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VIA ELECTRONIC MAIL

Michael Allen
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**Re: P2016-0049-CP - Comprehensive Plan; P2016-0049-ZCMA – Zone
Change; 8777 Washington Project**

Dear Mr. Allen:

This firm represents Arts District Residents for Responsible Development (“Association”). My client is aware that the City of Culver City (“City”) is considering a proposed development project located at 8777 Washington Boulevard and that the City has prepared a Mitigated Negative Declaration (“MND”) for the project pursuant to the California Environmental Quality Act (“CEQA”). For the reasons states below, my client contends that the MND is legally inadequate and that the City must conduct an Environmental Impact Report (“EIR”) for the project.

I. The Project

The MND issued the City described the “project as follows: “The existing single-story commercial (retail/warehouse) building, a café addition, detached storage garage building, and associated asphalt-paved surface parking lot would be removed as part of the Project. The Project includes a 132,500 square foot (SF) commercial development composed primarily of “Class A” office uses within a four-story building (up to 56 feet in height) located over three levels of subterranean parking and surrounded by landscaped areas located on site and within the public right of way. In addition to the office use, the Project would incorporate approximately 4,500 SF of tenant- and commuter-serving retail and food retail uses that open to Washington Boulevard on the Ground Level. The 128,000 SF of office uses would be located on Levels 2

through 4. Parking for the proposed uses would be provided within the interior of the building on the Ground Level and within the 3-level subterranean parking structure providing a total of 392 parking spaces.

II. Environmental Review Conducted by City

The MND conducted by the City was released for public comment on April 19, 2017 and identifies the following potentially significant impacts: (1) Biological Resources, (2) Cultural Resources, (3) Geology Resources, (3) Hazards & Hazardous Materials, (4) Hydrology/Water Quality. (5) Noise, (6) Public Services and (7) Mandatory Findings of Significance. A screenshot from the City's MND is shown below.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less Than Significant Impact With Mitigation Incorporated" as indicated by the checklist on the following pages:

- | | |
|-------------------------------------------------------------------|------------------------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Geology /Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Utilities / Service Systems |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

III. The California Environmental Quality Act

a. Purpose of California's Environmental Protection Statute

The California Environmental Quality Act is California's broadest environmental law. CEQA helps to guide public agencies such as the City during issuance of permits and approval of projects. Courts have interpreted CEQA to afford the fullest protection of the environment within the reasonable scope of the statutes. CEQA applies to all discretionary projects proposed to be conducted or approved by a City, including private projects requiring discretionary government approval. See California Public Resources Code, sections 21000 - 21178, and Title 14 Cal. Code Regs., section 753, and Chapter 3, sections 15000 - 15387.

b. CEQA's Broad Definition of a "Project" Includes All Phases of a Development

"CEQA broadly defines a 'project' as 'an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and ... that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.' [Citation.] The statutory definition is augmented by the [CEQA] Guidelines [Cal.Code Regs., tit. 14, § 15000 et seq.], which define a 'project' as '*the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment....*'" *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1222, 66 Cal.Rptr.3d 645 (*Tuolumne County*). This includes all

phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project. (CEQA Guidelines section 15378).

c. CEQA Has a Strong Presumption in Favor of EIR Preparation

A strong presumption in favor of requiring preparation of an Environmental Impact Report ("EIR") is built into CEQA which is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Friends of "B" St. v. City of Haywood* (1980) 106 Cal.App.3d 988, 1002.

"The EIR is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to 'take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' [Citation.] The EIR is therefore 'the heart of CEQA.' [Citations.] An EIR is an 'environmental "alarm bell" whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.'" *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

Under CEQA and the CEQA Guidelines, if a project is not exempt and *may* cause a significant effect on the environment, the agency *must* prepare an EIR. PRC §§ 21100, 21151; 14 Cal. Code Regs. §15064(a)(1), (f)(1). "Significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." PRC §21068; 14 Cal Code Regs §15382. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n.16; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309, 248 CR 352. This standard sets a "low threshold" for preparation of an EIR. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App. 4th 903, 928; *Bowman v. City of Berkeley* (2004) 122 CA4th 572, 580; *Citizen Action to Serve All Students v. Thornley* (1990) 222 CA3d 748, 754; *Sundstrom v. County of Mendocino* (1988) 202 CA3d 296, 310.

IV. The Traffic Study Prepared by the City is Flawed and the Mitigated Negative Declaration Prepared for the Project is Therefore Deficient

a. The Proposed Project

According to the MND, existing uses on the project site include:

Existing Conditions of the Project Site:

The Project Site is currently improved with an approximately 12,485 SF main single-story commercial (retail/warehouse) building occupied by "Surfas Restaurant Supply" used for restaurant supply sales, with an attached approximately 4,731 SF café. Included in the café square footage is an approximately 1,020 SF detached storage building. The majority of the main retail/warehouse building is located on the western third of the site near the intersection of Washington and National Boulevards. The detached storage garage building is located in the northeast corner of the site, with remainder of the site consisting of an asphalt paved surface parking lot and ornamental landscaped

areas. Ingress/egress to the Project Site is available via a curb cut at the eastern end of the site along Washington Boulevard.

