding [sic] Consideration cannot be used for Cultural Resources, as the project is in a very conceptual stage and can be easily altered to avoid any non-conformancw [sic] with the Standards and any significant effect on the District.

Response to Comment No. 4-42

The Draft EIR correctly concludes that the Project would not result in a significant adverse effect on historical resources. Therefore, a Statement of Overriding Considerations is not applicable to Cultural Resources in this case.

Comment No. 4-43

8. [sic] Cumulative effect: The DEIR must acknowledge the cumulative degradation of the historic setting due to other new insensitive projects proposed in the near vicinity. A stellar job of restoration and compatible treatment of the historic district and these 6 bungalows will itself have a cumulative effect. Anything less is a dangerous precedent for the other vulnerable historic districts in Hollywood.

Response to Comment No. 4-43

Cumulative impacts are analyzed in both Section IV.B, Cultural Resources and the Historical Report included as Appendix C of the Draft EIR. Refer to pages IV.B-45 and IV.B-46 of the Draft EIR and pages 67 and 68 of the Historical Report.

The Historical Report analyzed the potential for cumulative impacts from the Project on the setting of the Historic District. The Historical Report concluded that there would be no cumulative impacts because, with either option, the new building would be outside the boundary of the Historic District, and there are no related projects that would cause a significant adverse impact on the Historic District. The new building (both under the Residential Option or Office Option) would introduce a new visual element that is not compatible with the size, scale, or design of the contributing properties within the Historic District. Although the new building would diminish the Historic District's integrity of setting, the impact was determined to be less than significant as the integrity of setting outside the boundary of the Historic District has already been altered by new construction since the late twentieth century. Furthermore, the Project would not affect the other six aspects of integrity. The effect of the new building on the Historic District's integrity would not be so substantial that the Historic District would be materially impaired such that it would no longer be eligible for listing in the National Register and or the California Register.

With regard to the treatment of the bungalows on the Project Site, the commentor seems to indicate that their rehabilitation would have a positive effect on the Historic District. The Historical Report came to this same conclusion.

Comment No. 4-44

Traffic: Hollywood [sic] Heritage reserves the right to add in our analysis for this Chapter of the DEIR in the future.

1. Effect of traffic and parking structure entrances on Historic District:
2. Effect of traffic on safety and street parking for the Historic District

3. Missing calculations: The DEIR omits calculations required by the Redevelopment Plan. There was a solid rationale in the Hollywood Community Plan to condition any increases in Regional Center density to a completion or a solution for infrastructure improvements—especially roads and parking. CRA did a considerable amount of work, and their 2:1 FAR calculations are available to update. There [sic] was a solid rationale CRA being [sic] required to do the monitoring and the improvements, or to re-allocate development locations and implement real solutions. CRA did quite a bit of this—now the mandate is transferred to the City of Los Angeles as of 2019:

Redev Plan Sec 506.2.3	Monitoring traffic: Required to make annual reports on buildout of FAR in Regional Center relative to traffic metrics; required to review all density increases above 4.5:1 and when Regional Center density reaches 2:0:1 FAR to establish specific methods and mechanisms to acquire open space or otherwise restrict or decrease density The 2:1 FAR threshold has been exceeded.
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Response to Comment No. 4-44

Neither traffic congestion nor parking are issues under CEQA, and the fact that the Project Site is within a historic district does not change that. Specifically, with respect to traffic congestion, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or level of service. The focus of the analysis is now on vehicle miles traveled (VMT). As evaluated in Section IV.J, Transportation, of the Draft EIR, the Project's impact with respect to VMT would be less than significant. With respect to parking, while not an issue under CEQA as stated above, as shown in Table II-2 of Section II, Project Description, of the Draft EIR, the Project would exceed LAMC minimum parking requirements under either the Residential Option or Office Option.

With respect to parking structure entrances, these impacts are fully analyzed in Section IV.J, Transportation, of the Draft EIR. Impacts related to driveway safety were determined to be less than significant without mitigation.¹ In addition, as drivers exiting the subterranean parking garage may have limited visibility of pedestrians crossing the driveway, the Project would implement blind spot mirrors to improve driver visibility and warning sounds/lights to alert pedestrians of approaching vehicles pursuant to Project Design Feature TR-PDF-1. Refer to pages IV.J-39 through IV.J-42.

Refer also to Response to Comment No. 4-9, above, regarding Redevelopment Plan approvals.

¹ Mitigation Measure TR-MM-1 is related to freeway ramp queues, not driveway safety.

Comment No. 4-45**Greenhouse Gases**

The EIR must quantify the effect of demolition, excavation, and new construction on greenhouse gasses.

Response to Comment No. 4-45

Although there is no adopted numeric threshold, Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, includes a quantification of the Project's construction and operational GHG emissions for informational purposes. Refer to pages IV.E-71 and IV.E-73 of the Draft EIR.

Comment Letter No. 5

Adrian Scott Fine
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Comment No. 5-1

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) on the 1360 N. Vine Street Project (Project). The Project, which is within the boundaries of the California Register Afton Square Historic District, proposes to develop a mixed-use building on an 81,050 square-foot site with one of two options: a Residential Option and an Office Option.

The Residential Option would develop a new high-rise building with four levels of subterranean parking with up to 429 new residential units, including 36 units for very low income households, a grocery store, and commercial retain space. This option would rehabilitate and adaptively reuse six contributing bungalows for either restaurant use or twelve residential units.

The Office Option would construct a new high-rise building with eight levels of subterranean parking, 463,521 square-feet of office uses, as well as restaurant uses. Under this option, the contributing bungalows would be rehabilitated and adaptively reused as either restaurant space or nine residential units

Response to Comment No. 5-1

This introductory comment describing the Project Description is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 5-2

The Conservancy recognizes the less than significant impacts to historic resources as assess [sic] by GPA Consulting. However, we believe Residential Option Alternative 3 is the most preferable as it is more compatible with the adjacent Afton Square Historic District because of its lower scale residential use while still meeting most of the project goals.

Response to Comment No. 5-2

The commenter's opinion that Residential Option Alternative 3 is their preferred alternative is noted for the record and will be forwarded to the decision-makers for their review and consideration. However, as discussed in Section V, Alternatives, of the Draft EIR, while Residential Option Alternative 3 was the environmentally superior alternative to the Project's Residential Option, Office Option Alternative 3 was determined to be the overall environmentally superior alternative.

Comment No. 5-3

We formally request a meeting with the project team to discuss the topics detailed below.

Response to Comment No. 5-3

This comment requesting a meeting with the Project team is noted for the record and will be forwarded to the decision-makers for their review and consideration. It will also be forwarded to the Project team.

Comment No. 5-4**I. Afton Square Historic District is listed on the California Register of Historic Places**

The Afton Square Historic District was designated a California Register historic district following the 1994 earthquake and remains eligible for listing on the National Register. The period of significance for the district is 1916–1939 representing its period of development. In 1914, the tract opened for sale; however, property development was slow comparatively as revealed through the Sanborn maps provided in the Historic Resources Technical Report. When the Historic District was determined eligible for listing, there were fifty-one contributing and twelve non-contributing properties for a total of 63 properties. The Historic District with its diversity of housing types conveys a significant history of early Hollywood residential development. Like many other Historic Districts and Historic Preservation Overlay Zones (HPOZ), Afton Square is an integral source of naturally occurring affordable housing.

Afton Square is one of three California Register Historic Districts in the former Hollywood California Redevelopment Agency (CRA) area. With weaker protections compared to HPOZs, Hollywood's California Register Historic Districts have seen large-scale development projects encroach on these areas. Often, the scale and massing of new development that occurs on the district borders [sic] are not compatible with the adjacent historic built environment. While these projects fall outside the boundaries, they have the potential to affect a district's integrity by altering its feeling and setting. This is primarily an issue for districts that are low-scale multifamily and single-family residences. Special

consideration should be given to districts in areas with development pressures such as Hollywood.

Response to Comment No. 5-4

This comment summarizing the Afton Square Historic District and providing general comments on historic districts is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 5-5

Additionally, the movement of contributing structures within a historic district should be used only as a last resort. Despite the Project's less than significant impacts to historic resources, a precedent may be set for future development that pursues rearranging buildings in a less sensitive manner.

Response to Comment No. 5-5

As discussed in Response to Comment No. 4-2, the bungalows would be temporarily moved off-site for the construction of the subterranean parking structure, returned to the Project Site, and rehabilitated in compliance with the Secretary of the Interior's Standards.

The commenter's suggestion that the bungalows would be "rearranged" appears to be a misunderstanding of the proposed Project. The three bungalows facing De Longpre Avenue would return to their original locations. The three bungalows facing Afton Place will be shifted east by one lot created by the demolition of the non-contributing building. The bungalows would have the same orientation to the street and same front yard setbacks as they had historically.

Comment No. 5-6

II. Bungalows should remain as housing

The Conservancy urges the applicant to rehabilitate and maintain the residential use of the historic bungalows within the Afton Square Historic District. As the City of Los Angeles grapples with an unprecedented housing crises, it's imperative that the applicant retain existing housing stock within the project site. Additionally, through maintaining these residential units rehabilitation efforts will continue to convey Afton Square's significance as an early Hollywood housing tract while utilizing existing housing stock.

Response to Comment No. 5-6

The bungalows on the Project Site have already been used for commercial uses, and adaptive reuse has been a redevelopment strategy throughout the City for decades. In addition, nothing would preclude their future use as housing, and the Residential Option would result in a net increase of housing on the Project Site. Nevertheless, the commenter's comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-7**III. Residential Option Alternative 3 and Office Option Alternative 4 are the Environmentally Superior Alternative**

The Draft EIR presents four Project Alternatives including the No Project/No Build Alternative. Of these, Residential Option Alternative 3: Development in Accordance with Existing Zoning and Hollywood Community Plan Update Alternative as well as Office Option Alternative 4: Development in Accordance with Hollywood Community Plan Update Alternative are deemed the environmentally superior alternatives. Both projects would substantially reduce the height of the proposed Project to a more compatible scale with the adjacent historic district while meeting most of the Project objectives.

As proposed Residential Option Alternative 3 would reduce the building height from 32-stories to 8-stories while providing 422 residential units of which 60 units are reserved for affordable housing. Additionally, this alternative would retain commercial spaces on the ground floor. As with the proposed Project, this alternative would relocate the six bungalows to the eastern portion of the project site and adaptively reuse [sic]. Furthermore, Residential Option Alternative 3 reduces the Project's footprint and has the opportunity to provide a more effective transition between higher density new development and lower-scale historic resources.

Office Option Alternative 4 would redevelop the site with a mid-rise, six-story mixed-use building consisting of office uses and ground floor restaurant uses. The six bungalows would be relocated to the eastern portion of the project site and reused as nine residential units.

Response to Comment No. 5-7

This comment briefly summarizes two of the Project's alternatives but incorrectly states the overall number analyzed. A total of five build alternatives were analyzed. In addition to the No Project/No Build Alternative, the Draft EIR analyzed two build alternatives to the Project's Residential Option and three build alternatives to the Project's Office Option.

Comment No. 5-8

Of the two environmentally superior alternatives, the Conservancy recommends the applicant pursue Residential Option Alternative 3 as a means to increase housing stock through a Project that is more compatible with the existing historic environment. 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.¹ Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.”² Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.³

¹ Guideline § 15126.6(a).

² *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

³ Public Resources Code § 21081.5.

Response to Comment No. 5-8

This comment reiterates the commenter’s preferred alternative. Refer to Response to Comment No. 5-2, above. As also set forth in Response to Comment No. 5-7, above, the Draft EIR included a reasonable range of alternatives, consistent with CEQA.

Comment No. 5-9**IV. The Conservancy requests a meeting with the Project team.**

We appreciate the project team’s willingness to meet with Conservancy staff on previous projects and we request a meeting to discuss the proposed plan further. We would appreciate the opportunity to engage with the developer and its team to better understand the needs and goals, and assess how the Project may be designed more sensitively with the historic built environment for a greater win-win outcome.

Response to Comment No. 5-9

This comment reiterates the commenter’s request for a meeting with the Project team. Refer to Response to Comment No. 5-3, above.

Comment No. 5-10**V. Conclusion**

The Conservancy recommends the applicant pursue Residential Option Alternative 3: Development in Accordance with Existing Zoning and Hollywood Community Plan Update

Alternative. This alternative, along with Office Option Alternative 4, are deemed the environmentally superior alternative. Both options would greatly reduce the Project size while meeting most of the Project objectives.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 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. 5-10

This comment concluding the letter, reiterating the commenter's preferred alternative, and providing a point of contact is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. 6

Rebecca Davis
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1939 Harrison St., Ste. 150
Oakland, CA 94612-3507

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Comment No. 6-1

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”), regarding the 1360 N. Vine Street Project (ENV-2016-3778-EIR; SCH 2017061063), including all actions related or referring to the proposed construction of a mixed-use building on an 81,050 square foot site with one of two options: a Residential Option (high-rise building with up to 429 residential units and four levels of subterranean parking) and an Office Option (high-rise building with approximately 463,521 square feet of office uses and eight levels of subterranean parking), located at 1360 North Vine Street in the City of Los Angeles (“Project”).

We hereby request that the City of Los Angeles (“City”) send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:

- Notices of any public hearing held pursuant to CEQA.
- Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by electronic mail or U.S. Mail to:

Rebecca Davis
Molly Greene
Colby Gonzales
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
rebecca@lozeaudrury.com
molly@lozeaudrury.com
colby@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Response to Comment No. 6-1

The commenter has been added to the City's notification list for this Project as requested.

Comment Letter No. 7

Amalia Bowley Fuentes
Lozeau Drury LLP
1939 Harrison St., Ste. 150
Oakland, CA 94612-3507

Comment No. 7-1

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the 1360 N. Vine Street Project (SCH 2017061063; ENV-2016-3778-EIR), including all actions related or referring to the proposed construction of a 361-foot high-rise building with four levels of subterranean parking consisting of up to 429 residential units or 303-foot high rise office building with eight levels of subterranean parking located at 1360 North Vine Street in the City of Los Angeles (“Project”).

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. SAFER requests that the Planning Division address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR prior to considering approvals for the Project.

We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Response to Comment No. 7-1

The commenter asserts that the Draft EIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impact but provides no details or evidence to support these claims. The commenter further requests the City address the unidentified shortcomings in a revised Draft EIR and recirculate prior to approval. Lastly, the commenter reserves the right to supplement their comments during the review of the Final EIR for the Project and at the public hearings. Overall, the commenter does not identify any specific shortcomings of the Draft EIR analysis or mitigation measures, and no specific response is, therefore, possible. Furthermore, the Draft EIR complied fully with all of CEQA’s mandates, and the comment presents no information or substantial evidence about any specific impact area and, as such, would not meet any of the criteria for recirculation of the Draft EIR. This comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment Letter No. 8

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Comment No. 8-1

On behalf of the Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”), my Office is submitting these comments on the Draft Environmental Impact Report (“**Draft EIR**” or “**DEIR**”) for the 1360 N. Vine Street Project (“**Project**”), which is requesting various approvals and actions from the City of Los Angeles (“**City**” or “**Lead Agency**”).

The Project is proposed at various commercial and residential zoned lots at: 1360, 1358, 1356, 1354, 1352, 1350, 1348, 1334, and 1330 N. Vine Street, 6274, 6272, 6268, 6262, 6264, 6256, 6258, 6256 ¼ and ½, 6254 and 6254 ½ W. De Longpre Avenue, 6265, 6261, 6255, 6251, 6249, 6253, and 6253 ½, 6245, and 6241 1-8 W. Afton Plane, Los Angeles, CA 90028 (“**Project Site**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning, addressing the environmental impacts of development projects and equitable economic development.

Individual members of the Southwest Carpenters live, work and recreate in the area and surrounding communities and would be directly affected by the Project’s environmental impacts.

SWRCC expressly reserve [sic] the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov't Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199–1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

SWRCC incorporate [sic] by reference all comments raising issues regarding the Project and its CEQA compliance, submitted prior to the Project approvals. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC request [sic] that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 et seq, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Response to Comment No. 8-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. In addition, the commenter has been added to the City's notification list for this Project as requested.

Comment No. 8-2

The City should require community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

(March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling; see **Exhibits A–C**).

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

...labor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring... to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to require that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs,...”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities

and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

- ¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.
- ² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305—Warehouse Indirect Source Rule—Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316—Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.
- ³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.
- ⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.
- ⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).
- ⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>.
- ⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

Response to Comment No. 8-2

The commenter suggests the City require local hire and skilled workforce provisions to reduce VMT and associated air quality and GHG impacts. However, as set forth in the Draft EIR, the Project would not result in any significant VMT, air quality, or GHG impacts. CEQA Guidelines Section 15126.4(a)(3) provides that mitigation measures are not required for effects determined to be less than significant. Therefore, no mitigation measures are warranted for VMT, air quality, or GHG impacts. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

It should be of note that SWAPE's modeling used default modeling parameters instead of project specific data included in the Draft EIR. As a result, SWAPE's analysis does not accurately reflect potential impacts from the Project. While not specifically mentioned in this comment, SWAPE used CalEEMod 2016.3.2, consistent with the Draft EIR. CalEEMod 2016.3.2 was the most current model available at the time the NOP was published. CalEEMod 2022.1 was subsequently released in 2022. It was reasonable for the City to prepare the Draft EIR using the CalEEMod model available at the time the NOP was published (baseline conditions). Nevertheless, in response to Comment No. 12-8, calculation of Project emissions using CalEEMod 2022.1 was prepared as part of the Final EIR for informational purposes. The updated analysis confirms the Draft EIR's conclusions that both winter and summer daily pollutant emissions would be below the applicable significance thresholds. Therefore no significant air quality and GHG impacts would occur from the Project. Refer to Appendix FEIR-3 of the Final EIR for the CalEEMod 2022.1 output files.

Comment No. 8-3

Also, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

Response to Comment No. 8-3

The commenter suggests the City require the Project to be built to standards exceeding current code requirements. The Project already includes a number of Project Design Features that exceed code requirements, including, but not limited to, Project Design Feature GHG-PDF-1, which requires the Project to be built to LEED Silver® or equivalent, and Project Design Feature WAT-PDF-1, which requires water conservation measures, including low-flow fixtures and drought tolerant landscaping. Refer to Section I, Executive Summary, of the Draft EIR or Section IV, Mitigation Monitoring Program, of this Final EIR for a complete list of Project Design Features. As set forth in the Draft EIR, the

Project would not result in significant impacts with respect to energy, water supply, air quality, or utilities and service systems. Therefore, no mitigation measures are warranted.

Comment No. 8-4

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (CEQA Guidelines § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” [sic] (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 503 [same].)

- **EIR**

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); see also, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com’rs* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.) The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines § 15002(a)(2).) If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA Pub. Res. Code § 21081. (CEQA Guidelines § 15092(b)(2)(A–B).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘*uncritically* rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting

Laurel Heights, 47 Cal.3d at 391, 409 fn. 12).) Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal.App.4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

“The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [Citation.] [sic] For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.” (*Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).)

- **Negative Declaration or Mitigated Negative Declaration.**

Third, CEQA and CEQA Guidelines are strict and unambiguous about when a Negative Declaration (“ND”) or a Mitigated Negative Declaration (“MND”) may be used. A public agency must prepare an EIR whenever substantial evidence supports a “fair argument” that a proposed project “may have a significant effect on the environment.” (Pub. Res. Code §§ 21100, 21151; Guidelines §§ 15002(f)(1) & (2), 15063; *No Oil, Inc. v. City of Los Angeles* (“*No Oil*”) (1974) 13 Cal.3d 68, 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111–112.) “Said another way, if a lead agency is presented with a fair argument that a project may—[not “will”]—“have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (Guidelines §§ 15064(f)(1) & (2) (emph. added); *No Oil, supra*, 13 Cal.3d 68, 75.)

“Substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines § 15384(a).) “Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that

is clearly inaccurate or erroneous....” (Pub. Res. Code § 21080(e)(2); see also Guidelines § 15384(a).)

The fair argument standard is a “low threshold” test for requiring the preparation of an EIR. (*No Oil, supra*, 13 Cal.3d at 84; *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1579 (“*County Sanitation*”).) It “requires the preparation of an EIR where ‘there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial...’” (*County Sanitation, supra*, 127 Cal.App.4th at 1580, quoting Guidelines § 15063(b)(1).) A lead agency may adopt an MND only if “there is no substantial evidence that the project will have a significant effect on the environment[.]” [sic] (Guidelines § 15074(b) (emphasis added).)

Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. (*League for Protection of Oakland’s Architectural and Historical Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–905.) “Where the question is the sufficiency of the evidence to support a fair argument, ‘deference to the agency’s determination is not appropriate....’” (*County Sanitation*, 127 Cal.App.4th at 1579, (emphasis added), quoting *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317–1318.)

Further, it is the duty of the lead agency, not the public, to conduct the proper environmental studies. “The agency should not be allowed to hide behind its own failure to gather relevant data.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Id.*) The “lack of study... ‘enlarge[s] the scope’ of the fair argument which may be made ‘based on the limited facts in the record’ [Cit. omit.]” (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382.)

Thus, refusal to complete recommended studies lowers the already low threshold to establish a fair argument. The “court may not exercise its independent judgment on the omitted material by determining whether the ultimate decision of the lead agency would have been affected had the law been followed.... The remedy for this deficiency was for the trial court to have issued a writ of mandate....” (*Environmental Protection Information Center v. California Dept. of Forestry* (2008) 44 Cal.4th 459, 486.)

Both the review for failure to follow CEQA’s procedures and the fair argument test are questions of law, i.e., *de novo* standard of review applies. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.) “Whether the agency’s record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a question of law.

(See, e.g., *Consolidated Irrig. Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 207.” (Kostka and Zischke, *Practice Under the Environmental Quality Act*, (2017, 2d ed.), at § 6.76 (emphasis added).) The Court gives no deference to the agency in the MND context.

In an MND context, the agency or the court should not *weigh* expert testimony or decide on the credibility of evidence; such weighing is for an EIR. As stated in *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 935:

Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may “weigh” conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: “if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil* [, *supra*,] 13 Cal.3d 68 [118 Cal.Rptr. 34, 529 P.2d 66]).” Thus, as *Claremont* itself recognized, “Consideration is not to be given contrary evidence supporting the preparation of a negative declaration. (*City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 244–245 [227 Cal.Rptr. 899]; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988 [165 Cal.Rptr. 514].” (*Claremont*, *supra*, 37 Cal.App.4th at p. 1168, 44 Cal.Rptr.2d 288.

(*Pocket Protectors*, 124 Cal.App.4th at 935.)

In cases where it is not clear whether there is substantial evidence of significant environmental impacts, CEQA requires erring on the side of a “preference for resolving doubts in favor of environmental review.” (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332.) “The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)

- **CEQA Exemptions and Exceptions Thereto.**

Fourth, where the Lead Agency chooses to dispose of CEQA by asserting a CEQA exemption, it has a duty to support its CEQA exemption findings by substantial evidence, including evidence that there are no applicable exceptions to exemptions. This duty is imposed by CEQA and related case law. (Guidelines § 15020 [“The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document.”]; see also, *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 568 [“The lead agency has the burden to

demonstrate that a project falls within a categorical exemption and the agency's determination must be supported by substantial evidence"]; *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 732 [agency is required to consider exemption exceptions "where there is some information or evidence in the record that the project might have a significant impact."]

The duty to support CEQA (and/or exemption) findings with substantial evidence is also required by the Code of Civil Procedure and case law on administrative or traditional writs. Under Code of Civil Procedure ("CCP") § 1094.5(b), an abuse of discretion is established if the decision is not supported by the findings, or the findings are not supported by the evidence. CCP § 1094.5(b). In *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 ("*Topanga*"), our Supreme Court held that "implicit in [Code of Civil Procedure] section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order." The agency's findings may "be determined to be sufficient if a court 'has no trouble under the circumstances discerning the analytic route the administrative agency traveled from evidence to action.'" *West Chandler Blvd. Neighborhood Ass'n vs. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1521–1522. However, "mere conclusory findings without reference to the record are inadequate." *Id.* at 1521 (finding city council findings conclusory, violating *Topanga*).

Further, CEQA exemptions must be narrowly construed to accomplish CEQA's environmental objectives. *California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 187 ("*California Farm*"); *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697 ("These rules ensure that in all but the clearest cases of categorical exemptions, a project will be subject to some level of environmental review.")

Finally, CEQA procedures reflect a preference for resolving doubts in favor of environmental review. (See, Pub. Res. Code § 21080(c) [dispose of EIR only if "there is no substantial evidence, in light of the *whole record* before the lead agency, that the project may have a significant effect on the environment" or "revisions in the project.... Would avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, *and*...." Emph. added.]; Guidelines §§ 15061(b)(3) [common sense exemption only "where it can be seen with certainty...."]; 15063(b)(1) [prepare an EIR "if the agency determines that there is substantial evidence that any aspect of the project, either *individually or cumulatively*, may cause a significant effect on the environment, *regardless* of whether the overall effect of the project is adverse or beneficial"]; 15064(h) [need to consider cumulative impacts of past, other current and "probable future" projects]; 15070 [prepare a negative declaration only if "no substantial evidence, *in light of the whole record* before the agency, that the project *may* have a significant effect on the environment," or project "revisions would avoid the effects or

mitigate the effects to a point where clearly no significant effects would occur, *and* (2) there is no substantial evidence, in light of the whole record before the project, that the project as revised may have a significant effect on the environment” *emph. added*]; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83-84 [interpret “significant impacts” so as “to afford the fullest possible protection”].)

Response to Comment No. 8-4

This comment, which summarizes various CEQA requirements and applicable case law, does not address any of the Project’s environmental impacts or the analysis or conclusions of the Draft EIR. Therefore, no further response is possible. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 8-5

- B. Due to the COVID-19 Crisis, the Lead Agency Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts.

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work require a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁸

Southwest Carpenters recommend [sic] that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project’s construction activities. Southwest Carpenters request that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon Southwest Carpenters’ experience with safe construction site work practices, Southwest Carpenters recommend that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.

- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1–2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 A.M. to 7:30 A.M.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 A.M. only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also

instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁹

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Lead Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

Southwest Carpenters has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.¹⁰

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The City should require the Project to be built using a workforce trained in ICRA protocols.

⁸ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

⁹ See *also*, The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 [sic] Standards for U.S [sic] Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

¹⁰ For details concerning Southwest Carpenters’s [sic] ICRA training program, see <https://icrahealthcare.com/>.

Response to Comment No. 8-5

The commenter maintains that the City must adopt a mandatory finding of significance that the Project may cause a substantial adverse effect on human beings (i.e., construction workers at the Project Site) and mitigate COVID-19 impacts. To the extent that COVID-19 remains a significant health risk at the time of Project construction, which is speculative, it would represent an impact of the then-existing environment on the Project. CEQA is concerned with a project's impacts on the existing physical environment and not the environment's impacts on a project. *California Bldg. Indus. Assn. v. Bay Area Air Quality Mgmt. Dist.*, (2015) 62 Cal. 4th 369, 377. Therefore, the EIR does not have to analyze the impact of COVID-19, an existing condition, on the Project. Moreover, in the absence of any applicable methodology, such an analysis would be speculative. Furthermore, the State and local government implement the regulation and enforcement of safe working conditions for construction sites during the pandemic. The Project would comply with all applicable safety regulations if COVID-19 risks persist at the commencement of construction of any Project phase.

Comment No. 8-6

II. THE PROJECT MAY BE INCONSISTENT WITH THE DENSITY BONUS LAW AND CANNOT BE APPROVED.

Per the 2017 Initial Study, 19 affordable units (out of 35) will be developed *offsite* at a to be determined location. The 2022 Draft EIR provides no such disclosure and is silent about the location of the affordable units in the Project.

To the extent, the Project will provide 19 affordable units *offsite*, those 19 units do not qualify for the density bonus and cannot count towards the 11% required affordable housing under Govt. Code § 65915(i), which provides:

For the purpose of calculating a **density bonus**, the **residential units** shall be on **contiguous sites** that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(Emph. added.)

Further, Govt. Code § 65915(b)(1) provides:

(b)(1) A city, county, or city and county **shall grant** one density bonus, the amount of which shall be as specified in subdivision (f), and, **if requested** by the applicant and consistent with the applicable requirements of this section, **incentives** or **concessions**, as described in subdivision (d), **waivers** or **reductions** of development standards, as described in subdivision (e), and **parking** ratios, as described in subdivision (p), **when** an applicant for a housing development seeks and agrees **to construct** a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, **that will contain** at least any one of the following [affordable housing units]...

(Epmh. [sic] Added.[sic])

Hence, the Developer must “construct” a housing development, that “will contain” affordable units. As such, the rehabilitation or off-site development do not qualify the “housing development” for the requested density bonus or related incentives, concessions, waivers.

Further, the EIR’s project description suggests that the R5 zoning 200 sq/unit size or a 400 sq/unit is appropriate in this Project (DEIR, p. II-9–10). However, this may not be the case under the Replacement Requirement of the Density Bonus Law. Thus, under Govt. Code § 65915(c)(3)(A)-(D), a Project that seeks to demolish rent-stabilized units or units that are or have been rented to low-income people, must *replace* those units in the *equivalent* size, which is further defined as equivalent in the number of bedrooms and the size of units. Govt. Code also provides for a rebuttable presumption that people occupying the units to be demolished had low income.

Based on Zimas [sic] report, the Project site involves the following residential buildings with their number of bedrooms, size, and year of construction:

Address	Bedrooms	Sq. Ft.	Year Built	Rent Stabilized
6241 1-8 W Afton Pl.	13 bedrooms	6286 sq. ft.	1959	Yes
6245 W. Afton Pl.	3 bedrooms	1788 sq. ft.	1919	No
6254 De Longpre	3 bedrooms	1508 sq. ft.	1919	No
6249 to 6251 W. Afton	Building 1: 3 bedrooms	1300 sq. ft.	1939	Yes
	Building 2: 2 bedrooms	1629 sq. ft.	1919	Yes
	TOTAL: 5 bedrooms			
6255 W. Afton Pl.	3 bedrooms	1564 sq. ft.	1920	No
6256 and 5258 De Longpre	Building 1: 3 bedrooms	1540 sq. ft.	1953	Yes
	Building 2: 3 bedrooms	1508 sq. ft.	1919	Yes
6262 and 6264 De Longpre	3 bedrooms	1532 sq. ft.	1920	Yes

Based on the information above, there are at least 27 rent-stabilized units and bedrooms at the Project site (13,795 sq. ft. = average 510 sq. ft. per bedroom), and 9 not rent-stabilized units (4,860 sq. ft. = average 540 sq. ft. per bedroom), where the latter must be rebuttably presumed to be rented to lower income people. While the Project is providing 36 affordable units, per the Project description, it is unclear if those units: (1) are located in the new housing development; and (2) are of the equivalent size.

The location of the affordable units is also critical because of the requirement that the affordable units be comparable to the non-affordable units and be dispersed throughout the development is emphasized in the density bonus ordinance of various cities. E.g., under the Los Angeles City guidelines:¹¹

Restricted dwelling units shall be **comparable in every manner to market rate dwelling units**, including total square footage, bedrooms size, closet space amenities, number of bathrooms, etc., **except in the quality of interior “finish” materials (e.g., floor and wall coverings)**. The design of restricted dwelling units should generally reflect the average number of

bedrooms per dwelling units in the development. Restricted dwelling units shall not be confined to one type of dwelling unit within a development.

