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## II. RESPONSE TO COMMENTS

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### A. OVERVIEW

The purpose of the public review of the Draft Environmental Impact Report (Draft EIR or DEIR) is to evaluate the adequacy of the environmental analysis in terms of compliance with the California Environmental Quality Act (CEQA). Section 15151 of the *CEQA Guidelines* states the following regarding standards from which adequacy is judged:

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

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

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

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

*In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant*

*environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

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

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

Section 15003 also explains the emphasis of CEQA upon good-faith efforts at full disclosure rather than technical perfection:

*(i) CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. A court does not pass upon the correctness of an EIR's environmental conclusions, but only determines if the EIR is sufficient as an informational document. (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692).*

*(j) CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. (Laurel Heights Improvement Assoc. v. Regents of U.C. (1993) 6 Cal.4th 1112 and Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553).*

Sections 15204(a) and 15003 reflect judicial interpretation of CEQA. Reviewers are encouraged to focus on the sufficiency of the environmental document's analysis, mitigation measures, and project alternatives. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. CEQA requires that lead agencies need only respond to significant environmental issues, and do not need to provide all information requested by reviewers, so long as a good faith effort at full disclosure is made in the EIR.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” In addition, various comments assert or request that impacts should be considered significant or that significance conclusions of the EIR should be revised but fail to provide substantial evidence in support of their assertion. Section 21080(e) of CEQA defines the type of evidence required to support a conclusion of significant effect on the environment. It provides that:

*(1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.*

CEQA does not require analysis of potential impacts of scenarios that require significant speculation. *CEQA Guidelines* Section 15145 provides that:

*If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.*

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

The City of Los Angeles received a total of 15 comment letters on the Draft EIR not including attachments. All 15 comment letters and the State Clearinghouse letter are provided in Appendix A of this Final EIR. Comment letters were divided into two categories; those submitted by public agencies and governments were assigned the letter “A” and those submitted by private organizations, companies, and individuals were assigned the letter “B.” Comment letters in each category were numbered according to the date they were received by the City. Individual comments within each comment letter were numbered. Thus, for example, the comment letter from the County Los Angeles Public Works is numbered “A1” and individual comments in that letter are numbered “A1-1”, “A1-2”, “A1-3”, etc.

Written comments made during the public review of the Draft EIR intermixed points and opinions relevant to the Project’s merits with points and opinions relevant to the potentially significant environmental effects of the Project. The responses acknowledge comments addressing points and

opinions relevant to the Project's merits, and discuss as necessary the points relevant to the environmental review required by CEQA.

Table FEIR-1 lists the organizations and persons who provided written comments on the Draft EIR to the City during the 45-day public review period.

**Table FEIR-1**  
**Inventory of Comment Letters Received on the Draft EIR**

<b>Correspondence Number</b>	<b>Date of Correspondence</b>	<b>Commenter</b>
<b>Public Agencies and Governments</b>		
A1	November 13, 2008	County of Los Angeles Department of Public Works
A2	November 18, 2008	County of Los Angeles Department of Public Works, Bureau of Sanitation
A3	November 24, 2008	City of Beverly Hills
A4	December 2, 2008	Native American Heritage Commission
<b>Private Organizations, Companies and Individuals</b>		
B1	October 30, 2008	Pica + Sullivan Architects, Ltd.
B2	November 10, 2008	Kristin Jarratt
B3	November 11, 2008	Brad Kane, South Carthay Neighborhood Association
B4	November 13, 2008	Andrea and Daniel Harley
B5	November 17, 2008	Andrea and Daniel Harley
B6	November 14, 2008	Aaron Friedland
B7	November 15, 2008	Stephen Friedland
B8	November 16, 2008	Carl Sunshine
B9	November 18, 2008	Ronald T. Anderson
B10	November 20, 2008	James Watson
B11	November 18, 2008	George Romero, Linda Friedland, and Ron Anderson, South Carthay Historical Preservation Zone
B12	November 19, 2008	Richard Hardison MacCracken

## **RESPONSE TO COMMENT LETTER A1**

### **County of Los Angeles Department of Public Works**

#### ***Comment A1-1***

Thank you for the opportunity to review the Draft Environmental Impact Report for the subject project. The proposed project would involve the construction of a 150,500-square-foot eldercare facility over two levels of subterranean parking. The following comments are for your consideration and relate to the environmental document only:

***Response to Comment A1-1***

This comment confirms the County of Los Angeles Department of Public Works has reviewed the Draft EIR. Additionally, this comment correctly reiterates general information on the proposed Project and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment A1-2*****Hazardous Waste**

- The existing Hazardous Waste Management infrastructure in this County is inadequate to handle the hazardous waste currently being generated. The proposed project may generate hazardous waste and/or household hazardous waste, which could adversely impact existing Hazardous Waste Management infrastructure. This issue should be addressed and mitigation measures provided. Mitigation measures may include, but are not limited to, providing educational materials on the proper management and disposal of hazardous waste. The project proponent may contact the County of Los Angeles Department of Public Works for available educational materials by calling 1(888) CLEAN LA.

***Response to Comment A1-2***

As indicated on page IV.F-15 in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, OSHA mandates that eldercare facilities have written safety compliance plans specific to their facility and a location that addresses the safety standards for their industry, such as a Landscaping and Ground Maintenance Safety Plan, Housekeeping and Material Storage Safety Plan, Hazardous Waste Safety Plan, Needlestick and Sharps Safety Plan, and Bloodborne Pathogens Safety Plan. Full compliance with OSHA mandatory compliance safety plans, as well as other applicable federal, state, and local laws and regulations related to the routine disposal of hazardous materials in the workplace, would ensure that impacts resulting from the routine disposal of hazardous materials associated with the operation of the Project would not result in a significant impact. Additionally, as noted on page IV.A-15 in Section IV.A, Impacts Found to be Less Than Significant, of the Draft EIR, the proposed project would result in a less-than-significant impact with respect to operational waste and solid waste generated onsite by the proposed Project would be disposed of in accordance with all applicable federal, State, and local regulations related to solid waste, such as Assembly Bill 939 (AB 939). The Project Applicant will coordinate with the County in this regard, as applicable.

***Comment A1-3***

- Due to the presence of underground storage tanks, if any excavated soil is contaminated, or classified as hazardous waste by an appropriate agency, the soil must be managed and disposed of in accordance with applicable Federal, State, and local laws and regulations.

***Response to Comment A1-3***

As noted on page IV.A-6 in Section IV.A, Impacts Found to be Less Than Significant, of the Draft EIR, no active state registered underground storage tanks (UST) facilities are present on the site. However, in the event that contaminated soils are encountered, full compliance with applicable federal, state, and local standards by the Project Applicant, as required under existing laws and regulations would minimize any potential impact to less than significant.

***Comment A1-4*****Storage Space for Recyclables**

The California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires each development project to provide an adequate storage area for collection and removal of recyclable materials. The environmental document should include/discuss standards to provide adequate recyclable storage areas for collection/storage of recyclable and green waste materials for this project.

***Response to Comment A1-4***

As noted on page IV.A-15, in Section IV.A, Impacts Found To Be Less Than Significant, of the Draft EIR, solid waste generated onsite by the proposed Project would be disposed of in accordance with all applicable federal, State, and local regulations related to solid waste, such as Assembly Bill 939 (AB 939). This includes provide an adequate storage area for collection and removal of recyclable materials.

***Comment A1-5***

For questions regarding the environmental comments above, please contact Mr. Corey Mayne at (626) 458-3524.

If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 458-4921.

***Response to Comment A1-5***

This comment contains closing language for this comment letter. No response is required.

## **RESPONSE TO COMMENT LETTER A2**

### **County of Los Angeles Department of Public Works, Bureau of Sanitation**

#### ***Comment A2-1***

The Department of Public Works, Bureau of Sanitation, Watershed Protection Division is charged with enforcement of the provisions of the National Pollutant Discharge Elimination System (NPDES) permit including the provisions of the Standard Urban Stormwater Mitigation Plan (SUSMP). Projects subject to SUSMP regulations require developers to maximize the percentage of pervious surfaces to allow percolation of storm water into the ground and to minimize the quantity of storm water directed to impervious surfaces and to the storm drain system.

Effective July 9, 2008, the City of Los Angeles adopted the Standard Urban Stormwater Mitigation Plan (SUSMP) Infiltration Requirements and Guidelines which prioritizes the use of infiltration and bio-filtration systems as the preferred methods to comply with storm water mitigation requirements and delineates the requirements for and limitations of storm water infiltration. The guidelines can be obtained from the City's storm water website at [www.lastormwater.org](http://www.lastormwater.org)

Additionally, the City is in the process of developing a Green Streets program which will transform existing street parkways into infiltration/bio-filtration swales designed to capture and retain storm water and urban runoff. The parkway swales will reduce the volume of polluted storm water that currently flows untreated into the City's storm drain system and eventually into the ocean. Your proposed project includes public right-of-way improvements along South La Cienega Boulevard.

#### ***Response to Comment A2-1***

This comment contains general information on the County of Los Angeles Department of Public Works, Bureau of Sanitation, Watershed Protection Division, who is responsible for enforcing the provisions of the National Pollutant Discharge Elimination System (NPDES) permit and Standard Urban Stormwater Mitigation Plan (SUSMP). General information is also provided on SUSMP regulations, the SUSMP Infiltration Requirements and Guidelines and the Green Streets Program. Additionally, the comment correctly notes that the Project would include public right-of-way improvements along South La Cienega Boulevard, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment A2-2***

The proposed street improvements present an opportunity to include Green Street elements as part of your project.

The Bureau of Sanitation, Watershed Protection Division staff welcomes the opportunity to meet with your design staff in the preliminary stage of the project design in order to provide advice and recommendations regarding SUSMP infiltration requirements and Green Street elements.

***Response to Comment A2-2***

It is assumed that this comment is referring to the public right-of-way improvements along South La Cienega Boulevard included as part of the Project. This comment states that these proposed street improvements present an opportunity to include elements from the Green Streets program into the Project and welcomes the opportunity to meet with Project design staff in the preliminary stage of Project design to provide advice and recommendations regarding SUSMP infiltration requirements and Green Street program elements. However, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment A2-3***

Please contact Alice Gong or Ammar Eltawil at (213) 485-3996 or (213) 485-0576, respectively, if you have any questions or to schedule a preliminary plan review meeting.

***Response to Comment A2-3***

This comment contains closing language for this comment letter. No response is required.

**RESPONSE TO COMMENT LETTER A3****City of Beverly Hills*****Comment A3-1***

Thank you for providing the City of Beverly Hills with a copy of the Notice of Completion for the above referenced Draft Environmental Impact Report ("EIR") for the La Cienega Eldercare Facility Project (hereafter the "Project"). Given the project site's close proximity to the City of Beverly Hills, the City offers the following comments and requests to be kept on the project's list of interested parties and to receive copies of all notices issued regarding this. Further, the City requests a copy of any notice of determination that may be filed with respect to the Project, pursuant to the provisions of Public Resources Code Section 21197 (f).



***Response to Comment A3-1***

This comment confirms the City of Beverly Hills has reviewed the Draft EIR and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. No response is required. The commenter will be placed on the list to receive all notices regarding the EIR and future hearings. In addition, the Project will comply with all applicable regulations regarding the notice of determination.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment A3-2******Traffic and Circulation***

- 1- It is requested that the prospective haul routes be identified. Haul routes passing through the City of Beverly Hills may be subject to certain restrictions. During certain times of day, hauling traffic can significantly impair the flow of traffic. Given the poor levels of service forecast for the La Cienega/Olympic and La Cienega/Pico intersections, it is requested that the impact of hauling traffic be analyzed using Passenger Car Equivalencies (PCE).

***Response to Comment A3-2***

This comment requests that the haul routes for the Project be identified and that the impact of hauling traffic be analyzed in the Draft EIR. As noted on page III-17 of Section III, Project Description, of the Draft EIR, the haul routes have been identified. Although the haul route does include a right turn at the intersection of La Cienega/Olympic, it does not pass through Beverly Hills. In addition, Section IV.M, Transportation and Traffic, construction haul trips have been accounted for under the heading “Impact TRANS-6 Construction Traffic” on page IV.M-36. The Project found the traffic impacts associated with the Project to be less than significant and trips associated with excavation of an approximately one acre site would be temporary and well below those created by Project operations. Because construction would generate fewer trips than Project operations once constructed, haul route construction impacts would also be less than significant. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment A3-3***

- 2- Please identify the size of a typical heavy haul truck. This information is important for calculating the number of trips required for dirt removal. As a comparative base, the City of Beverly Hills uses 10 cubic yards per truck to estimate the number of trips needed to remove dirt materials.

***Response to Comment A3-3***

See Response to Comment A3-2.

***Comment A3-4***

- 3- Beverly Hills often observes high midday traffic volumes associated with the concentration of retail uses. Given the proximity of the Beverly Center and the concentration of retail uses along La Cienega Boulevard, it is requested that the study intersections be analyzed during between the hours of 11:30 a.m. and 1:30 p.m., particularly during the construction period using PCEs.

***Response to Comment A3-4***

This comment requests that the study intersections be analyzed between the hours of 11:30 a.m. and 1:30 p.m., particularly during the construction. Specific requests for analysis locations or times were not received from the City of Beverly Hills as part of the Draft EIR Notice of Preparation (NOP) process and the comment does not point to any inadequacy in the Draft EIR. Moreover, although one was volunteered, LADOT's thresholds for development projects do not require a traffic study to be completed for the Project because of its low traffic generation numbers. As noted in Section IV.M, Transportation and Traffic, under the heading "Analysis Scenarios" on page IV.M-9, the Project's traffic study analyzed the potential Project-generated traffic impacts on the street system surrounding the Project site. Intersection traffic impacts for the Project were evaluated for typical weekday morning (7:00 a.m. to 9:00 a.m.) and afternoon (4:00 p.m. to 6:00 p.m.) peak periods. The study intersections were determined based on the expected travel routes to and from the Project site and the estimated amount of traffic volume that could have the potential to create significant traffic impacts at nearby intersections. Given the Project's low traffic generation rates and very small level of impacts during the busiest peak hours, the Project would also not create any impacts between the hours of 11:30 a.m. and 1:30 p.m. Intersections with low volumes of project traffic were not included in this analysis. The commenter is directed to Section IV.M, Transportation and Traffic, of the Draft EIR.