As described in the MND, the proposed project includes:

The Project would redevelop a 42,660 SF (0.98-acre) property located north of the intersection at Washington Boulevard and National Boulevard within Culver City's Transit Oriented Development (TOD) area. The existing single-story commercial (retail/warehouse) building, a café addition, detached storage garage building, and associated asphalt-paved surface parking lot would be removed as part of the Project. The Project includes a 132,500 square foot (SF) commercial development composed primarily of "Class A" office uses within a four-story building (up to 56 feet in height) located over three levels of subterranean parking and surrounded by landscaped areas located on site and within the public right of way. In addition to the office use, the Project would incorporate approximately 4,500 SF of tenant- and commuter-serving retail and food retail uses that open to Washington Boulevard on the Ground Level. The office uses would be located on Levels 2 through 4, including a supporting media screening room that connects the ground and second levels. The Ground Level would have a floor to floor height of 15'-6", levels two through four would have a floor to floor height of 13'-6", with a double-height lobby accessed from the southwest corner of the site. Combined, the office levels would include approximately 128,000 SF of office space. Overall, the Project would include approximately 128,000 SF of office space, 4,500 SF of retail / food retail, and a total of 132,500 SF of space to analyze a "worse-case: scenario" of environmental impacts. Parking for the proposed uses will be managed with valet assistance and includes 392 spaces on the Ground Level and three subterranean levels.

b. The MND Underestimated the Traffic Impacts of the proposed Project

Project Trip Generation Is Underestimated

The project trip generation calculation included the following trip discounts:

- A 25% Transit Trip Use discount applied to the office use;
- A 10% Internal Capture Transit Credit applied to the retail use; and,
- A 25% Pass-by Trip Reduction applied to the retail use.

Excessive Transit Trip Use Reduction

The City of Los Angeles's Transportation Impact Study Guidelines (December 2016, pages 13-14)¹ (hereafter TIA Guidelines) specify the appropriate trip reduction rates for transit-friendly projects, as follows:

¹ Available at: <http://ladot.lacity.org/sites/g/files/wph266/f/COLA-TISGuidelines-010517.pdf>

Transit-friendly Projects

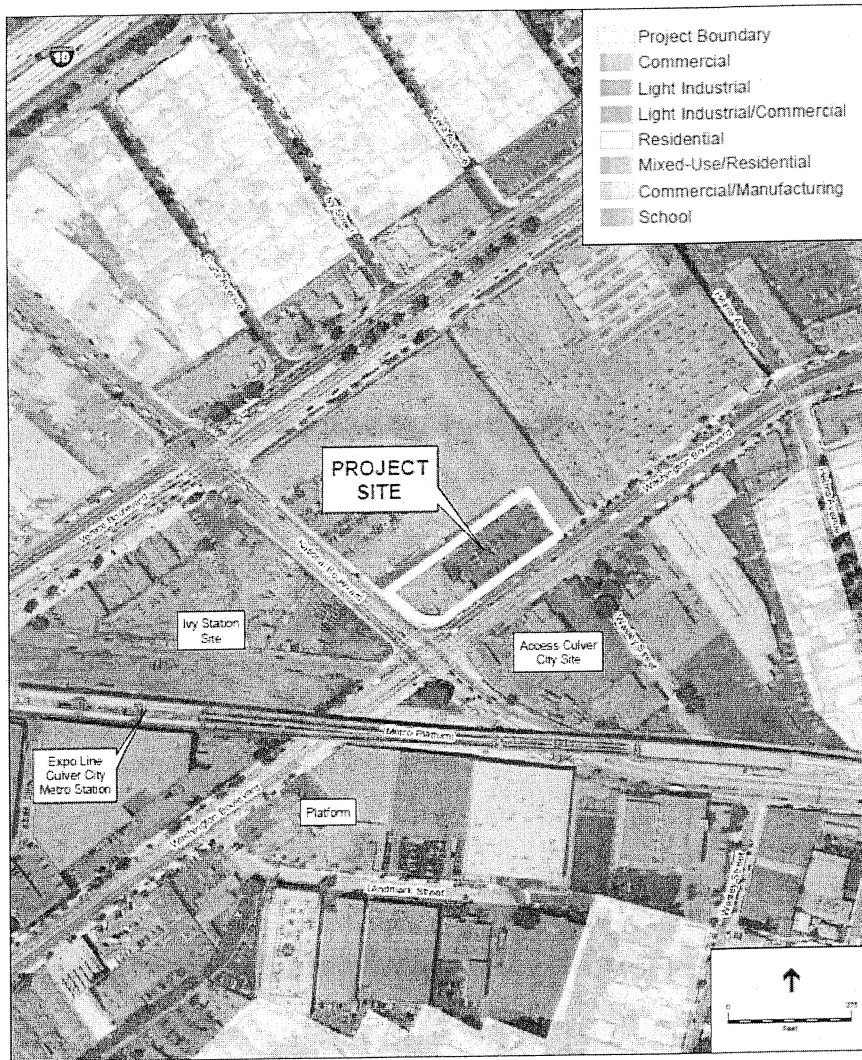
LADOT encourages Project applicants to design and construct transit-friendly Projects that create safe and walkable site design and facilities that connect Project patrons to and from transit stations and stops. Consistent with City policy goals to promote the use of transit and walking, LADOT, at its discretion, may allow up to a 25% transit/walk trip generation reduction, subject to the following guidelines, on a case by case basis:

- Developments above or adjacent to a Metro Rail, Metrolink, or Orange Line station, or to a similar dedicated transit line station with convenient pedestrian access to the station may qualify for a maximum 25% trip generation adjustment. The actual adjustment provided should be determined by an analysis of the transit service frequency and density at the specified transit station.
- Developments within a 1/4-mile walking distance of a transit station, or of a RapidBus stop, may qualify for up to a 15% trip generation adjustment. The actual adjustment provided will be determined by an analysis of the transit service frequency and density at the specified transit station or RapidBus stop.
- To obtain the maximum trip generation adjustment, Development Projects should include the following improvements listed in priority order:
 - »» Provide a wider than standard sidewalk along the streets fronting the Project through additional sidewalk easement or by dedicating additional right-of-way beyond street standards.
 - »» Improve the condition and/or aesthetics of existing sidewalks leading to transit station(s) with adequate lighting and safety improvements to provide for a safer pedestrian environment.
 - » Provide continuous paved sidewalks / walkways with adequate lighting from all buildings in the Project to nearby transit services and stops. This may include mid-block paseos.
 - » Implement transit shelter enhancements.