Location of Restricted Units within Mixed-Income Projects. **Restricted dwelling units must be interspersed among market-rate dwelling units within the same building. They may not be grouped together on one level or in one or more “less desirable” corners or areas of the building. In multiple building developments, restricted dwelling units must be reasonably dispersed among the buildings.**

(Emph. added.)

Similarly, the Hollywood Redevelopment Plan (“HRP”) Section 410.2 provides:

The Agency shall not displace persons or families from their dwelling units unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement.

By virtue of the transfer of the CRA/LA Agency duties to the City, City is now bound by the HRP requirements and their compliance and must ensure people are not displaced, prior to the approval of the Project here.

The Draft EIR and its project description are silent and yet *must* disclose the location, size and quality of the affordable units that will be constructed at the Project site. City further must ensure that the Project meets the contiguous sites and equivalent quality requirement under the State Density Bonus Law and LA Local Guidelines, prior to approving any density bonus or related benefits.

Also, the EIR must be recirculated to disclose this information accurately about where the affordable units will be and what impacts such location will have, since without such disclosure it is impossible to verify if the Project will displace low-income people, in violation of the Density Bonus’ replacement requirement and requirements of the applicable Hollywood Redevelopment Plan, Section 410.2.

Further, any violation of the state density bonus law or HRP by the Project will indicate significant impacts, including on the land use and population and housing, which are now impossible to assess in light of the missing information. As such, the EIR’s CEQA analysis is incomplete. The EIR must be recirculated to provide the omitted information, to confirm or specify the location of the affordable units, as well as to analyze the Project’s associated impacts in light of that additional information.

¹¹ Affordable Housing Incentives Guidelines: [https://planning.lacity.org/Code Studies/Housing/House IncentiveGuidelines.pdf](https://planning.lacity.org/Code%20Studies/Housing/House%20IncentiveGuidelines.pdf)

Response to Comment No. 8-6

The commenter maintains that some of the affordable units under the Residential Option would be located off-site. As set forth in Section II, Project Description, of the Draft EIR, the Residential Option would qualify for a 35-percent density bonus for a total of 429 dwelling units by providing 11 percent (36 units) of the permitted base density under the proposed zoning (319 units) for Very Low Income Households. All 36 affordable units would be located on the Project Site.

The commenter incorrectly suggests that the affordable units would have an “R5 size” of 200 square feet per unit or 400 square feet per unit. The commenter appears to confuse the minimum lot area per dwelling unit limits under the R5 and R4 zone standards (i.e., 200 square and 400 square feet of lot area per dwelling unit, respectively) with unit size. The unit sizes under the Residential Option would range from 626 square feet to 1,054 square feet.

The commenter states that Government Code Section 65915(c)(3)(A)-(D) requires that the Project’s affordable units be of equivalent size as the rent controlled unit that would be demolished. This provision was added as part of SB 330, which only applies to a “housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.” As the application for the Project was filed in September 2016 and deemed complete in November 2016, SB 330’s replacement requirements do not apply.

The commenter speculates that the Project would not comply with the City’s Affordable Housing Incentives Guidelines but provides no evidence. The Residential Option’s affordable units would comply with all applicable City requirements regarding unit type and location, which will be specified in a Land Use Covenant administered and enforced by the City Housing and Community Investment Department (HCID). This Land Use Covenant must be executed recorded against the Project Site prior to issuance of a building permit and would be binding on the Applicant and future owners.

The commenter refers to Redevelopment Section 410.2, which applies to the displacement of housing units by CRA/LA, not private developers. Therefore, that section does not apply to the Project.

The commenter claims that the Draft EIR must disclose the location, size, and quality of the affordable units that will be constructed at the Project Site. However, none of this information is relevant to the methodology, significance thresholds, analysis or

conclusions of the Draft EIR, and the commenter does not provide any evidence that it is. As noted above, the Project's affordable units would comply with all applicable City requirements, and HCID will specify the exact location, size, and quality of the affordable units in the Land Use Covenant. The units would be consistent with the City's Affordable Housing Incentives Guidelines, which require, among other things, that restricted dwelling units shall be comparable in market rate dwelling units with respect to total square footage, bedrooms size, closet space amenities, number of bathrooms, etc. In accordance with these guidelines, the design of affordable units would generally reflect the average number of bedrooms per market rate unit in the Project and would be reasonably interspersed among the market-rate dwelling units.

The commenter requests that the Draft EIR be recirculated, based on speculation that the Project might violate state density bonus law or the Redevelopment Plan and, thus, result in undisclosed significant impacts, including on the land use and population and housing. As the commenter provides no evidence that the criteria under CEQA Guidelines Section 15088.5, such as a new or substantially increased significant impact or significant new information are met, recirculation is not required. Nonetheless, the comment will be forwarded to the decision-makers for their review and consideration.

Comment No. 8-7

III. THE DRAFT EIR IS LEGALLY AND PREJUDICIALLY INADEQUATE AS IT OMITTS CRITICAL INFORMATION.

The Draft EIR suffers from several procedural and substantive flaws and omissions. These omissions preclude informed and meaningful public participation by providing inaccurate information about the Project's scope and resultant impacts. As such, the Draft EIR's omissions are prejudicial, as detailed below.

In addition, the Draft EIR erroneously finds that all Project impacts will be less than significant, except for individual and cumulative on-site *construction* noise/vibration and only off-site *operational* noise (Office option) and further improperly finds there are no feasible mitigation measures for it. Further, to the extent the findings of infeasibility to mitigate the noise impacts as well as findings of no impacts or less than significant impacts are based on omissions, inadequate studies, deferred and illusory mitigation and inaccurate baseline and project description, those are fatally flawed, as detailed below.

Response to Comment No. 8-7

This comment, summarizing the commenter's assertion that the Draft EIR omits information, is noted for the record and will be forwarded to the decision-makers for their

review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 8-8 through 8-43, below.

Comment No. 8-8

A. The Project Description Is Fatally Flawed As It Omits Critical Information.

The Draft EIR's inaccurate project description is fatal and requires revision and recirculation. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730 ["Since "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR" (*Id.* at p. 193, 139 Cal.Rptr. 396), even were the FEIR deemed to be adequate in all other respects, the selection and use of a "truncated project concept" violated CEQA and mandates the conclusion that the County did not proceed "in a manner required by law." (Cit. omit.).])

CEQA and related case law require a good faith disclosure and an accurate, finite and stable project description in the EIR. Such is not provided here.

- Location and Quality of Affordable Units and Their Potential Off-Site Location.

As also noted above, the EIR's project description appears to conceal or omit a critical issue: the location and quality of affordable units. Thus, per the 2017 Notice of Preparation, the Project proposed:

Project includes the construction of up to **429 new residential units**, including 15 live-work units and **16 units** designated for **Very Low Income** households, a 55,000 sq. ft. grocery store, approx. 5,000 sq. ft. of neighborhood-serving commercial retail uses, up to 8,988 sq. ft. grocery store, approx. 5,000 sq. ft. of neighborhood-serving commercial retail uses, up to 8,988sq. [sic] ft. of restaurant uses, and a minimum of 677 vehicle parking spaces. **Alternatively**, approx. 50,000 sq. ft. of office uses and approx. 5,000 sq. ft. of additional neighborhood serving commercial retail uses may be constructed in lieu of the 55,000 sq. ft. grocery store. The proposed uses would primarily be located **within one building** approx. 262.5 feet in height. Upon completion, approx. **484,421 sq. ft.** of floor area would be located within the Project site.

(NOP in July of 2017, emph. added.)¹²

Per the 2022 Draft EIR, the Project is described as:

The Project proposes to develop a mixed-use building on an 81,050 square-foot site with one of two options: a Residential Option and an Office Option. Both options would demolish 32,844 square feet of commercial and vacant residential uses while retaining and rehabilitating six existing bungalows. The Residential Option would develop a new high-rise building with four levels of subterranean parking consisting of up to **429 residential units**, including **36 units designated for Very Low Income households**, an approximately **55,000 square-foot grocery store**, approximately 5,000 square feet of neighborhood-serving commercial retail uses, and 8,988 square feet of uses in the bungalows as either restaurant use or **12 residential units**. The high-rise building would be approximately **361 feet tall** when accounting for rooftop mechanical equipment. In conjunction with the existing bungalows to remain, the Residential Option would include a total of 484,421 square feet of development and a floor area ratio (FAR) of 5.98:1. The **Office Option** would develop a new high-rise building with eight levels of subterranean parking with approximately 463,521 square feet of office uses and 11,914 square feet of restaurant uses, as well as 8,988 square feet of uses in the bungalows as either restaurant use or nine residential units. The high-rise building would be approximately 303 feet in height when accounting for rooftop mechanical equipment. In conjunction with the existing bungalows to remain, the Office Option would include a total of 484,423 square feet of development and an FAR of 5.98:1.

(DEIR Project Description per SCH Website, *emph. added.*)¹³

On the other hand, the 2017 circulated Initial Study¹⁴ provides: “As part of the Project, an additional **19 units** designated for Very Low Income households would be developed **off-site at a location to be determined.**” (2017 Initial Study, p. A-21, *emph. added.*)

The Draft EIR is silent about the possibility of off-site affordable units or the location of affordable units. This omission is prejudicial as it precludes meaningful and informed analysis of the Project’s impacts. Whether the Project provides on-site or off-site affordable units is critical to determine if the Project qualifies for the density bonus or incentives or waivers under the Govt. Code 65915 or further if it is compliant with the applicable Hollywood Redevelopment Plan, as discussed above, and derivatively if the Project may have significant impacts on land use, population and housing, as noted in the Section II, *supra*.

¹² <https://ceqanet.opr.ca.gov/2017061063>

¹³ <https://ceqanet.opr.ca.gov/2017061063/3>

¹⁴ See, 2017 Initial Study, esp. pp. https://planning.lacity.org/eir/nops/1360%20Vine%20Street/InitialStudy_Checklist.pdf

Response to Comment No. 8-8

All 36 affordable residential units proposed by the Project's Residential Option would be located on-site. Refer also to Response to Comment No. 8-6, above.

Comment No. 8-9

- **Base Density and FAR in the EIR's Project Description.**

The Draft EIR's project description provides misleading information about the Project's *base* density and floor area ratio ("FAR") permitted by the applicable zoning. In particular, it *inflates* the Project's base density and FAR, to understate the scope of changes it requests. For example, as provided above, the EIR claims that C4 zoning allows R5 lot distribution and its base density of 200 sf./unit. (DEIR, p. II-9–10, *supra*.)

To the contrary, the 2017 Initial Study makes clear the Project needs additional approvals to reach the *base* density the Draft EIR erroneously claims to have:

g. Density

The C4 zone, in conjunction with the Project Site's Regional Center Commercial land use designation and pursuant to LAMC Section 12.22-A, 18, permits density equivalent to the R5 (Multiple Residential) [sic] zone, or one dwelling unit per 200 square feet of lot area. **With approval of the requested Zone Change**, the 55,000-square-foot portion of the Site located within the C4 zone would **permit a maximum of 275 dwelling units**. The 34,500-square-foot R3 zoned portion of the Site permits one dwelling unit **per 700** square feet of lot area, which would permit **44 dwelling units** (34,500 SF/800 SF). Thus, a total of **319 dwelling** units would be permitted across the Site.

Pursuant to LAMC Section 12.22-A,25, the Project includes **a request for a 35-percent density bonus** for a total of 429 dwelling units by designating **11 percent** of the permitted base density (**35 units**) for Very Low Income Households. The Project also requests approval of **two on-menu incentives** to: (1) calculate density **prior to street dedications** pursuant to LAMC Section 12.22-A,25(F)(7); and (2) **average density** across the Project Site pursuant to LAMC Section 12.22-A,25(F)(8). In addition, in accordance with LAMC Section 12.22-A,25.G(3), the Project also requests **two Waiver of Development Standards**: (1) to permit a **50-percent floor area increase** within the C4 zoned parcels; and (2) to permit **5 percent of the units** designated for Very Low Income households (16 units) to be located **on-site** and **6 percent** to be located off site (19 units).¹⁵

(2017 Initial Study, p. A-22, *emph. added.*)

The 2017 Initial Study further provides:

h. FAR and Setbacks

The lot area of the R3 zoned portion of the Project Site is 27,875 square feet with a 3:1 FAR, which would allow 83,625 square feet of floor area. The Project proposes 8,988 square feet of floor area with the R3 zone where the six historic bungalows would be relocated. With approval of the proposed Zone and Height District Change, the lot area of the C4 zoned portion of the Site after dedications is 53,175 square feet with a 6:1 FAR. Therefore, the C4 zoned portion of the Site would permit 319,050 square feet of floor area. The **Project requests a Waiver of Development Standard** to permit a **50-percent floor area increase** within the C4 zoned parcels to permit 475,433 square feet of floor area within the C4 zone. Overall, the total proposed FAR for the Project Site is 5:98:1.

The Project's frontage within the proposed C4 zone portion abutting Vine Avenue, Afton Place [sic], and De Longpre Avenue require no setbacks. As shown in the Conceptual Site Plan provided in Figure A-7 on page A-13, the relocated bungalows would observe the required 5-foot side yard setback along Afton Place and De Longpre Avenue, and a 15-foot rear yard along the eastern property line. As discussed below, pursuant to LAMC Section 12.32-R, a **building line removal is requested to remove the 10-foot building line** along Vine Street.

(2017 Initial Study, pp. A-22-23, *emph. added.*)

As such, the EIR's presentation of the Project's *base* density of 319 units, which includes the 275 units in the C4 zoning, is erroneous since it is not based on what is *permitted* by the zoning but what is *yet to be* approved via zone change in C4 zone. Also, the *base* density calculation is based on several waivers: (1) to calculate the gross buildable area for purposes of base density; and (2) to average the density across the entire Project site.

However, the Draft EIR does not provide these distinctions and instead claims:

The C4 zone normally limits residential density to the R4 zoned standard of 400 square feet of lot area per dwelling unit; however, Los Angeles Municipal Code (LAMC) Section 12.22,18 permits mixed-use projects on commercially

zoned sites designated as Regional Center Commercial to utilize the R5 zone density calculation of 200 square feet of lot area per dwelling unit.

.....

Two lots on the southern portion of the Project Site along Afton Place, and one lot on the northern portion of the Project Site, along De Longpre Avenue, are zoned R4-2D The R4 zone allows multiple dwelling and apartment house uses, requiring a minimum lot area of 400 square feet per dwelling unit...

(DEIR, pp. II-9 and II-10.)

As such, the Draft EIR is misleading as to the Project's scope/changes vis-à-vis the applicable zoning.

Similarly, the EIR's project description provides that the Height District in C4 zone imposes a maximum floor area ratio (FAR) of 6:1 (DEIR, p. II-9), but fails to note that the Project is still subject to the Hollywood Redevelopment Plan's requirement of 4.5:1 FAR (and height limitations), which may be increased but not to exceed 6:1 only upon specific findings to be made.

While the DEIR's project description mentions about the Redevelopment Plan, it fails to mention its significance as to FAR, height, and density, except for an inconspicuous note about the potential approvals and amendments of the Hollywood Redevelopment Plan and LAMC in the discretionary actions and only the mentioning of 4.5:1 limit in the discretionary approvals for the *Office* alternative. (DEIR, pp. II-41-42.)

As such, the EIR's project description as to the *permitted* or *base* density and FAR is significantly misleading and understated, which, in turn, precludes the possibility of a meaningful evaluation of the Project's changes in the area and its impacts in the EIR.

¹⁵ The Project is also non-compliant with the Hollywood Redevelopment Plan, Section 410.4 which mandates that new developments provide 15% affordable units, instead of the 11% as the Project claims to provide. There is also no evidence that the Redevelopment Plan area provided that number of affordable units on the aggregate. See also, Hollywood Redevelopment Plan, Section 410.2 [Replacement of Low-Income Units.]

Response to Comment No. 8-9

The commenter asserts that the Draft EIR's Project description is misleading as to base density and FAR because the C4 zoning allows R5 residential density. LAMC Section 12.22 A.18 permits an R5 density (i.e., 200 square feet of lot area per dwelling unit)

for projects that combine residential and commercial uses on lots in the CR, C1, C1.5, C2, C4, or C5 Zones that are located within an area designated on an adopted community plan as “Regional Center” or “Regional Commercial, as set forth in” the Zoning Administrator/ Zoning Engineer Joint Memo dated May 18, 2000, and the Zoning Code Manual and Commentary (4th Ed.), p. 223. The Residential Option combines residential and commercial uses located on the portion of the Project Site that is currently or will be zoned C4 and designated as Regional Commercial under the Community Plan following approval of the proposed Zone Change. Therefore, the R5 density standard applies to this portion of the Project Site. This is the base density, and no density bonus, waivers or incentives are necessary for it to apply to the Project Site following approval of the requested zone change under the Residential Option.

The commenter asserts that the base density should be based on the current zoning. As set forth in Section II, Project Description, of the Draft EIR, the Residential Option is seeking both a Vesting Zone/Height District Change and a State Density Bonus Law density bonus with the two incentives and two waivers as described therein. The density bonus and incentives would be applied to the new zoning as that will be the zoning in effect following approval of the Vesting Zone/Height District Change. While Measure JJJ would prohibit this, the Project is exempt from that measure as the City deemed the applications for Vesting Tentative Tract Map and Vesting Zone/Height District Change complete on November 2, 2016, before Measure JJJ was enacted and is, therefore, vested against that measure.

The commenter claims that the Project Description fails to mention necessary approvals under the Redevelopment Plan. As set forth in Section II, Project Description, of the Draft EIR and updated in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR, the Project would require the following approvals:

Residential Option

- Pursuant to LAMC Section 12.32 Q, a Vesting Zone and Height District Change from C4-2D-SN to [Q]C4-2-SN for the four westerly parcels, and from R4-2D and R3-1XL to [Q]C4 2 for the remaining nine parcels.
- Pursuant to LAMC Section 12.32 R, a Building Line Removal to remove a 10-foot building line along Vine Street.
- Pursuant to LAMC Section 12.22 A.25, Density Bonus Compliance Review for a 35 percent density bonus with 11 percent or 36 units designated for Very Low Income Households, utilizing Parking Option No. 1 and two on-menu incentives and two Waivers of Development Standards (Off-Menu).
 - Pursuant to LAMC Section 12.22 A.25(f)(7), an On-Menu incentive to calculate density prior to street dedications.

- Pursuant to LAMC Section 12.22 A.25(f)(8), an On-Menu incentive to average density and floor area across the [Q]C4-2-SN and R3-1XL zones.
- Pursuant to LAMC Section 12.22 A.25(g)(3), a Waiver of Development Standard to permit a 50 percent Floor Area increase within the C4 zoned parcels.
- Pursuant to LAMC Section 12.22 A.25(g)(3), a Waiver of Development Standard to calculate buildable area prior to street dedications.
- Pursuant to LAMC Section 12.24 W.1, Main Conditional Use Permit to allow one off-site license and one on-site license for the sale of a full line of alcoholic beverages for a grocery store, and three on-site licenses for the sale of a full line of alcoholic beverages within three restaurants.
- Pursuant to LAMC Section 12.24 X.12, a Zoning Administrator's Determination to allow commercial uses within six relocated historic bungalows designated on the California Register within the R3-1XL zone.
- Pursuant to LAMC Section 16.05 C.1, Site Plan Review for up to 429 residential units and up to 68,988 square feet of commercial uses.
- Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for the merger and resubdivision of the Project Site into three ground lots and for condominium purposes, and pursuant to LAMC Section 17.13, approval of a haul route.
- Any land use approvals that may be required under the Hollywood Redevelopment Plan and the LAMC, including approval to exceed the Plan's 4.5:1 FAR limit for the Regional Center Commercial.

Office Option

- Pursuant to LAMC Section 11.5.7(b), a General Plan Amendment for the five easterly parcels from Medium Residential to Regional Center.
- Pursuant to LAMC Section 12.32 Q, a Vesting Zone and Height District Change from C4-2D-SN to [Q]C4-2-SN for the four westerly parcels, and from R4-2D and R3-1XL to [Q]C4-2 for the remaining nine parcels. The [Q] conditions would, among other things, limit residential density to nine units, residential floor area to 8,988 square feet, and residential height to 20 feet.
- Pursuant to LAMC Section 12.32 R, a Building Line Removal to remove a 10-foot building line along Vine Street.
- Pursuant to LAMC Section 12.24 W.1, Main Conditional Use Permit to allow for the sale of a full line of alcoholic beverages.

- Pursuant to LAMC Section 16.05 C.1, Site Plan Review for more than 50,000 square feet of commercial uses.
- Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map for the merger and resubdivision of the Project into three ground lots and for condominium purposes, and pursuant to LAMC Section 17.13, approval of a haul route.
- Any land use approvals that may be required under the Hollywood Redevelopment Plan and the LAMC, including approval to exceed the Plan's 4.5:1 FAR limit for the Regional Center Commercial.

Furthermore, the Project's consistency with the Redevelopment Plan is discussed in Section IV.G, Land Use and Planning, of the Draft EIR. With the above approvals, the Project will be consistent with the zoning and General Plan.

The commenter maintains that that the Project is also non-compliant with the Hollywood Redevelopment Plan, Section 410.4, which mandates that new developments provide 15 percent affordable units. As set forth in the California Court of Appeals decision in *AIDS Healthcare Foundation v. City of Los Angeles* (B309892, May 2, 2022), the Dissolution Law rendered the 15-percent requirement inoperative, and, even if it had remained operative, it would not have applied to individual development projects, such as the Project.

Comment No. 8-10

• Omission of Hollywood Redevelopment Plan Limitations and Approvals.

For reasons noted above, the EIR's project description is defective since it fails to adequately disclose the limitations and importance of the Hollywood Redevelopment Plan applicable to the Project, including but not limited to density and height controls, affordable housing requirements, historic preservation requirements, and further the approval of the Hollywood Redevelopment Plan and LAMC amendments that the Project seeks, beyond listing only the 4.5:1 FAR change approval and only in the discretionary actions required for the "Office" option.

Response to Comment No. 8-10

The Redevelopment Plan's density and floor area regulations, as well as the Project's consistency therewith, are discussed in Section IV.G, Land Use and Planning, of the Draft EIR. Consistent with CEQA Guidelines Section 15124, the Project Description included the precise Project location and boundaries, a statement of Project objectives, a general description of the Project's technical, economic, and environmental characteristics, and a statement briefly describing the intended uses of the EIR. There is no requirement to

include a detailed discussion of applicable zoning and land use plans in the Project Description.

As set forth in Section II, Project Description, of the Draft EIR, the Applicant is seeking Waivers of Development Standards for a 50-percent increase in FAR within the C4-zoned parcels and to calculate density prior to street dedications for the Residential Option. These waivers are pursuant to the State Density Bonus Law, which supersedes the Redevelopment Plan. Therefore, there is no need for an approval to exceed the 4.5:1 FAR limit for Regional Center Commercial-designated areas. Nonetheless, as set forth in Section II of the Draft EIR, the Residential Option is seeking any and all land use approvals that may be required under the Hollywood Redevelopment Plan and the LAMC.

Comment No. 8-11

- **Omission and Inaccurate Information About Historical Resources.**

The EIR's project description is deficient in that it does not provide accurate information about the Project's impacts to the historical resources. First, the Draft EIR's project description does not clearly state that the six bungalows will be (1) removed, (2) moved to a different location off-site during the construction, and (3) moved back to a different location. It simply generalizes that the six bungalows will be relocated, without additional details indicating the scope of impact to those properties.

Response to Comment No. 8-11

Section II, Project Description, of the Draft EIR makes numerous references to the reuse, renovation, and relocation of the six bungalows, including the first paragraph, which states: "In addition, six bungalows within the Project Site that are part of the Afton Square Historic District (Historic District), which is a designated California Register historic district, would be relocated within the Project Site and adapted for reuse pursuant to a Preservation Plan." The Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

A project description describes the applicant's proposed project; it does not analyze the impacts that may result from the implementation of the project. The Project's impacts to historical resources are analyzed in Section IV.B, Cultural Resources, of the Draft EIR. Page IV.B-34 of the Draft EIR states: "The six historic bungalows within the Project Site would be temporarily removed from the Project Site during grading and construction activities...the bungalows would be returned to the eastern portion of the Project Site and rehabilitated in accordance with a Preservation Plan..." Pages 56–59 of the Historical

Report provides the same information and the shift of one lot is discussed throughout. Furthermore, the positive effect on the historic district is also discussed beginning on page 50 of the Historical Report. As stated therein, the “demolition of the non-contributing property at 6241 Afton Place would also have a positive effect on the Historic District, because it would remove a visual intrusion that otherwise diminished the integrity of feeling.” The information in the Project Description is accurate, and neither the Draft EIR nor the Historical Report is deficient.

Comment No. 8-12

Second, the Draft EIR’s project description does not mention the fact that there are other buildings that were once surveyed as potentially historical structures but are to be demolished (e.g., 1330 N. Vine Street) or might be adversely affected (e.g., 1313 N. Vine Street) as a result of the Project. This information is provided only in the Cultural Resources section.

Response to Comment No. 8-12

Both buildings referenced by the commenter are appropriately addressed in Section IV.B, Cultural Resources, of the Draft EIR. They are both located outside the boundary of the Historic District. As discussed in detail therein, the building at 1330 N. Vine Street was identified as a potential historical resource in the context of a historic resource survey. It was re-evaluated on an intensive-level in the Historical Report, which found it was ineligible for listing in national, state, or local historic registers for lack of integrity as a result of substantial alterations. Therefore, there is no historical resource to disclose in the Project Description. In addition, while the building at 1313 N. Vine Street has been determined to be eligible for listing as a historical resource, this building is not located within the boundaries of the Project Site. Potential impacts to this building were appropriately evaluated in the indirect impacts discussion of Section IV.B, Cultural Resources, of the Draft EIR.

Comment No. 8-13

Third and separately, the fact that the bungalows (to be removed, moved, and relocated) may be rehabilitated and adapted to either restaurant or residential uses make the Project description non-finite. The two uses are distinct, have different impacts, and require a different impact analysis. For example, restaurants have more water usage, produce more waste usage, require more energy, and may have longer hour operations, with the attendant impacts of traffic, noise, GHG emissions, air quality, etc. Restaurants may also require more public services (fire, police), especially if they are to serve alcohol. To the contrary, residential uses typically do not involve intense or night-time activity.

Response to Comment No. 8-13

The Draft EIR clearly states that there are two, and only two, possible options for the reuse of the bungalows: restaurant/office or residential. Therefore, the project description is finite. Throughout the Draft EIR, the Project option with more severe impacts is analyzed to present the public the most conservative analysis, including those issue areas mentioned by the commenter. This is true of the adaptive reuse of the bungalows. The analysis in the Draft EIR is accurate, and the commenter has provided no evidence to the contrary.

Comment No. 8-14

Without an accurate and finite description of what kind of [sic] where the bungalows will be moved during the construction and thereafter, how it will be done, or what kind of uses the bungalows will be put to, the EIR's project description and further analysis and mitigation of impacts is [sic] tainted and impossible.

Response to Comment No. 8-14

The relocation of buildings has been a fairly common occurrence since the eighteenth century. The mechanics of moving buildings is neither new nor technically complex. The Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

The use of the bungalows is irrelevant to the analysis of impacts on historical resources because the Secretary of the Interior's Standards allow for the adaptive reuse of historic buildings. Projects that comply with the Standards are considered mitigated to a less-than-significant level. Therefore, further analysis and mitigation measures are not required.

Comment No. 8-15

- **Omission and Inaccurate Information About Applicable Zoning Restrictions and Reasonably Foreseeable Expansion.**

The Draft EIR's project description fails to provide a good faith disclosure about the Project's scope of deviations and reasonably foreseeable future expansion. First, footnotes in the EIR's project description mention that the Residential building will be 32 stories, with a 15-foot rooftop mechanical parapet, and totaling 360 feet in height, whereas the Office building will be 17 stories, with a 30-foot rooftop mechanical parapet and 303 feet in height.

(DEIR, p. II-1, fn. 3 & p. II-2, fn. 5.) There is no disclosure or explanation as to why a mechanical roof parapet is double the size for the Office building (as compared to the Residential building), raising the building height by almost 3 stories. To the extent the additional height accounts for anything other than the mechanical roof parapet or provides room for any further expansion of use, the EIR must provide such disclosure or explain the enormous difference. Lack of such information in the EIR's project description makes it vague and non-finite.

Response to Comment No. 8-15

The commenter accurately states the respective heights of the Residential and Office Options, including the roof parapets. The parapet under the Office Option would be taller than under the Residential Option because the Office Option's rooftop appurtenances (e.g., the elevator overrun), which the parapet is intended to screen, is taller because the elevators in office buildings run at much faster speeds than residential buildings, and thus require a taller overrun to accommodate the deceleration of the cabs as they reach the top. Refer to Figures II-7 and II-9 of the Draft EIR. Moreover, height is not limited in the C4-2 zone.

Comment No. 8-16

Second, the EIR's project description is inaccurate and misleading in the description of current zoning and allowed/permitted development standards. Thus, for example, the Draft EIR provides that the C4 zoning permits land uses permitted in the R4 Multiple Residential zone, which includes multiple dwellings. It further states that the "C4 zone normally limits residential density to the R4 zone standard of 400 square feet of lot area per dwelling unit. However, Los Angeles Municipal Code (LAMC) Section 12.22-A,18 permits mixed-use projects on commercially zoned sites designated as Regional Center Commercial to utilize the R5 zone density calculation of 200 square feet of lot area per dwelling unit." (DEIR, p. II-9.) However, the LAMC section 12.22-A,18 makes no such representation and is even inapplicable here. Thus, LAMC 12.22-A,18 provides, in pertinent parts:

- (a) Any use permitted in the R5 Zone on any lot in the CR, C1, C1.5, C2, C4 or C5 Zones provided that such lot is located within the **Central City Community Plan Area** or within an area designated on an adopted community plan as "**Regional Center**" or "Regional Commercial". Any combination of R5 uses and the uses permitted in the underlying commercial zone shall also be permitted on such lot. **(Amended by Ord. No. 182,452, Eff. 4/4/13.)**
- (d) The residential and commercial density, maximum floor area or height otherwise permitted for any lot shall not be increased by reason of the existence of one or more air space lots.

(LAMC 12.22-A.18, *emph. added.*)¹⁶

As is evident here, LAMC 12.22-A,18 [re exceptions], if at all, expressly applies only to lots located within the *Central City Community Plan* Area, whereas the Project here is in the *Hollywood Community Plan* area; also, the site is designated as “Regional Center Commercial” only for the 8 westerly lots and not “Regional Center” or “Regional Commercial.” (DEIR, p. II-9.)