***Comment A3-5***

The City of Beverly Hills appreciates your consideration of our continued interest in the development of projects in adjacent jurisdictions. If you have any questions regarding this letter or the City's policy's with regard to environmental review, please feel free to contact me in the City's Planning Division at (310)

285-1123. Please include Larry Sakurai, Principal Planner, as the contact person for the City of Beverly Hills in your contact list for this project.

***Response to Comment A3-5***

This comment contains closing language for this comment letter. No response is required.

**RESPONSE TO COMMENT LETTER A4**

**Native American Heritage Commission**

***Comment A4-1***

The Native American Heritage Commission (NAHC) is the state ‘trustee agency’ pursuant to Public Resources Code §21070 designated to protect California’s Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines) [*sic*]. Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as “a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.” In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect (APE)’, and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

***Response to Comment A4-1***

This comment contains general information on the Native American Heritage Commission (NAHC) and the California Environmental Quality Act (CEQA), in addition to provisions provided under Section 15382 of the State *CEQA Guidelines*. Additionally, this comment introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment A4-2***

√ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible ‘recorded sites’ in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

***Response to Comment A4-2***

It is assumed that this comment is a Native American Heritage Commission (NAHC)-recommended action to adequately assess the project-related impacts on historical resources. As noted above, the NAHC recommends the appropriate California Historic Resources Information Center (CHRIS) be contacted to determine if 1) if part or the entire Project site has been previously surveyed for cultural resources, 2) if any known cultural resources have been recorded in or adjacent to the Project site, 3) the probability of cultural resources being located in the Project site, and 4) if a survey is required to determine whether previously unrecorded cultural resources are present.

As noted on page IV.D-1 of Section IV.D, Cultural Resources, of the Draft EIR, a Cultural Records Search was performed by the South Central Coastal Information Center and a complete copy was included in Appendix E of the Draft EIR. According to the Cultural Records Search six previous cultural resource studies have been conducted within a 0.5 mile radius of the Project site. Of these, none are located within the Project site. Numerous Cultural Resources were identified to be within 0.5 miles of the Project site due to the close proximity to the Historic Preservation Overlay Zones. However, no Cultural Resources are located on the Project site itself. In addition, according to the Cultural Records Search, no archaeological sites have been identified within a 0.5 mile radius of the Project site, and no archaeological sites have been identified on the Project site. There are no known archaeological resources located on the Project site or in the immediate vicinity.

***Comment A4-3***

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

**Response to Comment A4-3**

This comment provides provisions for the preparation of an archaeological inventory survey, should one be required for the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Response to Comment A4-2.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**Comment A4-4**

√ The Native American Heritage Commission (NAHC) performed:

- \* A Sacred Lands File (SLF) search of the project 'area of potential effect (APE)': The results: No known Native American Cultural Resources were identified.; However the NAHC SLF is not exhaustive and local tribal contacts should be consulted from the attached list.

**Response to Comment A4-4**

This comment confirms that the NAHC performed a Sacred Lands File (SLF) search of the Project's "area of potential effect" and that no known Native American cultural resources were identified. Because the NAHC SLF is not exhaustive, it is recommended that the Native American tribal contacts provided by the NAHC be consulted directly (see Comment A4a below).

The Native American tribal contacts provided by the NAHC were contacted and sent copies of the Notice of Availability (NOA), Notice of Completion (NOC), and an electronic copy of the Draft EIR on October 7, 2008. No new responses identifying cultural resources or concerns were received during this process.

**Comment A4-5**

- The NAHC advises the use of Native American Monitors, also, when professional [sic] archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC FURTHER [sic], recommends that contact be made with Native American Contacts on the attached list to get their input on potential IMPACT of the project (APE) on cultural resources. In some cases, the existence of a Native American cultural resources [sic] may be known only to a local tribe(s) or Native American individuals or elders.

**Response to Comment A4-5**

See Response to Comment A4-4.

**Comment A4-6**

√ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Again, a culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

**Response to Comment A4-6**

As noted under Mitigation Measure CULT-2 Archaeological Resources and Impact CULT-4 Human Remains on pages IV.D-12 and IV.D-13, respectively, of Section IV.D, Cultural Resources, of the Draft EIR have both archeological monitors and the Native American Heritage Commission would be utilized throughout the construction of the Project.

As noted on page IV.D-12, Mitigation Measure CULT-2 Archaeological Resources, requires that In the event that subsurface resources are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the Planning Department of the City of Los Angeles is contacted and agrees upon a qualified archaeologist to be brought onto the Project site to properly assess the resources and make recommendations for their disposition. Construction activities could continue in other areas. If any find were determined to be significant by the archeologist, they shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

As noted on page IV.D-13, in the event that subsurface resources are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the Planning Department of the City of Los Angeles is contacted and agrees upon a qualified archaeologist to be brought onto the Project site to properly assess the resources and make recommendations for their disposition. In addition, procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Los Angeles County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native

American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains.

See Response to Comment A4-4.

***Comment A4-7***

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

***Response to Comment A4-7***

The Project shall comply with all applicable local, state and federal regulations. As noted in the Draft EIR, Impact CULT-4 provides for procedures of conduct to occur upon accidental discovery and treatment of human remains, including remains identified as Native American. The procedures included under Impact CULT-4 cite and are consistent with Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and *CEQA Guidelines* Section 15064.5(e). As the Project is required to comply with these procedures of conduct, Project impacts on human remains would be less than significant. See Response to Comment A4-6.

***Comment A4-8***

- \* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains with the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

***Response to Comment A4-8***

This comment correctly reiterates requirements of Section 15064.5(d) of the *CEQA Guidelines*. While no known human burials have been identified on the Project site or within recorded resources located in the vicinity, as discussed under Impact CULT-4 Human Remains on page IV.D-13 of Section IV.D, Cultural Resources, of the Draft EIR, Impact CULT-4 provides for procedures of conduct to occur upon accidental discovery and treatment of human remains, including remains identified as Native American. The procedures included under Impact CULT-4 cite and are consistent with Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and *CEQA Guidelines* Section 15064.5(e). As the Project is required to comply with these procedures of conduct, Project impacts on human remains would be less than significant. See Response to Comment A4-7.

**Comment A4-9**

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

**Response to Comment A4-9**

This comment contains information on mandated procedures that must be discovered upon accidental discovery of any human remains in a location other than a dedicated cemetery, pursuant to Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and California Code of Regulations (*CEQA Guidelines*) Section 15064.5(e). See Response to Comment A4-7. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**Comment A4-10**

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

**Response to Comment A4-10**

Section 15370 of the *CEQA Guidelines* presents avoidance as one of the five aspects of the definition of mitigation. While avoidance and preservation are the preferred mitigation measures, it is not always feasible to avoid or preserve resources in place and it is not possible to determine before uncovering a resource what mitigation measures are feasible and which are most appropriate. The decision concerning the most appropriate, feasible mitigation measure will be made by the qualified archeologist chosen as set forth in Mitigation Measure CULT-2 Archaeological Resources on page IV.D-12 of Section IV.D, Cultural Resources, of the Draft EIR.

**Comment A4-11**

Please feel free to contact me at (916) 653-6251 if you have any questions.

**Response to Comment A4-11**

This comment contains closing language for this comment letter. No response is required.



**Comment A4a****Native American Contacts  
Los Angeles County  
November 20, 2008**

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Gabrielino Tongva

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008061124; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the La Cienega Eldercare Facility Project; located west of downtown Los Angeles; City of Los Angeles - Lead Agency; Los Angeles, County, California.

***Response to Comment A4a***

This comment includes as an attachment a list of Native American contacts for the proposed Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Response to A4-4. The attachment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**RESPONSE TO COMMENT LETTER B1**

**Pica + Sullivan Architects, Ltd.**

***Comment B1-1***

I am writing to you concerning the EIR for the La Cienega Eldercare Facility Project.

I am an architect, licensed in the State of California and have extensive experience in design and construction in the City of Los Angeles as well as other jurisdictions in Southern California. I have been licensed since March 1985. My firm was incorporated in May 1990. The work of my firm is of the scale of the above noted project and larger and most have required CEQA review at some level.

The proposed project is to be located at 1022-1054 South La Cienega Boulevard; a relatively flat site in a C2-1-0 zone. The proposed project is to be a residential assisted living use. The building is to be 5 stories, 64 feet in height (with a stair tower above that) and 153,201 square-ft in area. The request by the Applicant is for the city to allow this project size increase from the code mandated 1.5 FAR to 3.0 FAR.

The proposed project is a U-shaped plan with the shear vertical face to the east (facing the South Carthay Historic Preservation Overlay Zone) and the open courtyard from the 3<sup>rd</sup> to 5<sup>th</sup> floor facing to the west (towards La Cienega Boulevard). The building east elevation has little variation in horizontal or vertical plane and the mansard-like penthouse story does little to mitigate the large bulk being proposed. The project includes roof-top mechanical.

***Response to Comment B1-1***

This comment contains general information on the commenter and their firm. Additionally, the comment states general information on the proposed Project and expresses an opinion on the design and scale of the Project. The comment misstates that the Code requires an FAR of 1.5:1. In fact, Section 12.22 A.25 of the Code provides a 3:1 FAR for any development project that includes the number of restricted affordable units sufficient to qualify for a 35% density bonus and 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center, as defined in the Code. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no response is required. The comment will be

forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

Section 15204(a) of the *State CEQA Guidelines* (“*CEQA Guidelines*”) (Focus of Review) provides basic guidance regarding this issue.

Section 15204(a) states:

*In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

***Comment B1-2***

It is my opinion that this proposed project creates significant aesthetic impacts for the South Carthay HPOZ.

***Response to Comment B1-2***

This comment expresses a concern that the Project as proposed would create significant aesthetic impacts for the South Carthay Historic Preservation Overlay Zone (HPOZ), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR.

Aesthetic impacts were discussed in Section IV.B, Aesthetics, of the Draft EIR. As described on pages IV.B-13 through IV.B-24, the proposed Project would have less than significant impacts on public views and scenic vistas; scenic resources within a State scenic highway; visual character and design; light; glare (with implementation of Mitigation Measure AES-4 Light and Glare); shade and shadows; and cumulative impacts. Therefore, as proposed, the Project is anticipated to have a less than significant aesthetic impact on the environment, which includes the South Carthay HPOZ.

Under CEQA, the decision as to whether an environmental effect should be considered significant is reserved to the discretion of the lead agency based on substantial evidence in the record as a whole. The analysis of this EIR is based on scientific and factual data which has been reviewed by the lead agency and reflects its independent judgment and conclusions. CEQA permits disagreements of opinion with respect to environmental issues addressed in an EIR. As Section 15151 of the State *CEQA Guidelines* states, even “[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts.” Section 21080(e) of CEQA defines the type of evidence required to support a conclusion of significant effect on the environment. It provides that:

- (1) *For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.*

Additionally, Section 15204(c) of CEQA advises reviewers that comments should be accompanied by factual support:

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

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

### ***Comment B1-3***

There is a potentially significant impact of substantially degrading the existing visual character or quality of the proposed building's surroundings.

The South Carthay residential area to the east of the proposed project is a Historic Preservation Overlay Zone. It was established in 1984 as the second HPOZ in the City of Los Angeles. The area consists of one and two story residences and duplexes in a Spanish and Art Deco style. The residences were constructed in the 1920s and 1930s.

### ***Response to Comment B1-3***

This comment provides general information on the South Carthay HPOZ and expresses an opinion. It is the opinion of the commenter that the proposed Project would substantially degrade the existing visual character or quality of the surroundings. As discussed on page IV.B-14 (continued on page IV.B-15) in

Section IV.B, Aesthetics, of the Draft EIR, a Project may have a significant impact if it introduces incompatible visual elements on the project site or visual elements that would be incompatible with the character of the area surrounding the project site.

As described in Section IV.B, the Project would have a less than significant impact on visual character and design, and has been designed to be sensitive to the adjacent residential neighborhood on the eastern edge of the Project site (the South Carthay HPOZ). Although not required to do so by CEQA, the Project Applicant volunteered, after consultation with community members, to design the Project in a Spanish Colonial Revival style found in the South Carthay and Carthay Circle HPOZ. In addition, the Project steps back at various locations to complement the neighborhood as discussed in Section III., Project Description, of the Draft EIR. The City's HPOZ Ordinance only regulates development within the designated HPOZ area and was not intended to limit development outside the HPOZ's designated boundaries. The comment indicates a disagreement with the Lead Agency as to the impact of the Project on the HPOZ's visual quality and historic resources.

The commenter is referred to Section IV.B, Aesthetics, and Section IV.D, Cultural Resources (in particular the discussion under Project Impacts and Mitigation Measures, Impact CULT-1 Historic Resources) of the Draft EIR and Response to Comments B1-1-1 and B1-2. Of note, with respect to the HPOZ, the Lead Agency fully evaluated the impact that the Project would have on the HPOZ. It noted that the HPOZ Ordinance does not apply to the proposed Project and that the HPOZ will remain an exceptional and intact collection of Spanish Colonial Revival style residential buildings from the 1930s. City staff, in addition to Teresa Grimes, an expert qualified architectural historian, visited the HPOZ and observed views from the HPOZ towards La Cienega Boulevard. Given surrounding urban development in the area (including a 50-foot billboard that would be removed with Project implementation), and the Project's architecture, both concluded that the Project would not impede any views that would impact the aesthetics, cohesiveness or sense of place currently present from within the HPOZ. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

#### ***Comment B1-4***

The maximum height of the historic two-story duplexes is approximately 20 feet. The proposed development on the adjoining lot will be 64 feet in height. It will be set back 20 feet at the backyard. The proposed mitigation is landscaping in the rear-yard setback. This proposed landscaping is to be 30 ft high trees. A landscape solution of 30 ft high trees will not hide a shear façade of 64 feet from a one and two story residential neighborhood directly contiguous.