Based on the City of Los Angeles TIA Guidelines, the Traffic Study for the proposed project² inappropriately used a Transit Trip Use Discount of 25%. The proposed project is not located “above or adjacent to a Metro Rail, Metrolink, or Orange Line station,” as required for the 25% discount. As shown in **MND Figure A-2** (reproduced below), the project site is located across National Boulevard from the future Ivy Station Site, and is separated from the Expo Line Culver City Metro Station by National Boulevard and the Ivy Station Site (currently a parking lot). As shown in **Figure 1**, below, ignoring future development of the existing parking lot and assuming the most direct walking route, the project site is located at least 539 feet from the Metro station.

² Draft Traffic Study for the 8777 Washington Boulevard Project, Prepared for VCN LP by Raju Associates, Inc., March 2017.

Because the project site is within ¼ mile of the Metro Station, the project is eligible for “up to a 15% trip generation adjustment.” As noted in the City’s Transportation Impact Study Guidelines, the actual adjustment should be determined by an analysis of the transit service frequency and density at the specified transit station or RapidBus stop. To obtain the maximum trip generation adjustment, Development Projects should include the types of improvements listed in the City of Los Angeles’ TIA Guidelines. The MND needs to provide an analysis to determine the degree to which the proposed project is eligible for the “up to 15% trip generation adjustment.” At most, no more than a 15% reduction would be appropriate.



SOURCE: Google Map, 2015 (Aerial)

8777 Washington

Figure A-2

Aerial Photograph with Surrounding Land Uses

ESAPCR

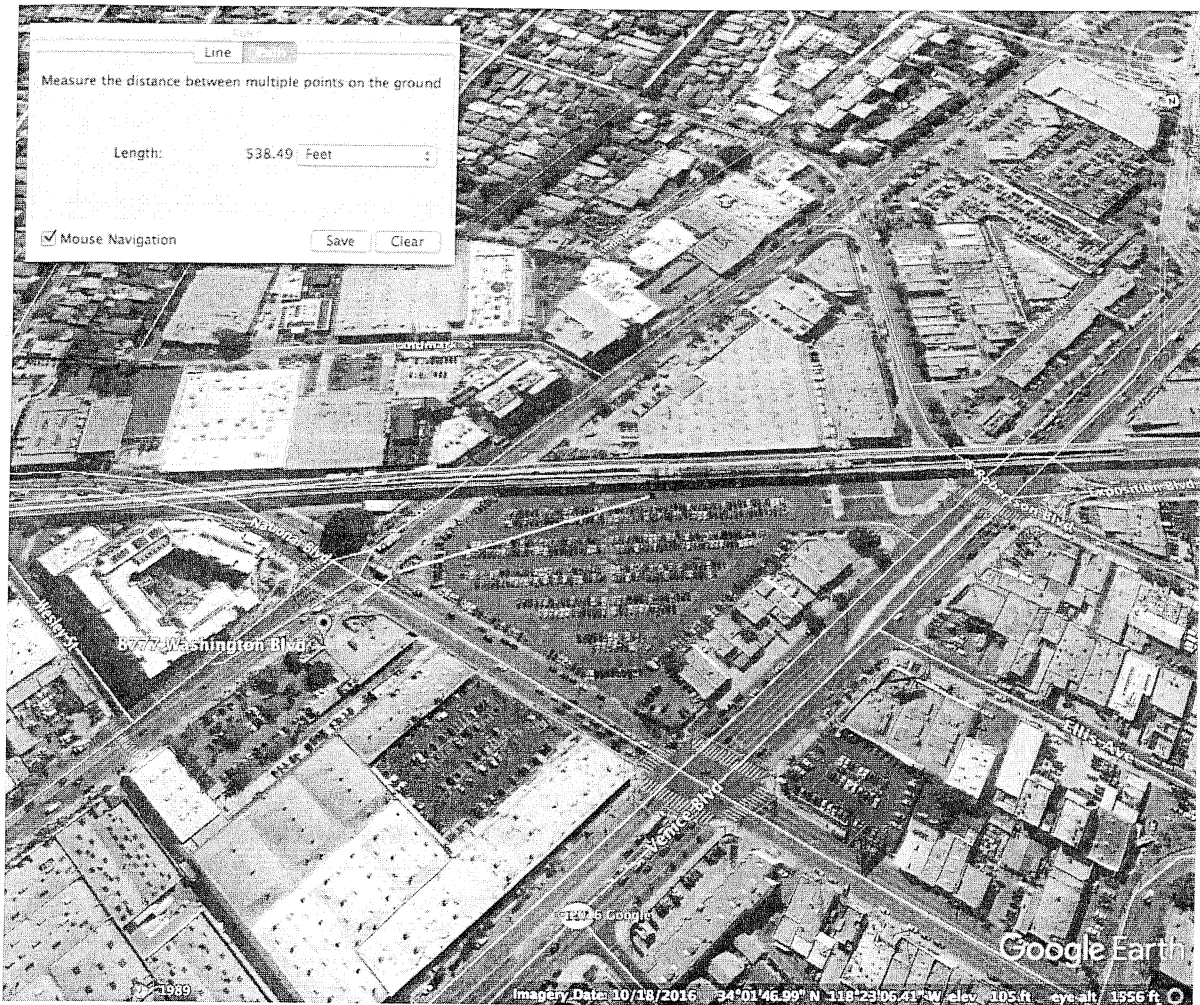


Figure 1 – Google Earth Screenshot Showing Closest Distance of Project Site to Metro Station.