Further, LAMC 12.22-A, 18 is about “uses,” as distinct from *development standards* or *lot distribution*, such as the FAR or the size of the units to be built in a particular zone. Subdivision (d) contains a limitation as to the density and FAR or height, further confirming the fact that legislators in the LAMC knew about the distinction between *uses* and *development standards* and that the word *uses* should not include development standards by implication. (*Alatriste v. Cesar’s Exterior Design, Inc.* (2010) 183 Cal.App.4th 656, 670 [“different language in [different] provisions” implies “that the legislature intended a different meaning in each statute”].) As such, the express language of the LAMC does not allow the lot distribution of R5 zoning to apply to C4 zone here, contrary to what the project description claims.¹⁷

¹⁶ <https://export.amlegal.com/api/export-requests/091e6358-d23f-4726-aca0-3b9ad838ac03/download/>

¹⁷ To the extent City relies on an interpretation—outside of the LAMC—that the word “uses” in the LAMC section implies “lot distribution,” such interpretation is erroneous for the reasons stated. Also, the EIR’s project description does not invoke the authority of the *interpretation* but rather the LAMC itself.

Response to Comment No. 8-16

The comment contends that LAMC Section 12.22 A.18 only applies within the Central City Community Plan area. LAMC Section 12.22 A.18(a) provides:

(a) Any use permitted in the R5 Zone on any lot in the CR, C1, C1.5, C2, C4 or C5 Zones provided that such lot is located within the Central City Community Plan Area or within an area designated on an adopted community plan as "Regional Center" or "Regional Commercial". Any combination of R5 uses and the uses permitted in the underlying commercial zone shall also be permitted on such lot. (Emphasis added.)

This section applies to all community plan areas, including the Hollywood Community Plan area. Moreover, the Regional Center Commercial designation is the same as Regional Center and Regional Commercial. Refer also to Response to Comment No. 8-9.

Comment No. 8-17

In addition, the Project is located within the Hollywood Redevelopment Plan¹⁸ area and is subject to its density controls and requirements, regardless of the transfer of the Plan to the City from the CRA. (DEIR, p. II-10.) (See the Court's Ruling in *Aids Healthcare Foundation v. City of Los Angeles*, et al. Case No.: 34-2020-80003462 re LA Transfer of Redevelopment Plans from CRA to the City, declaring *all* plans transferred to the City and further that City cannot exceed the scope of the density bonus or trump Redevelopment Plan requirements in the Hollywood Redevelopment Plan area through conditional use permits or any other means.)¹⁹

The Hollywood Redevelopment Plan was first adopted in 1986 and then amended in 2003, and their respective EIRs included density and height limitations and controls, as well as historical resource protections, as part of mitigation measures.²⁰ As such, there is substantial evidence that exceeding those development controls and limits will amount to significant impacts that were not studied and mitigated as required by CEQA. Also, unlike claims in the Hollywood Community Plan Draft EIR, Section 502 of the Hollywood Redevelopment Plan applies only to uses as distinct from development standards in Section 503 and other sections. (See Hollywood Redevelopment Plan, Section 502 "Maps" vs. Section 503 "Designs for Development", [sic] Section 504 "Variances", [sic] Section 505 "Residential Uses," pp. 19–21.) But the Draft EIR's project description of allowable uses does not mention about the Hollywood Redevelopment Plan's density limitations and controls of development standards and simply claims that R5's development standards are applicable under LAMC. This representation is inaccurate.

As such, the EIR's project description is misleading as it does not provide full disclosure about the development standards and restrictions applicable to the Project site and instead portrays a misleading picture about the *compatibility* of the Project with the applicable zoning, where there is none.

¹⁸ [https://planning.lacity.org/odocument/a73c7fe3-f197-47e4-8276-8a0126cd533c/Hollywood RedevelopmentPlan.pdf](https://planning.lacity.org/odocument/a73c7fe3-f197-47e4-8276-8a0126cd533c/Hollywood%20RedevelopmentPlan.pdf)

¹⁹ See, <https://www.aidshealth.org/wp-content/uploads/2022/04/ViewDocument.pdf>

²⁰ See e.g., Hollywood Community Plan Draft EIR, pp. 4.10-22 & 4.10-23 at https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/4.10%20Land%20Use%20&%20Planning.pdf and Appendix M [Inventory of Mitigation Measures] to the HCPU EIR referenced in the HCPU EIR Land Use section at https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/Appendix%20M%20Inventory%20of%20Mitigation%20Measures.pdf; see also Section in Cultural Resources in the HCPU EIR https://planning.lacity.org/eir/Hollywood_CPU/Deir/files/4.5%20Cultural%20Resources.pdf

Response to Comment No. 8-17

Contrary to the comment, the Redevelopment Plan's plans density and FAR limits may be exceeded with a density bonus and incentives and waivers. Furthermore, the Draft

EIR does not claim that R5 zoning applies to all the lots comprising the Project Site. As stated on page IV.G-41 of Section IV.G, Land Use, of the Draft EIR, “[t]he C4 zone, in conjunction with the Project Site’s Regional Center Commercial land use designation and pursuant to LAMC Section 12.22 A.18, permits density equivalent to the R5 (Multiple Residential) zone, or one dwelling unit per 200 square feet of lot area for mixed-use projects,” in other words, just the ones that are commercially zoned and designated as Regional Center Commercial. The Redevelopment Plan’s density and floor area regulations, as well as the Project’s consistency therewith, are discussed in Section IV.G, Land Use, of the Draft EIR. As set forth therein, the Redevelopment Plan limits residential density only for those lots designated as Medium Residential (i.e., Lots 11, 22, and 23). Refer to Response to Comment No. 8-10 regarding the lack of need to address the Redevelopment Plan in the Project Description.

Comment No. 8-18

B. The Draft EIR’s Baseline Is Inaccurate.

An accurate baseline is fundamental for an EIR: without it, the “analysis of impacts, mitigation measures and project alternatives becomes impossible.” (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953.) The Draft EIR’s baseline is inaccurate for several reasons.

First, based on CEQA, the Draft EIR’s baseline must be set as of the time the NOP was circulated—here, 2017. (CEQA Guidelines § 15125(a)(1).) Yet, the 2022 Draft EIR provides the “environmental setting” or baseline conditions without specifying any timing. On the other hand, a number of changes occurred in the Project area after 2017 that the EIR refers to (e.g., CRA/LA transfer in 2018, and respective litigation in 2021). The Draft EIR mentions about the CRA/LA transfer as if part of the baseline environmental setting and even claims that, due to CRA/LA’s transfer, the City Council now can take any action as to the Redevelopment Plan amendments (DEIR, p. III-4.) To the extent the EIR’s environmental setting describes conditions after 2017 and relies on those for its environmental setting, the Draft EIR’s baseline is flawed, inflated, and inaccurate.

Response to Comment No. 8-18

Consistent with CEQA Guidelines Section 15125, the Draft EIR’s environmental baseline of the physical conditions in the area and related projects is set at the issuance of the NOP, in this case 2017. In accordance with Section 15125, Section III, Environmental Setting, of the Draft EIR describes that existing physical conditions and related projects are as of the date that the NOP was issued. As correctly stated in Section III, Ordinance No. 186,325 transferred the authority over Redevelopment Plan’s land use controls from CRA/LA to the City.

Comment No. 8-19

Second, the EIR's environmental setting description also claims that R5 zoning is applicable to the C4 zone by virtue of the LAMC 12.22.A-18 (DEIR, p. III-3.) For the reasons stated in the Section, *supra* [project description], the EIR's environmental setting section is also inaccurate.

Response to Comment No. 8-19

Refer to Response to Comment Nos. 8-9 and 8-16, above.

Comment No. 8-20

Third, the EIR's "related projects" list in the environmental setting description is incomplete and outdated. While it does not provide the date of the sources where the related projects list was obtained (DEIR, p. III-6), the *chart* of the related projects indicates that the source is Fehr & Peers, 2018 (DEIR, p. III-12). As such, the list of the related projects in the 2022 EIR is inaccurate and outdated by 4 years, during which time *new* related projects could have been added or the scope of the listed projects could have significantly increased. This is in stark contrast to the EIR's other *updated* references to the changes in the Project area (e.g., CRA/LA transfer after 2018, Hollywood Community Plan update, etc.). The EIR's outdated list of related projects is prejudicial as it significantly curtails the cumulative impacts analysis of the Project in the Draft EIR.

In sum, the EIR's baseline environmental setting is inaccurate, tainting the EIR and its analysis of the Project's individual and cumulative impacts.

Response to Comment No. 8-20

Refer to Response to Comment No. 8-18, above. The list of related projects list is set at the time of the NOP. While it is inevitable that new project applications will be filed that could be considered related projects, it is also true that some of the related projects may be withdrawn or never constructed. Therefore, as noted in Section III, Environmental Setting, of the Draft EIR, in order to provide a conservative forecast, the future baseline forecast assumes that Related Project Nos. 1 through 102 are fully built out by 2027, when Project construction is anticipated to be completed, unless otherwise noted.

With respect to the source of the related projects list, the citation to Fehr & Peers in Section III, Environmental Setting, of the Draft EIR, is accurate because the list was taken from the Project's Transportation Assessment included as Appendix R. As stated in Table 9 of Appendix R, the related projects list was based on information provided by LADOT on June 22, 2017 and was reviewed and approved by the Department of City

Planning. The reference in the Draft EIR to 2018 is to the date of the original Traffic Assessment, not the date of the related projects list.

Comment No. 8-21

C. The Draft EIR's Analysis and Conclusions about the Project's Impacts or Mitigation Are Legally Inadequate *Ab Initio*, Due to the Procedural Errors and Flaws in the Project Description and Baseline.

For the reasons stated in the Sections, *supra* [re [sic] Project Description and Baseline or Environmental Setting], the EIR's impact analysis and conclusions are derivatively inaccurate, as a matter of law.

Response to Comment No. 8-21

Refer to Response to Comment Nos. 8-18 and 8-20, above.

Comment No. 8-22

D. The Draft EIR's Conclusions of Historical Impacts Are Erroneous.

The Draft EIR's analysis of historical or cultural impacts is flawed for several reasons. First, the EIR's project description provides that the six bungalows that are part of the listed historical resource of Afton Square Historic District (Historic District)—a designated California Register historic district—would be relocated within the Project site, but their “ancillary buildings adjacent to the bungalows” will be demolished. (DEIR, pp. II-1 and II-2 & IV.B.33.) However, there is no information about where the six bungalows will be moved *during construction* (DEIR, p. IV.B.-34 [“The six historic bungalows within the Project Site would be temporarily removed from the Project Site during grading and construction activities.... the bungalows would be returned to the eastern portion of the Project Site and rehabilitated in accordance with a Preservation Plan ...”]).²¹ There is no information as to where they will be relocated *after* construction, and whether their removal/movement and then relocation to a *new location* will maintain the integrity of the Historic District, or whether *they* will maintain their *own* integrity in the course of relocation (DEIR, p. IV-B.32 [“Project Design Feature CUL-PDF-1: ...The Preservation Plan will include guidelines for disassembling the bungalows (in the event they *cannot* be moved *intact*) and protecting them from vandalism while they are being stored off the Project Site...” emph. added]) and *what* specific *uses* they will be put to and whether those uses will preserve or detract from the historical significance of the bungalows. To the extent the six bungalows will be put to restaurant uses or residential uses, they may not preserve their existing historical significance, as previously objected to by historical experts: “Onni wants to relocate the bungalows on the site, and either keep them as residences or convert [sic] them to

restaurants—changes that LA preservationists Richard Schave and Kim Cooper [sic] say, ‘destroys historical context and changes the streetscape.’”²²

²¹ This information is provided in the Appendix C, Executive Summary, stating: “The six bungalows within the Historic District at 6245, 6249, 5255 Afton Place and 6254, 6256 and 6262 De Longpre Avenue would be relocated and rehabilitated within the eastern portion of the Project Site and would be used for commercial uses or as residential units. A feature of the Project is a Preservation Plan that would identify the character-defining features, assess the conditions, and make recommendations for the treatment of each bungalow in compliance with the Secretary of the Interior’s Standards for Rehabilitation (Standards). Furthermore, the Preservation Plan would include a program for monitoring during the construction process. Projects that comply with the Standards are considered mitigated to a less than significant level.” (DEIR, Appendix C, Executive Summary, pdf p. 4.) As evident from the description, there is no exact location or uses provided for the six bungalows after they will be relocated, there is no specific information provided as to where they will be kept while relocated, and where they will be relocated after the Project is complete, and there is no guarantee that the Preservation Plan will indeed ensure that the integrity of the six bungalows will be preserved. It is even questionable if the Preservation Plan applies here, where the bungalows will not just be “rehabilitated” but rather first *relocated, kept at an unknown place, then somehow planted back in other locations within the Project site*. Stated otherwise, while *pure rehabilitation* of the *stationary* historical resource bungalows in compliance with the Standards *could* have less than significant impacts, here, the Project is not only doing rehabilitation, but rather a more adverse and radical *removal, moving offsite to an unknown location, and then relocation onsite to an unknown location*.

Further, the Appendix C provides Figure 2 and identifies the present location six bungalows (DEIR, Appendix C, p. 2), making clear that the De Longpre bungalows will be moved to Afton Place (to the east), thus significantly *limiting* the scope and sense of the “Historic District” to just Afton Place, whereas it now encompasses a larger area stretching from the Afton Place to the De Longpre Avenue. Thus, the Project affects the historic significance and integrity of the “Historic District,” narrowing it down to just linear 6 bungalows located at Afton Place, next to a massive 32-story residential Project, which, in addition, secludes the bungalows from *other* historic buildings outside of the Project site (e.g., 1313 N. Vine St.) contributing the sense and integrity of the Historic District, albeit outside of it.

Lastly, although some of these details are provided in Appendix C, the Draft EIR’s failure to provide this information in the EIR itself makes the EIR inadequate in *quality*, since the public should not ferret out critical and relevant information in the appendices.

²² See, <https://la.curbed.com/2017/6/22/15848648/onni-sunset-vine-hollywood-development-apartments-renderings>

Response to Comment No. 8-22

With respect to the locations and uses of the bungalows, the Project already proposes that the three bungalows facing De Longpre Avenue be returned to their original locations and, following the demolition of the non-contributing building, the three bungalows facing Afton Place be shifted east by one lot. Overall, the integrity of the Historic District would be improved by eliminating one non-contributing building. The Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation for temporary storage off-site and relocation back to the site was feasible and that the relocation work and the rehabilitation for use as part of the Project conforms to the Secretary of the Interior’s Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

Comment No. 8-23

Second, the EIR claims that the ancillary uses adjacent to the historic bungalows “are non-contributing features to the Historic Resources” and will be demolished, and later suggests those ancillary uses include structures “such as sheds and garages” (DEIR, p. II-9, IV.B-34). However, the Draft EIR does not provide an accurate and complete description of those ancillary structures or their features and thus prejudicially deprives the public of important information and the possibility to verify whether those are or are not contributing features to the Historic District.²³ The Draft EIR vaguely mentions about ancillary buildings at De Longpre avenue [sic] and Afton Place, claiming that they were or should have been included in the 1994 determination of eligibility, but it provides neither that 1994 determination nor the reasons why those were determined to be ineligible in 1994. (DEIR, p. IV.B-36.) As such, the public cannot be meaningfully informed about whether in fact the ancillary structures are or are not contributing to the Historic District and require preservation.

²³ Per the CRA/LA Survey, <http://www.crala.org/internet-site/Projects/Hollywood/upload/HollywoodHistoricSurveyMatrix.pdf>

Response to Comment No. 8-23

The commenter claims that the Draft EIR does not fully or accurately address the ancillary buildings proposed for demolition. The seven lots on the Project Site located within the boundary of the Historic District, including the ancillary buildings, are fully described and pictured on pages 18–24 of the Historical Report. The ancillary buildings behind the contributing bungalows include storage sheds, garages, and additional dwelling units, which were identified and described on Pages IV.B-18 and IV.B-19 in Section IV.B, Cultural Resources, of the Draft EIR. Those at 6256 and 6262 De Longpre Avenue and 6249 Afton Place were identified as non-contributing in the 1994 determination of eligibility report, which is attached to the Historical Report as Appendix B. Thus, the Historical Report is not claiming the buildings to be non-contributing—it is making a statement of fact and providing the source of the information. The ancillary building at 6254 De Longpre Avenue was not identified as contributing or non-contributing in 1994 but post-dates the period of significance (1939) of the Historic District and, therefore, should have been considered non-contributing according to the National Park Service instructions for evaluating historic districts. Thus, the public has been appropriately informed regarding the existing building on the Project Site.

Comment No. 8-24

Third, Appendix C to the Draft EIR (at pdf p. 115) makes clear that: (1) properties in the Historic District were built from 1916 to 1939; (2) some of potentially significant historical resources *apart from the six bungalows* were damaged during the earthquake and were

therefore no longer deemed historical; and (2) the Historic District's boundary was narrowed over time because some properties that could have been eligible as a historical resource were secluded due to the earthquake and therefore no longer part of the Historic District. As such, contrary to the Appendix C or DEIR's assumptions that the removal, movement, and relocation of the six bungalows elsewhere will not have significant impacts or will preserve the integrity of the Historic District or buildings themselves, there is substantial evidence that the historic significance of the six bungalows and the Historic District will be adversely affected in the processes contemplated by the Project. In fact, Appendix C does not guarantee that the relocation of the six bungalows will preserve their integrity. It only provides that the impacts would be less than significant because the Project will follow the Preservation Plan, which happens *after* they are removed, moved, and replanted, and which solely requires that the Applicant retain a professional with five years of experience, hold discussions with contractor to discuss minimizing collateral damage, and prepare memoranda to summarize findings, make necessary recommendations and document construction with digital photographs, to be submitted to the Office of Historic Resources for concurrence. (DEIR, Appendix C, pp. 60–61.)

Further, Appendix C provides:

[T]he precise methods for rehabilitating the bungalows would be addressed in the Preservation Plan, which would be prepared in accordance with the Standards. Projects are considered to have a less than significant impact if they comply with the Standards. Furthermore, the Preservation Plan would include construction monitoring to ensure compliance with the Standards through the construction process.

(DEIR Appendix C, p. 64.)

Beyond lacking substantial evidence, this optimistic conclusion that bungalows and their historic significance will not be impacted by relocation and rehabilitation is based on *improperly deferred mitigation* of preparing a Preservation Plan *post-approval* of the Project. The Project's Initial Study was circulated as early as in 2017, which contemplated the relocation/rehabilitation of the bungalows, and there is no legal impediment or justification as to why such a Preservation Plan was not already prepared.

Response to Comment No. 8-24

The analysis of Project impacts in the Historical Report had nothing to do with the buildings in the Historic District that sustained earthquake damage in 1994. The Historical Report appropriately applied the thresholds in the CEQA Guidelines and concluded the impacts will be less than significant because the Historic District would continue to retain

sufficient integrity to convey its significance. Furthermore, the bungalows would continue to retain sufficient integrity to qualify as contributing buildings in the Historic District.

There are seven factors of integrity: location, setting, design, workmanship, materials, feeling, and association. The Project would not diminish the integrity of the Historic District as a whole because the bungalows will remain in the Historic District and would be rehabilitated in compliance with the Secretary of the Interior's Standards. As explained on page 60 of the Historical Report, the only relevant factors of integrity with regard to the relocation of the bungalows are setting and feeling.

The general environment of the bungalows and the Historic District as a whole would not be significantly altered by the Project. The three bungalows facing De Longpre Avenue will be returned to the original locations. Although the three bungalows facing Afton Place will be returned to different locations, they would have the same order, orientation to and setback from the street as they had originally. Within the boundary, the Historic District would retain integrity of setting. The Project does not involve changes to the lot sizes, development patterns, or architectural styles within the boundary of the Historic District.

The Historic District would retain integrity of feeling because the arrangement of the relocated bungalows on Afton Place is consistent with the historic character and residential development pattern in the Historic District. The demolition of the non-contributing apartment building at 6241 Afton Place would also have a positive effect on the Historic District because it would remove a visual intrusion that otherwise diminished the integrity of feeling.

The commenter fails to recognize that rehabilitation projects that may affect historical resources are considered mitigated to a level of less than significant if they are consistent with the Secretary of the Interior's Standards according to Title 14 California Code of Regulations Section 15126.4(b). The definition of rehabilitation assumes that at least some repair or alteration of the historic building would be needed in order to provide for an efficient contemporary use; however, these repairs and alterations must not damage or destroy materials, features, or finishes that are important in defining the building's historic character. Thus, projects that comply with the Standards would not diminish the integrity of the subject building by definition.

The relocation of buildings has been a fairly common occurrence since the eighteenth century. The mechanics of moving buildings is neither new nor technically complex. The Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation for temporary storage off-site and relocation back to the site was feasible and that the relocation work and the rehabilitation for use as part of the Project conforms to

the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation.

The Preservation Plan is a Project Design Feature because the temporary off-site relocation of the bungalows for the construction of the subterranean parking structure, as well as their return to the site, incorporation into the Project, and rehabilitation in compliance with the Secretary of the Interior's Standards are an integral component of the Project. Project Design Features, as with mitigation measures, will be enforceable conditions of project approval.

The Preservation Plan would require conformance with the Secretary's Standards, but specific details will be determined prior to relocation. As such, it is not feasible to prepare the plan at this time. Furthermore, as discussed in Section IV.B, Cultural Resources, of the Draft EIR, impacts were determined to be less than significant, and, therefore, no mitigation is required. As such, the commenter's claim that the Preservation Plan is deferred mitigation is inaccurate.

Comment No. 8-25

Fourth, DEIR Appendix C mentions that there are other potentially eligible historical resources that are *outside* of the Historic District; e.g., 1313 Vine Street *across* from the Project site and 6272 De Longpre [sic] Avenue, 6241 Afton Place, and 1330 and 1348 Vine Street, located *at* the Project site and to be demolished. Yet, Appendix C adopts and relies on the *Applicant's* own retained GPA Consulting firm's evaluation, which concluded that those properties are not eligible for designation as a historical resources and thus are not subject to CEQA. As for 1313 N. Vine St. property directly across from the modern 32-story building the Project proposes, Appendix C claims that the Project's impacts would be less than significant on 1313 N. Vine St. since that resource is outside of the Project site. Yet, as it appears, the only reason 1313 N. Vine St. was not included in the Historic District is because it was physicaly [sic] isolated from the Historic District by virtue of the street and other historical resources that were damaged due to the earthquake or alterations over time. However, even though across from the Project site, 1313 N. Vine property still fits into the general theme of the Historic District adjacent to it and its historic significance will be affected by the Project further isolating it from the Historic District by the Project that is admittedly "not compatible with the size, scale, or design of the contributing buildings within the Historic District." (DEIR, Appendix C, Executive Summary, pdf p. 5.)

As to 1330 N. Vine Street and other potentially historical resources that were surveyed as a potential historical resource, Appendix C and the Applicant's Historical Report conclude that they are not eligible as a historical resource. Yet, Appendix C and the GPA report do not follow a *more stringent* view of historic preservation required for the Project site by virtue of it being within the Hollywood Redevelopment Plan area. While Appendix C

mentions about the Hollywood Redevelopment Plan and concedes that at least two properties 1313 N. Vine Street and 1330 N. Vine Street (at the Project site) were surveyed and listed as a historical resource in the 2010 and 2020 CRA/LA Historical Surveys, it nonetheless concludes that those will not be impacted. (DEIR, Appendix C, p. 4.)

Response to Comment No. 8-25

As discussed in Response to Comment No. 8-12, both buildings referenced by the commenter are appropriately addressed in Section IV.B, Cultural Resources, of the Draft EIR. They are both located outside the boundary of the Historic District. As discussed in detail therein, the building at 1330 N. Vine Street was identified as a potential historical resource in the context of a historic resource survey. It was re-evaluated on an intensive-level in the Historical Report, which found it ineligible for listing in national, state, or local historic registers for lack of integrity as a result of substantial alterations. There is, therefore, no historical resource that was not disclosed in the Draft EIR. In addition, while the building at 1313 N. Vine Street has been determined to be eligible for listing as a historical resource, this building is not located within the boundaries of the Project Site. Potential impacts to this building were appropriately evaluated in the indirect impacts discussion of Section IV.B, Cultural Resources, of the Draft EIR.

Comment No. 8-26

Fifth, the Draft EIR admits that its Cultural Resources section fully relies on the GPA's Historical Report (DEIR, p. IV.B-1). Yet, GPA's report plainly *ignores* CRA/LA's findings in two surveys in the Hollywood Redevelopment Plan area which listed additional properties to have historical significance. As such, GPA's Historical Report and derivatively the Draft EIR improperly ignore the Hollywood Redevelopment Plan's more stringent requirements for identification and preservation of new historical resources. To the extent the City has now adopted the CRA/LA's duty to independently review properties for historical resource eligibility, as well as to abide by the prior determinations of the CRA/LA, its reliance on GPA's historical report and the DEIR's reliance on its conclusions is erroneous and runs counter to the Hollywood Redevelopment Plan's requirements and City's duties—upon CRA/LA transfer—to independently review and further to honor the already reviewed properties which were found to be historically significant by CRA/LA.

Tellingly, the Draft EIR and Appendix C (GPA report) do not focus on the *prohibitory* provisions in the Hollywood Redevelopment Plan but only assume that the *rehabilitation* provisions in the Redevelopment Plan apply here. However, as noted before, the Project here is not simply *rehabilitating* but actually *removing* the historical resources, *moving* those to an off-site location, and then *relocating* the historical resources first, before any rehabilitation can begin.

Response to Comment No. 8-26

Consistent with CEQA, many of the sections of the Draft EIR are based upon technical reports prepared by subject matter experts. To characterize a legal, standard, and customary practice for the preparation of environmental review documents in the City of Los Angeles as an “admission” creates a false impression of a nefarious relationship. All technical reports, including the one prepared by GPA Consulting, were reviewed by the relevant City departments, including the Los Angeles City Planning’s Office of Historic Resources, for consistency with City guidelines, policies, regulations, and best practices in the respective field and reflect the independent judgment of the City as lead agency.

The Historical Report prepared by GPA Consulting does not ignore any previous evaluations of the buildings on the Project Site as potential historical resources. Page 4 of the Historical Report states that the findings for the 2010 and 2020 Hollywood Redevelopment Project Area historic resource surveys (Hollywood CRA Surveys) were consulted to determine if the Project Site and vicinity contained any properties previously identified as potential historical resources.

The commenter claims that the City must abide by the findings of historic resource surveys prepared by CRA/LA. CEQA defines a historical resource as a property listed in the California Register or determined to be eligible for listing in the California Register by the State Historical Resource Commission. The California Register automatically includes properties listed and formally determined to be eligible for listing in the National Register, as well as some California State Landmarks and Points of Historical Interest. A property designated under a local preservation ordinance or identified as eligible in a historic resource survey is presumed to be a historical resource unless a preponderance of evidence demonstrates that the property is not architecturally, historically, or culturally significant.² The City as the lead agency has the discretion to treat a property as a historical resource if it meets statutory requirements and substantial evidence supports the conclusion.

As discussed in Response to Comment Nos. 8-12 and 8-24, the building at 1330 Vine Street is not a mandatory historical resource because it is not listed or determined eligible for listing in the California Register by the State Historical Resource Commission.³

Additionally, the building at 1330 N. Vine Street is not a presumptive historical resource. It is not included in a local register of historical resources as defined by PRC

² *Public Resources Code § 5024.1 and Title 14 California Code of Regulations § 4850 & § 15064.5 (a) (2).*

³ *Title 14 California Code of Regulations § 15064.5 (a) (1).*

Section 5020.1(k).⁴ Presumptive historical resources may also include properties deemed significant pursuant to criteria set forth in PRC Section 5024.1(g), unless a preponderance of the evidence demonstrates that the resource is not significant. PRC Section 5024.1(g) pertains to the requirements of nomination historic resource surveys for listing in the California Register.⁵ The Hollywood CRA Surveys do not meet the criteria of PRC Section 5024.1(g). The 2020 Hollywood CRA Survey superseded the 2010 survey. The 2020 Hollywood CRA Survey was not submitted to the State Office of Historic Preservation (SOHP) for inclusion in the State Historical Resources Inventory, the survey findings were not evaluated by SOHP, and the surveyed properties were not documented on Department of Parks and Recreation inventory forms.

GPA appropriately concluded that 1330 Vine Street, 1348 Vine Street, 6272 De Longpre Avenue, and 6241 Afton Place should be evaluated for eligibility under the national, state, or local landmark programs to determine if they are historical resources as defined by CEQA. They warranted evaluation because they are occupied by buildings over 45 years of age, proposed for demolition as part of the Project, and are not mandatory or presumptive historical resources. The City determined the aforementioned properties are not historical resources because they do not meet the criteria for listing in the California Register as evidenced in the Historical Report.

Contrary to the comment, the Redevelopment Plan does not prohibit the relocation, renovation, and reuse of the bungalows. In fact, Redevelopment Plan Section 409 expressly contemplates the rehabilitation, conservation, and moving of historic structures.

Comment No. 8-27

Further, the Draft EIR is misleading as to the City's *authority* to remove and move the historical resources. Thus, the Draft EIR appears to rely, without support, on the

⁴ A local register of historical resources is defined as a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

⁵ A resource identified as significant in a historical resource survey may be listed in the California Register if the survey meets all of the following criteria:

1. The survey has been or will be included in the State Historic Resources Inventory.
2. The survey and the survey documentation were prepared in accordance with office procedures and requirements.
3. The properties were evaluated and determined by the office (SHOP) to have a significance rating of Category 1 to 5 on DPR Form 523.
4. If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the integrity of the resource.

Hollywood Redevelopment Plan's *inapplicable* provisions at Sections 409.1 and 409.2 to justify its *movement* of the historical resources. The Draft EIR claims that, under Sections 409.1 and 409.2 of the Hollywood Redevelopment Plan, CRA/LA provides for retention and rehabilitation of buildings and is further authorized to move or cause to move structures that can be rehabilitated to a different location, and further claims that now the City Council—by virtue of the transfer of CRA/LA's powers to the City—is also authorized to allow such relocation. Not so.

Response to Comment No. 8-27

This commenter claims that, while the Redevelopment Plan allows the CRA/LA to remove, conserve, and move historical resources but does not permit others to do so. This is inconsistent with the Redevelopment Plan's goal to "Recognize, promote and support the retention, restoration and appropriate reuse of existing buildings, groupings of buildings and other physical features especially those having significant historic and/or architectural value...." Refer also to Response to Comment No. 8-26. Specific issues raised by the commenter regarding the Redevelopment Plan are addressed in Response to Comment Nos. 8-28 through 8-36, below.

Comment No. 8-28

The Hollywood Redevelopment Plan's Section 409.1 and 409.2 are not limited to historical resources, but are about: (1) the retention, preservation, and rehabilitation of properties *owned* by the CRA/LA (HCP 409.1); and (2) moving of "standard structures". [sic] Particularly, HRP Section 409.2 provides:

409.2 Moving of Structures

As may be necessary in carrying out this **Plan**, the Agency is authorized to move or to cause to be moved any **standard** structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

(HCP, Section 409.2, *emph. Added.*)

Here, there is no "necessity" to move the six bungalows to carry out the Redevelopment Plan; it is needed only to the Applicant to carry out its own project. Moreover, the six bungalows are by far not "standard" structures but are part of the Historic District. As such, the EIR's presumption that City, under HRP, is authorized to allow the relocation of the six bungalows is misplaced.