#### ***Response to Comment B1-4***

The commenter provides general information on existing conditions of the two-story duplexes located within the South Carthay HPOZ as well as information on the proposed Project, including height, setbacks, and landscaping. It is the opinion of the commenter that landscaping of 30 foot high trees will

not hide the façade of the proposed 64 foot structure from the adjacent residential neighborhood located directly to the east of the Project site. It is important to note there is no standard requirement that a building such as the Project be hidden from public view. Moreover, the Draft EIR only provides for 30 foot mature palm trees at the entrance to the Project. The Draft EIR provides for dense trees and foliage at the eastern boundary of the Project. This foliage and the trees are meant to soften the appearance of the building, but there is no requirement or need to obscure the building completely from adjacent neighborhoods with tall trees.

Aesthetic impacts were discussed in Section IV.B, Aesthetics, of the Draft EIR. As described on pages IV.B-13 through IV.B-24, the proposed Project would have less than significant impacts on public views and scenic vistas; scenic resources within a State scenic highway; visual character and design; light; glare (with implementation of Mitigation Measure AES-4 Light and Glare); shade and shadows; and cumulative impacts. The South Carthay HPOZ is in a dense, urban area of the City of Los Angeles characterized by buildings of various heights and architecture, including along La Cienega adjacent to the HPOZ. The City's zoning scheme does not limit height along La Cienega near the Project vicinity, and the building would not be inconsistent with established development patterns along major City boulevards, including La Cienega. See Response to Comment B1-2.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B1-5***

In addition, the rear-yard of the project site includes a DWP easement and there are power poles located there. DWP is very strict in making sure the tree tops are trimmed significantly below the wires (which are approximately 18 to 20 ft above the ground surface). The trees are trimmed back by the DWP every year. I know that for a fact because my residence is on Alfred Street (one street east of La Cienega) and the tree adjacent to the power pole in my backyard is trimmed every year during the months of March or April.

***Response to Comment B1-5***

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Moreover, the Draft EIR only provides for 30 foot mature palm trees at the entrance to the Project. The Draft EIR provides for dense trees and foliage at the eastern boundary of the Project. This foliage and the trees are meant to soften the appearance of the building, but there is no requirement or need to obscure the building completely from adjacent neighborhoods with tall trees. As such, no response is required. Refer to Response to Comment B1-1.

***Comment B1-6***

The proposed landscaping will not mitigate the visual impact of the proposed structure.

***Response to Comment B1-6***

This comment speculates that the landscaping proposed under the Project will not mitigate for the visual impact of the proposed structure, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Landscaping is a feature of the Project and has not been established to mitigate significant impacts. Aesthetic impacts were discussed in Section IV.B, Aesthetics, of the Draft EIR. As described on pages IV.B-13 through IV.B-24, the proposed Project would have less than significant impacts on public views and scenic vistas; scenic resources within a State scenic highway; visual character and design; light; glare (with implementation of Mitigation Measure AES-4 Light and Glare); shade and shadows; and cumulative impacts. See Response to Comment B1-2.

***Comment B1-7***

The proposed building is significantly out of scale with the surrounding residential neighborhood. The project, as designed, is in direct contradiction to Policy 1-3.1 (residential specific policies) of the Community Plan. This policy is to "promote architectural compatibility and landscaping for new Multiple Family residential developments to protect the character and scale of existing residential neighborhoods." The proposed project, which is double the allowable FAR, of a neo-French Empire style, with a shear, un-relieved façade facing toward a charming, low-scale HPOZ is incongruous and out of scale with the character and scale of the existing residential neighborhood.

***Response to Comment B1-7***

This comment expresses an opinion that the proposed structure is inconsistent with the character and scale of the surrounding residential neighborhood and that the Project is in direct contradiction to Policy 1-3.1 of the Wilshire Community Plan. Ultimately the determination of consistency remains with the City of Los Angeles. In reviewing quasi-legislative acts or decisions concerning consistency with the general plan or other plan, the "arbitrary and capricious" standard would apply. The inquiry centers on whether or not the decision was arbitrary, capricious, entirely lacking of evidentiary support, unlawful, or procedurally unfair. Deference is given to an agency's finding of consistency unless no reasonable person could have reached the same conclusion on the evidence before it. Additionally, although the City believes that in this instance the proposed Project is compatible with surrounding residential neighborhoods, a general plan or a community plan consists of policies reflecting a wide range of competing interests – such as the provision of affordable and senior housing – and a project need not satisfy each and every policy. "It is beyond cavil that no project could completely satisfy every policy stated in [a general plan], and that state law does not impose such a requirement." (*Sequoia Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App. 4th 704, 719.) Finally, inconsistency with general plan or community plan policy does not necessarily equate with a physical impact on the environment, and thus may not result in a significant impact.

The commenter is directed to Table IV.H-4, Wilshire Community Plan Policy Consistency Analysis, on page IV.H-19 (continued on page IV.H-20 and -21) in Section IV.H, Land Use Planning, of the Draft EIR. The Project is consistent with all applicable land use policies of the Wilshire Community Plan.

The commenter is directed to Response to Comments B1-1 and B1-2. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B1-8***

Alternative C set forth in the EIR indicates a reduced height and density alternative that maintains the existing 1.5 FAR. This proposal is a very compelling compromise as it significantly reduces to the visual impact and benefits the surrounding neighborhood in terms of less traffic generation, lower air quality impacts, less solid waste generation, less use of natural gas, less use of electricity and, it meets all of the project objectives in that it provides for all of the space and amenities that a project of this type should have (rather than the extreme levels of luxury that are being proposed). Alternative C is by far the most reasonable approach to development on this site.

***Response to Comment B1-8***

This comment is an opinion in reference to Alternative C (Reduced Density Reduced Height) contained in Section VI, Alternatives to the Proposed Project, of the Draft EIR. It is important to note that there are no significant aesthetics, air quality, traffic or utilities impacts associated with the Project. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-1 and B1-2.

**Response to Comment Letter B2**

***Kristin Jarratt***

***Comment B2-1***

The Draft EIR ("EIR") for the expanded Eldercare Facility at 1022-1054 S. La Cienega Blvd ("Project") fails to comprehensibly address the issues raised in our July 7, 2008 letter. A copy of that letter is attached for your convenience. The Project will have significant, unmitigated, negative impacts on Historic South Carthay and the South Carthay Neighborhood Association.



***Response to Comment B2-1***

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. Refer to Response to Comments B1-1 and B2-1.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B2-2***

Further, the Draft EIR erroneously asserts that the Project is in full conformity with the Community Plan.

***Response to Comment B2-2***

This comment expresses an opinion that the Draft EIR erroneously asserts that the Project is in full conformity with the Community Plan, but fails to state how the Draft EIR is inadequate. However, the determination that the Project is consistent or inconsistent with the General Plan policies or other City plans and policies is ultimately the decision of the City. As shown in Table IV.H-4, Wilshire Community Plan Policy Consistency Analysis, on page IV.H-19 in Section IV.H, Land Use and Planning, of the Draft EIR, the Project was found to be consistent with all applicable policies of the Wilshire Community Plan. The commenter is directed to Section IV.H, Land Use and Planning, of the Draft EIR. See Response to Comments B1-1, B1-2, and B1-7.

This comment is acknowledged for the record and will be forwarded to the decision-making body as part of the Final EIR for their consideration in reviewing the Project.

***Comment B2-3***

Finally, the Draft EIR does not provide any realistic alternatives that might accomplish the goal of building a quality elder-care facility, while mitigating any of the negative impacts of the Project on the adjoining neighborhood.

***Response to Comment B2-3***

This comment expresses an opinion that the Draft EIR does not provide any realistic alternatives that would build an Eldercare Facility while mitigating the negative impacts of the Project on the adjoining residential neighborhood.

The State *CEQA Guidelines* require that EIRs include the identification and evaluation of a reasonable range of alternatives that are designed to reduce the significant environmental impacts of the Project while still meeting the general Project objectives. The State *CEQA Guidelines* also set forth the intent and extent of the alternatives analysis to be provided in an EIR.

Section 15126.6(a) of the State *CEQA Guidelines* states: “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 comparable 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 decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Section 15126.6(b) of the State *CEQA Guidelines* states: “Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.”

Section 15126.6(c) of the State *CEQA Guidelines* states: “The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.”

Alternatives to the Project were analyzed in Section VI, Alternatives to the Proposed Project, of the Draft EIR. Four alternatives were analyzed, including: Alternative A (No Project No Build), Alternative B (By-Right 8-Story Office Building), Alternative C (Reduced Density Reduced Height), and Alternative D (No Skilled Nursing Senior Housing Only).

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B2-4*****The Project Will Have Significant, Unmitigated, Negative Impact On A Cultural And Historic Neighborhood.**

Despite our July 7, 2008 letter, the Draft EIR does not address the impact of the Project on South Carthay in a direct manner. The Draft EIR's Cultural Section recommends "...that any historic properties (45 years or older) in the area of potential effect be identified...prior to the approval of the project." South Carthay is clearly a "historic resource" under the CEQA guidelines. Cal Code Regs., title 14 par 15064.5. The explanation that the Project is outside the Historic Preservation Overlay Zone ("HPOZ") does not respond to the issue of a massive Project bordering a culturally and historically significant neighborhood as well as its impact on the adjacent homes and duplexes.

***Response to Comment B2-4***

The South Carthay HPOZ is fully identified as a historic resource subject to CEQA in the vicinity of the Project site on page IV D-4 in Section IV.D, Cultural Resources, of the Draft EIR. Potential impacts the Project may have on the HPOZ are addressed on page IV.D-6 of the Draft EIR. The Project will have a less than significant impact on the HPOZ. The historic significance of the HPOZ will not be materially impaired by the Project and the HPOZ will remain eligible as a historic district.

The HPOZ Ordinance does not govern properties adjacent to designated HPOZs, and does not include any provisions or restrictions on the design of new buildings on adjacent properties. The Project is consistent with the land use regulations for South La Cienega Boulevard and is comparable to the bulk and scale of buildings along South La Cienega Boulevard. Refer to Response to Comment B1-3.

***Comment B2-5***

**The bulk and height of the Project will be an eyesore to all in South Carthay**, especially those in the 1000 block of Alfred Street. Trees, which when fully grown will be thirty (30) feet high, will not soften the impact or screen the neighborhood from a massive structure looming over it from a height of sixty-five (65) feet. The Project will be visible from nearly everywhere in South Carthay. The aesthetic impact on South Carthay's "sense of place and time" has not been addressed in the Draft EIR.

***Response to Comment B2-5***

This comment expresses an opinion that the trees proposed as part of the Project's landscaping plan will not soften the impact of the development or screen the South Carthay HPOZ from the proposed structure and that the development will be visible from nearly everywhere in the HPOZ. Aesthetic impacts were discussed in Section IV.B, Aesthetics, of the Draft EIR. As described on pages IV.B-13 through IV.B-24, the proposed Project would have less than significant impacts on public views and scenic vistas; scenic resources within a State scenic highway; visual character and design; light; glare (with implementation of

Mitigation Measure AES-4 Light and Glare); shade and shadows; and cumulative impacts. Therefore, as proposed, the Project is anticipated to have a less than significant aesthetic impact on the environment, which includes the South Carthay HPOZ. See Response to Comments B1-2, B1-3, B1-4, B1-6, and B2-4.

***Comment B2-6***

**The Project's bulk and scale is not in keeping with that of the South Carthay HPOZ.** This 150,000+ square foot, 65-feet high, 300-foot long building will be a modern overwhelming intrusion into a neighborhood of mostly single family homes and duplexes.

***Response to Comment B2-6***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-1, B1-3, and B2-4.

***Comment B2-7***

**The Shade and Shadow** study identifies six (6) to eight (8) duplexes on the west side of the 1000 block of Alfred Street, where owners and residents will be deprived of full use of their backyards, gardens, pools, and home for several hours each day during several months of the year. Unfortunately, the Draft EIR incorrectly asserts that the Project will not have a significant shadow and shade impact on those owners and residents. We are confident that you (or the authors of the Draft EIR) would consider that much shadow and shade in your own backyards a "significant" negative impact.

***Response to Comment B2-7***

To determine the significance of impacts, thresholds must be determined. As noted on page IV.B-12, in Section IV.B, Aesthetics, of the Draft EIR, for shade and shadow impacts in the City of Los Angeles, the threshold is described in the *Draft L.A. CEQA Thresholds Guide*. This threshold allows for sensitive uses (such as single-family homes, pools, etc) to be shaded by the Project for up to three (3) hours in the winter, and four (4) hours in the summer. The Project does not shade any sensitive use for greater than is allowed for under this threshold; therefore it was determined that the Project would not create a significant shading impact.

***Comment B2-8***

**The eastward facing patios and large number of windows will intrude on the privacy of residents in the 1000 block of Alfred Street.** The Draft EIR fails to consider this impact, which will exist twenty four hours (24) per day and will not be mitigated by the promised landscaping.

***Response to Comment B2-8***

The Project has incorporated design elements and landscaping to minimize intrusion on the privacy of residents as feasible. The Draft EIR analyses the impacts of the Project in accordance with CEQA guidelines. The issue of privacy as an environmental impact is outside the scope of this Draft EIR. Moreover, the Project will be replacing a two-story residential building that also offers views into the 1000 block of Alfred Street and buildings on Alfred themselves are two stories, which do not lead to complete privacy for residents in this urban context. See Response to Comments B1-2 and B1-6.

***Comment B2-9***

**The traffic study points to severe impact on all of South Carthay.** The Draft EIR describes seriously overloaded intersections, which are destined to become fully grid-locked in the near future. No traffic study was done to determine the impact of major intersection grid-lock on increased pass-through traffic on the neighborhood streets of Alfred, Orlando, Alvira, Crescent Heights, Packard and Whitworth. The traffic study in the Draft EIR is incomplete at best. To say that the impact on S. La Cienega is negligible completely neglects the additional traffic that will be driven onto our adjacent streets as drivers seek to avoid that gridlock.

***Response to Comment B2-9***

The comment speculates that traffic will make its way onto residential streets in South Carthay.