It should also be noted that the City actually participated in the public comment period for a proposed development project known as the “Cumulus” project, which is located at the intersection of Jefferson and La Cienega. The City submitted multiple comment letters to the City of Los Angeles and was especially concerned with the impacts of that project on traffic. True and correct copies of comment letters submitted to the City are attached as Exhibit A. Significantly, the City of Culver City criticized the applicant’s use of TDM credits, stating the following:

“4. The 25 percent RDM reduction credit being taken due to proximity to the rail station is very high and no supporting detail discussion has been provided in the EIR. Justification for having such high trip reduction credit should be provided and clearly explained. In addition, there should be some mechanism to provide for future mitigation measures if the anticipated rail ridership from the project is not generated.”

5. *The 10 percent TDM credit proposed needs to be justified and explained on how it will ensure 10 percent trip reduction. Given the proximity of the Project and its significant and unmitigated impacts to Culver City, the City of LA should revised Mitigation Measure MM-L-1 to state that LADOT will work with the City of Culver City to come up with penalty and other mitigation measures if the Project's TDM program does not achieve 10 percent TDM trip reduction.*"

The Association has raised similar concerns regarding the applicant's use of credits in this instance. The City cannot ignore or gloss over these concerns, especially considering the fact that they raised almost identical concerns for the Cumulus project.

In addition to the office use, the Project would incorporate approximately 4,500 SF of tenant- and commuter-serving retail and food retail uses that open to Washington Boulevard on the Ground Level. These would be specialty retail uses. As shown in Attachment D of the City of Los Angeles's TIA Guidelines, specialty retail uses are only eligible for a 10% pass-by trip discount, rather than the 25% used in the MND.

The Trip Discount For Existing Uses Is Overestimated

As part of the preparation of the Traffic Study for the proposed project, traffic counts of all onsite driveways should have been taken during operation of the existing uses in order to determine existing traffic volumes resulting from the existing uses. If this was not possible, the MND should explain why. Rather than conduct actual traffic counts for the existing uses, the MND and associated traffic study estimated trip generation using ITE trip generation rates. Trip generation for existing uses is over-estimated as a result of the fact that the High-Turnover Restaurant is estimated based on an assumed square footage of 4,731 for the restaurant. However, as noted above, in the quoted description of existing uses, "included in the café square footage is an approximately 1,020 SF detached storage building." It is inappropriate to treat this 1,020 SF detached storage building as a functioning high-turnover restaurant. The square footage of the restaurant use should only be 3,711 for purposes calculating existing use trip generation.

Potential For Significant Traffic Impacts

Given the underestimate of project trip generation, the Traffic Study and MND for the proposed project should be redone and corrected. Once project trip generation rates are corrected, it is likely that the project may result in significant traffic impacts, which have not been addressed in the MND. For example, MND Table B-29 shows that the project currently contributes to a 0.009 V/C increase to the cumulative plus project (2019) scenario at the Los Angeles intersection of National and Venice Boulevards, which would be operating at LOS F during the PM peak period. The City of Los Angeles's Threshold of Significance for an impact at an intersection operating at LOS E or F is an increase of 0.010 in the V/C ratio. With the additional project traffic resulting from correction of project trip generation, the City of Los Angeles's Threshold for a significant impact would likely be triggered at this intersection. The same may be true for other study intersections.

Potential For Unmitigated Traffic Impacts

The Memorandum of Understanding (MOU) with the City of Los Angeles regarding the contents of the Traffic Study for the proposed project is included in Appendix A to the Traffic Study. The MOU states the Property Owner / Developer / Applicant is required to:

... pay for and submit to the City a post-occupancy traffic count analysis for the development to the satisfaction of the City (of Los Angeles). The analysis shall determine the amount of actual traffic generated by the development compared to the ITE trip generation rates. The analysis shall include traffic counts of all onsite driveways to be taken upon reaching the eight five percent (85%) occupancy of the total building gross floor area or within one (1) year of issuance of the first Temporary Certificate of Occupancy (TCO), as determined by the City. The data shall be used to confirm the findings in the approved traffic study, and shall not result in any additional traffic mitigation measures and/or conditions of approval on the subject property.

This required condition thus provides for the possibility that impacts may be identified as a result of a future study, by that no mitigation will be required to address these impacts. The environmental analysis of the proposed project thus provides for the potential for significant unmitigated impacts. The Traffic Study for the proposed project must be corrected and the environmental document for the project revised and recirculated.

Additional Concerns

- Trip Credits Inaccurate:
 - The MND's statement that there is 4500 square feet of new retail space is inaccurate. The proposed uses in other documents say "restaurant." Therefore, the City's calculations are wrong.
 - Also, office designation for 128,000 square feet seems inaccurate given that the proposed use is for high traffic entertainment uses.
 - Again, existing land use states 12,485 square feet of retail. Existing space is a kitchen equipment warehouse.
- 2019 Projections are Inconsistent – the MND's 2019 projections differ from DEIR for "Cumulus" Project (see Page 48 of MND). Why? The City should explain why the projections are not the same.
 - The Cumulus EIR (listed as Page 4.L-81 in the footer) is available at https://planning.lacity.org/eir/jeffersonlacienea/deir/DEIR%20Sections/DEIR%20Jefferson%20and%20La%20Cienega_Compiled%20Sections.pdf. See page p. 524. Also, pp. 527 and 531 (written as Pages 4.L-84 and 4.L-88 in the footers) show that Washington & National is graded as an F/F post-Cumulus
- Project will exacerbate traffic spillover into residential neighborhood.
 - Project will exacerbate traffic to schools. This is because Washington Boulevard is the only way in/out. This is a significant impact that the City has failed to analyze.