Response to Comment No. 8-28

The commenter's claim that Section 409.2 does not apply to relocation of historic structures fails to take into account that Section 409.2 is part of a larger Section 409, entitled "409. Rehabilitation, Conservation and Moving of Structures," that addresses historic structures. Refer also to Response to Comment Nos. 8-26 and 8-27. Moreover, Section 409.2 does not require a finding of necessity.

Comment No. 8-29

In fact, the Draft EIR omits the *applicable* provisions in the Hollywood Redevelopment Plan and the related settlements it is bound by. Thus, HRP Section 511 applies to this case and the Project area and emphasizes the need and stringent process aimed at preservation of historical resources, including coordination of those preservation activities with the Cultural Heritage Commission of the City.

In addition, as part of the litigation settlements related to the Hollywood Redevelopment Plan and its litigation settlement with Hollywood Heritage, City is obligated and bound to abide by all historical preservation efforts under the HRP.²⁴

Response to Comment No. 8-29

The Draft EIR does not omit applicable provisions in the Hollywood Redevelopment Plan. Section IV.G, Land Use, and its accompanying appendix, Appendix K, include an analysis of the Project's consistency with all applicable provisions of the Redevelopment Plan, adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, the Project complies fully with Hollywood Redevelopment Plan Section 511, which provides for the preservation, rehabilitation, and retention of buildings of architectural and/or historic significance. As set forth in Section IV.B, Cultural Resources, of the Draft EIR, the Project would not result in a significant impact to any buildings of architectural and/or historic significance or the Afton Square Historic District and would preserve, rehabilitate, and retain the six historic bungalows on the Project Site.

Comment No. 8-30

Further, HRP Section 505.1 provides:

505.1 Very High

Very High: Up to 130 units per gross acre.

Development within the Very High designation is intended to provide a high density housing choice within Hollywood. Development above 80 units per

gross acre shall be reviewed and approved by the Agency to ensure architectural quality, to ensure that parking is provided which will be sufficient to serve the needs of the occupants of the development, and to ensure that architecturally and/or historically significant buildings within a development site are, to the extent practical, preserved.

The Agency shall review and approve development above **80 units** per gross acre. The review shall include an examination of architectural plans (including landscaping, **circulation** and **parking** and **elevation** drawings) to determine compatibility with the character, scale and architecture of the neighborhood, and to ensure that **sufficient parking** is provided.

(HCP, Section 505.1, p. 22, emph. Added.)

Response to Comment No. 8-30

The cited section pertains to the Very High Residential designation only. As the Project Site is designated Regional Commercial and Medium Residential under the Redevelopment Plan, this section does not apply. Furthermore, the Project will be reviewed for consistency with the Redevelopment Plan under LAMC Section 11.5.14 by the City decision-makers.

Comment No. 8-31

Also, HRP provides:

The Agency shall, within five (5) years following the adoption of the First Amendment to this Plan, prepare a **detailed design plan** for this area which **addresses preservation of architecturally and/or historically significant buildings, parking, circulation** and views to and from the Hollywood Hills including the **height, orientation** and **massing** of new development within this District.

(HRP, Section 505.2, pp. 22-23, emph. added.)

Response to Comment No. 8-31

The cited requirement applies to CRA/LA and is unrelated to the environmental review for the Project.

Comment No. 8-32

Further, HRP provides:

- 1) Encourage **preservation, restoration** and **appropriate reuse** of historically or architecturally significant structures;
- 2) Assure that new development is **sympathetic** to and complements the **existing scale** of development;...

(HRP, Section 506.2.1, p. 26, emph. added.)

Response to Comment No. 8-32

With respect to the first bullet point, as discussed throughout the Draft EIR, the bungalows would be rehabilitated and adapted for reuse as either restaurants or residential units.

With respect to the second bullet point, Section IV.B, Cultural Resources, of the Draft EIR, and the accompanying Historical Report fully analyzed the effects of new construction on the Historic District. As concluded therein, the new building would diminish the Historic District's integrity of setting in terms of its broader setting but not the immediate setting because it is outside the existing boundary and would not affect the Historic District to the degree it would no longer be eligible for listing in the National Register or in the California Register.

Comment No. 8-33

Lastly, for purposes of density in the Regional Center Commercial area, as here, HRP provides:

506.2.3 Regional Center Commercial Density

Development within the **Regional Center Commercial** designation **shall** not exceed the equivalent of an average floor area ratio (F.A.R.) of **4.5:1** for the entire area so designated.

....

The Agency may permit development in excess of 4.5:1 F.A.R. up to **but not to exceed 6:1 F.A.R.** or such other density as may be permitted by future amendments to the Community Plan, **only if** the Agency makes the **following findings** and determinations:

1. The proposed development **conforms** with the **provisions** and **goals** of the Redevelopment Plan and any applicable Design(s) for Development or requirements of the Hollywood Boulevard District or Hollywood Core Transition District.
2. Permitting the proposed development serves a **public purpose objective** such as: the provision of **additional open space, cultural facilities, public parking**, or the **rehabilitation** of an **architecturally** or **historically** significant building.
3. Any **adverse environmental effects** especially impacts upon the **transportation** and **circulation** system of the area caused by proposed development shall be **mitigated** or are overridden by other social, economic or physical considerations, and statements of findings are made.

...

(HRP Section 506.2.3, pp. 28-29, emph. added.)

Response to Comment No. 8-33

The commenter correctly cites language from the Hollywood Redevelopment Plan. Ordinance No. 186,325 transferred the authority over Redevelopment Plan's land use controls from CRA/LA to the City. The City decision-makers will make any required findings related to the Redevelopment Plan.

Comment No. 8-34

The Draft EIR does not mention about these *prohibitory* and *more stringent* findings or requirements of the Hollywood Redevelopment Plan, but only assumes that the relocation or the bungalows somehow fits the rehabilitation and preservation requirement of the HRP. And even if appropriate findings could be made to increase the 4.5:1 FAR to 6:1 (which cannot be made in this case), it is clear that the Project far exceeds the maximum permitted 6:1 FAR since its 5.98:1 FAR is only based on *gross averaging* of the FAR along the entire Project site *yet* to be approved and because the Project seeks a significant 50% increase in FAR and a waiver of development standards for residential zoning as part of its approvals.

Response to Comment No. 8-34

With respect to prohibitory findings under the Redevelopment Plan, refer to Response to Comment No. 8-26.

With respect to the allowable FAR, refer to Response to Comment No. 8-10, above.

Regarding the gross averaging of FAR, this is allowed as a Density Bonus incentive.

Comment No. 8-35

In its Hollywood Community Plan update [sic] EIR, City expressly admitted that the various limitations of the Hollywood Redevelopment Plan, including those of density, height, and historic preservation, were adopted as mitigation measures of the respective EIRs. Thus, the Project's violations or attempt to override those limitations suggests that Project may have significant impacts, including but not limited to cultural resources, as well as air, traffic, etc.

Response to Comment No. 8-35

This commenter asserts that the limitations of the Redevelopment Plan were adopted as mitigation measures in the Hollywood Community Plan Update EIR. However, that EIR acknowledged that although the Community Plan Update would not be entirely consistent with the Redevelopment Plan in terms of land use regulations and project review and approval procedures since they were written in the 1980s with a "limited updating" in 2003, what the EIR actually stated on page 4.10-23 in Section 4.10, Land Use & Planning, of the Hollywood Community Plan Update EIR, was that even if the Community Plan Update conflicted with the substantive or procedural requirements of the Redevelopment Plan and those requirements were intended to avoid or mitigate environmental effects, there would be no new significant impacts from that conflict. More specifically, as related to mitigation measures and contrary to the commenter's assertion, the Community Plan Update EIR on page 4.10-24 states that "[s]ome of the policies in the Redevelopment Plan that will be in conflict with the Proposed Plan are those that may have been incorporated into the Redevelopment Plan from mitigation measures. To the extent that they were mitigation measures from the original CEQA Clearance prepared for the adoption of the Redevelopment Plan in 1986, or the amendment in 2003, the City finds they are infeasible or not necessary."

Comment No. 8-36

In sum, to the extent the HRP's more stringent limitations as to the density, height, and historical preservation were part of the mitigation measures of its respective EIRs for the initial adoption of HRP in 1986 and its subsequent amendment in 2003, the fact that the Project and its Draft EIR ignore those limitations suggests that the Project may have significant impacts that have not been properly disclosed or mitigated, in violation of CEQA.

²⁴ See a copy of the 2009 settlement agreement between CRA/LA, City of LA and Hollywood Heritage, starting at pdf p. 33 at http://clkrep.lacity.org/online/docs/2017/17-0871_rpt_CAO_08-04-2017.pdf;

See also comment letters about the importance of historical preservation in the [sic] Hollywood Redevelopment Plan at [https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/\(H\)%20Remainder%20of%20Administrative%20Record/Public%20Comments/Comments%20on%20Deir/20200601%201550%20F.%20Offenauer%20HC%20EIR%20response%20Hollywood%20Heritage.pdf](https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Public%20Comments/Comments%20on%20Deir/20200601%201550%20F.%20Offenauer%20HC%20EIR%20response%20Hollywood%20Heritage.pdf); and http://clkrep.lacity.org/online/docs/2013/13-1482-S3_pc_3-19-2019.pdf

Response to Comment No. 8-36

Refer to Response to Comment Nos. 8-27 to 8-35, above. As discussed therein, the commenter misconstrues the applicable sections of the Redevelopment Plan and incorrectly interprets the analysis in the Hollywood Community Plan Update EIR. Moreover, the Redevelopment Plan does not limit height but only limits residential density in areas designated as residential under the Redevelopment Plan.

Comment No. 8-37

E. The Draft EIR's Conclusions of No Land Use or Population Impacts Are Erroneous.

The Draft EIR's conclusions as to the land use impacts are erroneous since it omits the requirements of the Hollywood Redevelopment Plan and further understates the applicable zoning restrictions, as detailed in the Project Description Section, *supra*.

Response to Comment No. 8-37

Refer to Response to Comment Nos. 8-16 and 8-17, above.

Comment No. 8-38

Similarly, the Draft EIR's conclusions as to the population and housing impacts are erroneous as the Project appears to displace low-income people from rent-stabilized homes in the Project area and fails to provide proper and equivalent replacement or adequate affordable housing, as required by state density bonus law and the Hollywood Redevelopment Plan, as detailed above.

Response to Comment No. 8-38

As discussed in Section II, Project Description, of the Draft EIR, the eight-unit multi-family residential building that would be removed as part of the Project is vacant. Additionally, while six residential bungalows are located on the Project Site, three of these are occupied by commercial uses and the other three are vacant. Therefore, the Project would not displace low-income people from rent-stabilized homes from the Project Site.

Comment No. 8-39**F. The Draft EIR's Alternatives Are Legally Inadequate In View of the EIR's Failure to Provide an Accurate Project Description and Project Objectives.**

The Draft EIR's analysis of alternatives is legally inadequate for several reasons. First, the alternatives are manifestly erroneous since they are based on the flawed project description and flawed baseline environmental setting, which particularly understate the Project's impacts, including historical, as detailed, *supra*. As a result, the alternatives do not seek to avoid or substantially reduce certain significant impacts that the Project may have, simply because those impacts were never identified.

Response to Comment No. 8-39

With respect to the claim that the Project Description is flawed, refer to Response to Comment Nos. 8-8 through 8-17, above. As discussed therein, the Project Description included all required information, including, but not limited to, the required discretionary approvals for both Project Options and numerous references to the reuse, renovation, and relocation of the six bungalows.

With respect to the baseline environmental setting, as discussed in Response to Comment Nos. 8-18, consistent with CEQA Guidelines Section 15125, the Draft EIR's environmental baseline of the physical conditions in the area and related projects is set at the issuance of the NOP, in this case that is 2017.

Comment No. 8-40

Second, the Draft EIR's project objectives are vague and at the same improperly mirror the Project, amounting to a pro-forma analysis. (DEIR, pp. II-12–13.) As such, the project objectives do not provide guidance in crafting alternatives that will reduce the Project's impacts and also fail to analyze the infeasibility of certain alternatives as a result. (See *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692-694, esp. 694 [the "no project" alternative's infeasibility was not established because of the "unreasonably narrow project objectives"].)

Response to Comment No. 8-40

This commenter asserts that the Project's objectives are vague but provides no examples or any evidence to support this claim. Section II, Project Description, of the Draft EIR provides:

The underlying purpose of the Project is to revitalize the infill Project Site by developing an integrated high-density mixed-use development that provides

new multi-family housing opportunities (including Very Low Income housing units), neighborhood serving commercial retail/restaurant uses, and a grocery store, or alternatively, a mixed-used development with office space, restaurant uses, and potential multi-family housing opportunities, all of which serve the community and promote walkability.

This basic objective is clear and broad, and a reasonable range of possible alternatives could meet this objective, including Residential Alternatives 2 and 3 and Office Alternatives 2 and 3, as set forth in Section V, Alternatives, of the Draft EIR.

Comment No. 8-41

Third, since the EIR erroneously concludes that the Project will not have impacts on historical resources by virtue of adherence to the Preservation Plan (as detailed, *supra*), it improperly fails to include an alternative where the historical resources would remain in place and intact and will not be moved around. Yet, such an alternative would have been feasible. City was on notice of the strong objections of the public and preservationists to the Project's removal and relocation of the Historic District or historical properties therein and the stringent requirements of the Redevelopment Plan and therefore the Draft EIR had to consider an alternative to preserve the historical resources in place and to keep those intact. It did not. There is also no *legal* infeasibility to justify the Applicant's choice not to preserve the historic district and not to move the buildings. The City's failure to include such an alternative to preserve the historical resources in place as mandated by the Redevelopment Plan makes the range of alternatives manifestly inadequate. Further, City's failure to make a written finding of infeasibility of such an alternative is fatal to the Draft EIR.

Response to Comment No. 8-41

PRC Section 21001 states, in part, that the environmental review process is intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives, which will avoid or substantially lessen such significant effects. Section IV.B, Cultural Resources, of the Draft EIR, correctly concluded that impacts to historical resources would be less than significant while the commenter has provided no credible evidence to the contrary (refer to Response to Comment Nos. 8-22 through 8-36, above). Therefore, since no significant impact to historical resources was identified, no corresponding alternative was required.

Comment No. 8-42

Fourth, the EIR's discussion of alternatives is also incomplete as it does not list a *preferred* alternative, distinct from an environmentally superior one. This is further problematic here, where the Project itself is proposed in *two* Options: Residential and Commercial. As in

Washoe Meadows Community v. Department of Parks & Recreation (2017) 17 Cal.App.5th 277, 288–289 (“Washoe Meadows”), the EIR here with two inaccurately described development options and their respective alternatives presents a “moving target” (*id.*) and precludes informed decisionmaking.

Response to Comment No. 8-42

An alternatives analysis is not required to identify a preferred alternative. CEQA Guidelines Section 15126.6(e)(2) states that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should the No Project Alternative be the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Because two Project options are evaluated throughout the Draft EIR, the alternatives analysis included both Residential and Office Option alternatives. Then, consistent with CEQA, the analysis identified the environmentally superior alternative for each Project Option (i.e., Residential Option Alternative 3 and Office Option Alternative 3, respectively), as well as the overall environmentally superior alternative (Office Option Alternative 3).

Comment No. 8-43

In sum, the EIR’s description of Alternatives is inadequate in both quality and quantity and the EIR is therefore legally inadequate to be certified. The Draft EIR must be recirculated to provide a preferred alternative, an accurate list of objectives that is consistent with the applicable zoning and land use policies (including but not limited to the Hollywood Redevelopment Plan policies), and a range and description of feasible alternatives, to allow a meaningful and informed evaluation of the Project’s and its Alternatives’ impacts and to enable an informed choice.

Response to Comment No. 8-43

Refer to Response to Comment Nos. 8-39 through 8-42, above.

Comment No. 8-44

IV. CONCLUSION.

In view of the above-noted concerns, we respectfully request that the EIR be recirculated to include the omitted information and to provide a complete and meaningful analysis, identification, and mitigation of impacts as CEQA requires. “CEQA contemplates serious and not superficial or pro forma consideration of the potential environmental consequences of a project.” (*Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337,

1347, 272 Cal.Rptr. 372; emphasis added; *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 593, fn. 3.)

If the City has any questions or concerns, please feel free to contact my Office.

Exhibit A—March 8, 2021, SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Exhibit B—Air Quality and GHG Expert Paul Rosenfeld CV

Exhibit C—Air Quality and GHG Expert Matt Hagemann CV

Response to Comment No. 8-44

This comment, which concludes the letter, is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 8-45

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and

from the Project site during construction.³ Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$ = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and

typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, [sic] with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, [sic] with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Attachment A: Worksheets [4 pages]

Attachment B: Worksheets [228 pages]

Attachment C: Table—Local Hire Provision Net Change [1 page]

Exhibit B: Paul Rosenfeld CV [11 pages]

Exhibit C: Matt Hagemann CV [10 pages]

- ¹ "California Emissions Estimator Model." CAPCOA, 2017, *available at*: <http://www.aqmd.gov/caleemod/home>.
- ² "California Emissions Estimator Model." CAPCOA, 2017, *available at*: <http://www.aqmd.gov/caleemod/home>.
- ³ "CalEEMod User's Guide." CAPCOA, November 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
- ⁴ "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.
- ⁵ "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.
- ⁶ "Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

- ⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
- ⁸ CalEEMod User Guide, *available at*: <http://www.caleemod.com/>, p. 1, 9.
- ⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.
- ¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.
- ¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.
- ¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.
- ¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84–D-86.
- ¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Response to Comment No. 8-45

This attachment supporting the commenter’s assertion that local hire provisions reduce GHG emissions does not make any specific claims about the Project but is, nevertheless, noted for the record and will be forwarded to the decision-makers for their review and consideration. Refer also to Response to Comment No. 8-2, above.

It should be noted that SWAPE’s modeling used default modeling parameters instead of the Project-specific data included in the Draft EIR. As a result, SWAPE’s analysis does not accurately reflect potential impacts from the Project. While not specifically mentioned in this comment, SWAPE used CalEEMod 2016.3.2 consistent with the Draft EIR. CalEEMod 2016.3.2 was the most current model available at the time the NOP was published. CalEEMod 2022.1 was subsequently released in 2022. It was reasonable for the City to prepare the Draft EIR using the CalEEMod model available at the time the NOP was published (baseline conditions). Nevertheless, calculation of Project emissions using CalEEMod 2022.1 was prepared as part of the Final EIR for informational purposes. The updated analysis confirms the Draft EIR’s conclusions that both winter and summer daily pollutant emissions would be below the applicable significance thresholds. Therefore no significant air quality and GHG impacts would occur from the Project. Refer to Appendix FEIR-3 of the Final EIR for the CalEEMod 2022.1 output files. Refer also to Response to Comment No. 8-2.

Comment Letter No. 9

Naira Soghatyan
Mitchell M. Tsai, Attorney at Law
139 S. Hudson Ave., Ste. 200
Pasadena, CA 91101-4990

Comment No. 9-1

On behalf of the Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”), my Office is submitting these comments for the City of Los Angeles’ (“**City**”) Draft Environmental Impact Report (“**Draft EIR**” or “**DEIR**”) for the 1360 N. Vine Street Project (SCH #: 2017061063) (“**Project**”).

The Southwest Carpenters would like to express their support for this Project and withdraw their prior July 25, 2022 comment letter. After receiving clarification and further information about this Project, SWRCC believes that this Project will benefit the environment and the local economy by utilizing a local skilled and trained workforce and will be built utilizing protocols that will protect worker health and safety.

If the City has any questions or concerns, feel free to contact my Office.

Response to Comment No. 9-1

This comment withdrawing Comment Letter No. 8 and expressing support for the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Because the commenter’s initial letter was received during the Draft EIR comment period, responses are provided in Response to Comment Nos. 8-1 through 8-36.

Comment Letter No. 10

Hailey Buck
haileybuck98@gmail.com

Comment No. 10-1

I am writing to say I am against the development notified in ENV-2016-3778-EIR. The small Peruvian and Mexican restaurants at the corner of my street are delicious and I don't want to see them knocked down for another soulless high rise, especially if they decide upon the office option which will further impact housing.

Response to Comment No. 10-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 10-2

In addition the parking on De Longpre is already difficult when I get home from work and will be further impacted by construction.

Response to Comment No. 10-2

While parking is not an impact under CEQA, the Project includes Project Design Feature TR-PDF-2, which prohibits construction worker parking on residential streets and provides all construction contractors with written information on where their workers and their subcontractors are permitted to park with identification of clear consequences to violators for failure to follow these regulations.

Comment No. 10-3

Also my roommate works nights and sleeps during the day and the daytime construction will detrimentally affect her life.

Response to Comment No. 10-3

This comment expresses concern about people on alternate sleep schedules. The City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limits), and the Project's construction noise impact was fully evaluated in Section IV.H, Noise, of the Draft EIR.

While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1, R2, and R3, it would be temporary and would cease upon completion of construction.

Comment No. 10-4

The lot with rundown houses could be of use to our neighborhood, but knocking down community centers and small businesses is not the way to achieve this.

Response to Comment No. 10-4

There is no community center on the Project Site as claimed by the commenter. Nevertheless, this comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. 11

Michael Callahan
mshawnme@hotmail.com

Comment No. 11-1

Attached are my comments regarding the Draft Environmental Impact Report (DEIR) for the proposed large-scale development project at 1360 N Vine Street in Hollywood.

Overall, the presentation is very difficult to follow because the applicant has submitted two DEIRs (one for residential use, one for office and commercial use) combined and intermingled into one report. Key modeling assumptions are buried deep in the calculation worksheets and are not summarized in an easy to find table. Major issues of concern include:

- No effort is made to assess, either quantitatively or qualitatively, the potential impact of air toxic emissions. Reliance on a 30-year-old SCAQMD document is not a valid excuse for ignoring this issue. The applicant should be required to conduct an air toxic assessment.
- The assessment of project impact to the City of Los Angeles is too broad in scope and does not represent project impact on the Hollywood community. My calculations show that impact to the community is 10 to 30 times greater than the impact reported in the DEIR.
- No effort is made to assess cumulative impacts. My calculations show that the proposed projects for the Hollywood area exceed SCAG housing and employment projections by 236 percent and 588 percent, respectively for the year 2027. Even by 2040, SCAG projections are exceeded by 154 percent and 315 percent, respectively. Impact to the community is significant and will only worsen as new projects are proposed and developed.

Please see attached comments for specific issues regarding the assessment of Air Quality (Section IV_A and Appendix B), Project Alternative (Section V), and Other CEQA Considerations (Section VI).

Thank you for your time and consideration.

DRAFT EIR COMMENTS
1360 N VINE ST PROJECT
Case Number ENV-2016-3778-EIR
Los Angeles Council District 13

Hollywood Community Plan Area
Date Submitted: 15 July 2022

Michael Callahan, PE
mshawnme@hotmail.com

1360 N Vine Street Project
Draft EIR Comments

A. General Comments

While the Draft Environmental Impact Report (DEIR) initially appears to be comprehensive, I find it lacks a clear presentation and analysis of the data. One is forced to dig through hundreds of repetitive pages of boiler plate text and calculation worksheets to find key modeling assumptions. Major sections of the DEIR do not supply a clear introduction and the lack of summary tables makes it difficult for the reader to follow the discussion.

The level of analysis is lacking. No effort is made to assess, either quantitatively or qualitatively, the potential impact of air toxic emissions. Reliance on a 30-year-old document is not a valid excuse for ignoring this issue. Little effort is made to assess cumulative impacts and the selected area of impact is too broad to supply meaning. Impacts are made to appear trivial by expanding the impact area far beyond the local area. My assessment of impacts to the Hollywood area shows that cumulative impacts are substantial, and that the area is already over-built.

The DEIR is overly complex and hard to follow because the applicant has not submitted a well-defined project. One would assume that a developer looking to invest money in a project of this size would already know specifically what they wanted to build. The applicant should be instructed to select one design (residential or office) and revise the DEIR accordingly.

B. Section IV_A—Air Quality

B.1 Air Toxics

The Draft EIR is inadequate in its assessment of potential impacts due to air toxics. In fact, the DEIR dismisses this topic completely. In addressing air toxics, it is important to note:

- The products of diesel fuel combustion (i.e., acrolein, benzene, etc.) are of major concern. The DEIR ignores these impacts by stating that long-term impacts would not result given the construction schedule of 38 months and that SCAQMD

CEQA guidance does not require a health risk assessment for short-term construction emissions.

- The SCAQMD CEQA guidance document was issued in April 1993 with slight revision in November of that year. No updates have been issued to date and copies are not available online for review. It is my belief that the field of environmental toxicology has advanced in the last 30 years and that it is a disservice to the public to not even attempt an assessment.
- It is clearly recognized by others that young children can suffer long-term health effects from short-term exposure to toxins. In general, children are more vulnerable than adults to air pollutants because they have higher inhalation rates, narrower airways, and less mature immune systems.
- Other air agencies in the state of California do recognize the potential adverse and serious health impacts due to short-term exposure from construction emissions and require the potential impacts to be assessed.

I strongly urge the report authors to conduct a “look-up” level health risk assessment as a minimum attempt in addressing the issue of air toxics. I call your attention to the Bay Area AQMD report “Screening Tables for Air Toxics Evaluation During Construction,” May 2010. This document clearly supplies a means of assessing the impacts of short-term exposures.

C. Appendix B—Air Quality

Project air emissions were estimated by Eyestone Environmental, LLC using the SCAQMD recommended model CalEEMod (Version 2016.3.2). CalEEMod uses various canned models to estimate emissions for different construction and operating phases of the project. The model supplies a default set of data if site-specific data is not available.

It is difficult to assess the air emission estimate section because major modeling assumptions are buried in the calculation worksheets. The text supplies a general description of the method used but does not show where in the worksheets the calculations can be found. Some worksheets may be improperly formatted, with information cut off on the left side. Other worksheets are blank forms that present no data of use. The overall presentation and format make it difficult to review.

C.1 Off-Road Equipment

A major generator of criteria pollutants during construction is the operation of off-road diesel-fuel equipment. Emissions are related to the size, load factor, usage, and number of equipment items present on site. Questions and comments about off-road equipment follows:

- The number of equipment items shown in the calculation worksheets appear to be low. Large projects of this size often employ multiple crews throughout construction with each crew having access to their own set of construction equipment.
- The air emission tables for construction do not account for an electric generator set. A gen-set is included in the estimation of energy usage in Appendix E, but it does not appear in the air emission section.
- The energy modeling assumption of 2 hours per day usage for the gen-set appears to be low. What safeguards will be taken to limit generator use to no more than 2 hours per day?
- No entries are shown for portable light generators. While it is assumed that all work will be conducted during daylight hours, some amount of lighting will likely be needed for subsurface work and for work in building interiors.
- Will the construction site be lit at night for security? If so, are there plans to use the existing electric grid, or will portable light generators be employed?
- To ensure modeled emissions are not exceeded, what controls will be in place to limit the amount of equipment brought on site? What will prevent the construction contractor from renting and using more equipment than modeled? What will prevent the contractor from adopting a ten-hour or 12-hour workday, or running two shifts to accelerate the schedule?
- Will the SCAQMD impose a Construction Monitoring Plan to require the daily tracking and reporting of equipment usage and fuel consumption? Such plans have been required by the SCAQMD at some industrial facilities during construction.

C.2 On-Road Equipment

How does the construction emission model account for diesel emissions from on-road haulage and cement trucks? I did not see any estimate of cubic yards of soil extracted and cement poured and how that relates to the number of trucks needed. Though these on-road trucks are mobile sources subject to CARB authority, these emission sources should be included in the emission estimate while operating at the site.

C.3 Fugitive Dust

The report states that the modeling of fugitive dust emissions follows AP-42 Section 11.9 Western Coal Operations. This section may not be proper for the modeling of fugitive dust emissions given the physical differences between soil and coal. It is suggested that AP-42 Chapter 13.2.2 Heavy Construction Operations be reviewed and incorporated (note: some of the emission factors in Section 13.2.2 default to Section 11.9, but not all).

AP-42 Chapter 11.9 supplies PM emission factors in terms of pounds per VMT for off-road travel and pounds per ton for stockpiling and haulage. Have the calculations accounted for dust generation during the loading of soil into haul trucks? What is the PM control efficiency for watering during this activity?

A statement is made in the DEIR that watering will be conducted 3 times a day. I assume this relates to the control of dust emissions from access roads and pathways. How much water will be sprayed to control dust while loading soil into the haul trucks. How much water will be used for the truck and tire wash? Has all of this water use been accounted for in Section IV_F Water?

C.4 Greenhouse Gas Emissions

Greenhouse gas emissions are estimated in the DEIR by calculating energy usage via the CalEEMod model and then applying a carbon intensity (CI) factor for the build out year. The CI factors used for modeling are reportedly from SB100, Renewable Portfolio Standards. These factors appear to be highly optimistic, and they underestimate GHG emissions.

According to the City of Los Angeles publication “L.A.’s Green New Deal Annual Report, 2021–2022,” the LADWP generated about 13 million MWh of electric power and emitted 7 million MT of CO₂ equivalent in the year 2020 (page 16). This is equivalent to a CI factor of 1,187 lbs/MWh compared to a CI factor of 733 lbs/MWh used in the DEIR.

Clearly, the DEIR CI factor underestimates potential GHG emissions for the year 2020. A conservative modeling approach would assume a straight-line interpolation between 1,187 lbs/MWh for 2020 (given) and 0 lbs/MWh for 2045. These two datapoints result in a CI factor of 950 lbs/MWh for the build out year 2025. Thus, GHG emissions reported in the DEIR are under-estimated by 35 percent.

C.5 Wastewater Treatment

The CalEEMod model bases annual emissions related to water supply, treatment, and distribution on the number of land use units of a given type. It is unclear how the CalEEMod land use types compare to the proposed project.

Will the proposed project include one or more HVAC cooling towers? If yes, the water demand for this equipment should be addressed. The same goes for blowdown and the periodic discharge of biocides and corrosion inhibitors.

The office option includes eight (8) subterranean levels of parking with the lowest level at 83 feet below ground surface. Since the historic high groundwater level is at 45 feet bgs, it

seems doubtful that water seepage into the structure can be prevented by passive means only. An active pump discharge system will likely be required. Note that Appendix H—Soils Letter clearly states that active dewatering will be needed to protect the foundation. This is another disconnect in the DEIR between sections.

D. Section V—Alternatives

The DEIR is plagued by an analysis of excessive options and alternatives. The failure of the applicant to clearly define and limit project scope to that of a residential project or an office project adds complexity. It should not fall on the public to have to read excessive repetitive text that lacks the benefit of a clear presentation.

Overall, the number of alternatives and options analyzed appears to be excessive. Options about reduced density do not add to the understanding of potential impacts. What is the basis for the 25 percent reduction? Meaningful project alternatives include Alternative 1 (No Project/No Build) and Alternative 3 (Development in Accordance with Existing Zoning). Why does Alternative 3 for the office option require the splitting out of a fourth alternative? The logic is unclear and not reported.