Traffic impacts are analyzed in Section IV.M, Transportation and Traffic, of the Draft EIR. The Draft EIR did consider pass-through traffic and concluded that the Project's location and relatively small traffic generation serves to minimize any impacts to neighborhood intrusion. The Project's close proximity to three Class II Major Highways; South La Cienega adjacent to the west; West Olympic Boulevard to the north; and Pico Boulevard to the south would allow residents and guests of the Project convenient travel routes and the use of neighborhood streets as primary travel routes is not anticipated to occur. Project egress would also be northbound on La Cienega, with no local street available for cut-through traffic prior to Olympic Boulevard. In addition, Alfred Street, as well as many other South Carthay local streets, discontinue at Olympic and there are no local street signalized intersections along Olympic in the immediate vicinity that would facilitate continued northbound cut-through travel. As noted in Section IV.M, Project would have a less than significant impact on intersection level of service and capacity; the Congestion Management Plan; hazards, emergency access; project access; construction traffic; parking; consistency with applicable land use plans, policies, or regulations; and cumulative impacts. See Response to Comment A3-4.

***Comment B2-10***

**The parking is not adequate for a condominium project.** This Project consists of individual condominiums for sale to the public. There is no basis in fact to assume the condo owners and their guests will use public transportation or a shuttle bus, rather than personal cars. The same parking requirements for all condominium projects throughout the City need to be applied to this Project.

***Response to Comment B2-10***

The comment speculates that parking provided with the proposed Project is inadequate. Parking for the proposed Project is highlighted in Section III, Project Description, of the Draft EIR, on page III-12 (continued on page III-13), under subheading "Parking." The amount of parking proposed for the Project would exceed the requirements of both the Los Angeles Municipal Code (LAMC) and California Senate Bill 1818 (SB 1818) under which the Project would be developed. Additionally, the provision of a free shuttle service to all seniors 62 years of age and older within a 1.5-mile radius of the Project would be likely to reduce the number of cars that would be owned by Project residents. A number of vacant parking spaces at the Project site are anticipated.

***Comment B2-11*****The Goals Of The City In Establishing South Carthay HPOZ As A City Resource Are Undermined By The Project.**

Our HPOZ is a recognized positive historical asset to the City, because "it is both intact and creates a powerful sense of time and place". *The Cultural Resources Documentation Report. HPOZ South Carthay, Prepared by the Bureau of Engineering for the Cultural Heritage Board and Planning Department.* This is reason for establishing the South Carthay HPOZ pursuant to Section 12.20.3 of the Los Angeles Municipal Code. Exacting regulations exist to preserve and enhance it. Since the Project is immediately adjacent to the HPOZ, it will have a negative impact for which mitigation is required by CEQA guidelines.

***Response to Comment B2-11***

As noted on page IV D-6 in Section IV.D, Cultural Resources, of the Draft EIR, the Project will have a less than significant impact on the South Carthay HPOZ, therefore mitigation is not required. It is also notable that the commenter's cited report did not lead to any development regulation outside the HPOZ boundaries. The threshold for determining impacts on historic resources is defined in the CEQA Guidelines as "The physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The Project does not meet this threshold. The new building will alter the immediate surroundings of the HPOZ, but the HPOZ itself will not be materially impaired. The fact that the new

building will be visible from certain places in the HPOZ will not affect its historic significance. The HPOZ will remain eligible as a historic district.

***Comment B2-12***

**The Project Conflicts With The Community Plan And Local Zoning.**

**Policy 1-3-1 of the Community Plan** requires that new multiple family residential developments, "promote the character of the existing residential neighborhoods." The Project does the opposite. The Project's bulk and height is incongruous with the character and scale of the existing residential neighborhood.

***Response to Comment B2-12***

This comment is similar to the comments contained in Comment B1-7 and has been previously addressed. See Response to Comment B1-7.

***Comment B2-13***

**Proposition U**, passed by a 70% vote in 1986, established the FAR of 1.5 for this portion of S. La Cienega. The request by the developer for a FAR of 3.0 is based primarily on a desire to maximize profits from the site. A suitable (and profitable) project could be built without doubling the FAR as discussed below.

***Response to Comment B2-13***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As noted on page III-11, of Section III, Project Description, of the Draft EIR, the single SB 1818 development incentive requested by the Project Applicant is an increase in the maximum allowable Floor Area Ratio (FAR) in order to make the provision of the restricted affordable units feasible. The site fronts a Major Highway, and the entirety of the site is located within 1,500 feet from a Transit Stop. The Metropolitan Transit Authority's Rapid Bus Route No. 728, which travels along Olympic Boulevard between Century City and downtown Los Angeles, stops at the corner of Olympic Boulevard and La Cienega Boulevard. At its farthest point (from the westbound 728 stop at the northwest corner of the intersection, to the southeastern corner of the Site), the Project is only approximately 690 feet from this Transit Stop, as defined by LAMC 12.22 A.25 (b), which is well within the City's 1,500 foot requirement. As such, the Project is entitled to an increase in the maximum allowable FAR from 1.5:1 to 3:1, pursuant to LAMC 12.22 A.25 (f)(4)(ii).

The comment does not identify a specific concern regarding the adequacy of the Draft EIR, nor does the comment raise a new environmental issue. Accordingly, no further response is required. The comments

will be forwarded to the decision makers for their review and consideration. See Response to Comments B1-1 and B1-2.

***Comment B2-14***

**The Draft EIR Studies Are Based On Seriously Outdated And Inadequate Information.**

Los Angeles's *Annual Growth and Infrastructure Review* as required by law, has not been produced since 1998. It is therefore not possible to accurately determine the impacts of the Project on the infrastructure including, but not limited to, water, electric, sewers, electric, and gas. Similarly, the basis for traffic impact studies is open to question. This Project should not be allowed to proceed before the legally required updates are completed and used to analyze the Project's impact.

***Response to Comment B2-14***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. The analysis of infrastructure and traffic impacts was completed in consultation with the applicable agencies and organizations and in accordance with accepted standards and practices. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-1 and B1-2.

***Comment B2-15***

**An Alternative Project Could Be Developed That Would Minimize The Negative Impact On South Carthay.**

A high quality eldercare facility which allows for the SB-1818 density bonus and also enhances and preserves Historic South Carthay could be accomplished. The Draft EIR points to such a solution in Alternative C; but it does not seriously explore a reduced size and scope project. In order to approve this Project, it fails to analyze the very real possibility of a FAR other than 1.5 as zoned or 3.0 as requested.

***Response to Comment B2-15***

This comment is in reference to the alternatives analysis contained in Section VI, Alternatives to the Proposed Project, of the Draft EIR. While the commenter states that the Draft EIR does not explore a reduced size and scope project, the comment does not articulate the manner in which the alternative should be explored. It is important to note that the alternatives need not be analyzed at the same level of detail as the proposed Project. Response to Comment B1-2.

Alternative C would reduce FAR to 1.5:1 and building height to two or three stories. While Alternative C was identified as the Environmentally Superior Alternative because it would result in reduced impacts to aesthetics, air quality, noise, population and housing, public services, recreations, transportation and



traffic, and utilities, as noted on page VI-28, Alternative C would fail to meet many of the Project Objectives and would still have the same unavoidable significant impact, temporary construction noise, as the proposed Project. See Response to Comments B1-8, B2-3, and B2-4. Additionally, the commenter is referred to Section VI, Alternatives to the Proposed Project, of the Draft EIR.

***Comment B2-16***

SB-1818 and the City enabling act for the density bonus mandate call for a maximum 35% density bonus for increased low income units. An incentive that a development project may request is "a percentage increase in the allowable floor area ratio equal to the percentage of density bonus for which the housing development project is eligible, not to exceed 35%." The decision maker has some discretionary power to increase that incentive, but it is not required.

***Response to Comment B2-16***

This comment is in reference to Senate Bill 1818 (SB 1818). The commenter correctly reiterates general information on the maximum allowable density bonus permitted and an incentive that a development project may request under SB 1818 in some circumstances. However, it does not quote from the applicable section of the City's SB 1818 Ordinance being relied upon for this Project, which automatically provides a 3:1 FAR bonus for any development project that includes the number of restricted affordable units sufficient to qualify for a 35% density bonus and 50% or more of the commercially zoned parcel is located in or within 1,500 feet of a Transit Stop/Major Employment Center, as defined in the Code. As such, no response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B2-17***

A thirty five percent (35%) increase in the zoned 1.5 FAR would be a 2.025 FAR. An eldercare project of about 100,000 square feet could be designed that might be reduced in height, allow for a larger setback from the Alfred Street residences, and create a S. La Cienega Blvd. frontage that is more pedestrian friendly, designed to avoid the "canyon" effect. Changes in design of patios and windows facing east could be accommodated to allow more privacy, while reducing shadow and shade.

***Response to Comment B2-17***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Accordingly, no response is required. The comment does suggest an alternate design to the Project, but as previously noted alternatives to the proposed Project have been selected to reduce significant impacts. The State *CEQA Guidelines* require that EIRs include the identification and evaluation of a reasonable

range of alternatives that are designed to reduce the significant environmental impacts of the Project while still meeting the general Project objectives. The State *CEQA Guidelines* also set forth the intent and extent of the alternatives analysis to be provided in an EIR. See Response to B2-3. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-1 and B1-2.

***Comment B2-18***

**Conclusion**

There are over 450 households in South Carthay, who are relying on the City Planning Department to be certain that Historic South Carthay is not compromised by this Project. We intend to be an integral part of the EIR and Planning process and exercise all of our rights, including rights of appeal and legal action, to ensure that South Carthay is not permanently damaged by an ill-conceived and over-built project.

***Response to Comment B2-18***

This comment contains general information on households within the South Carthay HPOZ and their intentions for involvement in the EIR and planning process, as well as opinions on the Project itself, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**RESPONSE TO COMMENT LETTER B3**

**Brad Kane, South Carthay Neighborhood Association**

***Comment B3-1***

The Draft EIR ("EIR") for the expanded Eldercare Facility at 1022-1 054 S. La Cienega Blvd ("Project") fails to comprehensively address the issues raised in our July 7, 2008 letter. A copy of that letter is attached for your convenience. The Project will have significant, unmitigated, negative impacts on Historic South Carthay and the South Carthay Neighborhood Association.

***Response to Comment B3-1***

This comment is identical to Comment B2-1. See Response to Comment B2-1.

***Comment B3-2***

Further, the Draft EIR erroneously asserts that the Project is in full conformity with the Community Plan.

***Response to Comment B3-2***

This comment is identical to Comment B2-2. See Response to Comment B2-2.

***Comment B3-3***

Finally, the Draft EIR does not provide any realistic alternatives that might accomplish the goal of building a quality elder-care facility, while mitigating any of the negative impacts of the Project on the adjoining neighborhood.

***Response to Comment B3-3***

This comment is identical to Comment B2-3. See Response to Comment B2-3.

***Comment B3-4*****The Project Will Have Significant, Unmitigated, Negative Impact On A Cultural And Historic Neighborhood.**

Despite our July 7, 2008 letter, **the Draft EIR does not address the impact of the Project on South Carthay in a direct manner.** The Draft EIR's Cultural Section recommends "...that any historic properties (45 years or older) in the area of potential effect be identified...prior to the approval of the project." South Carthay is clearly a "historic resource" under the CEQA guidelines. Cal Code Regs., title 14 par 15064.5. The explanation that the Project is outside the Historic Preservation Overlay Zone ("HPOZ") does not respond to the issue of a massive Project bordering a culturally and historically significant neighborhood as well as its impact on the adjacent homes and duplexes.

***Response to Comment B3-4***

This comment is identical to Comment B2-4. See Response to Comment B2-4.

***Comment B3-5***

**The bulk and height of the Project will be an eyesore to all in South Carthay**, especially those in the 1000 block of Alfred Street. Trees, which when fully grown will be thirty (30) feet high, will not soften the impact or screen the neighborhood from a massive structure looming over it from a height of sixty-five (65) feet. The Project will be visible from nearly everywhere in South Carthay. The aesthetic impact on South Carthay's "sense of place and time" has not been addressed in the Draft EIR.

***Response to Comment B3-5***

This comment is identical to Comment B2-5. See Response to Comment B2-5.

***Comment B3-6***

**The Project's bulk and scale is not in keeping with that of the South Carthay HPOZ.** This 150,000+ square foot, 65-foot high, 300-foot long building will be a modern overwhelming intrusion into a neighborhood of mostly single family homes and duplexes.

***Response to Comment B3-6***

This comment is identical to Comment B2-6. See Response to Comment B2-6.

***Comment B3-7***

**The Shade and Shadow** study identifies six (6) to eight (8) duplexes on the west side of the 1000 block of Alfred Street, where owners and residents will be deprived of full use of their backyards, gardens, pools, and home for several hours each day during several months of the year. Unfortunately, the Draft EIR incorrectly asserts that the Project will not have a significant shadow and shade impact on those owners and residents. We are confident that you (or the authors of the Draft EIR) would consider that much shadow and shade in your own backyards a "significant" negative impact.

***Response to Comment B3-7***

This comment is identical to Comment B2-7. See Response to Comment B2-7.

***Comment B3-8***

**The eastward facing patios and large number of windows will intrude on the privacy of residents in the 1000 block of Alfred Street.** The Draft EIR fails to consider this impact, which will exist twenty four hours (24) per day and will not be mitigated by the promised landscaping.

***Response to Comment B3-8***

This comment is identical to Comment B2-8. See Response to Comments B1-2, B1-6, and B2-8.

***Comment B3-9***

**The traffic study points to severe impact on all of South Carthay.** The Draft EIR describes seriously overloaded intersections, which are destined to become fully grid-locked in the near future. No traffic study was done to determine the impact of major intersection grid-lock on increased pass-through traffic on the neighborhood streets of Alfred, Orlando, Alvira, Crescent Heights, Packard and Whitworth. The traffic study in the Draft EIR is incomplete at best. To say that the impact on S. La Cienega is negligible completely neglects the additional traffic that will be driven onto our adjacent streets as drivers seek to avoid that gridlock.

***Response to Comment B3-9***

This comment is identical to Comment B2-9. See Response to Comment B2-9.