V. The Mitigated Declaration Underestimates the Project's Impacts

a. Air Quality

- The City has failed to sufficiently analyze the Project's impacts on air quality. See MND at page 63. Note that SCAQMD requires this to occur at areas LOS 'D' or worse. The MND states that there are no such intersections within project vicinity that meet this criteria. However, the traffic studies conflict with this statement. The intersection of Washington and National need to be studied.

b. Aesthetics

- The City concludes that there is a "less than significant impact" from glare without any real analysis. See MND at pp. EC-5 and B7-B8 of the MND. A meaningful analysis is required in light of the fact that this is a glass building with a southern face. Shade/Shadow, on the other hand, was studied and the diagrams for these show multiple instances where reflection will occur during rush hour traffic. Why wasn't a similar analysis conduct for glare?
- The Project will also "substantially degrade the existing visual character or quality of the site and its surroundings." This is especially true in light of the fact that downtown Culver City is to the west and Helms Bakery is to the east. The Project does not embrace the City's history and existing architectural styles. The building proposed is a modern glass cube that breaks from the historic tradition of these buildings. Also, the style is inconsistent with any of the existing or in-process developments on the other three corners of the intersection. There is no unifying aesthetic.
- Impacts on Scenic Vistas. The Project will have a significant effect on the palm trees located on Washington Boulevard. The Project will significantly damage trees that have been part of the visual character of the area for 100 years. Palm trees have been an integral part of the community character of the Arts District since the early 1900's. Indeed, Previous residents have put time and money in to beautify and enhance them with the tree rings. City-approved streetscapes are not consistent with the community. In fact, they substantially degrade the visual character of the community by overlaying a "cookie cutter" look on the community.

c. Land Use Planning

- The City should analyze the land use impacts of the Project. The Project may effectively "physically divide an established community" under CEQA. As the City is undoubtedly aware, the Arts District residential neighborhood is landlocked. As a result, residents must almost always go through Washington Boulevard at National to get to the rest of Culver City. The Project will increase traffic at this intersection and exacerbate the problem.
- The MND also erroneously states that the Project is located in a "highly-urbanized area." This is not accurate. Indeed, the City also describes the site

as a "1 level retail." Moreover, there are single family homes within 500 feet of the site and single level light industrial/warehouse adjacent.

d. Zoning

- The City should analyze the land use impacts of the Project. The Project may effectively "physically divide an established community" under CEQA. As the City is undoubtedly aware, the Arts District residential neighborhood is landlocked. As a result, residents must almost always go through Washington Boulevard at National to get to the rest of Culver City. The Project will increase traffic at this intersection and exacerbate the problem.
- The MND also erroneously states that the Project is located in a "highly-urbanized area." This is not accurate. Indeed, the City also describes the site as a "1 level retail." Moreover, there are single family homes within 500 feet of the site and single level light industrial/warehouse adjacent.
- The current zoning does not allow for this project at this site. The applicant is trying to change the project to a zone that is only for sites that are 1 acre and above, which this site is not. (See Culver City City Code, § 17.240.015, subd. (b) ["**Minimum Site Area for Rezoning.** The PD Zoning District may only be applied to sites of 1 acre or larger."], available at
- The Project will necessarily have a significant impact on the land use planning/zoning because the proposed zoning designation conflicts with applicable land use plans, policies or regulations. The City's statement to the contrary at page EC-9 is false.

e. TOD Purpose

- The Project does not comply with the purpose of transit oriented projects. The proposed project is a traditional office space with full parking for employees. Prime TOD property such as this is meant for projects that maximize reliance on the metro. As such, this project does not conform to the intent of the TOD in promoting alternative transportation, especially in cars. The City should analyze alternative projects in the MND that are more consistent with transient oriented development.

f. Public Services

- It appears that the City used the old plan for the Project when analyzing impacts on public services, which included about half residential. The City's analysis should be updated to reflect the proposed new office-only (and minimal retail) use.

g. Miscellaneous Issues and Questions

- Exterior loading zone. Large delivery and moving trucks will necessarily visit the property and will need to be parked on Washington. However, the City has not analyzed any of these impacts in the MND.
- Trash Trucks: The City is proposing to allow trash trucks to park on Washington Blvd., but has failed to analyze the reasonably foreseeable impacts of this action. Significant impacts could be reduced by limiting the hours for trash collection. This issue needs to be analyzed by the City.
- Impact on Emergency Services: The Association is concerned that emergency services (e.g. fire, police, ambulance) could be negatively impacted during the construction of this project. Specifically, emergency response times may be hampered due to lane closures that are required to construct the Project. The City should analyze this issue and require the applicant to submit a lane closure schedule. See MND at page B-57, B-87.
- Window Washing. The City has not analyzed the window washing that will be required for glass building. The City should require that this activity occur from internally anchored access (swing stage or similar) - not from the street or sidewalk.
- Non-Compliance with Applicable City Policies:
 - *Encouraging multi-use developments that make the City more walkable.* See Addendum at pg. B-4. The project doesn't make the city more walkable, it promotes driving. Therefore, the Project doesn't conform to City Goals.
 - *Promoting revitalization, encouraging reinvestment and eliminating blight in the City's Area Improvement Projects.* See Addendum pg. B-48. The Project doesn't reinvest in community. There is no evidence that the applicant's tenant(s) will have the same investment in the community as Sony or Culver Studios. Therefore the Project doesn't conform to City Goals.
- Cumulative Impacts: The City has failed to meaningfully analyze the cumulative impacts of this project in conjunction with other large development projects in the vicinity (e.g. Cumulus and Wrapper projects). Significantly, Washington and National was one of the 8 intersections that was determined to have an unmitigatable significant impact on traffic as a result of the proposed Cumulus project. Why would this project not have the same impact?