I also question the inclusion of the alternatives to reduce significant noise and vibration impacts by extending the schedule or by reducing equipment usage. These are not project alternatives but are potential mitigation measures. The discussion of these measures would be better presented under Chapter VI Other CEQA—Noise.

E. Section VI—Other CEQA Considerations

E.1 On Site Construction Noise

The text mentions mitigation measure NOI-MM-1 without supplying a description of the measure. How will this measure be implemented? Is it a movable or fixed mitigation measure? How will compliance be monitored and insured? The reader should not have to search through an extensive document to find out what is being discussed.

The text does not address other practical mitigation measures to control noise and vibration. One major activity associated with noise and vibration is the placement of pilings. What type of equipment will be used for this activity: pile driver or rotary drilling? Rotary drilling versus impact driving should be looked at as a potential mitigation measure.

Objectionable noise is also created by diesel powered construction equipment such as back-hoes, front end loaders, etc. No mention is made as to the use of electric equipment. Electric equipment tends to be quieter and avoids air emissions associated with diesel ICE.

Electric construction equipment is rapidly entering the market and its use should be promoted, where possible.

The on-site construction equipment monitoring plan should include routine noise monitoring at the fence-line. When noise levels exceed a pre-set limit, measures should be taken to reduce equipment usage. The equipment brought onsite should be periodically checked for excessive noise per the manufacturer's performance data.

E.2 Energy Consumption

The DEIR routinely compares overall utility demand to the supply and infrastructure service capability of the LADWP. Utility demands should be compared to local utility demands, not the overall city. Has the LADWP verified that the electric grid that serves the area can manage the increased demand? To what extent will the added load increase the potential for brownouts or service interruption? Assessing the local impact should also be performed for other utilities such as water and wastewater.

E.3 Cumulative Impacts

The Environmental Settings section of the DEIR presents a detailed inventory of various projects in the Hollywood area, but Chapter VI (Other CEQA Issues) does not supply a meaningful analysis of cumulative impact. The DEIR analysis is limited to comparing the expected increase in dwelling units for this project to the net increase in dwelling units projected for the city overall.

As expected, the level of regional impact reported in the DEIR is low. This is because one has taken a project that affects a specific location and selected too large an impact area. My work experience in developing protocols for the assessment of critical infrastructure taught me that impact tends to be inversely related to the scope of inquiry (i.e., local, regional, state, and nation). In my view, the proper scope for assessing impact is to compare this project, and all projects in the Hollywood area, to the projected increases for the Hollywood area. The table below presents a summary of my analysis. Discussion follows.

Summary of Cumulative Impact to Hollywood Community

Projection	Dwelling Units		Employment	
	Number	Percent (b)	Number	Percent (b)
Cumulative	13,848	' - -	25,211	' - -
SCAG 2027	4,125	336 %	3,667	688 %
SCAG 2040	9,000	154 %	8,000	315 %
DHCP 2027	11,917	116 %	10,541	239 %
DHCP 2040 (a)	26,000	53 %	23,000	110%

- a) Projections shown are mid-point values.
b) Compared to projection. Exceedance is percent minus 100.

E.3.1 Housing

The DEIR estimates the project will result in a net increase of 429 dwelling units in the year 2027. This increase is 10.4 percent of the total projected increase for Hollywood by SCAG and 3.6 percent of the increase projected by DHCP. One could say that this level of impact is minor, but it is 10 to 30 times greater than the 0.35 percent of total increase reported in the DEIR.

Housing Projections for the Hollywood Community

Source	SCAG	SCAG	SCAG	DHCP	DHCP	DHCP
Year	2016	2040	2027	2016	2040	2027
Housing	104,000	113,000	4,125	104,000	130,000	11,917

- a) All data obtained from the Draft Hollywood Community Plan dated August 2021.
b) Numbers shown for DHCP are mid-point values.
c) Year 2027 projection assumes linear growth from 2016 to 2040.

For the assessment of cumulative impact, the DEIR lists 102 development projects in the area (Table III-1). The listing was compiled in 2018 so some projects may have dropped off the list while others should be added. The listing is conservative in that it does not address the recent change in law which promotes the building of Accessory Dwelling Units.

Table III-1 of the DEIR lists a total of 13,419 dwelling units, or 13,848 units with the inclusion of this project. These 13,848 dwelling units exceed the SCAG projection of 4,125 for 2027 by 236 percent and the projection of 9,000 for 2040 by 54 percent. The DHCP projection of 11,917 dwelling units for 2027 is exceeded by 19 percent while the 13,848 units are well within the 2040 projection. Since the DCHP is currently being challenged, it is unknown how future projections will change.

E.3.2 Employment

The DEIR estimates the office option will create 1,818 jobs by year 2027. This increase accounts for 50 percent of the increase projected by SCAG and 17 percent projected by DHCP for the Hollywood area. These increases are 10 to 28 times greater than the 1.8 percent of city-wide increase reported.

Employment Projections for the Hollywood Community

Source	SCAG	SCAG	SCAG	DHCP	DHCP	DHCP
Year	2016	2040	2027	2016	2040	2027
Workers	101,000	119,000	3,667	104,000	127,000	10,541

- a) All data obtained from the Draft Hollywood Community Plan dated August 2021.
- b) Numbers shown for DHCP are mid-point values.
- c) Year 2027 projection assumes linear growth from 2016 to 2040.

Using the square footage and hotel room data presented in Table III-1 of the DEIR, I have estimated the cumulative number of new employees in the Hollywood community (see Attachment A). Median square footage and hotel room per worker data was obtained from the LADOT VMT Calculator Methodology report (May 2020) and the USEIA Commercial Buildings Energy Consumption Survey (CBECS) website. It is noted that the LADOT data is highly conservative compared to the CBECS data. The reason for this difference is not known.

The cumulative increase in employment in the Hollywood area, including the proposed project, is estimated to be 25,211 workers. This estimate is conservative since support jobs such as delivery drivers, gardeners, etc., are not included. Estimated employment exceeds SCAG projections by 588 percent for 2027 and by 215 percent for 2040. DHCP employment projections are exceeded by 139 percent for 2027 and by 10 percent for 2040.

E.3.3 Conclusion

Overall, this limited analysis clearly shows that the Hollywood community is being subject to major cumulative impact. The total number of proposed units (as of 2018) and jobs created substantially exceed SCAG projections. Cumulative impacts will only grow larger and worse over time as new projects are approved and built. Since SCAG projections are used by other city agencies to develop long-range plans, it is likely that the available community infrastructure is lagging to meet demand.

E.4. Potential Secondary Effects

The discussion of noise mitigation measures should be moved up into the section on noise and not be buried in this section. Please discuss why Mitigation Measure NOI-MM-2 only applies to two of the six historic structures at the site. The text implies this measure will also help mitigate vibration effects on off-site buildings. This mitigation measure (vibration monitoring) should be kept even if the historic structures are temporarily moved off site.

Attachment A

Cumulative Employment in the Hollywood Community				
Land Use (a)	Area (sq. ft.)	Rooms	Factor (b)	Employees
Commercial	65,888	---	500	131.8
Commercial	92,500	---	500	185.0
Commercial	95,820	---	500	191.6
Commercial	1,289	---	500	2.6
Commercial	2,012	---	500	4.0
Commercial	2,500	---	500	5.0
Commercial	2,697	---	500	5.4
Commercial	3,000	---	500	6.0
Commercial	4,747	---	500	9.5
Commercial	5,500	---	500	11.0
Commercial	12,785	---	500	25.6
Commercial	19,500	---	500	39.0
Commercial	24,900	---	500	49.8
Commercial	29,000	---	500	58.0
Commercial	33,980	---	500	68.0
Commercial	35,000	---	500	70.0
Community Center	45,000	---	1,800	25.0
Grocery	45,432	---	250	181.7
Hospital	211,992	---	556	381.3
Hotel (c)	90,000	200	0.5	100.0
Hotel (c)	101,250	225	0.5	112.5
Hotel (c)	36,000	80	0.5	40.0
Hotel (c)	81,000	180	0.5	90.0
Hotel (c)	50,400	112	0.5	56.0
Hotel (c)	56,250	125	0.5	62.5
Hotel (c)	90,000	200	0.5	100.0
Hotel (c)	54,900	122	0.5	61.0
Hotel (c)	28,800	64	0.5	32.0
Hotel (c)	51,300	114	0.5	57.0
Hotel (c)	99,450	221	0.5	110.5
Hotel (c)	94,500	210	0.5	105.0
Hotel (c)	59,850	133	0.5	66.5
Hotel (c)	95,400	212	0.5	106.0
Hotel (c)	97,200	216	0.5	108.0
Hotel (c)	75,600	168	0.5	84.0
Hotel (c)	41,850	93	0.5	46.5
Hotel (c)	70,200	156	0.5	78.0
Hotel (c)	45,900	102	0.5	51.0
Hotel (c)	138,600	308	0.5	154.0
Hotel (c)	123,750	275	0.5	137.5
Hotel (c)	35,100	78	0.5	39.0
Office	2,570	---	250	10.3
Office	3,580	---	250	14.3
Office	4,074	---	250	16.3
Office	7,800	---	250	31.2
Office	17,040	---	250	68.2
Office	30,933	---	250	123.7
Office	38,440	---	250	153.8
Office	45,432	---	250	181.7
Office	53,537	---	250	214.1
Office	88,750	---	250	355.0
Office	95,000	---	250	380.0
Office	100,000	---	250	400.0
Office	100,386	---	250	401.5
Office	106,125	---	250	424.5
Office	114,725	---	250	458.9
Office	126,980	---	250	507.9
Office	202,400	---	250	809.6
Office	210,000	---	250	840.0
Office	241,568	---	250	966.3
Office	274,000	---	250	1,096.0
Office	285,719	---	250	1,142.9
Office	422,610	---	250	1,690.4
Office	1,273,600	---	250	5,094.4
Other	40,927	---	250	163.7
Restaurant	661	---	250	2.6
Restaurant	1,750	---	250	7.0
Restaurant	1,885	---	250	7.5
Restaurant	1,993	---	250	8.0
Restaurant	2,750	---	250	11.0
Restaurant	2,800	---	250	11.2
Restaurant	3,000	---	250	12.0
Restaurant	3,200	---	250	12.8
Restaurant	3,270	---	250	13.1
Restaurant	3,929	---	250	15.7
Restaurant	4,000	---	250	16.0
Restaurant	4,225	---	250	16.9
Restaurant	4,354	---	250	17.4
Restaurant	5,000	---	250	20.0
Restaurant	5,000	---	250	20.0
Restaurant	5,000	---	250	20.0

Cumulative Employment in the Hollywood Community				
Land Use (a)	Area (sq. ft.)	Rooms	Factor (b)	Employees
Restaurant	5,064	---	250	20.3
Restaurant	5,400	---	250	21.6
Restaurant	5,979	---	250	23.9
Restaurant	6,980	---	250	27.9
Restaurant	7,000	---	250	28.0
Restaurant	9,000	---	250	36.0
Restaurant	10,000	---	250	40.0
Restaurant	10,402	---	250	41.6
Restaurant	11,460	---	250	45.8
Restaurant	12,000	---	250	48.0
Restaurant	12,355	---	250	49.4
Restaurant	12,840	---	250	51.4
Restaurant	15,000	---	250	60.0
Restaurant	15,290	---	250	61.2
Restaurant	16,135	---	250	64.5
Restaurant	17,607	---	250	70.4
Restaurant	20,650	---	250	82.6
Restaurant	34,000	---	250	136.0
Restaurant	87,500	---	250	350.0
Retail	76,500	---	500	153.0
Retail	87,500	---	500	175.0
Retail	89,200	---	500	178.4
Retail	92,500	---	500	185.0
Retail	163,862	---	500	327.7
Retail	377,900	---	500	755.8
Retail	985	---	500	2.0
Retail	1,900	---	500	3.8
Retail	2,750	---	500	5.5
Retail	3,117	---	500	6.2
Retail	3,350	---	500	6.7
Retail	3,580	---	500	7.2
Retail	3,700	---	500	7.4
Retail	3,739	---	500	7.5
Retail	3,760	---	500	7.5
Retail	3,929	---	500	7.9
Retail	4,066	---	500	8.1
Retail	4,700	---	500	9.4
Retail	5,000	---	500	10.0
Retail	5,546	---	500	11.1
Retail	6,250	---	500	12.5
Retail	6,634	---	500	13.3
Retail	6,634	---	500	13.3
Retail	7,700	---	500	15.4
Retail	9,000	---	500	18.0
Retail	10,000	---	500	20.0
Retail	10,370	---	500	20.7
Retail	11,020	---	500	22.0
Retail	12,000	---	500	24.0
Retail	12,000	---	500	24.0
Retail	12,030	---	500	24.1
Retail	12,160	---	500	24.3
Retail	13,813	---	500	27.6
Retail	15,000	---	500	30.0
Retail	15,300	---	500	30.6
Retail	16,360	---	500	32.7
Retail	20,000	---	500	40.0
Retail	20,650	---	500	41.3
Retail	26,000	---	500	52.0
Retail	30,887	---	500	61.8
Retail	32,272	---	500	64.5
Retail	36,600	---	500	73.2
Retail	37,057	---	500	74.1
Social Services	50,325	---	500	100.7
Stage	21,000	---	1,000	21.0
Studio	38,072	---	1,000	38.1
Studio	202,400	---	1,000	202.4
Supermarket	33,500	---	250	134.0
Sub-Total	8,267,135	3,594	---	23,393
1360 Vine (d)	475,435	---	---	1,818
Total	8,742,570	---	---	25,211

a) Table III-1 of the Vine 1360 DEIR

b) Workers per sq/ft or per room. Most factors are from LADOT VMT Methodology

c) Hotel area based on 450 sq ft per room

d) Office option excluding bungalows

Response to Comment No. 11-1

This commenter submitted a second letter dated July 24, 2022, and asked that it replace this letter dated July 15, 2022. Because the letters are substantively similar, responses are provided to the second letter dated July 24, 2022. Refer to Response to Comment Nos. 12-1 through 12-35 below.

Comment Letter No. 12

Michael Callahan
mshawnme@hotmail.com

Comment No. 12-1

Attached are my comments regarding the Draft Environmental Impact Report (DEIR) for the proposed large-scale development project at 1360 N Vine Street in Hollywood.

Overall, the presentation is very difficult to follow because the applicant has submitted two DEIRs (one for residential use, one for office and commercial use) combined and intermingled into one report. Key modeling assumptions are buried deep in the calculation worksheets and are not summarized in an easy to find table. Major issues of concern include:

- No effort is made to assess, either quantitatively or qualitatively, the potential impact of air toxic emissions. Reliance on a 30-year-old SCAQMD document is not a valid excuse for ignoring this issue. The applicant should be required to conduct an air toxic assessment.
- The assessment of project impact to the City of Los Angeles is too broad in scope and does not represent project impact on the Hollywood community. My calculations show that impact to the community is 10 to 30 times greater than the impact reported in the DEIR.
- No effort is made to assess cumulative impacts. My calculations show that the proposed projects for the Hollywood area exceed SCAG housing and employment projections by 236 percent and 588 percent, respectively for the year 2027. Even by 2040, SCAG projections are exceeded by 154 percent and 315 percent, respectively. Impact to the community is significant and will only worsen as new projects are proposed and developed.

Please see attached comments for specific issues regarding the assessment of Air Quality (Section IV_A and Appendix B), Project Alternative (Section V), and Other CEQA Considerations (Section VI).

Thank you for your time and consideration.

DRAFT EIR COMMENTS
1360 N VINE ST PROJECT
Case Number ENV-2016-3778-EIR
Los Angeles Council District 13

Hollywood Community Plan Area
Date Submitted: 15 July 2022
Date Revised: 23 July 2022

Michael Callahan, PE
mshawmme@hotmail.com

Response to Comment No. 12-1

This introductory comment, which notes the commenter's overall objections to the Project, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Responses to specific issues raised by the commenter are addressed in Response to Comment Nos. 12-2 through 12-35 below.

Comment No. 12-2

1. GENERAL COMMENTS

While the Draft Environmental Impact Report (DEIR) initially appears to be comprehensive, I find it lacks a clear presentation and analysis of the data. One is forced to dig through hundreds of repetitive pages of boiler plate text and calculation worksheets to find key modeling assumptions. Major sections of the DEIR do not supply a clear introduction and the lack of summary tables makes it difficult for the reader to follow the discussion.

Response to Comment No. 12-2

The Draft EIR was prepared in accordance with the requirements of CEQA and the City, as the Lead Agency. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 12-3

The level of analysis is lacking. No effort is made to assess, either quantitatively or qualitatively, the potential impact of air toxic emissions. Reliance on a 30-year-old document is not a valid excuse for ignoring this issue. Little effort is made to assess cumulative impacts and the selected area of impact is too broad to supply meaning. Impacts are made to appear trivial by expanding the impact area far beyond the local area. My assessment of impacts to the Hollywood area shows that cumulative impacts are substantial, and that the area is already over-built.

Response to Comment No. 12-3

This comment provides an overview of the commenter's issues with the air quality analysis. Refer to Response to Comment Nos. 12-5 through 12-23, below.

Comment No. 12-4

The DEIR is overly complex and hard to follow because the applicant has not submitted a well-defined project. One would assume that a developer looking to invest money in a project of this size would already know specifically what they wanted to build. The applicant should be instructed to select one design (residential or office) and revise the DEIR accordingly.

Response to Comment No. 12-4

The Applicant is seeking the flexibility to develop either the Residential Option or Office Option, both of which are clearly described in Section II, Project Description, of the Draft EIR, based on market demand. The Draft EIR is required to evaluate the Project as proposed by the Applicant. Throughout the Draft EIR, the more severe impacts are analyzed to present the most conservative analysis possible. The City decision-makers have the discretion to approve both options, only one, or neither. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 12-5**2. SECTION IV_A—AIR QUALITY****2.1 Air Toxics**

The Draft EIR is inadequate in its assessment of potential impacts due to air toxics. In fact, the DEIR dismisses this topic completely. In addressing air toxics, it is important to note:

- The products of diesel fuel combustion (i.e., acrolein, benzene, etc.) are of major concern. The DEIR ignores these impacts by stating that long-term impacts would not result given the construction schedule of 38 months and that SCAQMD CEQA guidance does not require a health risk assessment for short-term construction emissions.
- The SCAQMD CEQA guidance document was issued in April 1993 with slight revision in November of that year. No updates have been issued to date and copies are not available online for review. It is my belief that the field of environmental toxicology has advanced in the last 30 years and that it is a disservice to the public to not even attempt an assessment.

- It is clearly recognized by others that young children can suffer long-term health effects from short-term exposure to toxins. In general, children are more vulnerable than adults to air pollutants because they have higher inhalation rates, narrower airways, and less mature immune systems.
- Other air agencies in the state of California do recognize the potential adverse and serious health impacts due to short-term exposure from construction emissions and require the potential impacts to be assessed.

I strongly urge the report authors to conduct a “look-up” level health risk assessment as a minimum attempt in addressing the issue of air toxics. I call your attention to the Bay Area AQMD report “Screening Tables for Air Toxics Evaluation During Construction,” May 2010. This document clearly supplies a means of assessing the impacts of short-term exposures.

Response to Comment No. 12-5

The commenter contends that the Draft EIR dismisses potential impacts due to air toxics and that a “look-up” level health risk assessment (HRA) should have been conducted. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project’s impacts, including potential impacts related to health risk. This comment does not provide any evidence to demonstrate that a quantified HRA related to on-site sources of toxic air contaminants (TACs) is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR.

The Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD’s CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, “Individual Cancer Risk” is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology, and the Office of Environmental Health Hazard Assessment (OEHHA) guidance evaluates residential exposure over a 30-year duration.

Because overall Project construction would be limited to approximately three years, construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction is completed as the Project does not include any substantial operational sources of TAC emissions (e.g., warehouse distribution facility). Because there is such a short-term exposure period (approximately 3 out of a 70-year lifetime), further

evaluation of construction TAC emissions within the Draft EIR was not warranted. This supporting information is consistent with L.A. *City CEQA Thresholds Guide* in making a case-by-case determination of significance. As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks except for delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets). The commenter is referred to SCAQMD guidance below that provides clarification as to when an HRA may be warranted:

The SCAQMD published and adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).⁶ The SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).

As discussed in Section II, Project Description, of the Draft EIR, the Residential Option would include 429 residential units, an approximately 55,000-square-foot grocery store, approximately 5,000 square feet of neighborhood-serving commercial retail uses, and 8,988 square feet of uses in the bungalows. Under the Residential Option, the on-site bungalows would be rehabilitated and adapted for reuse as either restaurants or 12 residential units. If the bungalows are used as 12 residential units, the new building would provide 417 residential units, and the Residential Option would still provide an overall total of 429 dwelling units on-site. The Office Option would develop approximately 463,521 square feet of office uses and 11,914 square feet of restaurant uses in the proposed building, as well as 8,988 square feet of uses in the bungalows. Under the Office Option, the on-site bungalows would be rehabilitated and adapted for reuse as either restaurants or nine residential units.

⁶ SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

In response to this comment, a conservative estimate of the number of daily truck trips from proposed uses is provided in Table II-2 on page II-140 based on the National Cooperative Highway Research Program (NCHRP) Truck Trip Generation Data and Transportation Northwest Truck Trip Generation by Grocery Stores.^{7,8}

As shown in Table II-2, the Project is conservatively estimated to generate approximately 27 trucks per day under the Residential Option and 25 trucks per day under the Office Option. The NCHRP and Transportation Northwest data did not provide the percentage of trucks that would be equipped with transportation refrigeration units (TRUs). For the purposes of this discussion, it was estimated that up to five of the trucks per day would be equipped with a TRU related to restaurant and grocery store uses. This estimate assumes that all trucks would be diesel even though many truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx). Even assuming a worst-case scenario that all trucks would be equipped with a TRU, the Project would still not generate 40 trucks trips with TRUs per day, and, as such, the total number of truck trips is well below 40 under either option.

Based on SCAQMD guidance, there is no quantitative analysis required for future cancer risk within the vicinity of the Project as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating TRUs.

Based on the above information, the Draft EIR correctly concluded that an operational HRA was not warranted.

This comment also states that “Other air agencies in the state of California do recognize the potential adverse and serious health impacts due to short-term exposure from construction emissions and require the potential impacts to be assessed.” While not specifically referenced, the commenter appears to be referencing OEHHA’s *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments*.

⁷ National Cooperative Highway Research Program (NCHRP) Synthesis 298 Truck Trip Generation Data, 2001.

⁸ Transportation Northwest, Truck Trip Generation by Grocery Stores, Final Report TNW2010-04, August 2010.

Table II-2
Daily Operational Delivery Truck Trips (Residential Option and Office Options)

Proposed	Residential Option	Office Option
Residential ^a	415,433 sf (4.6 truck trips)	—
Grocery Store ^b	55,000 sf (18 truck trips)	—
Retail ^c	5,000 sf (1.6 truck trips)	—
Office ^d	—	463,521 sf (18.1 truck trips)
Restaurant ^c	—	11,914 sf (3.9 truck trips)
Reuse of Bungalows ^{c,d}	8,988 sf (2.9 truck trips)	8,988 sf (2.9 truck trips)
Total Floor Area	484,421 sf (27 truck trips)	484,423 sf (25 truck trips)
<p><i>sf = square feet</i> <i>du = dwelling unit</i></p> <p>^a Table D-2e of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Other Land Uses (includes housing)) provides 0.011 truck trips per 1,000 sf.</p> <p>^b Supermarket: Findings from the Grocery Store Study show that grocery stores in the study generated an average of 18 trucks trip per day on a typical peak weekday. It was estimated that five of the trucks per day would be equipped with transportation refrigeration units (TRUs).</p> <p>^c Table D-2c of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Retail (includes restaurants)) provides an average of 0.324 truck trips per 1,000 sf.</p> <p>^d Table D-2d of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Office and Services (Office uses)) provides an average of 0.039 truck trips per 1,000 sf.</p> <p>^e The on-site bungalows would be rehabilitated and adapted for reuse as either restaurant or residential use. The truck trip factor decreases under residential versus restaurant. As such, the table reflects restaurant use truck trips.</p> <p>Source: Eyestone Environmental, 2022.</p>		

It is important to understand the purpose of the OEHHA guidance as it is not applicable to the Project. OEHHA adopted the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (2003 Guidance Manual) in October of 2003. The Guidance Manual was developed by OEHHA, in conjunction with the California Air Resources Board (CARB), for use in implementing the Air Toxics “Hot Spots” Program (Health and Safety Code Section 44360 et. seq.). The Air Toxics “Hot Spots” Program requires certain stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics “Hot Spots” Program are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

OEHHA adopted a new version of the *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (2015 Guidance Manual) in March of 2015.⁹ CARB acknowledges that the Guidance Manual does not include guidance for projects prepared under the auspices of CEQA and that it would be “handled by individual [Air Pollution Control] Districts.”¹⁰ As noted by CARB,

The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in September 1987. Under this, stationary sources are required to report the types and quantities of certain substances their facilities routinely release into the air. Emissions of interest are those that result from the routine operation of a facility or that are predictable, including but not limited to continuous and intermittent releases and process upsets or leaks...

*The Act requires that toxic air emissions from stationary sources (facilities) be quantified and compiled into an inventory according to criteria and guidelines developed by the ARB, that each facility be prioritized to determine whether a risk assessment must be conducted, that the risk assessments be conducted according to methods developed by OEHHA....*¹¹

There are two broad classes of facilities subject to the AB 2588 Program: Core facilities and facilities identified within discrete industry-wide source categories. Core facilities subject to AB 2588 compliance are sources whose criteria pollutant emissions (particulate matter, oxides of sulfur, oxides of nitrogen, and volatile organic compounds) are 25 tons per year or more as well as those facilities whose criteria pollutant emissions are 10 tons per year or more but less than 25 tons per year. Industry-wide source facilities are classified as smaller operations with relatively similar emission profiles (e.g., auto body shops, gas stations, and dry cleaners using perchloroethylene). It is apparent that the emissions generated from the construction and subsequent occupancy of a mixed-use development project are not classified as core operations or subject to industry-wide source evaluation.

⁹ Office of Environmental Health Hazard Assessment, Air Toxicology and Epidemiology, Adoption of Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. March 6, 2015, <https://oehha.ca.gov/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

¹⁰ CARB, Risk Management Guidance for Stationary Sources of Air Toxics, July 23, 2015, www.arb.ca.gov/toxics/rma/rmgssat.pdf, p. 19.

¹¹ CARB, Overview of the Air Toxics “Hot Spots” Information and Assessment Act, ww2.arb.ca.gov/overview-air-toxics-hot-spots-information-and-assessment-act.

The intent in developing the 2015 Guidance Manual was to provide HRA procedures for use in the Air Toxics Hot Spots Program or for the permitting of new or modified stationary sources. As noted above, the Project is not a new or modified stationary source that requires air quality permits to construct or operate. Air districts are to determine which facilities will prepare an HRA based on a prioritization process. The 2015 Guidance Manual provides recommendations related to cancer risk evaluation of short-term projects regarding certain stationary sources. As discussed in Section 8.2.10 of the 2015 Guidance Manual, “[t]he local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation.” Short-term projects that would require a permitting decision by SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The 2015 Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment).

This comment also asserts that children are more vulnerable than adults to pollutant emissions. OEHHA’s 2015 Guidance Manual provides Age Sensitivity Factors (ASFs) to account for potential increased sensitivity of early-in-life exposure to carcinogens. For risk assessments conducted under the auspices of AB 2588, a weighting factor is applied to all carcinogens regardless of purported mechanism of action. In comments presented to the SCAQMD Governing Board (Meeting Date: June 5, 2015, Agenda No. 28) relating to toxic air contaminant exposures under Rules 1401 (New Source Review of Toxic Air Contaminants), use of the 2015 OEHHA guidelines and their applicability for projects subject to CEQA, as they relate to the incorporation of early-life exposure adjustments, it was reported that:

The Proposed Amended Rules are separate from the CEQA significance thresholds. The Response to Comments Staff Report PAR 1401, 1401.1, 1402, and 212 A—8 June 2015 SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board.

SCAQMD, as a commenting agency, has not conducted public workshops or developed policy relating to the applicability of applying the 2015 OEHHA guidance for projects prepared by other public/lead agencies subject to CEQA.

To emphasize variability in methodology for conducting HRAs, regulatory agencies throughout the State of California, including the Department of Toxic Substances Control (DTSC), which is charged with protecting individuals and the environment from the effects

of toxic substances and responsible for assessing, investigating, and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved, have adopted the U.S. Environmental Protection Agency's (USEPA's) policy in the application of early-life exposure adjustments.

Specifically, USEPA guidance relating to the use of early life exposure adjustments (*Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens*, EPA/630/R-003F) are considered when carcinogens act "through the mutagenic mode of action." As reported:

The Agency considered both the advantages and disadvantages of extending the recommended, age dependent adjustment factors for carcinogenic potency to carcinogenic agents for which the mode of action remains unknown. EPA recommends these factors only for carcinogens acting through a mutagenic mode of action based on a combination of analysis of available data and long-standing science policy positions that set out the Agency's overall approach to carcinogen risk assessment, e.g., the use of a linear, no threshold extrapolation procedure in the absence of data in order to be health protective. In general, the Agency prefers to rely on analyses of data rather than on general defaults. When data are available for a susceptible lifestage, they should be used directly to evaluate risks for that chemical and that lifestage on a case-by-case basis. In the case of nonmutagenic carcinogens, when the mode of action is unknown, the data were judged by EPA to be too limited and the modes of action too diverse to use this as a category for which a general default adjustment factor approach can be applied. In this situation per the Agency's Guidelines for Carcinogen Risk Assessment, a linear low-dose extrapolation methodology is recommended. It is the Agency's long-standing science policy position that use of the linear low-dose extrapolation approach (without further adjustment) provides adequate public health conservatism in the absence of chemical-specific data indicating differential early-life susceptibility or when the mode of action is not mutagenicity.

It is acknowledged that this comment expresses concern over diesel exhaust emissions. However, for diesel particulates, polycyclic aromatic hydrocarbons (PAHs), and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less

than 1 percent of the exhaust particulate mass.¹² To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.¹³

Based on a review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of these factors would not be applicable to the Project as neither the Lead Agency nor SCAQMD requires that these factors be used for CEQA analyses of potential DPM construction or operational impacts. The City relies upon USEPA guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F), whereby adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.” As discussed above, PAHs and their derivatives within diesel particulate, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass. To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action. Therefore, a quantified HRA using ASFs is not required, and the City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies based on the above supporting evidence for evaluating a project’s impacts including potential impacts related to health risk.

Comment No. 12-6

3. APPENDIX B—AIR QUALITY

Project air emissions were estimated by Eyestone Environmental, LLC using the SCAQMD recommended model CalEEMod (Version 2016.3.2). CalEEMod uses various canned models to estimate emissions for different construction and operating phases of the project. The model supplies a default set of data if site-specific data is not available.

Response to Comment No. 12-6

This comment correctly identifies that Project-related pollutant emissions were estimated in the Draft EIR using the SCAQMD-recommended model CalEEMod. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operational from a variety of land use projects.