***Comment B3-10***

**The parking is not adequate for a condominium project.** This Project consists of individual condominiums for sale to the public. There is no basis in fact to assume the condo owners and their guests will use public transportation or a shuttle bus, rather than personal cars. The same parking requirements for all condominium projects throughout the City need to be applied to this Project.

***Response to Comment B3-10***

This comment is identical to Comment B2-10. See Response to Comment B2-10.

***Comment B3-11***

**The Goals Of The City In Establishing South Carthay HPOZ As A City Resource Are Undermined By The Project.**

Our HPOZ is a recognized positive historical asset to the City, because "it is both intact and creates a powerful sense of time and place". *The Cultural Resources Documentation Report. HPOZ South Carthay, Prepared by the Bureau of Engineering for the Cultural Heritage Board and Planning*

*Department.* This is reason for establishing the South Carthay HPOZ pursuant to Section 12.20.3 of the Los Angeles Municipal Code. Exacting regulations exist to preserve and enhance it. Since the Project is immediately adjacent to the HPOZ, it will have a negative impact for which mitigation is required by CEQA guidelines.

***Response to Comment B3-11***

This comment is identical to Comment B2-11. See Response to Comment B2-11.

***Comment B3-12***

**The Project Conflicts With The Community Plan And Local Zoning.**

**Policy 1-3-1 of the Community Plan** requires that new multiple family residential developments, "promote the character of the existing residential neighborhoods." The Project does the opposite. The Project's bulk and height is incongruous with the character and scale of the existing residential neighborhood.

***Response to Comment B3-12***

This comment is identical to Comment B2-12. See Response to Comment B2-12.

***Comment B3-13***

**Proposition U**, passed by a 70% vote in 1986, established the FAR of 1.5 for this portion of S. La Cienega. The request by the developer for a FAR of 3.0 is based primarily on a desire to maximize profits from the site. A suitable (and profitable) project could be built without doubling the FAR as discussed below.

***Response to Comment B3-13***

This comment is identical to Comment B2-13. See Response to Comment B2-13.

***Comment B3-14***

**The Draft EIR Studies Are Based On Seriously Outdated And Inadequate Information.**

Los Angeles's *Annual Growth and Infrastructure Review* as required by law, has not been produced since 1998. It is therefore not possible to accurately determine the impacts of the Project on the infrastructure including, but not limited to, water, electric, sewers, electric, and gas. Similarly, the basis for traffic impact studies is open to question. This Project should not be allowed to proceed before the legally required updates are completed and used to analyze the Project's impact.

***Response to Comment B3-14***

This comment is identical to B2-14. See Response to Comment B2-14.

***Comment B3-15*****An Alternative Project Could Be Developed That Would Minimize The Negative Impact On South Carthay.**

A high quality eldercare facility which allows for the SB-1818 density bonus and also enhances and preserves Historic South Carthay could be accomplished. The Draft EIR points to such a solution in Alternative C; but it does not seriously explore a reduced size and scope project. In order to approve this Project, it fails to analyze the very real possibility of a FAR other than 1.5 as zoned or 3.0 as requested.

***Response to Comment B3-15***

This comment is identical to Comment B2-15. See Response to Comment B2-15.

***Comment B3-16***

SB-1818 and the City enabling act for the density bonus mandate call for a maximum 35% density bonus for increased low income units. An incentive that a development project may request is "a percentage increase in the allowable floor area ratio equal to the percentage of density bonus for which the housing development project is eligible, not to exceed 35%." The decision maker has some discretionary power to increase that incentive, but it is not required.

***Response to Comment B3-16***

This comment is identical to Comment B2-16. See Response to Comment B2-16.

***Comment B3-17***

A thirty five percent (35%) increase in the zoned 1.5 FAR would be a 2.025 FAR. An eldercare project of about 100,000 square feet could be designed that might be reduced in height, allow for a larger setback from the Alfred Street residences, and create a S. La Cienega Blvd. frontage that is more pedestrian friendly, designed to avoid the "canyon" effect. Changes in design of patios and windows facing east could be accommodated to allow more privacy, while reducing shadow and shade.

***Response to Comment B3-17***

This comment is identical to Comment B2-17. See Response to Comment B2-17.

***Comment B3-18*****Conclusion**

There are over 450 households in South Carthay, who are relying on the City Planning Department to be certain that Historic South Carthay is not compromised by this Project. We intend to be an integral part of the EIR and Planning process and exercise all of our rights, including rights of appeal and legal action, to ensure that South Carthay is not permanently damaged by an ill-conceived and over-built project.

***Response to Comment B3-18***

This comment is identical to Comment B2-18. See Response to Comment B2-18.

**RESPONSE TO COMMENT LETTER B4**

**Andrea and Daniel Harley**

***Comment B4-1***

We are the owners of the property located directly behind the above referenced project, and are obviously increasingly concerned about the magnitude of the proposed structure. We urge you and the Office you represent to carefully evaluate the tremendous impact of this project, not only on the multiple individual homes on the 1000 S. Alfred block that have western oriented windows and back-yards facing onto the project, but also on the neighborhood at large.

The Draft EIR ("EIR") for the expanded Eldercare Facility at 1022-1054 S. La Cienega Blvd ("Project") fails to comprehensively address the issues raised in our neighborhood letters sent to you in the month of July, 2008. The Project will have **significant, unmitigated negative impacts** on Historic South Carthay and the South Carthay Neighborhood.

***Response to Comment B4-1***

This comment is similar to Comments B2-1 and B3-1. See Response to Comment B2-1.

Additionally, this comment contains general information on the commenters themselves as well as opinion statements, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.



***Comment B4-2***

Further, the Draft EIR erroneously asserts that the Project is in full conformity with the Community Plan

***Response to Comment B4-2***

This comment is identical to Comments B2-2 and B3-2. See Response to Comment B2-2.

***Comment B4-3***

Finally, the Draft EIR does not provide any realistic alternatives that might accomplish the goal of building a quality elder-care facility, while mitigating any of the negative impacts of the Project on the adjoining neighborhood.

***Response to Comment B4-3***

This comment is identical to Comments B2-3 and B3-3. See Response to Comment B2-3.

***Comment B4-4*****The Project Will Have Significant, Unmitigated, Negative Impact On A Cultural And Historic Neighborhood.**

Despite multiple correspondence sent by our community in July, 2008, the Draft EIR does not address the impact of the Project on South Carthay in a direct manner. The Draft EIR's Cultural Section recommends "...that any historic properties (45 years or older) in the area of potential effect be identified...prior to the approval of the project." South Carthay is clearly a "historic resource" under the CEQA guidelines. Cal Code Regs., title 14 par 15064.5. The explanation that the Project is outside the Historic Preservation Overlay Zone ("HPOZ") does not respond to the issue of a **massive Project bordering a culturally and historically significant neighborhood as well as its impact on the adjacent homes and duplexes.**

***Response to Comment B4-4***

This comment is virtually the same as Comments B2-4 and B3-4. See Response to Comment B2-4.

***Comment B4-5***

The bulk and height of the Project will be an eyesore to all in South Carthay, especially those of us in the 1000 block of Alfred Street, who will totally lose privacy. Trees, which when fully grown will be thirty (30) feet high, will not soften the impact or screen the neighborhood from a massive structure looming over it from a height of sixty-five (65) feet. The Project will be visible from nearly everywhere in South Carthay. The aesthetic impact on South Carthay's "sense of place and time" has not been addressed in the Draft EIR.

***Response to Comment B4-5***

This comment is identical to Comments B2-5 and B3-5. See Response to Comment B2-5.

***Comment B4-6***

We understand that being on Alfred St. we have to share the block with businesses to our west side. But what is the point of declaring South Carthay a Historical Preservation Area if we allow this big monster to rise practically on our back yards?

***Response to Comment B4-6***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Accordingly, no response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

The HPOZ Ordinance does not govern properties adjacent to designated HPOZs, and does not include any provisions or restrictions on the design of new buildings on adjacent properties. The Project is consistent with the land use regulations for South La Cienega Boulevard and is comparable to the bulk and scale of buildings along South La Cienega Boulevard. Refer to Response to Comment B1-3.

See Response to Comment B1-1 and B1-2.

***Comment B4-7***

The Project's bulk and scale is not in keeping with that of the South Carthay HPOZ. This 150,000+ square foot, 65-foot high, 300-foot long building will be a modern overwhelming intrusion into a neighborhood of mostly single family homes and duplexes.

***Response to Comment B4-7***

This comment is identical to Comments B2-6 and B3-6. See Response to Comment B2-6.

**Comment B4-8****The Goals Of The City In Establishing South Carthay HPOZ As A City Resource Are Totally Undermined By The Project.**

Our HPOZ is a recognized positive historical asset to the City, because "it is both intact and creates a powerful sense of time and place". The Cultural Resources Documentation Report. HPOZ South Carthay, Prepared by the Bureau of Engineering for the Cultural Heritage Board and Planning Department. This is reason for establishing the South Carthay HPOZ pursuant to Section 12.20.3 of the Los Angeles Municipal Code. As residents of this lovely neighborhood, **we have to abide by strict rules and regulations implemented precisely to preserve the beauty and character of our houses.** Not even a tree can be taken off our own front yards, or a window replaced with a new one, without strict review of a special board of experts. Exacting regulations exist to preserve and enhance it. Since the Project is immediately adjacent to the HPOZ, it will have a negative impact for which mitigation is required by CEQA guidelines. **So, I ask - Why should the City decide to grant a variance in this particular case? -Why can a powerful, wealthy individual get away with non-compliance of all these rules that we, as residents of this City, have to abide by?**

**Response to Comment B4-8**

This comment is virtually the same as Comments B2-11 and B3-11. See Response to Comment B2-11.

Additionally, this comment contains opinion statements regarding non-compliance with the rules and regulations residents of the South Carthay HPOZ must comply with, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. It also incorrectly notes that a variance is being requested to entitle the Project.

The HPOZ Ordinance does not govern properties adjacent to designated HPOZs, and does not include any provisions or restrictions on the design of new buildings on adjacent properties. The Project is consistent with the land use regulations for South La Cienega Boulevard and is comparable to the bulk and scale of buildings along South La Cienega Boulevard. Refer to Response to Comment B1-3.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**Comment B4-9**

The Shade and Shadow study identifies six (6) to eight (8) duplexes on the west side of the 1000 block of Alfred Street, including ours [1021 S. Alfred], where residents will be significantly deprived of full use of our backyards, gardens, pools, and home. Unfortunately, the Draft EIR incorrectly asserts that the Project will not have a significant shadow and shade impact on us. We are confident that you (or the authors of

the Draft EIR) would consider that much shadow and shade in your own backyards represents a "significant" negative impact.

***Response to Comment B4-9***

This comment is identical to Comments B2-7 and B3-7. See Response to Comment B2-7.

***Comment B4-10***

The eastward facing patios and large number of windows will dramatically intrude on the privacy of those of us in the 1000 block of Alfred Street. The Draft EIR fails to consider this impact, which will exist twenty-four hours (24) a day and will not be mitigated by the "promised" landscaping.

***Response to Comment B4-10***

This comment is identical to Comments B2-8 and B3-8. See Response to Comments B1-2, B1-6, and B2-8.

***Comment B4-11***

The traffic study points to severe impact on all of South Carthay. The Draft EIR describes seriously overloaded intersections, which are destined to become fully grid-locked in the near future. No traffic study was done to determine the impact of major intersection grid lock on increased pass-through traffic on the neighborhood streets of Alfred, Orlando, Alvira, Crescent Heights, Packard and Whitworth. The traffic study in the Draft EIR is incomplete at best. To say that the impact on S. La Cienega is negligible completely neglects the additional traffic that will be driven onto our adjacent streets as drivers seek to avoid that gridlock.

***Response to Comment B4-11***

This comment is identical to Comments B2-9 and B3-9. See Response to Comment B2-9.

***Comment B4-12***

The parking is not adequate for a condominium project. This Project consists of individual condominiums for sale to the public. There is no basis in fact to assume the condo owners and their guests will use public transportation or a shuttle bus, rather than personal cars. The same parking requirements for all condominium projects throughout the City need to be applied to this Project.

***Response to Comment B4-12***

This comment is identical to Comments B2-10 and B3-10. See Response to Comment B2-10.

***Comment B4-13*****The Draft EIR Studies Are Based On Seriously Outdated And Inadequate Information.**

Los Angeles's Annual Growth and Infrastructure Review as required by law, has not been produced since 1998. It is therefore not possible to accurately determine the impacts of the Project on the infrastructure including, but not limited to, water, electric, sewers, electric, and gas. Similarly, the basis for traffic impact studies is open to question. This Project should not be allowed to proceed before the legally required updates are completed and used to analyze the Project's impact.

***Response to Comment B4-13***

This comment is identical to Comments B2-14 and B3-14. See Response to Comment B2-14.

***Comment B4-14***

An Alternative Project Could Be Developed That Would Minimize The Negative Impact On South Carthay.

A high quality eldercare facility which allows for the SB-1818 density bonus and also enhances and preserves Historic South Carthay could be accomplished. The Draft EIR points to such a solution in Alternative C; but it does not seriously explore a reduced size and scope project. In order to approve this Project, it fails to analyze the very real possibility of a FAR other than 1.5 as zoned or 3.0 as requested.

***Response to Comment B4-14***

This comment is identical to Comments B2-15 and B3-15. See Response to Comment B2-15.

***Comment B4-15***

SB-1818 and the City enabling act for the density bonus mandate call for a maximum 35% density bonus for increased low income units. An incentive that a development project may request is "a percentage increase in the allowable floor area ratio equal to the percentage of density bonus for which the housing development project is eligible, not to exceed 35%." The decision maker has some discretionary power to increase that incentive, but it is not required.

***Response to Comment B4-15***

This comment is identical to Comments B2-16 and B3-16. See Response to Comment B2-16.

***Comment B4-16***

A thirty five percent (35%) increase in the zoned 1.5 FAR would be a 2.025 FAR. An eldercare project of about 100,000 square feet could be designed that might be reduced in height, allow for a larger setback from the Alfred Street residences, and create a S. La Cienega Blvd. frontage that is more pedestrian friendly, designed to avoid the "canyon" effect. Changes in design of patios and windows facing east could be accommodated to allow more privacy, while reducing shadow and shade.