h. Construction Impacts

- The City has failed to analyze many of the construction impacts of the Project.
- Truck route. The applicant proposed to utilize a truck route down Washington Boulevard. However, the Association contends this will be very impactful. The Association contends that all reasonably foreseeable impacts associated with the haul route should be analyzed and mitigated. At a minimum, flagmen should be required to stop traffic to allow vehicles into the project site. The Association notes that the swing radius is greater than what is shown. Further, the Association suggests that the Applicant bring vehicles off National from

North or South. Left turns into the project site should be carefully analyzed. If necessary, they should occur on Washington. The Association notes that adjusting working hours is not the solution to this problem.

- Item 2.5 – The Association contends that the proposed community notification too short.
- Item 2.6.1 - All activities listed as permissible from the hours of 8am-8pm. The City should consider limited certain activities during certain hours to reduce environmental impacts (e.g. no hauling during peak traffic hours).
- Exhibit A.1 – The City should analyze how sidewalk closures can be reduced to mitigate the impacts on pedestrians.
- Exhibit A.2 – The City should analyze how bike lane closures can be reduced to mitigate the impacts on traffic.
- Exhibit A.3 - The City should analyze how traffic lane closures can be reduced or scaled back to reduce impacts on traffic.
- Exhibit A.4 – The Association observes that trucks cannot make turns into the project site without a large radius. The Association notes that double dirt trucks are simply too large for this operation. Single dirt trucks will be required. The Association also observes that the City has failed to analyze where trucks will stage. All of the construction related impacts of the Project should be analyzed to reduce environmental impacts.
- Exhibit A.5 – The Association notes that a concrete pump will be needed for the Project, which will be parked on a public sidewalk. This will also require lane closures. These details should be analyzed. The Association observes that the first floor deck is 15' high. The applicant should be required to pump concrete from within the project for L1-Roof. For underground, the applicant should be required to pump from National.
- Exhibit A.6 - The Association observes that a manlift will be required and that it will need to be placed on a public sidewalk. However, the crane radius doesn't reach National. The City should consider this information and developer a plan to reduce the environmental impacts of the project.
- TOD Visioning Study: The Association notes that current construction plans assume Washington Blvd. will stay the same. However, the current TOD Visioning Study is considering *major changes* to Washington that would render these plans moot.
 - The City is currently in the middle of an expensive and comprehensive visioning study for this part of Culver City. One of the ideas being discussed considerably throughout this process is reducing the two lanes of car traffic in each direction to one lane, while using the extra space for pedestrian, bike, and public transport friendly use. Also discussed is changing the current bike plan next to the Project site. Should the City implement either of these ideas, it would greatly impact the current construction plan that involves regular lane and sidewalk closures, even during rush hour (8am to 8pm in current plan). The Association contends that the study should be redone *after* the City has received the visioning report (July) and decided what it will do to implement it.
- Construction noise impacts: The noise study states that to the west is a vacant parking lot (future site of Ivy Station), when in fact that will almost certainly

be a large construction site concurrently built while this project is built. The noise study should be redone with this in mind to study cumulative impacts.

- **The Association believes that all mitigation measures drafted to address environmental impacts should be written as 'Conditions of Approval.' As explained below, deferred analysis or evaluation is neither adequate nor acceptable.**

VI. The City Has Unlawfully Deferred Application of Mitigation Measures to Another Date

The Association is aware that the City has prepared proposed conditions of approval for the Project. Many of these conditions are designed to mitigate the environmental impacts of the Project. Unfortunately, the City has simply deferred environmental analysis to another date in these conditions of approval. This does not comply with CEQA.

Conditioning a project on another agency's future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296. Further, requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a project is approved. PRC § 21080, subd. (c)(2)). See *League for Protection of Oakland Architectural & Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396; *Quall Botanical Ganlens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4; *Oro Fino Gold Mining Corp. v. Cnty. of El Dorado* (1990) 225 Cal.App.3d 872, 884; *Sundstrom v. Cnty. of Mendocino*, supra, 202 Cal.App.3d at p. 306, (condition requiring that mitigation measures recommended by future study to be conducted by civil engineer evaluating possible soil stability, erosion, sediment, and flooding impacts was improper). Moreover, a condition that requires implementation of mitigation measures to be recommended in a future study may conflict the requirement that project plans incorporate mitigation measures before a proposed negative declaration is released for public review. PRC § 21080, subd. (c)(2); 14 Cal Code Regs § 15070(b)(1). Studies conducted after a project's approval do not guarantee an adequate inquiry into environmental effects. Such a mitigation measure would effectively be exempt from public and governmental scrutiny.