¹² United States Environmental Protection Agency, Health Assessment Document for Diesel Engine Exhaust (EPA/600/8-90/057F, 2002).

¹³ United States Environmental Protection Agency, National Center for Environmental Assessment, 2018. Integrated Risk Information System (IRIS). Diesel Engine Exhaust.

This comment also correctly identifies that the model supplies a default set of data where site-specific data are not available. Please refer to Response to Comment Nos. 12-10 through 12-21 for responses regarding specific comments regarding use of site-specific data.

Comment No. 12-7

It is difficult to assess the air emission estimate section because major modeling assumptions are buried deep in the calculation worksheets. The text supplies a general description of the method used but does not show where in the worksheets the calculations can be found. Some worksheets may be improperly formatted, with information cut off on the left side. Other worksheets are blank forms that present no data of use. The overall presentation and format make it difficult to review.

Response to Comment No. 12-7

This comment provides an overview of the commenter's issues with the air quality modeling and calculation worksheets. Refer to Response to Comment Nos. 12-8 through 12-21, below for specific responses to the comments. However, Appendix B, Air Quality and Greenhouse Gas Emissions, of the Draft EIR provides sufficient details to support the conclusions of the Draft EIR regarding potential air quality impacts. Appendix B-1 provides the methodology used to calculate air quality and greenhouse gas emissions. Appendix B-2 provides the air quality worksheets and modeling output files, and Appendix B-3 provides the greenhouse gas worksheets and modeling files. Appendix B-2 includes a summary of project emissions in Appendix B-2-1 for both the residential and office options based on the CalEEMod output files provided in Appendix B-2-2.

It is not clear what the commenter refers to as "major modeling assumptions are buried deep in the calculation worksheets." Appendix B-2 provides a few calculation worksheets: (1) a summary of emissions provided in the CalEEMod output files; (2) calculation of the localized significance thresholds using the SCAQMD LST look-up values; (3) construction emissions breakdown; and (4) CO hotspots analysis. The commenter does not specifically identify any formatting errors, buried major assumptions, or blank forms. This comment may be referring to the CalEEMod output files and not calculation worksheets.

The CalEEMod output files provided as Appendix B-2-2 are standard CalEEMod output files. Each output file provides the following:

- 1.0 Project Characteristics
 - Other Project Characteristics

- User Entered Comments and Non-Default Data
- 2.0 Emissions Summary
 - Overall Construction
 - Overall Operational
- 3.0 Construction Detail
 - Construction Phase (schedule of individual phases, duration, start/end dates)
 - Offroad Equipment (by phase, type of equipment, amount, usage hours, horsepower, load factor)
 - Trips and VMT (by phase, worker trips and trip length, vendor trips and trip length, and haul trip and trip length)
 - Unmitigated/Mitigated Construction Emissions (by phase with identification of mitigation measures)
- 4.0 Operational Detail-Mobile
 - Trip Summary Information (by land use)
 - Trip Type Information (by land use)
 - Fleet Mix (by land use)
- 5.0 Energy Detail
 - Energy by Land Use-Natural Gas
 - Energy by Land Use-Electricity
- 6.0 Area Detail
 - Area by SubCategory (Architectural coatings, Consumer Products, Hearths, Landscaping)
- 7.0 Water Detail (by land use)
- 8.0 Waste Detail (by land use)
- 9.0 Operational Offroad
- 10.0 Stationary Equipment (e.g., fire pumps and emergency generators)
- 11.0 Vegetation

As demonstrated above, the standard CalEEMod output files provide an organized breakdown of potential air pollutant emissions by source type making the overall presentation and format user-friendly. This comment does not identify or provide any evidence of errors or omissions or any blank forms in the CalEEMod output files provided in Appendix B of the Final EIR. However, there were a few instances where CalEEMod limits the number of characters included for notes. These notes in the output file were partially obscure (the formatting cut the lower half of the text line off). These instances in Appendix B-2 (Air Quality) are provided below.

A note under CalEEMod Output 1.3 User Entered Comments included on pages 41, 65, 89, 111, 135, 153, 186 of Appendix B-2 of the Final EIR should have read: Trips and VMT—Site Specific. Haul truck trips were included in vendor as peak daily. The vehicle class was modified to be HHDT with a one-way trip “distance of 15.8 miles (Scholl Canyon Landfill).” The underlined portion of the sentence was not formatted properly. Please note, that the trip distance was provided elsewhere in the model output files (Section 3.0).

An additional note under CalEEMod Output 1.3 User Entered Comments included on pages 89, 111, 153, and 186 of Appendix B-2 of the Final EIR should have read: “Land Use—User Defined Commercial = Project VMT.” This note was not properly formatted within the CalEEMod output files. However, Page 28 of Appendix B-2 provides this information under CalEEMod Modeling Input Notes. Specifically, it is stated that “Vehicle trips and VMT based on the LADOT VMT Calculator were entered into CalEEMod using the User Defined Commercial land uses.”

None of this inadvertently omitted information alters the analyses or conclusions in the Draft EIR or is necessary to enable the reader to understand these analyses or conclusions.

Comment No. 12-8

Air emissions for construction and operation were modeled for winter conditions only. Discussion should be provided as to how emissions are affected by seasonal variation. Many of the emission factors and calculation methods employed are sensitive to seasonal variation. The latest version of CalEEMod (Version 2022.1) now considers seasonality in the presentation of summer and winter outputs. Seasonality can result in considerable differences in maximum daily summer and winter results. Since the threshold criteria for significant impact is based on maximum daily emissions, regardless of season, it is highly important that all maximum emissions be reported.

Response to Comment No. 12-8

CalEEMod 2016.3.2 was the most current model available at the time the NOP was published. CalEEMod 2022.1 was subsequently released on May 27, 2022, as a soft release (commonly referred to as a beta test version). It was approved for full launch (Version 2022.1.1.3) on December 21, 2022, after 17 separate updates. Even after the full launch it has subsequently been updated twice to Version 2022.1.1.5. Therefore, it was reasonable for the City to prepare the Draft EIR using the CalEEMod model available at the time the NOP was published (baseline conditions). Nonetheless, calculation of Project emissions using CalEEMod 2022.1.1.5 was prepared as part of the Final EIR for informational purposes. Overall use of CalEEMod 2022.1.1.5 in comparison to CalEEMod 2016.3.2 results in a reduction in VOC and NO_x emissions, an increase in CO emissions, and similar SO_x, PM₁₀ and PM_{2.5}. The updated analysis confirms the Draft EIR's conclusions that both winter and summer daily pollutant emissions would be below the applicable significance thresholds. Therefore no significant air quality and GHG impacts would occur from the Project. Refer to Appendix FEIR-3 of the Final EIR for the CalEEMod 2022.1.1.5 output files.

Regarding summer versus winter seasonal daily air pollutant emissions, it is important to note that CalEEMod emission calculations for construction on-site equipment (e.g., excavator) and operation sources (area, energy, and stationary (i.e., emergency generator)) are the same for both summer and winter. Project-related mobile source (construction and operational vehicular trips) summer emissions in comparison to winter emissions increase slightly for VOC and CO, decrease slightly for NO_x, and remain unchanged for PM₁₀ and PM_{2.5}.¹⁴ When using CalEEMod, typical land use development projects (similar to the Project) within the City would trigger a regional operational NO_x impact well before exceeding any of the other pollutant thresholds. Given that the Project is well below the regional operational NO_x significance threshold (Project results in 30 pounds per day and the significance threshold is 55 pounds per day) and that mobile source NO_x emissions decrease for summer, winter (worst-case daily) emissions were provided in the Appendix B-2-2. However, in response to this comment, CalEEMod 2022.1.1.5 output files for daily summer and winter air pollutant emissions are provided as Appendix FEIR-3 of this Final EIR. A comparison of the summary of summer and winter emissions using CalEEMod 2022.1.1.5 versus winter regional and localized daily construction and operational emissions presented in the Draft EIR are provided in Table II-3 through Table II-6 on pages II-149 through II-152.

¹⁴ *Season selection affects emission rates because seasonal fuel composition differences lead to a difference in fuel Reid Vapor Pressure (RVP), and RVP affects evaporative emissions. In addition, idle emissions rates also vary by season (CARB, EMFAC2021 Volume II-Handbook for Project-Level Analysis (page 6), 2021).*

Table II-3
Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)

Construction Option	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Regional Construction Emissions—Residential Option with Residential Bungalows						
Draft EIR ^a	44	55	54	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	44	33	62	<1	9	3
CalEEMod 2022.1.1.5 Summer ^b	5	35	60	<1	7	2
SCAQMD Daily Significance Thresholds	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	0	(20)	8	0	1	0
Maximum Daily Regional Construction Emissions—Residential Option with Restaurant Bungalows						
Draft EIR ^a	44	55	54	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	41	33	62	<1	9	3
CalEEMod 2022.1.1.5 Summer ^b	5	35	60	<1	7	2
SCAQMD Daily Significance Thresholds	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	(3)	(20)	8	0	1	0
Maximum Daily Regional Construction Emissions—Office Option with Residential Bungalows						
Draft EIR ^a	34	61	56	<1	8	3
CalEEMod 2022.1 Winter ^b	32	40	62	<1	9	3
CalEEMod 2022.1 Summer ^b	32	39	60	<1	7	2
SCAQMD Daily Significance Thresholds	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1	(2)	(21)	6	---	1	0
Maximum Daily Regional Construction Emissions—Office Option with Restaurant Bungalows						
Draft EIR ^a	34	61	56	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	32	40	62	<1	9	3
CalEEMod 2022.1.1.5 Summer ^b	31	39	60	<1	7	2
SCAQMD Daily Significance Thresholds	75	100	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	(2)	(21)	6	---	1	0
^a The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) of the Draft EIR. ^b The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix FEIR-3 of this Final EIR. Source: Eyestone Environmental, 2023.						

Table II-4
Estimate of Maximum Localized Project Daily Construction Emissions (pounds per day)

Construction Option	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Localized Construction Emissions—Residential Option with Residential Bungalows						
Draft EIR ^a	---	30	40	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	23	29	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	18	19	---	3	1
SCAQMD Daily Significance Thresholds	---	51	963	---	7	4
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	(7)	(11)	---	2	<1
Maximum Daily Localized Construction Emissions—Residential Option with Restaurant Bungalows						
Draft EIR ^a	---	30	40	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	23	29	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	18	19	---	3	1
SCAQMD Daily Significance Thresholds	---	51	963	---	7	4
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	(7)	(11)	---	2	<1
Maximum Daily Localized Construction Emissions—Office Option with Residential Bungalows						
Draft EIR ^a	---	36	42	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	23	29	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	18	19	---	1	1
SCAQMD Daily Significance Thresholds	---	51	963	---	7	4
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	(13)	(13)	---	(<1)	(<1)
Maximum Daily Localized Construction Emissions—Office Option with Restaurant Bungalows						
Draft EIR ^a	---	36	42	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	23	29	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	18	19	---	1	1
SCAQMD Daily Significance Thresholds	---	51	963	---	7	4
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	(4)	(15)	---	(<1)	(<1)
^a The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) of the Draft EIR. ^b The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix FEIR-3 of this Final EIR. Source: Eyestone Environmental, 2023.						

Table II-5
Estimate of Maximum Regional Project Daily Operational Emissions (pounds per day)

Operational Option	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Regional Operational Emissions—Residential Option with Residential Bungalows						
Draft EIR ^a	44	55	54	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	26	14	102	<1	8	2
CalEEMod 2022.1.1.5 Summer ^b	31	14	147	<1	8	2
SCAQMD Daily Significance Thresholds	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	(13)	(41)	93	0	0	(1)
Maximum Daily Regional Operation Emissions—Residential Option with Restaurant Bungalows						
Draft EIR ^a	34	61	56	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	27	16	113	<1	9	2
CalEEMod 2022.1.1.5 Summer ^b	32	15	158	<1	9	2
SCAQMD Daily Significance Thresholds	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	(2)	(45)	102	0	1	(1)
Maximum Daily Regional Operational Emissions—Office Option with Residential Bungalows						
Draft EIR ^a	44	55	54	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	21	12	68	<1	6	1
CalEEMod 2022.1.1.5 Summer ^b	29	12	123	<1	6	1
SCAQMD Daily Significance Thresholds	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	(15)	(43)	69	0	(2)	(2)
Maximum Daily Regional Operation Emissions—Office Option with Restaurant Bungalows						
Draft EIR ^a	44	55	54	<1	8	3
CalEEMod 2022.1.1.5 Winter ^b	22	14	81	<1	7	2
CalEEMod 2022.1.1.5 Summer ^b	31	13	136	<1	7	2
SCAQMD Daily Significance Thresholds	55	55	550	150	150	55
Exceed Threshold?	No	No	No	No	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	(13)	(42)	82	0	(1)	(1)
^a The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) of the Draft EIR. ^b The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix FEIR-3 of this Final EIR. Source: Eyestone Environmental, 2023.						

Table II-6
Estimate of Maximum Localized Project Daily Operational Emissions (pounds per day)

Operational Option	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Localized Operational Emissions—Residential Option with Residential Bungalows						
Draft EIR ^a	---	3	42	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	4	3	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	4	42	---	1	1
SCAQMD Daily Significance Thresholds	---	51	963	---	2	2
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	1	0	---	<1	<1
Maximum Daily Localized Operation Emissions—Residential Option with Restaurant Bungalows						
Draft EIR ^a	---	3	37	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	4	3	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	4	42	---	1	1
SCAQMD Daily Significance Thresholds	---	51	963	---	2	2
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	1	5	---	<1	<1
Maximum Daily Localized Operational Emissions—Office Option with Residential Bungalows						
Draft EIR ^a	---	3	10	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	6	5	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	6	54	---	1	1
SCAQMD Daily Significance Thresholds	---	51	963	---	2	2
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	3	44	---	<1	<1
Maximum Daily Localized Operation Emissions—Office Option with Restaurant Bungalows						
Draft EIR ^a	---	3	3	---	1	1
CalEEMod 2022.1.1.5 Winter ^b	---	6	5	---	1	1
CalEEMod 2022.1.1.5 Summer ^b	---	6	54	---	1	1
SCAQMD Daily Significance Thresholds	---	51	963	---	2	2
Exceed Threshold?	---	No	No	---	No	No
Increase/(Decrease) in Comparison to the Max. Summer/Winter CalEEMod 2022.1.1.5	---	3	51	---	<1	<1
^a The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) of the Draft EIR. ^b The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix FEIR-3 of this Final EIR. Source: Eyestone Environmental, 2023.						

As shown above, the updated analysis using CalEEMod 2022.1.1.5 (provided for informational purposes) confirms that both winter and summer daily pollutant emissions during both Project construction and operation under both options, as well as the with both the residential bungalows and restaurant scenarios, are well below SCAQMD daily significance thresholds.

Comment No. 12-9

CalEEMod Version 2022.1.1.5 has been revised to also include climate risk and health and equity analysis. Many of the defaults and underlying calculations for emissions quantification have been updated and refined such as traffic analysis zone-specific vehicle trip data and electricity intensity factors forecasted through 2050. Reporting features have been expanded to include customizable reports. This is something solely lacking in the current work where major assumptions are buried deep in repetitive tables. The project applicant should update the modeling to show the impact of seasonality and to use the best factors/methodology available. Their basis for using Version 2016.3.2 no longer applies.

Response to Comment No. 12-9

As discussed above in Response to Comment No. 12-8, CalEEMod 2016.3.2 was the most current model available at the time the NOP was published. CalEEMod 2022.1.1.3 was subsequently released for full launch in December 2022 and updated to CalEEMod 2022.1.1.5 in January of 2023. Therefore, it was reasonable for the City to prepare the Draft EIR using the CalEEMod model available at the time the NOP was published (baseline conditions). Nonetheless, calculation of Project emissions using CalEEMod 2022.1.1.5 was prepared as part of the Final EIR for informational purposes as CalEEMod 2022.1.1.5. The updated analysis confirms the Draft EIR's conclusions that both winter and summer daily pollutant emissions would be below the applicable significance thresholds. Therefore no significant air quality and GHG impacts would occur from the Project. Refer to Appendix FEIR-3 of the Final EIR for the CalEEMod 2022.1.1.5 output files.

Comment No. 12-10

3.1 Construction Schedule

The report should provide the reader with a clear description of construction activity. Attention should be paid to the major differences between the assumed schedule and the default schedule provided within CalEEMod. The modeled schedule is 50 percent longer in duration than the default schedule as shown in the table below.

Construction Emissions - Residential Option			
Phase	Days (default)	Days (modeled)	NOx (max lbs/day)
1. Demolition	20	54	17.74
2. Grading	30	168	51.61
3. Mat Foundation	300	4	55.15
4. Foundation	10	131	34.59
5. Building Construction	300	635	25.02
6. Architectural Coating	20	87	---
7. Paving	20	27	9.51
Total	700	1106	---

Why is the grading phase taken to be more than 5 times longer than the default value? Why is the modeled mat foundation phase only 1 percent of the default value? Major differences between the modeled and default construction schedule are not explained in the text. Overall, it appears that a major portion of high emission activity (grading and mat foundation) is shifted into foundation and building construction (two lower emission activities). Reasons for the differences may be valid, but the reader has no way of knowing that the reasons are justified because they are not defined.

The overall schedule of 1,106 days (compared to 700 days), and the assumption of a purely linear schedule, contributes to the under-reporting of potential emissions. My construction experience has been that regardless of the days modelled, the contractor will experience long delays followed by a sudden rush to complete their activity as fast as practical. This will often result in a doubling up of equipment and crews, and even switching to double shifts. Multiple construction phases can occur simultaneously on large projects. Unless easy to monitor and enforceable limits are set by permit, the modeled emissions do not represent reasonably expected maximum emissions.

Response to Comment No. 12-10

As discussed in the CalEEMod User's Guide (pages 30–31), the construction tab contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides a default construction equipment list and phase length data based on the total lot acreage of a project. The CalEEMod User's Guide states: "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This is what was done in the EIR analysis, which cited "site-specific" for the construction schedule and was based on the construction schedule provided by the Project team. Refer to pages 70–71 of Appendix B of the Draft EIR (Section 3.0, Construction Detail, of the CalEEMod output file) for the site-specific construction schedule, equipment mix, and vehicular trips for each phase of

construction. The commenter has provided no evidence that the construction schedule in the Draft EIR is inaccurate.

SCAQMD's *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005 provides when the use of a CalEEMod default less than 5-acre construction site is appropriate to represent construction of a project.¹⁵ As discussed on page 1-6 of the referenced guidance,

If a proposed project is five acres or less and does not require additional construction activities such as major cut-and-fill, or excavation for sub-grade levels or parking, or demolition of a structure taller than 50 feet, the lead agency can use the applicable sample construction scenario to represent the emissions and impacts from the proposed project instead of preparing a project-specific construction air quality analysis.

As described in Section II, Project Description, of the Draft EIR, the Residential Option would develop a new high-rise building with four levels of subterranean parking and develop approximately 484,421 square feet of floor area and that the Office Option would develop a new high-rise building with eight levels of subterranean parking with approximately 484,423 square feet of floor area within the Project Site. For the Residential Option, the estimated depth of excavation expected for the subterranean parking and building foundations would be up to approximately 45 feet below grade. It is estimated that approximately 142,000 cubic yards of export material (e.g., concrete and asphalt surfaces) and soil would be hauled from the Project Site during the demolition and excavation phase. For the Office Option, the estimated depth of excavation expected for the 8 levels of subterranean parking and building foundations would be up to approximately 83 feet below grade. It is estimated that approximately 321,060 cubic yards of export material and soil would be hauled. Based on this information, use of CalEEMod default assumptions based exclusively on the acreage of the Project would not adequately address potential air quality impacts.

SCAQMD's *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005 provides a summary of what a CalEEMod default 2-acre construction site includes (conservative for the 1.9-acre Project Site). Information provided in Appendix B—Two Acre Site Example results in the following default CalEEMod assumptions. CalEEMod default would include demolition of 87,000 square feet of parking and structure, 2 acres of surface refined grading (e.g., motor grader) with no excavation or export;

¹⁵ SCAQMD, *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005, www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-sample-construction-scenario-report.pdf?sfvrsn=2.

building construction of 87,000 square feet; and paving of a parking lot. Therefore, CalEEMod's default construction assumptions in no way are representative of the Project analyzed in the EIR (excavation and export between 142,000 and 321,060 cubic yards of material for subterranean parking and construction of approximately 484,000 square feet of floor area with additional square footage for the 764 to 1,699 parking spaces. The analysis properly relied on Project-specific construction phases, which accurately reflect the required construction activities necessary for Project buildout.

The construction schedule reflects the time it requires to remove the existing structures and excavate and export between 142,000 and 321,060 cubic yards of material. Therefore, the grading phase length in the EIR analysis was appropriately adjusted to accommodate the amount of excavation and export necessary for each option. The comment provides no evidence that the amount of excavation/export could occur with the number of CalEEMod default days (30 days), which is applicable to sites with only refined grading and no excavation and export. The Residential Option cited in this comment includes approximately 142,000 cubic yards excavated and exported over 168 days. This is equivalent to 160 haul truck trips per day and is consistent with constraints of the Project site. Use of the 30 days under the CalEEMod default schedule, which is only applicable to sites with no excavation and export, would result in approximately 900 haul truck trips per day and would be well beyond what is feasible for the Project site conditions.

This comment correctly identifies that the mat foundation phase is considered a "high emission activity." Therefore, it was important to include this phase, given that the intensity of laying a mat foundation requires approximately 175 deliveries per day of concrete. As the CalEEMod default construction schedule does not account for such construction activities, it was imperative to include this phase in the detailed construction schedule. Any comparison of the defaults for this phase is meaningless as it was input as another building construction phase (default duration shown as 300 days). The mat foundation phase would occur over four days.

Regarding the number of days of building construction/architectural coatings, this comment does not account for the type of construction proposed under the Project options. Given the amount of building construction under the Project (approximately 484,000 square feet of floor area versus CalEEMod default (87,000 square feet), both building construction and application of architectural coatings would require a longer duration to complete. Therefore, appropriate adjustments were made based on the site-specific construction schedule. Furthermore, the Project-specific construction schedule accounts for the subterranean parking construction (foundation) phase, which is not provided in the CalEEMod default construction scenario.

Contrary to what is stated in this comment, it would not be feasible for the Project to have overlapping phases of construction. As an example, the mat foundation cannot be

poured until the excavation/export is finished. Similarly, the subterranean parking cannot be built until the mat foundation is finished. The analysis is representative of peak daily activity under each phase of construction. This comment has not provided any supporting documentation as to why there would be overlapping activities or why the Project-specific construction schedule used in the EIR would not address potential air quality impacts from the Project.

The commenter speculates that there will be a doubling up of equipment and crews, or double shifts, but provides no evidence thereof.

Based on this information, the construction phase lengths were accurate and did not underestimate pollutant emissions as purported in this comment.

Comment No. 12-11

In addition, the assumption of a purely linear schedule, with each phase following the next, minimizes peak emissions. Simultaneous activity may occur at a large construction site with different portions of the site undergoing different phases of construction. The CalEEMod model easily handles such complex activity. Eyestone Environmental was quick to call out that the reported NO_x emissions of 89.75 pounds per day during construction was due to simultaneous activity and they posted a special notice that the result was due to a model “error.” Based on Eyestone’s claim of model error, all of the emission results based on CalEEMod Version 2016.3.2 are suspect. Eyestone should be directed to fix their model inputs and recalculate emissions using the latest version.

Response to Comment No. 12-11

This comment correctly identifies that simultaneous activity may occur at a large construction site with different portions of the site undergoing different phases of construction. As discussed above in Response to Comment No. 12-10, this is not applicable to the type of construction for the Project (i.e., mass excavation and construction of a high-rise building). The Project Site is approximately 1.9 acres, where demolition of the site would occur, followed by excavation and export. Once grading is complete, the mat foundation for the high-rise building can be poured. The subterranean parking (foundation phase) cannot be built until the mat pour is finished. This would be followed by construction of the high-rise building. No overlapping phases were contemplated for this project and, therefore, the CalEEMod modeling did not have to account for overlapping construction activities.

This comment’s characterization of the modeling is noted for the record. However, it should be noted that the modeling input files were carefully reviewed with no input errors. The files were sent to California Air Pollution Control Officers Association for review and

consideration of the modeling error in the software algorithm for consideration in updated versions of CalEEMod. As noted above in Response to Comment No. 12-8, CalEEMod 2016.3.2 was the model available at the time the NOP was published. CalEEMod 2022.1.1.3 was subsequently released for full launch in December of 2022 and updated to CalEEMod 2022.1.1.5 in January of 2023. Nonetheless, calculation of Project emissions using CalEEMod 2022.1.1.5 was prepared as part of the Final EIR for informational purposes. The updated analysis confirms the Draft EIR's conclusions that both winter and summer daily pollutant emissions would be below the applicable significance thresholds. Therefore no significant air quality and GHG impacts would occur from the Project. Refer to Appendix FEIR-3 of the Final EIR for the CalEEMod 2022.1.1.5 output files. In addition, the model algorithm "error" described above in this comment (overlap of emissions without overlapping schedule) does not occur within CalEEMod 2022.1.1.5.

Comment No. 12-12

3.2 Off-Road Equipment

A major generator of criteria pollutants during construction is the operation of off-road diesel-fuel equipment. Emissions are related to the size, load factor, usage, and number of equipment items present on site. Questions and comments about off-road equipment follows:

Response to Comment No. 12-12

This comment provides an overview of the commenter's issues with the air quality analysis pertaining to off-road diesel-fueled equipment. Refer to Response to Comment Nos. 12-13 through 12-19, below.

Comment No. 12-13

- The number of equipment items shown in the calculation worksheets appear to be low. Large projects of this size often employ multiple crews throughout construction with each crew having access to their own set of construction equipment.

Response to Comment No. 12-13

The commenter's opinion regarding the number of pieces of construction equipment included in the Draft EIR's air quality analysis is noted for the administrative record. As discussed above in Response to Comment Nos. 12-10 and 12-11, construction of the Project would not include overlapping phases and as a result would not have multiple construction crews (or additional sets of construction equipment). Furthermore, the equipment mix assigned to the Project-specific construction schedule reflects the

equipment required for completion of Project construction activities. As an example, the default equipment mix for the grading phase would include two excavators, one grader, one dozer, two scrapers, and two backhoes. This equipment mix would not be appropriate to excavate 45 to 83 feet deep and export a large quantity of soil. Instead, the Project included a bore/drill rig, welder, and crane for shoring and 2 excavators and a dewatering pump for excavation and export. The Project-specific equipment for building construction included 16 pieces of equipment in comparison to the nine pieces of equipment under CalEEMod default assumptions. This comment does not provide evidence to demonstrate that the construction equipment mix in the Draft EIR air quality analysis is not sufficient to complete construction of the Project.

Comment No. 12-14

- The air emission tables for construction do not account for an electric generator set. A gen-set is included in the estimation of energy usage in Appendix E, but it does not appear in the air emission section.

Response to Comment No. 12-14

This comment misconstrues the information regarding an electric generator set provided in the estimation of construction energy usage in Appendix E of the Draft EIR. Project construction would not require an electric generator set on site and would instead use electricity provided by LADWP. As such, an electric generator set was not included in the air quality analysis provided in the Draft EIR. The spreadsheet included in Appendix E of the Draft EIR pertaining to construction energy usage is titled “Construction Electricity Usage.” It provided an estimate of the electricity consumption from LADWP that the Project would consume during construction in lieu of using an electric generator set on site.

Comment No. 12-15

- The energy modeling assumption of 2 hours per day usage for the gen-set appears to be low. What safeguards will be taken to limit generator use to no more than 2 hours per day?

Response to Comment No. 12-15

As discussed above in Response to Comment No. 12-14, electricity would be provided by LADWP in lieu of use of a generator during Project construction. The estimate of construction electricity usage in Appendix E of the Draft EIR includes the equivalent of a generator operating on average two hours per day over the entire duration of construction. It is recognized that there would be days that would require more electricity usage (e.g., interior building construction) and days that would require very little electricity usage (e.g., demolition, excavation, export, landscaping/paving). Once again, Project construction

would not require a generator and the use of a generator was simply used to calculate the equivalent amount of electricity that would be used by the Project during construction.

Comment No. 12-16

- No entries are shown for portable light generators. While it is assumed that all work will be conducted during daylight hours, some amount of lighting will likely be needed for subsurface work and for work in building interiors.

Response to Comment No. 12-16

As discussed above in Response to Comment No. 12-14, Project construction would use electricity provided by LADWP. Portable light generators using gasoline/diesel are not contemplated for use during Project construction.

Comment No. 12-17

- Will the construction site be lit at night for security? If so, are there plans to use the existing electric grid, or will portable light generators be employed?

Response to Comment No. 12-17

The Project Site would include low-level security lighting after work concludes. This lighting would be connected to the existing utility grid. As discussed above in Response to Comment No. 12-14, Project construction would use electricity provided by LADWP. Portable light generators using gasoline/diesel are not contemplated for use during Project construction.

Comment No. 12-18

- To ensure modeled emissions are not exceeded, what controls will be in place to limit the amount of equipment brought on site? What will prevent the construction contractor from renting and using more equipment than modeled? What will prevent the contractor from adopting a ten-hour or 12-hour workday, or running two shifts to accelerate the schedule?

Response to Comment No. 12-18

Modeled construction assumptions used in the air quality analysis reflect a conservative estimate of construction schedule, equipment mix, equipment hours of operation, etc. that would be anticipated for the Project. Furthermore, the equipment hours of operation are consistent with CalEEMod default hours of operation (i.e., 8 hours per day) based on recommended peak construction activities observed in SCAQMD surveyed construction activity (See Appendix D, Technical Source Documentation for

Emissions Calculations of the CalEEMod User's Guide). Based on these assumptions, calculated peak-daily emissions were compared to the SCAQMD daily significance thresholds. Based on these conservative assumptions, the Project would not result in any air quality impacts and would be well below the SCAQMD significance thresholds. This comment speculates that the contractor may use more equipment than included in the modeling or work longer workdays. However, the comment does not provide any evidence to demonstrate that the construction equipment assumptions used in the Draft EIR air quality analysis are not sufficient to complete construction of the Project or adequately characterize potential air quality impacts. In addition, construction hours would be limited to those set forth in the LAMC (i.e., 7 A.M. to 9 P.M.) and would be monitored by the Los Angeles Department of Building and Safety.

Comment No. 12-19

- Will the SCAQMD impose a Construction Monitoring Plan to require the daily tracking and reporting of equipment usage and fuel consumption? Such plans have been required by the SCAQMD at some industrial facilities during construction.