***Response to Comment B4-16***

This comment is identical to Comments B2-17 and B3-17. See Response to Comment B2-17.

***Comment B4-17******Conclusion***

There are over 450 households in South Carthay, who are relying on the City Planning Department to be certain that Historic South Carthay is not compromised by this Project. As twelve-year residents of South Carthay, we just hope that justice can be [sic] served and that the Planning Department of the City of Los Angeles shows that it really cares about its residents, considering the MULTIPLE negative repercussions such a massive structure would originate to the environment, and specifically to the many homes adjacent to the property. We intend to be an integral part of the EIR and Planning process and exercise all of our rights, including rights of appeal and legal action, to ensure that South Carthay is not permanently damaged by an ill-conceived and over-built project.

Thank you for your time and consideration to this matter.

***Response to Comment B4-17***

This comment is virtually identical to Comments B2-18 and B3-18. See Response to Comment B2-18.

Additionally, this comment contains general information on the commenters themselves and opinions regarding negative repercussions the Project would have on the environment and the homes directly adjacent to the Project site. However, this comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

## **RESPONSE TO COMMENT LETTER B5**

**Andrea and Daniel Harley**

### ***Comment B5-1***

We are the owners of a duplex at 1021 S. Alfred St. Due to the fact that we are located directly behind the proposed oversized project, we are one of the most affected by the shade and shadow such building would generate.

### ***Response to Comment B5-1***

This comment contains general information on the commenters themselves as well as opinions about the Project and that they would be the most impacted by shade and shadow created by the structure, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

### ***Comment B5-2***

Currently, we are blessed with a nice back yard with a pool, which our family healthily enjoys from the onset of spring to the end of fall. Should this variance be granted and a 65-foot high, 300-foot long building be built, we will not be able to use the pool for health and recreation anymore, nor will we be able to enjoy our property!! We will be seriously and dangerously affected by the shade year round.

### ***Response to Comment B5-2***

This comment contains general information on the usage of their backyard and expresses the concern that if the Project is developed, they will no longer be able to use their pool and enjoy their property. The comment also incorrectly notes that the Project is requesting a variance. This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to B2-7.

***Comment B5-3***

We will completely lose [sic] our privacy due to patios and windows looking directly into our bedroom windows and yard. The proposed solution of "30-foot trees" will do nothing to mitigate this impact!!

***Response to Comment B5-3***

This comment is similar to Comments B2-8 and B3-8. See Response to Comments B1-2, B1-6, and B2-8.

***Comment B5-4***

Our back yard [sic] faces west, so the sun starts to shine on it right about noon. But having such an enormous structure will completely block our sun, and the patio and pool will be kept in the shade. Not only will our yard be shaded, but a significant part of the building will be in the dark as well. We will definitely not be able to fully use and enjoy our property anymore. Our plants will soon die and landscaping will be impossible to maintain. The house in general will be colder and damper, generating possible health consequences.

***Response to Comment B5-4***

This comment expresses concerns regarding shading and the use and enjoyment of their property. This comment is similar to Comment B5-2. See Response to Comments B1-1, B1-2, B2-7, and B5-2.

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does it offer any substantial evidence for the proposition that a few hours of shading will result in possible health consequences. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project

***Comment B5-5***

We have been able to maintain a decent standard of living thanks to our rental unit upstairs, but this situation will generate a less desirable living environment, so we will surely have to endure a loss both in property and in rent value,

***Response to Comment B5-5***

This comment is speculative in nature and is an opinion that development of the Project would lead to a less desirable living environment and a loss in property and rent value. The Draft EIR is not meant to address economic or financial issues or the market demand for the Project. Rather, the purpose of CEQA and the Draft EIR is to fully analyze and mitigate the Project's potentially significant physical impacts on



the environment. As such, the statement regarding expected loss of property and rental value addresses concerns outside of the scope of the Draft EIR.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies for their consideration in reviewing the Project.

***Comment B5-6***

not to mention the increased traffic resulting in increased danger to our kids.

***Response to Comment B5-6***

Traffic impacts are analyzed in Section IV.M, Transportation and Traffic, of the Draft EIR. As noted in Section IV.M, Project would have a less than significant impact on intersection level of service and capacity; the Congestion Management Plan; hazards, emergency access; project access; construction traffic; parking; consistency with applicable land use plans, policies, or regulations; and cumulative impacts. As such, the commenter is directed to Section IV.M, Transportation and Traffic, of the Draft EIR.

***Comment B5-7***

As twelve-year residents of South Carthay, we just hope that justice can be served and that the Planning Department of the City of Los Angeles shows that it really cares about its residents, considering the negative repercussions such a massive structure would originate to the environment, and specifically to the many homes adjacent to the property.

***Response to Comment B5-7***

This comment is similar to Comment B4-17. See Response to Comment B4-17.

***Comment B5-8***

Thank you for your time and consideration to this matter.

***Response to Comment B5-8***

This comment contains closing language for this comment letter. No response is required.

## **RESPONSE TO COMMENT LETTER B6**

**Aaron Friedland**

### ***Comment B6-1***

I own the duplex located at 1031-1033 S. Alfred Street, which is adjacent to the proposed Project. The Project will cause irreparable harm to my property, and the mitigation measures proposed by the developer are inadequate. The draft EIR fails to properly address the issues I raised in my initial July 19, 2008 comment letter and should be rewritten to fully take into consideration the impacts of the Project.

### ***Response to Comment B6-1***

This comment contains general information on the commenter themselves as well as opinions regarding harm the Project will cause on their property. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

### ***Comment B6-2***

Furthermore, the significant negative impact could be mitigated with a smaller, scaled down project, and the draft EIR fails to adequately consider such an option.

### ***Response to Comment B6-2***

The comment suggests that significant negative impact caused by the Project could be mitigated though a smaller project and that the Draft EIR fails to consider such an option. Alternatives to the Project were analyzed in Section VI, Alternatives to the Proposed Project, of the Draft EIR. Four alternatives were analyzed, including: Alternative A (No Project No Build), Alternative B (By-Right 8-Story Office Building), Alternative C (Reduced Density Reduced Height), and Alternative D (No Skilled Nursing Senior Housing Only). See Response to Comment B2-3.

### ***Comment B6-3***

1) The Project's bulk and height will have significant, unmitigated negative impacts on my property.

### ***Response to Comment B6-3***

This comment expresses an opinion, but fails to articulate how the Project's bulk and height will have significant and unmitigated negative impacts on the commenter's property. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in

the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B6-4***

- Shade/Shadow. The EIR's shade and shadow study identifies several duplexes on Alfred Street, including mine, which will be deprived of the full use of their backyards. My backyard will be in shade most of the afternoon, impacting my gardens, darkening the bedrooms on my property, and reducing my ability to install solar power systems in the future. The draft EIR incorrectly concludes that the Project will not have a significant shade/shadow effect on my property.

***Response to Comment B6-4***

This comment is similar to Comments B2-7 and B3-7. See Response to Comment B2-7.

***Comment B6-5***

- Privacy. While the EIR notes that the first 3 floors of the Project will be screened by trees, the 4<sup>th</sup> and 5<sup>th</sup> floors will not be screened. There will be balconies/patios that look right down into my backyard and into the bedroom windows of my property. The draft EIR does not consider this impact.

***Response to Comment B6-5***

This comment is similar to Comments B2-8 and B3-8. See Response to Comment B2-8.

***Comment B6-6***

-Aesthetics/Cultural Resource. South Carthay is an Historic Preservation Overlay Zone. The neighborhood is a cultural resource, and part of the value of my home is that it is in a preserved area. The Project's height and bulk is an intrusion into our neighborhood that the proposed landscaping will not mitigate. The fact that the Project is not located in the HPOZ does not alter that fact it will have negative impact on the historic/cultural resource. The draft EIR incorrectly concludes that the Project will not have a significant effect on the historical neighborhood in which my property is located. Mitigation is required.

***Response to Comment B6-6***

As noted on page IV D-6 in Section IV.D, Cultural Resources, of the Draft EIR, the Project will have a less than significant impact on the South Carthay HPOZ, therefore mitigation is not required. The threshold for determining impacts on historic resources is defined in the State CEQA Guidelines as "The physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." The Project does not meet this threshold. The new building will alter the immediate surroundings of the HPOZ, but the HPOZ

itself will not be materially impaired. The fact that the new building will be visible from certain places in the HPOZ will not affect its historic significance. The HPOZ will remain eligible as a historic district. See Response to Comments B1-1, B1-2, B-3, B1-6, and B2-8.

***Comment B6-7***

- Traffic. The traffic study describes seriously overloaded intersections. Traffic will make its way onto the residential streets, which negatively impacts my property with noise and pollution, to say nothing of the hazard of cars constantly cutting through residential streets to avoid major intersections that are grid locked. The draft EIR does not consider the effect on traffic on the residential streets of South Carthay. The draft EIR does not consider the effect additional parked cars will have on the residential streets of South Carthay.

***Response to Comment B6-7***

The comment speculates that traffic will make its way onto residential streets, therefore negatively impacting the commentor's property with noise and pollution. The commentor also speculates such traffic will result in a potential hazard. Furthermore, the commenter claims that the Draft EIR does not consider Project impacts on the residential streets within the South Carthay HPOZ. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. See Response to Comments B1-1 and B1-2.

Traffic impacts are analyzed in Section IV.M, Transportation and Traffic, of the Draft EIR. The Draft EIR did consider pass-through traffic and concluded that the Project's location and relatively small traffic generation serves to minimize any impacts to neighborhood intrusion. The Project's close proximity to three Class II Major Highways; South La Cienega adjacent to the west; West Olympic Boulevard to the north; and Pico Boulevard to the south would allow residents and guests of the Project convenient travel routes and the use of neighborhood streets as primary travel routes is not anticipated to occur. Project egress would also be northbound on La Cienega, with no local street available for cut-through traffic prior to Olympic Boulevard. In addition, Alfred Street, as well as many other South Carthay local streets, discontinue at Olympic and there are no local street signalized intersections along Olympic in the immediate vicinity that would facilitate continued northbound cut-through travel. As noted in Section IV.M, Project would have a less than significant impact on intersection level of service and capacity; the Congestion Management Plan; hazards, emergency access; project access; construction traffic; parking; consistency with applicable land use plans, policies, or regulations; and cumulative impacts. See Response to Comment A3-4.

In response to the comment regarding additional parked cars along the residential streets of the South Carthay HPOZ, parking for the proposed Project is highlighted in Section III, Project Description, of the Draft EIR, on page III-12 (continued on page III-13), under subheading "Parking." The amount of parking proposed for the Project would exceed the requirements of both the Los Angeles Municipal Code (LAMC) and California Senate Bill 1818 (SB 1818) under which the Project would be developed.

Additionally, the provision of a free shuttle service to all seniors 62 years of age and older within a 1.5-mile radius of the Project would be likely to reduce the number of cars that would be owned by Project residents. A number of vacant parking spaces at the Project site are anticipated.

In addition, air quality and noise impacts as a result of traffic generated by the Project have been addressed in Section IV.C, Air Quality, and Section IV.I, Noise, of the Draft EIR, respectively. The commenter is referred to these sections of the Draft EIR for further discussion on air quality and noise impacts as a result of traffic generated by the Project.

***Comment B6-8***

- Noise/Odors. The draft EIR makes no mention of mitigating noise or odor impacts. The noise/odor impacts due to the location of venting and mechanical equipment and the location of patios should be addressed by the draft EIR.

***Response to Comment B6-8***

As noted on page IV.I-10 in Section IV.I, Noise, the net increase in Project site noise levels generated by secondary sources of noise, including new stationary sources (such as heating, ventilation, and air conditioning units) and increased human activity throughout the Project site are quantitatively estimated and compared to the applicable noise standards and thresholds of significance as part of the noise analysis discussed in this section. The results of this analysis are discussed on page IV.I-21 and impacts were found to be less than significant. As discussed on page IV.A-2 in Section IV.A, Impacts Found to be Less Than Significant, odor impacts were analyzed and found to be less than significant. The Project comprises an eldercare facility that would generate no odors greater than a typical multi-family residential building or by-right commercial building, such as a restaurant, in a typical urban context.

***Comment B6-9***

2) Comparison to the religious school building across the street on La Cienega is deceptive and inappropriate, and masks the Projects negative impacts.

In several places, the draft EIR notes that the Project is similar in scale to the 45 foot high religious school across the street. However, the comparison is a deceptive one, and hides the negative impacts of the proposed Project.

First, the Temple and School is 45 feet high and the Project is 65 feet high. This extra 20 feet in height is a significant difference. Second, the Temple project is adjacent to an R3 zone, which is more compatible with a larger commercial building than the sensitive 2 story R2 duplexes on Alfied [*sic*] Street. Third, the Temple is not adjacent to an HPOZ zone, and thus does not intrude into an HPOZ as the Project does.

***Response to Comment B6-9***

The analysis of impacts associated with land use compatibility is provided in Section IV.H, Land Use and Planning, of the Draft EIR. This analysis was completed according to accepted standards and practices. Both the Project and, as described above, the 57-foot-high Temple Beth Am buildings are four to five stories high and are therefore of a comparable scale. The proposed Project has been designed to be sensitive to the adjacent residential neighborhood. The fourth story of the northeastern portion of the Project and the third, fourth and fifth stories of the remainder of the Project would step back from the residences on South Alfred Street to the east. With regards to the Project's relationship to the adjacent South Carthay HPOZ, the commenter is directed to Response to Comments B1-3, B1-7, B2-4, and B2-11.

***Comment B6-10***

3) The draft EIR does not fully explore the alternative of a smaller project. An alternative project - one that is 3 stories high with further setbacks from my property and no patios looking over my property -- could be developed that would minimize the negative impact on my property and the South Carthay neighborhood. In alternative C, the Draft EIR identifies such a solution, but does not seriously explore it. SB 1818 refers to a 35% density bonus, but does not guarantee a 3.0 FAR. The draft EIR must explore the smaller project, and simply stating that the project will not "pencil out" if built on a smaller scale is not a sufficient reason to dismiss this alternative.