VII. At a Minimum, Recirculation of the MND is Required

Once a negative declaration has been circulated, it may need to be recirculated for another round of review and comment if it is "substantially revised" after the public notice of the first circulation period has been given. 14 Cal Code Regs §15073.5(a). A substantial revision includes two situations (14 Cal Code Regs §15073.5(b)):

1. *A new, avoidable significant effect is identified, and to reduce that effect to a level of insignificance, mitigation measures or project revisions must be added.*
2. *The lead agency finds that the mitigation measures or project revisions originally included in the negative declaration will not reduce potentially significant impacts to a level of insignificance, and new mitigation measures or project*

revisions are required.

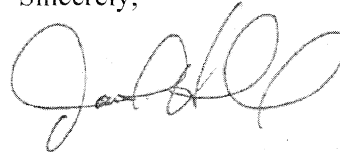
New information will require recirculation when it amounts to a substantial revision of the negative declaration, which is defined to mean the identification of new significant environmental impacts or the addition of new mitigation that is required to avoid a significant environmental impact. 14 Cal Code Regs §15073.S(b).

In this case, numerous deficiencies with the MND have been identified. Further, “new information” has been provided to the City, which requires that the MND be corrected and recirculated. The Association requests that the City provide 60 days for public review of any Recirculated MND. This will allow for careful review of the MND and the opportunity to work cooperatively with the City and the applicant to resolve any issues that may arise.

VIII. Conclusion

For the reasons listed above, the Association respectfully contends that the City cannot approve the Project in light of the deficient MND. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie T. Hall', written in a cursive style.

Jamie T. Hall

Exhibit A



THOMAS GORHAM
Deputy Community
Development Director/
Planning Manager

PLANNING DIVISION

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

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April 13, 2015

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CITY OF LOS ANGELES

APR 21 2015

ENVIRONMENTAL
UNIT

Sergio Ibarra
Department of City Planning, Environmental Analysis Section
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Subject: Comments on the Notice of Preparation for the Cumulus Transit Oriented/Mixed Use Project Environmental Impact Report (ENV-2014-4755-EIR) Located in the City of Los Angeles.

Dear Mr. Ibarra:

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Cumulus Transit Oriented/Mixed Use Project located at the corner of Jefferson Boulevard and La Cienega Boulevard, in the City of Los Angeles. Our specific comments are attached for your use in preparing the Draft EIR.

We look forward to reviewing the Draft EIR when it is released and working with you to make this project a successful addition to the community. Please contact me at (310) 253-5755 if you have any questions regarding this letter.

Sincerely,

Susan Yun
Senior Planner

Attachments: 1. Detailed list of Comments on the Notice of Preparation

City of Culver City
**Comments on the 2015 Notice of Preparation for the Cumulus Transit Oriented/Mixed
Use Project Environmental Impact Report (ENV-2014-4755-EIR)
Located in the City of Los Angeles.**

General Comments

1. We request that a Draft EIR review period of at least 60 days be granted to enable us to conduct a careful review and the opportunity to work cooperatively with your project team to resolve any issues that may arise. Culver City City Council considers EIR comments to achieve citizen participation.
2. Please include within the notification of the Draft EIR – Culver City Neighborhoods such as the East Culver City Neighborhood Alliance, Rancho Higuera Neighborhood, Blackwelder/Smiley area and the Hayden Tract area.
3. Since traffic, is such a critical issue, we would also ask that our City traffic engineer be offered the opportunity to work with your staff and consultant in preparation and review of the traffic studies prior to Draft EIR publication. The contact person at the City for traffic issues is Barry Kurtz (310-253-5613). Planning staff would like to also request that an Administrative version of the Draft EIR be available to us to review before the Draft EIR publication. This early collaboration would help to streamline Culver City's review of the Draft EIR by allowing issues to be fully explored before the Draft EIR is published, thereby reducing the likelihood of additional analysis and delays during the response to comments phase.
4. Based on the NOP, Culver City's initial environmental areas of focus are impacts to our community as it relates to Traffic, Construction, Transit (City Bus), Parks/Recreation services, and Fire and Police services. Once the Draft EIR is prepared we will be able to comment on additional areas of concern. Please ensure adequate analysis and mitigations are included in the Draft EIR related to these topics. Some of our standards and rules vary from the City of Los Angeles's standards (i.e. Traffic standards, Construction hours, haul routes, etc.) Therefore, we ask you consult with us as you prepare the Draft EIR regarding our standards and thresholds.
5. In order to fully understand the project's scope, we need an up to date project description. At the community meeting held on March 25, 2015, the conceptual plans did not show any office uses on the plans. However the NOP indicates that there will be about 200,000 sf of office space. Please provide us with a copy of the most current Entitlement level plans that include a site plan, elevations, floor plans, parking plan, circulation plan, and landscaping/open space plans. Please provide a summary of total square footages by use type and parking totals and areas.