Response to Comment No. 12-19

The Project does not result in potential air quality impacts. As a result, a Construction Monitoring Plan would not be required in Section IV, Mitigation Monitoring Plan, of this Final EIR. As discussed above in Response to Comment No. 12-18, modeled construction assumptions used in the air quality analysis reflect a conservative estimate of construction schedule, equipment mix, equipment hours of operation, etc. that would be anticipated for the Project. Based on these assumptions, calculated peak-daily emissions were compared to the SCAQMD daily significance thresholds. Furthermore, the equipment hours of operation are consistent with CalEEMod default hours of operation based on recommended peak construction activities observed in SCAQMD surveyed construction activity (See Appendix D, Technical Source Documentation for Emissions Calculations of the CalEEMod User's Guide). Based on these conservative assumptions, the Project would not result in any air quality impacts and would be well below the SCAQMD significance thresholds. While this comment speculates that the contractor may work longer or use more equipment it should be noted that the Project is well below SCAQMD significance thresholds. As shown in Response to Comment No. 12-9, VOC emissions are approximately 41 percent of the SCAQMD regional significance threshold; 65 percent below the NO_x threshold; 89 percent below the CO threshold; 99 percent below the SO_x threshold; and 94 percent below the PM₁₀ and PM_{2.5} thresholds. This comment does not provide substantial evidence to demonstrate that the construction equipment assumptions used in the Draft EIR air quality analysis are not sufficient to complete construction of the Project or adequately characterize potential air quality impacts.

Comment No. 12-20**3.3 On-Road Equipment**

How does the construction emission model account for diesel emissions from on-road haulage and cement trucks? I did not see any estimate of cubic yards of soil extracted and cement poured and how that relates to the number of trucks needed. Though these on-road trucks are mobile sources subject to CARB authority, these emission sources should be included in the emission estimate while operating at the site. Cement trucks can remain idling for long periods of time while waiting on-site to unload.

Response to Comment No. 12-20

The commentor is referred to Section II., Project Description, at Page II-39 of the Draft EIR for a description of Project construction and scheduling. As shown therein, it is estimated for the Residential Option that approximately 142,000 cubic yards of export material (e.g., concrete and asphalt surfaces) and soil would be hauled from the Project Site during the demolition and excavation phase. For the Office Option, it is estimated that approximately 321,060 cubic yards of export material and soil would be hauled. These numbers are also included in the CalEEMod output files provided in Appendix B of the Draft EIR. As an example, page 42 of Appendix B shows for the Residential Option that the CalEEMod default material/export value of zero was changed to 142,000 cubic yards. As discussed in Response to Comment No. 12-10, CalEEMod does not provide construction phases for mat foundations or foundation (subterranean parking construction) phases. Therefore, it was important to include these phases given that the intensity of laying a mat foundation requires approximately 175 deliveries per day of concrete. The number of concrete deliveries necessary to complete the mat foundation was provided. This is equivalent to the area of building footprint (31,528 square feet) with a 6-foot deep mat foundation or a total of approximately 7,000 cubic yards. A typical 10-cubic yard concrete truck would require a total of 700 deliveries spread out over four days or 175 concrete deliveries per day.

On-site haul/delivery travel on the Project Site would be limited given the site constraints (i.e., excavation to 45 feet deep under the Residential Option and to 83 feet deep under the Office Option) and trucks are expected to be staged off-site and dispatched to the Project site as needed (see Page 84 of Appendix R, Transportation Assessment, of the Draft EIR). Consistent with the CARB-adopted Airborne Toxic Control Measure (ATCM) (Title 13, CCR, section 2485), diesel-fueled commercial vehicles (e.g., vendor and haul trucks) would be limited to no more than 5 minutes at idle at any given time. Based on this information, haul/delivery on-site travel would be limited and appropriately not included in the localized construction analysis. Furthermore, on-site haul/delivery truck activities are not included as an input to CalEEMod Version 2016.3.2 since it is not considered a substantial source of pollutant emissions. The purpose of the CalEEMod modeled

Construction On-site scenarios was to address potential localized impacts from on-site (i.e., off-road equipment) construction emissions. It should be of note that Table IV.A-8 of the Draft EIR demonstrated localized construction impacts were well below SCAQMD LSTs (i.e., 30 percent below NO_x threshold, 96 percent below CO threshold, 86 percent below the PM₁₀ threshold, and 75 percent below the PM_{2.5} threshold). This comment has not provided any evidence as to why the analysis of localized construction impacts included in the EIR would not be representative of the Project's construction.

In response to this comment, calculation of emissions from vendor/haul truck on-site activity (travel and idle emissions) was conducted using the most current version of EMFAC (EMFAC 2021) to confirm the conclusions in the Draft EIR. Refer to Appendix K of the Final EIR for on-site vendor/haul truck emission calculations. As shown therein, maximum daily localized construction emissions from vendor/haul truck on-site activity would result in approximately 0.7 lbs/day of NO_x, 0.6 lbs/day of CO, 2.8 lbs/day of PM₁₀, and 0.3 lbs/day of PM_{2.5}. Localized impacts would remain well below SCAQMD LSTs.

Comment No. 12-21

3.4 Fugitive Dust

The report states that the modeling of fugitive dust emissions follows AP-42 Section 11.9 Western Coal Operations. This section may not be proper for the modeling of fugitive dust emissions given the physical differences between soil and coal. It is suggested that AP-42 Chapter 13.2.2 Heavy Construction Operations be reviewed and incorporated (note: some of the emission factors in Section 13.2.2 default to Section 11.9, but not all).

AP-42 Chapter 11.9 supplies PM emission factors in terms of pounds per VMT for off-road travel and pounds per ton for stockpiling and haulage. Have the calculations accounted for dust generation during the loading of soil into haul trucks? What is the PM control efficiency for watering during this activity?

A statement is made in the DEIR that watering will be conducted 3 times a day. I assume this relates to the control of dust emissions from access roads and pathways. How much water will be sprayed to control dust while loading soil into the haul trucks. How much water will be used for the truck and tire wash? Has all of this water use been accounted for in Section IV_F Water?

Response to Comment No. 12-21

This comment misconstrues information provided in Appendix B of the Draft EIR. The Air Quality and Greenhouse Gas Emissions Methodology included therein provides a description of how CalEEMod calculates fugitive dust emissions associated with

construction activities. This comment suggests that SCAQMD's recommended CalEEMod methodology for calculating fugitive dust emissions "may not be proper" for soil. This comment does not provide any evidence that the SCAQMD-recommended calculation procedure or default input parameters used within CalEEMod are inaccurate or that different procedures or input parameters would show greater impacts. Please refer to page 11 of the User's Guide for CalEEMod, Appendix A: Calculation Details for CalEEMod regarding soil handling/truck loading calculation procedures within CalEEMod.¹⁶ Consistent with this methodology, the amount of export was input into CalEEMod and the model calculated potential fugitive dust emissions. The default modeling assumes compliance with SCAQMD Rule 403 (Fugitive Dust).¹⁷ SCAQMD Rule 403 (Table 2) shows that earth-moving operations (e.g., excavation/export) requires that soil moisture content shall be maintained at a minimum of 12 percent and that unpaved roads/pathways/areas shall be watered 3 times per normal 8-hour workday. As discussed on Page 10 of Appendix E, Energy Calculations, of the Draft EIR, water usage for dust control was calculated with an application rate of 3,020 gal/acre/day (Air & Waste Management Association Air Pollution Engineering Manual (1992 Edition)). It was assumed that 0.5 acre would be disturbed on a given day or approximately 1,510 gallons/day. The Utility Report included as Appendix F of this Draft EIR further supports this estimate and provides a conservative estimate ranging from 1,000 gpd to 2,000 gpd for daily water usages during construction. Water use during construction would also be offset by the estimated 2,792 gpd of water currently consumed by the existing uses that would be removed.

Comment No. 12-22

3.5 Greenhouse Gas Emissions

Greenhouse gas emissions are estimated in the DEIR by calculating energy usage via the CalEEMod model and then applying a carbon intensity (CI) factor for the build out year. The CI factors used for modeling are reportedly from SB100, Renewable Portfolio Standards. These factors appear to be highly optimistic, and they underestimate GHG emissions.

According to the City of Los Angeles publication "L.A.'s Green New Deal Annual Report, 2021–2022," the LADWP generated about 13 million MWh of electric power and emitted

¹⁶ CAPCOA, *California Emissions Estimator Model, Appendix A: Calculation Details for CalEEMod*, www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-a2020-4-0.pdf?sfvrsn=6.

¹⁷ SCAQMD Rule 403 (Table 2) shows that earth-moving operations (e.g., excavation/export) require that soil moisture content shall be maintained at a minimum of 12 percent.

7 million MT of CO₂ equivalent in the year 2020 (page 16). This is equivalent to a CI factor of 1,187 lbs/MWh compared to a CI factor of 733 lbs/MWh used in the DEIR.

Clearly, the DEIR CI factor underestimates potential GHG emissions for the year 2020. A conservative modeling approach would assume a straight-line interpolation between 1,187 lbs/MWh for 2020 (given) and 0 lbs/MWh for 2045. These two datapoints result in a CI factor of 950 lbs/MWh for the build out year 2025. Thus, GHG emissions reported in the DEIR are under-estimated by 35 percent.

Response to Comment No. 12-22

It should first be pointed out that the data provided in this comment is from a bar chart in their referenced document and is the commenter's interpretation of the data. The carbon intensity factor cited for 2020 and calculated for 2025 within this comment is not consistent with information provided by LADWP. Please refer to the LADWP website (www.ladwp.com/powercontent), which provides the Power Content Label for Year 2020. As shown therein, the carbon intensity factor for Year 2020 was 579 lbs CO₂e/MWh with 36.7% renewables. Therefore, the commenter erroneously used straight-line interpolation from an incorrect 2020 baseline (1,187 lbs CO₂e/MWh instead of the correct LADWP 2020 rate of 579 lbs CO₂e/MWh). Accordingly, contrary to what is stated in this comment, the carbon intensity factor used in the Draft EIR for year 2025 (616 lbs CO₂e/MWh) was conservative and slightly overestimated potential emissions.

Comment No. 12-23

3.6 Wastewater Treatment

The CalEEMod model bases annual emissions related to water supply, treatment, and distribution on the number of land use units of a given type. It is unclear how the CalEEMod land use types compare to the proposed project.

Will the proposed project include one or more HVAC cooling towers? If yes, the water demand for this equipment should be addressed. The same goes for blowdown and the periodic discharge of biocides and corrosion inhibitors.

The office option includes eight (8) subterranean levels of parking with the lowest level at 83 feet below ground surface. Since the historic high groundwater level is at 45 feet bgs, it seems doubtful that water seepage into the structure can be prevented by passive means only. An active pump discharge system will likely be required. Note that Appendix H—Soils Letter clearly states that active dewatering will be needed to protect the foundation. This is another disconnect in the DEIR between sections.

Response to Comment No. 12-23

Please refer to Section IV.L.1, Water Supply and Infrastructure, of the Draft EIR for a detailed breakdown of water usage (including cooling towers). As shown in Table IV.L.1-7 (Estimated Project Water Consumption—Office Option with Bungalows as Restaurants), this option resulted in the maximum demand for proposed uses of 132,139 gallons per day. The CalEEMod estimate of water usage for the same scenario (modeled as general office and quality restaurant) resulted in 136,721,840 gallons per year or 374,580 gallons per day. The CalEEMod modeling conservatively included the CalEEMod default water usage rate instead of the reduced water usage rate that was calculated within the more detailed analysis included in Section IV.L.1, Water Supply and Infrastructure, of the Draft EIR,

While the commenter claims that the groundwater level in the surrounding area could result in requiring of an active pump discharge system for subterranean structures, the subterranean levels of the Project are to be designed such that they can withstand hydrostatic forces and incorporate comprehensive waterproofing systems in accordance with current industry standards and construction methods. Thus, an active pump discharge system would not be required.

Comment No. 12-24**4. SECTION V—ALTERNATIVES**

The DEIR is plagued by an analysis of excessive options and alternatives. The failure of the applicant to clearly define and limit project scope to that of a residential project or an office project adds complexity. It should not fall on the public to have to read excessive repetitive text that lacks the benefit of a clear presentation.

Overall, the number of alternatives and options analyzed appears to be excessive. Options about reduced density do not add to the understanding of potential impacts. What is the basis for the 25 percent reduction? Meaningful project alternatives include Alternative 1 (No Project/No Build) and Alternative 3 (Development in Accordance with Existing Zoning). Why does Alternative 3 for the office option require the splitting out of a fourth alternative? The logic is unclear and not reported.

Response to Comment No. 12-24

As discussed in Section V, Alternatives, PRC Section 21001 states, in part, that the environmental review process is intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives which will avoid or substantially lessen such significant effects. In addition, PRC Section 21002.1(a) states, in part, that the purpose of an environmental impact report is to identify

the significant effects on the environment of a project, identify alternatives to the project, and indicate the manner in which those significant effects can be mitigated or avoided.

Direction regarding the consideration and discussion of project alternatives in an EIR is provided in CEQA Guidelines Section 15126.6(a) as follows:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible.

There is no limit in CEQA as to the number of alternatives that can be analyzed in an EIR. The five build-alternatives, in addition to the No Project/No Build alternative, were analyzed to meet the requirements of CEQA.

The commenter also requests additional information regarding why the specific range of alternatives was chosen. A 25-percent reduced FAR alternative for both the Residential and Office Options was selected because it had the potential to “substantially lessen” the Project’s significant and unavoidable impacts in accordance with CEQA while still meeting most of the Project objectives. For the Office Option, the Development in Accordance with Existing Zoning (i.e., Office Option Alternative 3) was selected in accordance with CEQA Guidelines Section 15126.6(e)(3)(A). The Development in Accordance with Hollywood Community Plan Update (i.e., Office Option Alternative 4) was selected to compare the Project’s impacts to development that could occur under the zoning following the adoption of the Community Plan Update. These alternatives were analyzed separately because they involve significantly different degrees of development. Specifically, Office Option Alternative 3 would include 55,000 square feet of office uses and Office Option Alternative 4 would include three times as much, with 151,490 square feet of office uses and 13,562 square feet of restaurant uses.

Comment No. 12-25

I also question the inclusion of the alternatives to reduce significant noise and vibration impacts by extending the schedule or by reducing equipment usage. These are not project alternatives but are potential mitigation measures. The discussion of these measures would be better presented under Chapter VI Other CEQA—Noise.

Response to Comment No. 12-25

This comment mischaracterizes both the “Alternatives Considered and Rejected” subsection of Section V, Alternatives, and the discussion of mitigation measures in Section VI, Other CEQA Considerations.

First, as stated clearly on Pages V-3 through V-6 of Section V, Alternatives, of the Draft EIR, alternatives to extend the construction duration and reduce development were considered and rejected because they are infeasible. As stated on Page V-6, an alternative to extend the construction duration “would extend the construction period, which would result in impacts that would affect sensitive receptors for a longer period of time.” As also stated on Page V-6, a reduced development alternative would not be practical to mitigate the on-site construction noise impacts of the Project because of the proximity of sensitive receptors, existing development that would require demolition and grading up to the property line, and a Project Site that does not have the space to create a meaningful buffer zone. For these reasons, these alternatives were rejected from further consideration.

Second, the purpose of the discussion of mitigation measures in Section VI, Other CEQA Considerations, is to analyze potential secondary impacts resulting from mitigation measures. Refer to Section IV.H, Noise, of the Draft EIR, for a discussion of the Project’s noise impacts and required mitigation measures. Consistent with CEQA, all feasible mitigation measures are included in the Project.

Comment No. 12-26**5. SECTION VI—OTHER CEQA CONSIDERATIONS****5.1 On Site Construction Noise**

The text mentions mitigation measure NOI-MM-1 without supplying a description of the measure. How will this measure be implemented? Is it a movable or fixed mitigation measure? How will compliance be monitored and insured? The reader should not have to search through an extensive document to find out what is being discussed.

Response to Comment No. 12-26

Similar to Comment No. 12-25, above, this comment mischaracterizes the purpose of the discussion of mitigation measures in Section VI, Other CEQA Considerations. The purpose of the discussion of mitigation measures in Section VI, Other CEQA Considerations, is to analyze potential secondary impacts resulting from mitigation measures. Refer to Section IV, Mitigation Monitoring Plan, of this Final EIR for information

regarding implementation, monitoring, and enforcement of this mitigation measure. Lastly, the sound barriers described in this mitigation measure would be fixed.

Comment No. 12-27

The text does not address other practical mitigation measures to control noise and vibration. One major activity associated with noise and vibration is the placement of pilings. What type of equipment will be used for this activity: pile driver or rotary drilling? Rotary drilling versus impact driving should be looked at as a potential mitigation measure.

Response to Comment No. 12-27

In accordance with Project Design Feature NOI-PDF-2, Project construction will not include the use of driven (impact) pile systems. The analysis in Section IV.H, Noise, of the Draft EIR, analyzes the equipment proposed to be used. Refer to Table IV.H-10 for a list of construction equipment and the associated noise levels.

Comment No. 12-28

Objectionable noise is also created by diesel powered construction equipment such as back-hoes, front end loaders, etc. No mention is made as to the use of electric equipment. Electric equipment tends to be quieter and avoids air emissions associated with diesel ICE. Electric construction equipment is rapidly entering the market and its use should be promoted, where possible.

Response to Comment No. 12-28

Electric construction equipment would be used on the Project to the extent it is commercially available. However, because this is largely new technology and its availability cannot be guaranteed, the noise analysis conservatively only analyzed noisier gasoline- and diesel-powered construction equipment. To the extent that electric construction equipment can be used, construction noise levels would be less than presented in the Draft EIR.

Comment No. 12-29

The on-site construction equipment monitoring plan should include routine noise monitoring at the fence-line. When noise levels exceed a pre-set limit, measures should be taken to reduce equipment usage. The equipment brought onsite should be periodically checked for excessive noise per the manufacturer's performance data.

Response to Comment No. 12-29

Refer to Section IV, Mitigation Monitoring Plan, of this Final EIR, for information regarding implementation, monitoring, and enforcement of the Project's Mitigation Measures and Project Design Features. As stated therein, Mitigation Measure NOI-MM-1, which requires temporary sound barriers, would require sign-off during plan check, as well as field inspection, and Project Design Feature NOI-PDF-1, which requires that power construction equipment be properly maintained, would require sign-off during plan check and periodic monitoring during construction.

Comment No. 12-30**5.2 Energy Consumption**

The DEIR routinely compares overall utility demand to the supply and infrastructure service capability of the LADWP. Utility demands should be compared to local utility demands, not the overall city. Has the LADWP verified that the electric grid that serves the area can manage the increased demand? To what extent will the added load increase the potential for brownouts or service interruption? Assessing the local impact should also be performed for other utilities such as water and wastewater.

Response to Comment No. 12-30

Because LADWP provides electrical service on a citywide level, and plans for future service on that basis, it is appropriate to compare the Project's demand to the demands of the overall system. This is also consistent with City practice and CEQA. Regardless, impacts on local infrastructure are discussed in Section IV.L.3, Utilities and Service Systems—Energy Infrastructure. As discussed therein, the Project would result in less-than-significant impacts with respect to local energy infrastructure during both construction and operation. In addition, LADWP has confirmed it has the ability to serve the Project. Specifically, in its letter dated January 12, 2021, LADWP stated that “[t]he estimated power requirement for this proposed project is part of the total load growth forecast for the City and has been taken into account in the planned growth of the power system.” Refer to Exhibit 4 of Appendix F of the Draft EIR.

Comment No. 12-31**5.3 Cumulative Impacts**

The Environmental Settings section of the DEIR presents a detailed inventory of various projects in the Hollywood area, but Chapter VI (Other CEQA Issues) does not supply a meaningful analysis of cumulative impact.

Response to Comment No. 12-31

Cumulative impacts are analyzed in each respective section of the Draft EIR. Refer to Sections IV.A, Air Quality, through IV.L.3, Utilities and Service Systems—Energy Infrastructure, of the Draft EIR.

Comment No. 12-32

The DEIR analysis is limited to comparing the expected increase in dwelling units for this project to the net increase in dwelling units projected for the city overall.

As expected, the level of regional impact reported in the DEIR is low. This is because one has taken a project that affects a specific location and selected too large an impact area. My work experience in developing protocols for the assessment of critical infrastructure taught me that impact tends to be inversely related to the scope of inquiry (i.e., local, regional, state, and nation). In my view, the proper scope for assessing impact is to compare this project, and all projects in the Hollywood area, to the projected increases for the Hollywood area. The table below presents a summary of my analysis. Discussion follows.

Summary of Cumulative Impact to Hollywood Community

Projection	Dwelling Units		Employment	
	Number	Percent (b)	Number	Percent (b)
Cumulative	13,848	' - -	25,211	' - -
SCAG 2027	4,125	336 %	3,667	688 %
SCAG 2040	9,000	154 %	8,000	315 %
DHCP 2027	11,917	116 %	10,541	239 %
DHCP 2040 (a)	26,000	53 %	23,000	110%

a) Projections shown are mid-point values.

b) Compared to projection. Exceedance is percent minus 100.

5.3.1 Housing

The DEIR estimates the project will result in a net increase of 429 dwelling units in the year 2027. This increase is 10.4 percent of the total projected increase for Hollywood by SCAG and 3.6 percent of the increase projected by DHCP. One could say that this level of impact is minor, but it is 10 to 30 times greater than the 0.35 percent of total increase reported in the DEIR.

Housing Projections for the Hollywood Community

Source	SCAG	SCAG	SCAG	DHCP	DHCP	DHCP
Year	2016	2040	2027	2016	2040	2027
Housing	104,000	113,000	4,125	104,000	130,000	11,917

- a) All data obtained from the Draft Hollywood Community Plan dated August 2021.
- b) Numbers shown for DHCP are mid-point values.
- c) Year 2027 projection assumes linear growth from 2016 to 2040.

For the assessment of cumulative impact, the DEIR lists 102 development projects in the area (Table III-1). The listing was compiled in 2018 so some projects may have dropped off the list while others should be added. The listing is conservative in that it does not address the recent change in law which promotes the building of Accessory Dwelling Units.

Table III-1 of the DEIR lists a total of 13,419 dwelling units, or 13,848 units with the inclusion of this project. These 13,848 dwelling units exceed the SCAG projection of 4,125 for 2027 by 236 percent and the projection of 9,000 for 2040 by 54 percent. The DHCP projection of 11,917 dwelling units for 2027 is exceeded by 19 percent while the 13,848 units are well within the 2040 projection. Since the DCHP [sic] is currently being challenged, it is unknown how future projections will change.

5.3.2 Employment

The DEIR estimates the office option will create 1,818 jobs by year 2027. This increase accounts for 50 percent of the increase projected by SCAG and 17 percent projected by DHCP for the Hollywood area. These increases are 10 to 28 times greater than the 1.8 percent of city-wide increase reported.

Using the square footage and hotel room data presented in Table III-1 of the DEIR, I have estimated the cumulative number of new employees in the Hollywood community (see Attachment A). Median square footage and hotel room per worker data was obtained from the LADOT VMT Calculator Methodology report (May 2020) and the USEIA Commercial Buildings Energy Consumption Survey (CBECS) website. It is noted that the LADOT data is highly conservative compared to the CBECS data. The reason for this difference is not known.

Employment Projections for the Hollywood Community

Source	SCAG	SCAG	SCAG	DHCP	DHCP	DHCP
Year	2016	2040	2027	2016	2040	2027
Workers	101,000	119,000	3,667	104,000	127,000	10,541

- a) All data obtained from the Draft Hollywood Community Plan dated August 2021.
- b) Numbers shown for DHCP are mid-point values.
- c) Year 2027 projection assumes linear growth from 2016 to 2040.

The cumulative increase in employment in the Hollywood area, including the proposed project, is estimated to be 25,211 workers. This estimate is conservative since support jobs such as delivery drivers, gardeners, etc., are not included. Estimated employment exceeds SCAG projections by 588 percent for 2027 and by 215 percent for 2040. DHCP employment projections are exceeded by 139 percent for 2027 and by 10 percent for 2040.

5.3.3 Conclusion

Overall, this limited analysis clearly shows that the Hollywood community is being subject to major cumulative impact. The total number of proposed units (as of 2018) and jobs created substantially exceed SCAG projections. Cumulative impacts will only grow larger and worse over time as new projects are approved and built. Since SCAG projections are used by other city agencies to develop long-range plans, it is likely that the available community infrastructure is lagging to meet demand.

Response to Comment No. 12-32

Impacts with respect to population and housing were determined to be less than significant in the Project's Initial Study included as Appendix A of the Draft EIR. The analysis presented in Section VI, Other CEQA Considerations, of the Draft EIR merely updates the discussion of Project impacts to reflect current methodology (e.g., use of LADOT VMT Calculator rates for employee generation) and changes to the Project since the Initial Study was published (e.g., inclusion of the Office Option). Both the analysis in the Initial Study and the analysis included on pages VI-20 and VI-21 is consistent with the City's approved methodology for this topic area, which is to compare a project's growth to City and SCAG regional projections, and, as such, impacts remain less than significant. The use of regional projections is appropriate given that the Project is located within a greater urban area in which people can move freely between homes and jobs and often commute from one to the other.

Comment No. 12-33**5.4. Potential Secondary Effects**

The discussion of noise mitigation measures should be moved up into the section on noise and not be buried in this section.

Response to Comment No. 12-33

Refer to Response to Comment Nos. 12-25 and 12-26, above.

Comment No. 12-34

Please discuss why Mitigation Measure NOI-MM-2 only applies to two of the six historic structures at the site. The text implies this measure will also help mitigate vibration effects on off-site buildings. This mitigation measure (vibration monitoring) should be kept even if the historic structures are temporarily moved off site.

Response to Comment No. 12-34

Mitigation Measure NOI-MM-2 applies to the two existing single-family structures adjacent to the Project Site, not any of the structures within the site. These two off-site structures are the closest ones to the Project Site and would, therefore, experience the highest levels of construction vibration. The historic bungalows within the Project Site would be temporarily moved during construction.

Comment No. 12-35

Attachment A

Cumulative Employment in the Hollywood Community				
Land Use (a)	Area (sq. ft.)	Rooms	Factor (b)	Employees
Commercial	65,888	---	500	131.8
Commercial	82,500	---	500	185.0
Commercial	95,820	---	500	191.6
Commercial	1,289	---	500	2.6
Commercial	2,012	---	500	4.0
Commercial	2,500	---	500	5.0
Commercial	2,697	---	500	5.4
Commercial	3,000	---	500	6.0
Commercial	4,747	---	500	9.5
Commercial	5,500	---	500	11.0
Commercial	12,785	---	500	25.6
Commercial	19,500	---	500	39.0
Commercial	24,900	---	500	49.8
Commercial	29,000	---	500	58.0
Commercial	33,980	---	500	68.0
Commercial	35,000	---	500	70.0
Community Center	45,000	---	1,800	25.0
Grocery	45,432	---	250	181.7
Hospital	211,992	---	556	381.3
Hotel (c)	90,000	200	0.5	100.0
Hotel (c)	101,250	225	0.5	112.5
Hotel (c)	36,000	80	0.5	40.0
Hotel (c)	81,000	180	0.5	90.0
Hotel (c)	50,400	112	0.5	56.0
Hotel (c)	56,250	125	0.5	62.5
Hotel (c)	90,000	200	0.5	100.0
Hotel (c)	54,900	122	0.5	81.0
Hotel (c)	28,800	64	0.5	32.0
Hotel (c)	51,300	114	0.5	57.0
Hotel (c)	99,450	221	0.5	110.5
Hotel (c)	94,500	210	0.5	105.0
Hotel (c)	59,850	133	0.5	66.5
Hotel (c)	95,400	212	0.5	106.0
Hotel (c)	97,200	216	0.5	108.0
Hotel (c)	75,600	168	0.5	84.0
Hotel (c)	41,850	93	0.5	46.5
Hotel (c)	70,200	156	0.5	78.0
Hotel (c)	45,900	102	0.5	51.0
Hotel (c)	138,600	308	0.5	154.0
Hotel (c)	123,750	275	0.5	137.5
Hotel (c)	35,100	78	0.5	39.0
Office	2,570	---	250	10.3
Office	3,580	---	250	14.3
Office	4,074	---	250	16.3
Office	7,800	---	250	31.2
Office	17,040	---	250	68.2
Office	30,933	---	250	123.7
Office	38,440	---	250	153.8
Office	45,432	---	250	181.7
Office	53,537	---	250	214.1
Office	88,750	---	250	355.0
Office	95,000	---	250	380.0
Office	100,000	---	250	400.0
Office	100,386	---	250	401.5
Office	106,125	---	250	424.5
Office	114,725	---	250	458.9
Office	126,980	---	250	507.9
Office	202,400	---	250	809.6
Office	210,000	---	250	840.0
Office	241,568	---	250	966.3
Office	274,000	---	250	1,096.0
Office	285,719	---	250	1,142.9
Office	422,610	---	250	1,690.4
Office	1,273,600	---	250	5,094.4
Other	40,927	---	250	163.7
Restaurant	661	---	250	2.6
Restaurant	1,750	---	250	7.0
Restaurant	1,885	---	250	7.5
Restaurant	1,993	---	250	8.0
Restaurant	2,750	---	250	11.0
Restaurant	2,800	---	250	11.2
Restaurant	3,000	---	250	12.0
Restaurant	3,200	---	250	12.8
Restaurant	3,270	---	250	13.1
Restaurant	3,929	---	250	15.7
Restaurant	4,000	---	250	16.0
Restaurant	4,225	---	250	16.9
Restaurant	4,354	---	250	17.4
Restaurant	5,000	---	250	20.0
Restaurant	5,000	---	250	20.0
Restaurant	5,000	---	250	20.0

Cumulative Employment in the Hollywood Community				
Land Use (a)	Area (sq. ft.)	Rooms	Factor (b)	Employees
Restaurant	5,064	---	250	20.3
Restaurant	5,400	---	250	21.6
Restaurant	5,979	---	250	23.9
Restaurant	6,980	---	250	27.9
Restaurant	7,000	---	250	28.0
Restaurant	9,000	---	250	36.0
Restaurant	10,000	---	250	40.0
Restaurant	10,402	---	250	41.6
Restaurant	11,460	---	250	45.8
Restaurant	12,000	---	250	48.0
Restaurant	12,355	---	250	49.4
Restaurant	12,840	---	250	51.4
Restaurant	15,000	---	250	60.0
Restaurant	15,290	---	250	61.2
Restaurant	16,135	---	250	64.5
Restaurant	17,607	---	250	70.4
Restaurant	20,650	---	250	82.6
Restaurant	34,000	---	250	136.0
Restaurant	87,500	---	250	350.0
Retail	76,500	---	500	153.0
Retail	87,500	---	500	175.0
Retail	89,200	---	500	178.4
Retail	92,500	---	500	185.0
Retail	163,862	---	500	327.7
Retail	377,900	---	500	755.8
Retail	985	---	500	2.0
Retail	1,900	---	500	3.8
Retail	2,750	---	500	5.5
Retail	3,117	---	500	6.2
Retail	3,350	---	500	6.7
Retail	3,580	---	500	7.2
Retail	3,700	---	500	7.4
Retail	3,739	---	500	7.5
Retail	3,760	---	500	7.5
Retail	3,929	---	500	7.9
Retail	4,066	---	500	8.1
Retail	4,700	---	500	9.4
Retail	5,000	---	500	10.0
Retail	5,546	---	500	11.1
Retail	6,250	---	500	12.5
Retail	6,634	---	500	13.3
Retail	6,634	---	500	13.3
Retail	7,700	---	500	15.4
Retail	9,000	---	500	18.0
Retail	10,000	---	500	20.0
Retail	10,370	---	500	20.7
Retail	11,020	---	500	22.0
Retail	12,000	---	500	24.0
Retail	12,030	---	500	24.1
Retail	12,160	---	500	24.3
Retail	13,813	---	500	27.6
Retail	15,000	---	500	30.0
Retail	15,300	---	500	30.6
Retail	16,360	---	500	32.7
Retail	20,000	---	500	40.0
Retail	20,650	---	500	41.3
Retail	26,000	---	500	52.0
Retail	30,887	---	500	61.8
Retail	32,272	---	500	64.5
Retail	36,600	---	500	73.2
Retail	37,057	---	500	74.1
Social Services	50,325	---	500	100.7
Stage	21,000	---	1,000	21.0
Studio	38,072	---	1,000	38.1
Studio	202,400	---	1,000	202.4
Supermarket	33,500	---	250	134.0
Sub-Total	8,267,135	3,594	---	23,393
1360 Vine (d)	475,435	---	---	1,818
Total	8,742,570	---	---	25,211

a) Table III-1 of the Vine 1360 DEIR

b) Workers per sq/ft or per room. Most factors are from LADOT VMT Methodology

c) Hotel area based on 450 sq ft per room

d) Office option excluding bungalows

Response to Comment No. 12-35

This attachment consisting of the commenter's cumulative employment calculations is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 13

Victoria Chang
6235 Afton Pl.
Los Angeles, CA 90028-8204

Comment No. 13-1

I am a resident and home owner at 6235 Afton Place, Los Angeles CA 90028. I'm writing in regards to ENV-2016-3778-EIR for the project name: 1360 N Vine Street with ONNI Capital LLC as the project applicant. I have read through the DEIR, and wish to submit comments, questions, and mitigation ideas on the project.