***Response to Comment B6-10***

The analysis of alternatives was completed in accordance with CEQA guidelines. See Response to B2-3 and B2-16.

***Comment B6-11***

Conclusion. If there was ever a time when a 3.0 FAR was not appropriate, this project is it: it is adjacent to sensitive 2 family residential properties that are located in a historical zone. The draft EIR fails to identify the Project's significant impacts, and fails to fully consider a smaller project.

***Response to Comment B6-11***

This comment expresses opinions regarding the proposed FAR of 3.0:1 and claims that the Draft EIR fails to identify the Project's significant impacts and to fully consider a smaller project. The Project's significant environmental impacts and mitigation measures are summarized in Table II-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-7 of Section I, Introduction and Summary, of the Draft EIR. The commenter is referred to Table II-1. See Response to Comments B2-3 and B6-10.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

## **RESPONSE TO COMMENT LETTER B7**

**Stephen Friedland**

### ***Comment B7-1***

This Draft EIR fails to do what is required by law. The purpose of an EIR is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (CEQA par. 21002.1).

### ***Response to Comment B7-1***

This comment expresses an opinion that the Draft EIR fails to do what is required by law and reiterates the purpose of an EIR pursuant to State CEQA Guidelines 21002.1. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-1, B1-2, and B2-3.

### ***Comment B7-2***

THE DRAFT EIR IS DEFICIENT. The issues raised by letters from the adjoining Historic South Carthay residents and by the South Carthay neighborhood Association were ignored. The specific issues will not be re-stated here, as those letters can be read in the Draft EIR. (Attached is my initial letter and that of the South Carthay Neighborhood Association).

### ***Response to Comment B7-2***

This comment expresses the opinion that issues raised in previous letters from the South Carthay HPOZ and South Carthay Neighborhood Association were ignored, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. Refer to Response to Comment B7-1.

**Comment B7-3**

THE DRAFT EIR IS DEFICIENT. It fails to identify or deal with the following:

a. This is a project that will cause a direct physical change in the environment effecting the adjacent neighborhood of South Carthay.

**Response to Comment B7-3**

As stated on page IV D-6 in Section IV.D, Cultural Resources, of the Draft EIR, the Project will have no direct impacts on historic resources. The South Carthay HPOZ is identified on page IV D-4 of the Draft EIR as a historic resource adjacent to the Project site. No buildings in the HPOZ would be demolished, relocated, or altered as a result of the Project. The immediate surroundings of the HPOZ will be altered by the Project. The threshold for determining impacts on historic resources is defined in the CEQA Guidelines as “The physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The Project does not meet this threshold. See Response to Comment B1-3. The new building will alter the immediate surroundings of the HPOZ, but the HPOZ will not be materially impaired. The fact that the new building will be visible from certain places in the HPOZ will not affect its historic significance and the HPOZ will remain eligible as a historic district.

The HPOZ Ordinance does not govern properties adjacent to designated HPOZs, and does not include any provisions or restrictions on the design of new buildings on adjacent properties. The Project is consistent with the land use regulations for South La Cienega Boulevard and is comparable to the bulk and scale of buildings across South La Cienega Boulevard.

See Response to Comments B2-4 and B2-11.

**Comment B7-4**

b. South Carthay is an Historical Preservation Overlay Zone,. It is an area which embodies distinctive characteristics of a type and period. It is by definition (CEQA 15064.5) a significant historical resource.

c. The project will cause adverse change in its immediate surroundings that will materially damage that historical resource.

**Response to Comment B7-4**

This comment is similar to the comments contained in Comments B2-4, -5, -6, and B7-3.

The South Carthay HPOZ is identified as a historic resource subject to CEQA in the vicinity of the Project site on page IV D-4 in Section IV.D, Cultural Resources, of the Draft EIR. With regard to



causing an “adverse change” the writer incompletely reiterates the CEQA Guidelines for thresholds on impacts to historic resources. The key phrase from the Guidelines is missing:

Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate such that the significance of an historical resource would be materially impaired.

The proposed Project does not meet this threshold. The new building will alter the immediate surroundings of the HPOZ, but the HPOZ itself will not be materially impaired. The fact that the new building will be visible from certain places in the HPOZ will not affect its historic significance. The HPOZ will remain eligible as a historic district. See Response to Comment B1-3.

***Comment B7-5***

d. Mitigation of the negative impact is required by law.

***Response to Comment B7-5***

It is assumed that this comment is referring to the issue of cultural resources. Mitigation is not required for impacts found to be less than significant. As noted in Section IV.D, Cultural Resources, and Table II-1, Summary of Significant Environmental Impacts & Mitigation Measures, on page I-9 in Section I, Introduction and Summary, of the Draft EIR, mitigation measures (Mitigation Measure CULT-2 Archaeological Resources and Mitigation Measure CULT-3 Paleontological Resources) are proposed to reduce potential impacts to unknown archaeological and paleontological resources to less-than-significant levels.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B7-6***

THE DRAFT EIR IS DEFICIENT. The Draft EIR fails to adequately identify realistic alternatives that would reduce or eliminate the negative impact of the project. A reduced density project could be designed to minimize the negative impacts. "Alternative C" mentions a reduced density project at 1.5 FAR, which is the legal zoning of the property. It does not explore this option, except to state the obvious-- that not as large a project could be built.

Other alternatives of reduced density are completely ignored. A project at 2.0 FAR might be designed that would eliminate or greatly mitigate against negative effects. Why were all possible alternatives shut out at this early point in the process?

***Response to Comment B7-6***

This comment is in reference to alternatives to the proposed Project and expresses an opinion that the Draft EIR fails to adequately identify realistic alternatives that would reduce or eliminate the negative impact of the Project. Alternatives to the Project were analyzed in Section VI, Alternatives to the Proposed Project, of the Draft EIR. See Response to Comment B2-3. The commenter is directed to Section VI of the Draft EIR.

***Comment B7-7***

This draft EIR is clearly a document by, for, and paid for by the developer. There is no sense of a balanced and fair study. It is merely an effort to justify and support the project as it is presented. I request that the Planning Department require the drafters of the Draft EIR prepare a document which conforms with the letter and the spirit of the California Environmental Quality Act. To not do so leaves the entire environmental review process and planning process for this Project open to question.

***Response to Comment B7-7***

This comment expresses an opinion that the Draft EIR be redrafted in accordance with the California Environmental Quality Act (CEQA), but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B7-1.

**RESPONSE TO COMMENT LETTER B8****Carl Sunshine*****Comment B8-1***

I am writing to comment on the Draft EIR, which I believe has significant errors and deficiencies, leading to an erroneous conclusion of "less than significant" impact in the areas of aesthetics, sight lines, and view obstructions. I am a resident of the South Carthay Historical Preservation Overlay Zone (HPOZ), and I am very concerned about the environmental impact of this project as currently proposed.

***Response to Comment B8-1***

This comment includes general information on the commenter themselves and expresses an opinion regarding the conclusions regarding aesthetics, sight lines, and view obstructions, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will

be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B8-2***

Page IV.A-9 Land Use and Planning states: "structures of similar height and massing are located in the Project vicinity." The report goes on to cite Temple Beth Am as an example, but provides data showing that TBA is at least ten feet or one story shorter than the proposed facility. The report gives no other examples of "similar" structures. In fact, the nearest buildings over 4 stories are along Wilshire Blvd about 1 mile north, and the Kaiser Hospital on La Cienega about 1.5 miles south. There are no other structures of height and mass similar to the proposed project in the area between Wilshire and Venice and Fairfax [*sic*] and Robertson, an area of several square miles. Indeed there are very few structures over 4 stories for a considerably longer distance further east, west, and south.

On page IV.B-11, the report provides details on this finding, and cites the Los Angeles CEQA Threshold Guide, including the following three criteria:

- The degree of contrast between proposed features and existing features that represent the area's valued aesthetic image;
- The degree to which a proposed zone change would result in buildings that would detract from the existing style or image of the area due to density, height, bulk, setback, signage, or other physical elements;
- The degree to which the project would contribute to the area's aesthetic value;

Page IV-B-12 indicates another criterion:

- (c) Substantially degrade the existing visual character or quality of the site and its surroundings

***Response to Comment B8-2***

As indicated on page IV.B-14 in Section IV.B, Aesthetics, the Project would be consistent with development patterns throughout Los Angeles, in which commercially zoned boulevards or more thoroughfares have been zoned and built to accommodate greater heights and density than abutting less-intensely zoned neighborhoods. Throughout the immediate vicinity and the Wilshire Community Plan area, long narrow corridors of commercial activity comprised of greater height and massing than uses off the main boulevards can be found. Such boulevards include Wilshire, Pico, La Cienega, Western, and Vermont. Both the Project and the Temple Beth Am synagogue are four to five stories high and are therefore of a comparable scale. It is important to note that building height need not be identical to be similar. See Response to Comments B1-3, B1-7, and B6-9.

***Comment B8-3***

The proposed project would significantly degrade the views of open sky and ordinary Spanish style architecture structures of modest height (1-2 stories), and the historic and aesthetic character of the surrounding neighborhoods. As an example, consider View 9 of the report. If the project is built as proposed, all of the sky [sic] in this view plus another ten feet above the top of the frame will be blocked by the new structure. In view 8, the sky will be blocked up to about ½" from the top of the frame. In View 2, the view of sky, trees, and lower buildings beyond will be blocked to a height far above the frame, since the project will rise above the billboard that is just visible in the frame. In view 12, the proposed structure will present a vertical wall extending above the billboard by another 15-20 feet, blocking sky and the hills in the distance, and creating a "canyon" like appearance on La Cienega Blvd that is entirely new and incompatible with the current and desired visual appearance of the area.

***Response to Comment B8-3***

As noted in Response to Comment B8-2, as indicated on page IV.B-14 in Section IV.B, Aesthetics, the Project would be consistent with development patterns throughout Los Angeles, in which commercially zoned boulevards or major thoroughfares have been zoned and built to accommodate greater heights and density than abutting less intensely zoned neighborhoods. Throughout the immediate vicinity and the *Wilshire Community Plan* area, long narrow corridors of commercial activity comprised of greater height and massing than uses off the main boulevards can be found. Such boulevards include Wilshire, Pico, La Cienega, Western, and Vermont. Additionally, the analysis of views on this page determined the Project would have a less than significant impact. Also refer to Response to Comment B3-1

***Comment B8-4***

Page IV.B-14 states the proposed project "would be in keeping with the two 44-foot and 57-foot Temple Beth Am buildings" to the west. This is would be correct if the proposed project were reduced to 4 stories as suggested by many local residents and the South Carthay Neighborhood Association, but it is NOT true of the proposed project which would be approximately 25% taller than TBA, and much taller than any other nearby buildings.

***Response to Comment B8-4***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. Both the proposed Project and the Temple Beth Am synagogue are four to five stories high and are therefore of a comparable scale. It is important to note that building height need not be identical to be comparable to in scale within a level of significance. See Response to Comments B8-2 and B8-3.

***Comment B8-5***

Page IV.B-15 states: It may be presumed that mass and height transitions such as those between the project on La Cienega Boulevard and the adjacent residential neighborhood to the east are not in themselves a significant environmental impact, and are generally consistent with the goals of the General Plan, even though an FAR increase is being proposed pursuant to the City's Affordable Housing Density Bonus ordinance." While some increase in density along major corridors is indeed part of the city's planning, the proposed project is requesting a waiver from the allowed FAR of 1.5, PLUS the allowed increase for including low income housing, which would allow a FAR of about 2. With a proposed FAR of 3, the project is NOT consistent with the General Plan. If the height and density were reduced, it would be much closer to consistent.

***Response to Comment B8-5***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-7.

***Comment B8-6***

In summary, I request that the above errors in the report be corrected, and that the overall result measured against the criteria noted above warrant a finding that there IS significant impact to aesthetics, views, and sight lines. The report should recommend mitigation by reducing the height and density, as indicated in Alternative C.

***Response to Comment B8-6***

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**RESPONSE TO COMMENT LETTER B9**

**Ronald T. Anderson**

***Comment B9-1***

The following issues related to the above Project should be noted:

The Draft EIR for the Project as proposed effectively begins the process of building a "wall" around the South Carthy [sic] Historic Preservation Overlay Zone. The footprint of this building and height

is far too large for both the surrounding neighborhood as well as abutting immediately next to the South Carthay HPOZ.

***Response to Comment B9-1***

This comment expresses an opinion on the size and height of the proposed structures and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B1-3 and B2-4.

***Comment B9-2***

The mixed architectural style of the Project is simply poorly designed, confusing and simply ugly.

***Response to Comment B9-2***

This comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B9-3***

Already existing (presently still under construction) is a complex on the North-East corner of Whitworth and La Cienega which has a wall of 3 stories separating the complex from residences in the South Carthay HPOZ. To allow a building at least another two stories high (approximately 5+ total) would cause shadows to severely impact the residences on South Alfred and Orlando. Olympic Place and probably La Jolla. [sic] The Shadow and Shape [sic] exhibits as presented do not present the entire picture of the extent of the shadows and period of time that they will be made affecting those residences impacted by the Project in the South Carthay HPOZ.

***Response to Comment B9-3***

This comment makes reference to a complex adjacent to the South Carthay HPOZ, which is addressed in the cumulative analysis throughout Section IV, Environmental Analysis, of the Draft EIR. It is assumed that the commenter is referring to Figures IV.B-5, Spring Equinox Shadows, March 21st, 9AM, 12PM, 3PM; Figure IV.B-6, Summer Solstice Shadows, June 21st, 9AM, 1PM, 5PM; Figure IV.B-7, Fall Equinox Shadows, September 21st, 9AM, 1PM, 5PM; and Figure IV.B-8, Winter Solstice Shadows, December 21st, 9AM, 12PM, 3PM, contained in Section IV.B, Aesthetics, of the Draft EIR.

As noted on page IV.B-12, based on criteria established in the City of Los Angeles CEQA Threshold Guide, the proposed Project would result in a significant aesthetic impact if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m and 3:00 p.m. Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). The above-listed figures were meant to illustrate this threshold of significance and project where the Project would shadow during the different times of year.

The commenter is directed to Section IV.B, Aesthetics, of the Draft EIR. This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B9-4***

Additionally, those residences immediately abutting the Project would lose their privacy. Thus the statement by the developer that there would be vegetation provided which would grow to 30 feet leaves an additional 35 feet plus not "covered" and thus open to negate the privacy of residents on at least South Alfred Street.

***Response to Comment B9-4***

This comment expresses opinions and concerns regarding the loss of privacy with development of the Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. Privacy as an environmental impact is outside the scope of this Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B2-8.

***Comment B9-5***

There has not been a through [sic] traffic study which has been year-round of the impact of this Project, especially regarding the affect to South Alfred Street and Whitworth.

***Response to Comment B9-5***

This comment expresses an opinion that a thorough traffic study has not been completed that analyzes the year-round impacts of the Project. Traffic impacts are addressed in Section IV.M, Transportation and Traffic, of the Draft EIR. The July 2008 Traffic Impact Analysis (*Traffic Impact Analysis for a Assisted Living and Skilled Nursing Facility Located at 1022 – 1054 La Cienega Boulevard*), conducted by Overland Traffic Consultants, Inc., is included in Appendix I of the Draft EIR.

The commenter is directed to Section IV.M and Appendix I of the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comments B2-9 and B6-7.

***Comment B9-6***

Already, South Alfred Street is used as a through-way between Olympic Boulevard and Pico Boulevard for non-residents wanting to go to the Post Office and of course, the school located at the corner of Packard and La Cienega. Despite the inclusion of one additional hump (instead of two humps) on South Alfred Street between Whitworth and Packard Street, South Alfred is resembles a freeway from 7:30 – 8:15 am when the children are dropped off at school and in the afternoon around 4:00 when they are picked up. This additional non-resident traffic already plus the additional traffic that will be created by the under-construction complex on the corner of La Cienega and Whitworth should be taken into account by a traffic study that incorporates all of this and all of the seasons of the year.

***Response to Comment B9-6***

Traffic impacts are analyzed in Section IV.M, Transportation and Traffic, of the Draft EIR. The Draft EIR did consider pass-through traffic and concluded that the Project's location and relatively small traffic generation serves to minimize any impacts to neighborhood intrusion. The Project's close proximity to three Class II Major Highways; South La Cienega adjacent to the west; West Olympic Boulevard to the north; and Pico Boulevard to the south would allow residents and guests of the Project convenient travel routes and the use of neighborhood streets as primary travel routes is not anticipated to occur. Project egress would also be northbound on La Cienega, with no local street available for cut-through traffic prior to Olympic Boulevard. In addition, Alfred Street, as well as many other South Carthay local streets, discontinue at Olympic and there are no local street signalized intersections along Olympic in the immediate vicinity that would facilitate continued northbound cut-through travel. As noted in Section IV.M, Project would have a less than significant impact on intersection level of service and capacity; the Congestion Management Plan; hazards, emergency access; project access; construction traffic; parking; consistency with applicable land use plans, policies, or regulations; and cumulative impacts. See Response to Comment A3-4.

***Comment B9-7***

Lastly, the parking issue to South Carthay HPOZ - especially on South Alfred Street, Orlando and Whitworth should be considered.

***Response to Comment B9-7***

The commenter is requesting the parking issue in the South Carthay HPOZ along South Alfred Street, South Orlando Avenue, and Whitworth Drive be considered. Parking for the proposed Project is highlighted in Section III, Project Description, of the Draft EIR, on page III-12 (continued on page III-



13), under subheading "Parking." The amount of parking proposed for the Project would exceed the requirements of both the Los Angeles Municipal Code (LAMC) and California Senate Bill 1818 (SB 1818) under which the Project would be developed. Additionally, the provision of a free shuttle service to all seniors 62 years of age and older within a 1.5-mile radius of the Project would be likely to reduce the number of cars that would be owned by Project residents. A number of vacant parking spaces at the Project site are anticipated. See Response to Comment B6-7.

***Comment B9-8***

In conclusion, I request that the Draft EIR as submitted be rejected in its entirety until a "proper" Shade and Shadow study is made, a proper traffic study has been made, a proper parking study has been made and a proper aesthetic and size study made for the proposed Project.

***Response to Comment B9-8***

The commenter expresses an opinion and requests that the Draft EIR be rejected until a proper shade/shadow study, traffic study, parking study, and aesthetic and size study have been made for the proposed Project, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment does not articulate the manner in which the proposed studies should be conducted. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

**RESPONSE TO COMMENT LETTER B10**

**James Watson**

***Comment B10-1***

Building is too big on the La Cienega [*sic*] and you know it. Please help us.

***Response to Comment B10-1***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

## **RESPONSE TO COMMENT LETTER B11**

**George Romero, Linda Friedland, and Ron Anderson, South Carthay Historical Preservation Zone**

### ***Comment B11-1***

The Draft EIR fails to adequately address the negative impact of the architectural scale, mass, and proportion on the adjacent neighborhood of predominantly single family homes and duplexes. Its mass alone will be seen for several blocks within the historic neighborhood. The Draft EIR is deficient as it does not consider the negative impact of traffic, shadow and shade, and of intrusion on privacy on the immediately adjacent homes. It does not present realistic and viable alternatives to the proposed Project.

### ***Response to Comment B11-1***

This comment expresses an opinion and concern that the Draft EIR fails to address the impact of the Project's architectural scale, mass and proportion and that the Project will be visible for several blocks within the South Carthay HPOZ. Additionally, the commenter expresses an opinion that the Draft EIR does not consider the negative impacts of traffic, shade and shadow, and intrusion on privacy, and does not provide realistic and viable alternatives to the Project.

As noted on page III-1 in Section III, Project Description, of the Draft EIR, the Project's design motif and landscaping plan have been designed to enhance the aesthetic appeal of both the Project site and surrounding area by implementing a Spanish Colonial Revival style found in the South Carthay HPOZ and Carthay Circle HPOZ adjacent to the Project site. See Response to Comments B1-3 and B1-7.

Furthermore, traffic impacts, shade and shadow impacts, and alternatives to the proposed Project have been addressed in the following sections of the Draft EIR: Section IV.M, Transportation and Traffic, Section IV.B, Aesthetics, and Section VI, Alternatives to the Proposed Project, respectively. The commenter is directed to these sections of the Draft EIR, as well as to Response to Comments B1-1 and B1-2, and B2-3.

### ***Comment B11-2***

South Carthay is an Historical Preservation Zone (HPOZ) and an identified Cultural Resource.

When the City established South Carthay as Los Angeles's second Historical Preservation Overlay Zone (HPOZ) in 1984, it established exacting regulations to preserve and enhance the uniqueness of the area. The Project, immediately adjacent to the neighborhood, is an offensive intrusion which will cause irreparable harm to this historic and cultural resource.

The important historic and architectural values which South Carthay HPOZ was intended to preserve and enhance are catalogued in a document prepared by the City of Los Angeles's Cultural Heritage Board and

LA City Planning Department entitled, Cultural Resources Documentation Report, Historic Preservation Overlay Zone, South Carthay. The document notes: "the majority of the buildings are designed in the Spanish Colonial Revival Style ... one of the popular styles of the period (the 1930s) ... South Carthay is a positive historical asset to the City of Los Angeles as a result of its unique concentration of mid 1930's residential housing. **which is both intact and creates a sense of time and place.**"

The Project is not with the boundaries of the HPOZ, but immediately abutting. Does not alter the fact that it will have a negative impact as defined by CEQA guidelines (section 15064.5): "A project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment.... Substantial adverse change ... means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings..." The sense of time and place is undermined by the bulk, scale and height of the Project.

***Response to Comment B11-2***

The South Carthay HPOZ is identified as a historic resource subject to CEQA in the vicinity of the Project site on page IV D-4 in Section IV.D, Cultural Resources, of the Draft EIR. Potential impacts the Project may have on the HPOZ are addressed on page IV.D-6 of the Draft EIR. The Project will have a less than significant impact on the HPOZ. The historic significance of the HPOZ will not be materially impaired by the Project and the HPOZ will remain eligible as a historic district. See Response to Comment B1-3.

The HPOZ Ordinance does not govern properties adjacent to designated HPOZs, and does not include any provisions restricting the design of new buildings on adjacent properties. The Project is consistent with the land use regulations for South La Cienega Boulevard and is comparable to the bulk and scale of buildings across South La Cienega Boulevard.

***Comment B11-3***

Aesthetic impact on South Carthay HPOZ.

The Project is not in keeping the period and architectural style of South Carthay. It has incompatible architectural styles within itself, that are described as having Normandy and Spanish influential references. These are two very different architectural styles in the same property that projects a negative impact on the harmonious architecture of the neighboring properties of South Carthay.

***Response to Comment B11-3***

This comment contains an opinion that the Project as designed is not consistent with the period and architectural style of the South Carthay HPOZ. As noted on page III-1 in Section III, Project Description, of the Draft EIR, the Project's design motif and landscaping plan have been designed to enhance the aesthetic appeal of both the Project site and surrounding area by implementing a Spanish Colonial

Revival style found in the South Carthay HPOZ and Carthay Circle HPOZ adjacent to the Project site. See Response to Comment B1-3.

This comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

***Comment B11-4***

There is no evidence to support the conclusion that landscaping and step-backs on the upper floors on the east side of the building will be sufficient mitigating measures to reduce the aesthetic impact to a level of insignificance. Even after trees grow to 30 feet at maturity, as contemplated by the developer, they will not screen a five-story structure that is over 150,000 square feet, over 65-feet high, and 300-feet long. The Project's mass will be seen for several blocks within the historic neighborhood.

***Response to Comment B11-4***

As noted in Response to Comment B1-6, landscaping is a feature of the Project and has not been established to mitigate significant impacts. Aesthetic impacts were discussed in Section IV.B, Aesthetics, of the Draft EIR. As described on pages IV.B-13 through IV.B-24, the proposed Project would have less than significant impacts on public views and scenic vistas; scenic resources within a State scenic highway; visual character and design; light; glare (with implementation of Mitigation Measure AES-4 Light and Glare); shade and shadows; and cumulative impacts. See Response to Comments B1-1, -2, and -3.

***Comment B11-5***

Loss of light and sun rights and privacy for 1000 Block S. Alfred Street residents.

The project has a negative impact by blocking environmental light and sun rights to the residents during daylight hours, and excessive illumination in the evenings emitted from the large windows and decks that will face the adjacent residential neighborhood.

***Response to Comment B11-5***

This comment has been previously addressed. See Response to Comment B2-7.

***Comment B11-6***

The 8-foot step-backs on the upper floors with windows facing east and patios on the tiered areas heighten the intrusion into the historic neighborhood, and will result in loss of privacy for the adjacent residences on Alfred Street.

***Response to Comment B11-6***

The Project has incorporated design elements and landscaping to minimize intrusion on the privacy of residents as feasible. The Draft EIR analyses the impacts of the Project in accordance with CEQA guidelines. See Response to Comments B1-1, B1-2, and B1-6.

***Comment B11-7***

Shade and Shadow will adversely affect duplexes on the west side of 1000 Block S. Alfred Street.

The Draft EIR fails to provide year-long proper sun-shade studies on the adjacent neighborhood to the East. The draft EIR identifies at least six duplexes (12 residential units) that will have significant shadows and shade in the backyards and rear portions of their homes for several hours each day, several months of the year. The study inaccurately concludes that the impact is not significant.

***Response to Comment B11-7***

See Response to Comment B2-7.

***Comment B11-8***

South Carthay will be severely impacted by increased traffic cut-through on neighborhood Streets.

A thorough traffic study of the streets which comprise the HPOZ needs to be made part of the EIR. Though identifying major intersection gridlock on South La Cienega Blvd, the Draft EIR says nothing about the increased traffic effects on the neighborhood streets of Alfred, Orlando, La Jolla, Alvira, Crescent Heights, Whitworth, and Packard.

***Response to Comment B11-8***

See Response to Comments B2-9 and B6-7.

***Comment B11-9***

Conclusion: an alternative project recommended.

We of the South Carthay HPOZ Board favor a Project with reduced height and density, identified as Alternative C in the Draft EIR. A three-story project of a height of about 45 could be designed that would be protective of the HPOZ.

We propose a uniformity in design that is truly reflective of the Spanish Colonial style. Additionally we propose increased step-backs of the upper floors, the elimination of patios facing east on the upper floors, the reduction of size and number of windows facing and an increase in the set-back between the historic residences and the new development.

***Response to Comment B11-9***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B1-1.

***Comment B11-10***

We ask that the Draft EIR be rejected until the traffic and shade studies and the aesthetic and design impacts are completed. We oppose the project as submitted.

***Response to Comment B11-10***

The commenter expresses an opinion and requests that the Draft EIR be rejected until a proper shade/shadow study, traffic study, and design impacts are complete, but does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR. The comment does not articulate the manner in which the proposed studies should be conducted. It should be noted that traffic and shade/shadow studies have been prepared for the Project. The commenter is directed to Section IV.B, Aesthetics, and Section IV.M, Transportation and Traffic, of the Draft EIR. As such, no response is required. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project.

## **RESPONSE TO COMMENT LETTER B12**

**Richard Hardison MacCracken**

***Comment B12-1***

As the owner of a residence in the immediate impact zone of the proposed Project and as a long-time supporter of the historic South Carthay neighborhood, I wish to emphasize that I share all of the concerns raised by the Board of Directors of the South Carthay Historic Preservation Overlay Zone in their letter to you of November 18, 2007 (the "HPOZ Response"). I believe that the Project is vastly oversized and will

have an extremely deleterious impact upon the neighborhood in general and the properties on my street in particular.

I therefore request that the Draft EIR be rejected until the adverse impacts described in the HPOZ Response are fully taken into account and the traffic and shade studies described in the HPOZ Response are completed. I oppose the Project as submitted.

***Response to Comment B12-1***

The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR and no response is required. It should be noted that traffic and shade/shadow studies have been prepared for the Project. The commenter is directed to Section IV.B, Aesthetics, and Section IV.M, Transportation and Traffic, of the Draft EIR. As such, no response is required. The comment will be forwarded to the decision-making bodies as part of the Final EIR for their consideration in reviewing the Project. See Response to Comment B11-8.

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