Response to Comment No. 13-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 13-2

The Geo Investigation is from 2016, given that it's 2022 and the project will likely not begin right away, is there a need to get a new investigation? Have the conditions such as the design, location, or elevation changed?

Response to Comment No. 13-2

The Draft EIR included two Geotechnical Reports: the Residential Option's Geotechnical Report dated September 2016 and included as Appendix G.1 and the Office Option's Geotechnical Report dated August 2020 and included as Appendix G.3. The Draft EIR also included a Supplemental Geotechnical Letter from the Project's Geotechnical Engineer dated March 31, 2022, confirming the Project is still feasible from a geotechnical perspective. In addition, as is the case with all projects in the City, a design-level Geotechnical Report will be prepared prior to construction as part of the building permit process.

Comment No. 13-3

I did not see any reports for Air Quality or Traffic. There should be reports for air quality and potential traffic impacts, so any mitigation measures and monitoring can be put in place. What happens if air quality becomes unhealthy, dangerous for the community? Will air quality tests be done periodically? What implications will the project have on traffic?

Response to Comment No. 13-3

The Draft EIR included detailed Air Quality modeling in Appendix B, the Transportation Assessment as Appendix R, and LADOT's approval of the Transportation Assessment as Appendix S. As discussed in Section IV.A, Air Quality, of the Draft EIR, impacts with respect to air quality would be less than significant without mitigation, and, as discussed in Section IV.J, Transportation, of the Draft EIR, impacts with respect to transportation would be less than significant with mitigation. Refer to the respective sections of the Draft EIR for detailed analyses.

Comment No. 13-4

Is there a monitoring plan to ensure the processes outlined in "Conclusions & Recommendations" are followed? For example, proper drainage, grading, and waterproofing, and shoring? A few of these are outlined in:

8.1.9 Due to the nature of the proposed design and intent for subterranean levels, waterproofing of subterranean walls and slabs is recommended. Particular care should be taken in the design and installation of waterproofing to avoid moisture problems, or actual water seepage into the structure through any normal shrinkage cracks which may develop in the concrete walls, floor slab, foundations and/or construction joints. The design and inspection of the waterproofing is not the responsibility of the geotechnical engineer. A waterproofing consultant should be retained in order to recommend a product or method, which would provide protection to subterranean walls, floor slabs and foundations."

8.6.1 A preconstruction conference should be held at the site prior to the beginning of grading operations with the owner, contractor, civil engineer and geotechnical engineer in attendance. Special soil handling requirements can be discussed at that time.

8.1.8 Due to the depth of the excavation and the proximity to the property lines, city streets and adjacent offsite structures, excavations will require sloping and/or shoring measures in order to provide a stable excavation. Where shoring is required it is recommended that a soldier pile shoring system be utilized. In addition, where the proposed excavation will be deeper than and adjacent to an offsite structure, the proposed shoring should be designed to resist the surcharge imposed by the adjacent offsite structure. Recommendations for Temporary Excavations are provided in Section 8.19 of this report.

My property is right next to the project. What monitoring will there be to make sure drainage and shoring is done properly and does not negatively affect my property? How do I prove the existing condition of my property?



There is a section in the report that says:

8.20.23 Due to the depth of the excavation and proximity to adjacent structures, it is suggested that prior to excavation the existing improvements be inspected to document the present condition. For documentation purposes, photographs should be taken of preconstruction distress conditions and level surveys of adjacent grade and pavement should be considered. During excavation activities, the adjacent structures and pavement should be periodically inspected for signs of distress. In the event that distress or settlement is noted, an investigation should be performed and corrective measures taken so that continued or worsened distress or settlement is mitigated. Documentation and monitoring of the offsite structures and improvements is not the responsibility of the geotechnical engineer.

Response to Comment No. 13-4

Implementation of the geotechnical recommendations, as well as the Project's Mitigation Monitoring Program, would be enforced as a condition of approval for the Project. Through compliance with regulatory requirements, including the implementation of the site-specific geotechnical recommendations contained in the Geotechnical Investigations and a final design-level geotechnical engineering report, impacts related to geology and soils were determined to be less than significant.

Comment No. 13-5

This project will demolish ~32,000 square feet of commercial and residential space, just a few feet away from homes and residences. If the Onni project area is not properly fenced off and monitored with security cameras, it will be a public nuisance and hazard. We have already experienced some impact from Onni Group's possession of the property. The buildings have been vacant without proper fencing or security. It has created hazards, where people walking by will trip on loose materials, homeless people squat, and it invites criminal activity. It is imperative that we mitigate the hazard and require that Onni Group put up proper fencing around the project and place security cameras in the area. The fence should be placed in a manner where people, kids, pets cannot get into the vacant, hazard ares. [sic]

Response to Comment No. 13-5

This comment expresses concern about the lack of existing site security and proposed site security during construction. As discussed in Section IV.I.2, Public Services—Police Protection, of the Draft EIR, the Project would include Project Design Feature POL-PDF-1, which requires security fencing, lighting, and locked entry during construction.

Comment No. 13-6

None of the reports mention the expected duration for the project. Is there a timeline?

Response to Comment No. 13-6

As discussed in Section II, Project Description, of the Draft EIR, Project construction is anticipated to begin in 2023 and be completed in 2027.

Comment No. 13-7

Was a waterproofing report obtained? (This is mentioned in the Geo report)

Response to Comment No. 13-7

The waterproofing report recommended in the Project's Geotechnical Reports has not yet been completed because it must be based on the design details that will be developed in the construction drawings. This report will be prepared as part of the design-level geotechnical report required by the City as part of the normal building permit process. As noted in Response to Comment No. 13-4, implementation of the geotechnical recommendations would be enforced as a condition of approval for the Project and monitored as set forth in the MMRP.

Comment No. 13-8

Is the subterranean structure going to be extended below a depth of 45 feet?

Response to Comment No. 13-8

As discussed in Section II, Project Description, of the Draft EIR, the Project's Residential Option would require excavations to a depth of approximately 45 feet below grade, and the Project's Office Option would require excavations to a depth of approximately 83 feet below grade.

Comment No. 13-9

Who is the Project Shoring engineer? In the report it says one should be obtained.

Response to Comment No. 13-9

This comment is unrelated to the environmental review for the Project. Nevertheless, a shoring engineer has not yet been retained because the Project is not yet approved.

Comment No. 13-10

If there are project violations or issues caused by the project, where can residents go to for recourse?

Thanks for your time and consideration.

Response to Comment No. 13-10

This comment is unrelated to the environmental review for the Project. Nevertheless, residents can contact the Department of Building and Safety regarding issues with any construction project in the City. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. 14

Julia Finder
juliaisnotlost@gmail.com

Comment No. 14-1

I'd like to make a public comment on project ENV-2016-3778-EIR. I've been a resident of Hollywood for over five years now, and I moved to Afton Place this past fall. In fact, I'm in the lot immediately next to the project. I was initially excited when I heard there were plans to finish the work on the bungalows and rebuild the shops on Vine. However, reading the proposal has me incredibly worried. I am not worried about noise or construction. I knew that was a possibility when I moved in. I am worried about the effects on my community.

Response to Comment No. 14-1

This introductory comment expresses concern about the Project. Specific issues raised by the commenter are addressed in Response to Comment Nos. 14-2 through 14-5, below.

Comment No. 14-2

First of all, creating office space is a poor development consideration. With the continual shift towards remote and hybrid work spaces, companies do not need more office space and are quickly divesting. Especially with the impending recession, an office building seems like a poor investment for the community.

Response to Comment No. 14-2

This comment expressing opposition to the Project's Office Option is noted for the record and will be forwarded to the decision-makers for their review and consideration. As this comment does not address the contents or adequacy of the Draft EIR, no further response is warranted.

Comment No. 14-3

I like the idea of building more housing. No one can argue that LA has a housing problem. As of 2020, the homeless population was estimated to be around 66,000. Shariff [sic] Villanueva estimates that we could currently be as high as 80,000. This doesn't even include the individuals facing impending eviction as the covid moratorium comes to an end.

Housing is important, but it needs to be affordable. LA has one of the highest rent burden levels in the US. With this in mind, only 8% of the proposed units in this plan will be

designated for “Very Low Income.” According to the project descriptions, the apartments will all be 1 bedroom. If an individual wanted to live there, they’d have to make less than \$41,700 annually. But the average income for a single renter is \$44,000. I make \$60,000. Most places in the country, I should be very comfortable. Here in LA, I am considered low income. If a couple together only makes 50,000 a year, they would not even qualify for the threshold of \$47,650. We cannot fight homelessness by only creating 36 affordable units.

The above concerns have not yet included the gentrification of the area. In this area, we do not lack housing in general, but specifically affordable housing. More and more housing is being put in, but we can’t fill the spaces. The below are some of the many active listings as of the time of writing this email.

The Hanover Hollywood is advertising a one bedroom for \$2,719 to \$3,363 a month.

Jardine has their 1-bed starting at \$3,850 up to \$7,568.

Villa Elaine on Vine has 1-bedrooms at \$1,900

Columbia Square Living on El-Centro is \$3,645–\$6,180.

El Centro Apartments and Bungalows is \$2,725 to \$5,245.

6250 Hollywood Blv’s [sic] 1 bed is \$4,800.

Wallace on Sunset lists \$2,896–\$3,326.

Sunset Vine Tower is \$3,6540 to \$5,350.

The DLP Hollywood is anywhere between \$1,971 and \$2,104.

Even the most affordable apartments in this area are out of reach for the average LA renter. This area does not need more high cost apartments. If we have a surplus on [sic] high-priced units, shouldn’t we be working to make our next projects more affordable? To do that, we need to have more than merely 36 units available to low income families. Even doubling that number leaves 84% of the building (365 units) to be high end. There is no reason we should limit it to only 36.

Response to Comment No. 14-3

This comment expressing the desire to increase the number of affordable units included in the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. However, it should be noted that the number of affordable units proposed is consistent with the requirements of State Density Bonus Law and LAMC Section 12.22 A.25.

Comment No. 14-4

These plans have also continued to shut down businesses in the area. This specific project is shutting down Los Balcones and El Zarape. A proposal up the street on Vine would shut down Chipotle, Tender Greens, and Off Vine (a community staple for decades).

If you drive around the streets in the area, you can't go more than a few yards before you see another empty business space. It is well and good to propose a grocery store or restaurants in the bungalows. However, it's hard to believe those places will be filled. Many businesses weren't able to survive the worst of the pandemic, and very few new places are opening as we continue into a recession. Will this building be offering space to the displaced businesses in the area? Will they be actively pursueing [sic] filling these spaces with local businesses? This also begs the question, what price range is in mind for the grocery store? Are they looking to partner with an affordable brand similar to Trader Joe's? Are they looking to bring in something like Sprouts?

Response to Comment No. 14-4

This comment is unrelated to the environmental review for the Project. Nevertheless, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 14-5

If we're fighting to make LA affordable, then we have to start making more sustainable and people-friendly choices when we approve changes to our infrastructure. I ask that you do not accept the proposal as is. A business will come and go.

Many landlords neglect their buildings or inflate prices for their own profit; caring little about the long term effects on the community. But the average renters—who support local restaurants, who walk the streets, who shop in our stores—are the ones who make Hollywood a community. They should always be a top priority. Because when they're not, we lose the thing that makes this area special. Please, do not let this proposal go forward as planned because Hollywood deserves better.

Response to Comment No. 14-5

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 15

Inara Letdin
inaraletdin1@gmail.com

Comment No. 15-1

My father received a notice about the 1360 N Vine structure just a few blocks from where he lives. I see that the building will accommodate 36 units designated for very Low Income. How does one get on the list for this building if one is a low income senior? Is this through the City of West Hollywood? Please advise and provide information.

Response to Comment No. 15-1

This comment is unrelated to the environmental review for the Project. It is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 16

Mar Robbart
marrobbart@yahoo.com

Comment No. 16-1

Are there plans available for this project? If so, would you please send them?

When is this project anticipated to be ready for approval?

Thank you for your time, I look forward to your reply [sic]

Response to Comment No. 16-1

Project plans are available at the Department of City Planning during regular business hours, and the Project is currently undergoing environmental review under CEQA. The City will schedule public hearings following completion of the EIR.

Comment Letter No. 17

Donna Williams
Williams Art Conservation
6234 Afton Pl.
Los Angeles, CA 90028-8205

Comment No. 17-1

- The proposed project should identify a preferred option. The project analysis is plagued by comingling of project analysis and omissions for each proposed development option.

Response to Comment No. 17-1

CEQA does not require identification of a preferred option. The Draft EIR is required to evaluate the Project as proposed by the Applicant. Throughout the Draft EIR, the more severe impacts are analyzed to present the most conservative analysis possible. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 17-2

- Project renderings show three separate structures making it unclear as to what specific building is referenced, i.e., shade and shadow study references a building that is no longer consistently rendered in the project proposal however periodically described.

Response to Comment No. 17-2

Section II, Project Description, includes three renderings of the Residential Option (i.e., Figures II-13 through II-15) from different vantage points (i.e., from near the intersection of Vine Street and Afton Place looking northeast, from De Longpre Avenue looking west toward Vine Street, and from Afton Place looking at the eastern façade of the residential building, respectively) and three renderings of the Office Option (i.e., Figures II-16 through II-18) also from different vantage points (i.e., from Vine Street just south of Afton Place, from The Dome commercial development at the northwest corner of Vine Street and De Longpre Avenue, and a bird's eye view of the eastern portion the Project, respectively). Refer to Response to Comment No. 17-5, below, for a discussion of shade and shadow.

Comment No. 17-3

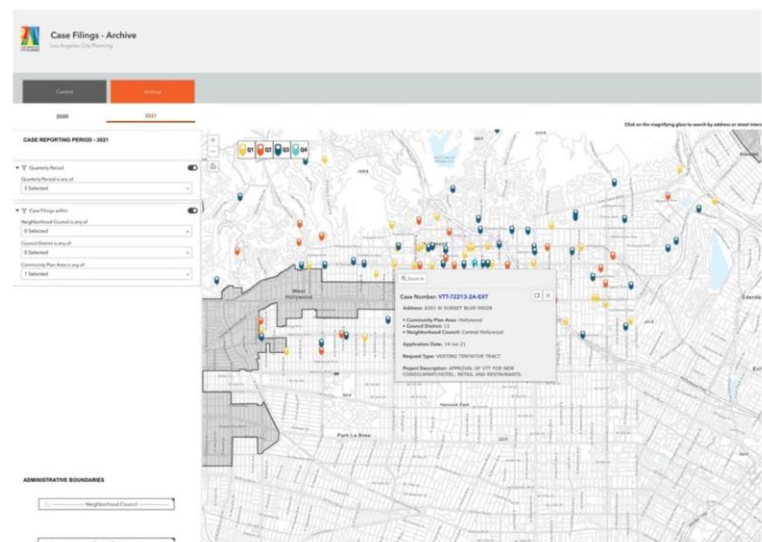
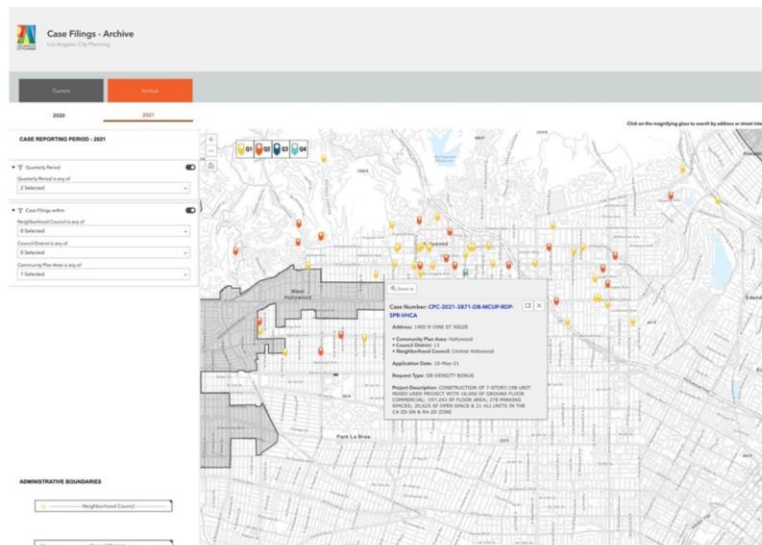
- The scale of either residential or office option introduce a potential for significant neighborhood traffic congestion and potential loss of much needed street parking for historic multi-family buildings in the historic district.

Response to Comment No. 17-3

Neither traffic congestion nor parking are issues under CEQA. Specifically, with respect to traffic congestion, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or level of service. The focus of the analysis is now on vehicle miles traveled (VMT). As evaluated in Section IV.J, Transportation, of the Draft EIR, the Project's impact with respect to VMT would be less than significant. With respect to parking, while not an issue under CEQA as stated above, as shown in Table II-2 of Section II, Project Description, of the Draft EIR, the Project would exceed LAMC minimum parking requirements under either the Residential Option or Office Option.

Comment No. 17-4**III ENVIRONMENTAL SETTING****B. RELATED PROJECTS**

- The proposed project relies on a dated (2020) list of surrounding proposed projects. The applicant should include a more current list of projects as found in the City of Los Angeles Case Filing Archive, Los Angeles City Planning. The following projects were listed in 2021 located in the immediate vicinity of the proposed project.
- Reported Cumulative impacts do not accurately account for surrounding projects. In particular, the 1400 Vine Street project located immediately north, the next block, of the proposed project.
- The project identified "less than significant impacts" are based on a value city-wide. Analysis should be performed on impacts to Hollywood.
- An updated list of Case Filings, Los Angeles City Planning should be used to calculate cumulative impact analysis.





Comment No. 17-5

The Shadow study is performed for only Option A, and it references a building that is no longer consistently rendered in the project proposal however periodically described. New studies for Option A and Option should be performed.

Response to Comment No. 17-5

City of Los Angeles
September 2023

within an urban area that has been previously developed. Therefore, pursuant to SB 743 and ZI 2452, the Project's aesthetic impacts shall not be considered a significant impact on the environment as a matter of law. Notwithstanding the mandate imposed by SB 743, the Initial Study included a discussion of aesthetics for informational purposes only.

The Initial Study, published in 2017, included a shading discussion and associated appendix for informational purposes, consistent with City practice at the time. However, when a project's shading impacts are less than significant pursuant to state law under CEQA, the City no longer evaluates shading. Therefore, an updated shading analysis reflecting the current proposal is not required and is not included in the Draft EIR.

Comment No. 17-6

AESTHETICS

Project Impacts as identified in L.A [sic] CEQA Thresholds Guide, City of Los Angeles 2006.

Response to Comment No. 17-6

Refer to Response to Comment No. 17-5, above. As noted therein, pursuant to SB 743 and ZI 2452, the Project's aesthetic impacts shall not be considered a significant impact on the environment as a matter of law.

Comment No. 17-7

Project Impacts

Page D. 3-5

"For example, relocation of a resource whose most significant feature is setting or position on a parcel would be more detrimental than if the key element is the architectural style and structural features."

The proposed project does not adequately describe whether the historic properties will be oriented on the street in their historic configuration. Please clarify.

Response to Comment No. 17-7

The Historical Report explains and illustrates that the bungalows will have the same orientation to and setback from the street as under both original and existing conditions. The language referenced by the commenter from the 2006 L.A. CEQA Thresholds Guide applies to the permanent relocation of historic buildings from one location to another. In this case, the bungalows would be temporarily moved off site for the construction of the subterranean parking structure, returned to the site, and rehabilitated in compliance with

the Secretary of the Interior's Standards. Therefore, the Historical Report does not require updating. Furthermore, as noted in Topical Response: Bungalow Relocation presented at the beginning of this section, the Relocation Study, included as Appendix FEIR-2 of this Final EIR, concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation.

Comment No. 17-8

“ If new construction is proposed, give key consideration to compatibility with the massing, size, scale, and architectural features of the historic resource(s). Determine the impacts to the setting and character of the area as well as whether the new construction might indirectly reduce the viability of a district or grouping of historic resources.”

Response to Comment No. 17-8

This comment is a quote, but the source is not provided. It seems to be raising questions about the relationship between the new building proposed by the Project and the Historic District. As discussed in the Historical Report (pages 62–65), the new building would introduce a new visual element that is not compatible with the size, scale, or design of the contributing properties within the Historic District. Although the new building would diminish the Historic District's integrity of setting, the impact would be less than significant. The integrity of setting outside the boundary of the Historic District has already been altered by new construction since the late twentieth century. Furthermore, the Project would not affect the other aspects of integrity. The effect of the new building on the Historic District's integrity would not be so substantial that the Historic District would no longer be eligible for listing in the National Register and listed in the California Register. Furthermore, there would be a buffer approximately 22- to 57-feet wide between the new building and the bungalows in the form of a landscaped walkway and open space. Therefore, the new construction component of the Project would have a less-than-significant impact on the Historic District.

Comment No. 17-9

Sample Mitigation Measures

Page D.3-6

“Require new construction to be compatible with historic resources on the site and in the vicinity (e.g., mass, height, materials, setback, retention of mature landscaping.”

The proposed projects are contemporary glass curtain wall structures that are vastly out of scale with the historic district and bear no material resemblance to the surrounding built environment.

Response to Comment No. 17-9

This comment is a quote, but the source is not provided. It appears to be suggesting a mitigation measure. However, as discussed in Section IV.B, Cultural Resources, impacts would be less than significant without mitigation. The historical resources analysis included therein specifically considers impacts associated with the introduction of the new building on the Historic District. There are already modern buildings of comparable height to the new building that are located on Sunset Boulevard and Vine Street and visible from within the boundary of the Historic District. After Project completion, the Historic District would remain eligible for listing in the National Register and continue to be listed in the California Register. As impacts would be less than significant, no mitigation is warranted. .

Comment No. 17-10**V. ALTERNATIVES**

The proposed Project Alternatives for Option A and B are of by right projects that would conform to an appropriate mitigation measure to reduce impact to Afton Square Historic District.

Residential Option Alternative 3 would mitigate negative environmental cumulative impacts to the historic resources.

Office Option Alternative 3 would mitigate negative environmental cumulative impacts to the historic resources.

Response to Comment No. 17-10

This comment incorrectly states that Residential Option Alternative 3 and Office Option Alternative 4 would “mitigate negative environmental cumulative impacts to historic resources.” As discussed in Section IV.B, Cultural Resources, impacts would be less than significant without mitigation. Cumulative impacts to historic resources under all of the build alternatives would also be less than significant without mitigation.

Comment No. 17-11**CULTURAL RESOURCES****APPENDIX C**

Historical Resources Technical Report
Prepared by Consulting GPA
January 2021

Please identify the building rendered on the right of the report cover page. The rendering on the left mirrors the Office Option B identified in the rest of the proposal, but it is not clear if the pictured building on the right represents the Residential Option A. The rendering on the right is not found anywhere else in the proposed development report while references to an earlier Residential Option are scattered throughout the report. Please clarify.

Response to Comment No. 17-11

The illustrations on the cover of the Historical Report are of the two options analyzed. The one on the left is Residential Option and the one on the right is Office Option. The conceptual plans for each option are included in their entirety in Appendix C of the Historical Report.

Comment No. 17-12

It is clear from the GPA Report the drawings that were reviewed and attached, do not reflect the most recent version of the associated project for Option A. Is the treatment of the historic bungalows identical for Option A and Option B?

Response to Comment No. 17-12

Under either option, the bungalows would be temporarily moved off site for the construction of the subterranean parking structure and returned to the Project Site. The Relocation Study included as Appendix FEIR-2 concluded that the relocation for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation. See Topical Response: Bungalow Relocation for further information.

Comment No. 17-13

The Historical Resources Technical Report does not study the proposed treatment of the bungalows identified in Residential Option A. The report should be updated to reflect the options they are currently proposing.

Residential Option A—The spatial relationship that characterized the original development of the neighborhood as a residential neighborhood will be substantially diminished, introducing new spatial relationships that no longer reflect the original character of the neighborhood. The proposed change of use to restaurants alters the original residential use and these residences will no longer reflect their original character. Moved properties must still have an orientation, setting, and general environment that are comparable to those of the historic location and that are compatible with the property's significance.

Response to Comment No. 17-13

As discussed in Response to Comment No. 17-2, the treatment of the bungalows in both options is the same. The bungalows would be temporarily moved off site for the construction of the subterranean parking structure, returned to the Project Site, and rehabilitated in compliance with the Secretary of the Interior's Standards. Therefore, the Historical Report does not require updating. Furthermore, as noted above in Topical Response: Bungalow Relocation presented at the beginning of this section, the Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation of the bungalows for temporary storage off-site and relocation back to the site were feasible and that the relocation work and the rehabilitation for use as part of the Project conform to the Secretary of the Interior's Standards for Rehabilitation.

The Project does not involve the introduction of new spatial relationships as suggested by the commenter. The three bungalows facing De Longpre Avenue would be returned to their original locations. The three bungalows facing Afton Place would be shifted east by one lot to the space created by the demolition of the non-contributing apartment building. The bungalows would have the same orientation to the street and same front yard setbacks as they had historically. The Historical Report concluded that the demolition of the non-contributing apartment building would have a positive effect on the Historic District because it would remove a visual intrusion that otherwise diminishes the integrity of feeling. The bungalows on Afton Place would remain in the same order as they were historically.

The commenter inaccurately states the bungalows would be converted into restaurants. This is only one possible use being considered. The specific use of the bungalows has not yet been determined; they may be reused as offices and restaurants or used as residential units. The use is irrelevant to the analysis because the Secretary of the

Interior's Standards allow for the adaptive reuse of historic buildings. There are numerous examples of bungalows converted to commercial uses in compliance with the Standards. Further, the commenter provides no evidence that the historic significance and the residential character of the Historic District would be materially impaired if they were adaptively reused.

When returned to the Project Site, the six bungalows would have the same orientation, setting, and general environment as they had before the temporary relocation.

Comment No. 17-14

The district boundary is defined by the historic condition and should not be altered. The proposed development straddles and intrudes into the district potentially introducing a new non-contributor into the district. Introducing a new non contributor that is commercial is not compatible with any of the shared planning features represented in the district, as identified under Criteria A. The Historical Resources Technical Report prepared by GPA should address why the proposed reorientation of the bungalows will not have an impact.

The district boundary should be accurately identified and shown in proposed development Options A and B.

Response to Comment No. 17-14

The boundary of the Historic District is accurately described and illustrated in the Historical Report. The boundary would not be altered by the Project. The boundary of a California Register Historic District can only be changed through an application process and approval of the State Historical Resource Commission. The only portion of the new construction within the boundary of the Historic District would be the subterranean parking structure. Since the entrance would be through the new building (under both the Residential Option and Office Option), the parking structure would not be visible. Thus, it would not be a new visible feature within the boundary of the Historic District.

The commenter inaccurately states that the bungalows would be reoriented. The Historical Report explains and illustrates that the bungalows would have the same orientation to and setback from the street as they had originally. The impact on the Historic District would be less than significant because it would continue to retain sufficient integrity to convey its significance.

Comment No. 17-15

Within the Afton Square Historic District, the identified six (6) one-story wood clad bungalows constitute over half of the 12 bungalows of similar type in the district. These

building types are represented on the western-most portion of the district and define a unique residential character within the district. Analysis to identify patterns and characteristics within the district should be performed to accurately identify impacts to the historic district.

Response to Comment No. 17-15

The National Register determination of eligibility report found the Historic District to be significant as one of the few remaining intact residential neighborhoods in Hollywood, which does not mean the residential character of the Historic District is unique. Furthermore, the Project does not involve the demolition of any of the contributing bungalows. Thus, the historic pattern of development would remain the same with the completion of the Project. The additional analysis recommended by the commenter is not required. The Historical Report appropriately applied the thresholds for impacts in the CEQA Guidelines and concluded the Project would not negatively affect the character of the Historic District, which would continue to retain sufficient integrity to convey its significance.

Comment No. 17-16

The proposed project should include a Feasibility Study for the proposed relocation of the bungalows that identifies methods and means of relocation, the relocation address, and a Protection Plan during and after relocation.

Thank you for your time and consideration.

Response to Comment No. 17-16

The Feasibility Study recommended by the commenter is not required because a Preservation Plan is included as Project Design Feature CUL-PDF-1. Furthermore, as noted above in Topical Response: Bungalow Relocation presented at the beginning of this section, the Relocation Study included as Appendix FEIR-2 of this Final EIR concluded that the relocation for temporary storage off-site and relocation back to the site was feasible and that the relocation work and the rehabilitation for use as part of the Project conforms to the Secretary of the Interior's Standards for Rehabilitation.

The Relocation Study documents through a combination of photographs and drawings those features that would be demolished and reconstructed after the bungalows are returned to the Project Site. The Relocation Study also analyzes the factors related to the temporary storage, but the temporary storage site is not relevant to the impacts analysis. The commenter provides no evidence that one location would be better or worse than another, or how the location would negatively affect the bungalows. The Relocation

Study includes guidelines for disassembling the bungalows and interim protection measures during storage. The Relocation Study also identifies rehabilitation work that would be required regardless of use. Further, the Preservation Plan will address the possibility that the bungalows may be adaptively reused as offices or restaurants or used as residential units. The Preservation Plan will also address a construction monitoring program to ensure all of the aforementioned are carried out in accordance with the Secretary of the Interior's Standards for Rehabilitation.