Traffic

6. Based on the size of the Cumulus Mixed-Use development, we expect that traffic generated by the project will have a significant impact on several intersections in the City of Los Angeles and in Culver City. Some of the intersections that may be potentially impacted are La Cienega/Fairfax, La Cienega/Jefferson and National/Washington. With the intersection of La Cienega/Jefferson being a portal to Culver City, we believe it would be appropriate to widen Jefferson Boulevard and La Cienega Boulevard along the Project's frontage to provide additional capacity at the intersection for all modes of transportation.
7. Culver City's Traffic Engineer has requested the below listed changes and corrections to the Traffic Study MOU for this 1.9 million square-foot TOD, mixed-use development at the northwest corner of La Cienega Boulevard and Jefferson Boulevard. We anticipate the project's traffic study will determine any mitigation measures required in Culver City.
 - a. Verify the existing active land uses.
 - b. In Table 1, Under Trip Generation Rates, for Supermarket change ITE 950 to ITE 850. The PM Peak Hour total should be 9.48. Under Proposed Project, Grocery Store PM Peak Hour should be 474.
 - c. In the list of intersections indicate the jurisdiction. Add to the list the intersections Culver Boulevard/Main Street and Sepulveda Boulevard/Slauson Avenue.
 - d. Show turning percentages and volumes at the project's driveways.
 - e. We request the traffic distribution reflect higher distributions to LAX and points south via La Cienega Boulevard and Slauson Avenue and to Marina del Rey and points west. Accordingly we recommend the following adjustments:
 - f. Intersection 16 La Cienega/Washington, Show about 3% northbound left turns.
 - g. Intersection 22 Washington/National shows 12% WB through. That percentage should be carried to intersection 36 Washington/Ince and further west via Washington Boulevard.
 - h. Intersection 26 La Cienega/Jefferson, A higher % (20%) should distribute southbound. At Intersection 30 La Cienega/Rodeo a higher % (18%) should distribute southbound. At Intersection 33 La Cienega/Stocker a higher % (16%) should distribute southbound. At 47 La Cienega/Slauson a higher % (11%) should distribute westbound.

Transit (CulverCity Bus)

Please examine the following items in the Draft EIR /traffic study:

8. Impacts of the project's generated trips will have on Culver City's transit system on the route level on the following:

- a. Impacts on the residual capacity (anticipated demand on public transit due to the project and impacts of such demand on existing and anticipated residual transit capacity).
 - b. Impacts on transit operation travel time (how the bus operations travel time will be impacted).
9. If the project is claiming TDM credit and/or transit credit, there needs to be reasonable justifications for such credits. If the transit credit is more than the countywide average on transit modal share as stated in Metro's 2010 Congestion Management Program guidelines, the traffic study should look at the true impacts the project will have on transit residual capacity and travel time (Item 1 above) with transit credit that is based on the transit modal share in Metro's 2010 Congestion Management Program guidelines.
10. Impacts of the construction on transit operations and how these impacts can be minimized.
11. To reduce the impacts the project will have on the transportation system, the developer should look into implementing a TDM/Trip-Reduction Program with effective measures to reduce single-occupancy vehicle trips and encourage use of transit and other alternatives modes of transportation.

Fire Protection

The Culver City Fire department requests that the EIR to consider:

12. Traffic increases in and through Culver City and adjacent freeways – flow patterns impacting routine traffic and emergency response times and transport times.
13. Increased fire and EMS call volume due to increased people coming into and through Culver City, as well as increases in mutual aid/border response calls.
14. Impacts to area hospital emergency rooms and corresponding wait times at Los Angeles area hospitals including Southern California, Cedars, UCLA, etc.
15. Impacts from increased water demand and water availability for needed fire-flow (firefighting purposes) in the surrounding area.
16. Addition of a potential high value terrorism target in our area – target hardening considerations.

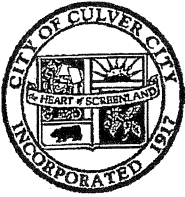
Park and Recreation

17. There is potentially significant impact on Culver City community resources such as Parks and Recreation facilities due to the large amount of residential units proposed and close proximity of the proposed project location to the City's borders. There are several facilities nearby that might be affected including Syd Kroenthal Park, Culver City

Park, and Baldwin Hills Scenic Overlook. The Draft EIR shall analyze and demonstrate how a project of this size and nature will not negatively affect Culver City resources such as our Park and Recreational facilities. Based on the NOP, it is not clear if there will be a park proposed on site with recreational features (i.e. baseball fields, etc.) proposed. There does not appear to be adequate active open space areas for the population proposed.

During Construction

18. The traffic study and Draft EIR must identify potential impacts on traffic in City of LA as well as Culver City during construction and identify related mitigation measures.
19. Identify the project construction schedule and the length of time for demolition.
20. Indicate any staging plans or routes that trucks will take during construction. Specifically, any routes in Culver City which could potentially have significant impacts to Culver City community if not mitigated such as parking, noise, vibration, and traffic.
21. The traffic study and Draft EIR should include a construction management plan, including the haul route, the number of construction vehicles and where construction workers will park and the construction staging location. The traffic study and Draft EIR must indicate that the Project Owner shall be responsible to repair any damage to streets in Culver City caused by construction vehicles or activities.
22. Construction Hours: In addition to the Culver City City's hours of construction for developments in the City, Culver City further prohibits dirt hauling and construction material delivery or removal during the morning (7:00am to 9:00am) and afternoon (4:00pm to 6:00pm). In order to minimize potential impacts to the Culver City areas, adjacent to the Project site, Culver City recommends incorporating the City's construction hours and restrictions on delivery and removal as mitigation measures in the Draft EIR and/or conditions of Project approval when it impacts the streets and areas of Culver City. Also, a point person or ombudsman should be appointed by the City to deal with construction related complaints.



THOMAS GORHAM
Deputy Community
Development Director/
Planning Manager

Culver CITY

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planning@culvercity.org

September 6, 2015

Sergio Ibarra
Department of City Planning, Environmental Analysis Section
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Subject: Comments on the Draft EIR for the Jefferson and La Cienega Project Transit Oriented/Mixed Use Project Environmental Impact Report (ENV-2014-4755-EIR) Located in the City of Los Angeles.

Dear Mr. Ibarra:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Transit Oriented/Mixed Use Project located at the corner of Jefferson Boulevard and La Cienega Boulevard, in the City of Los Angeles.

In reviewing the Draft EIR, Culver City believes many of the comments we provided at the Notice of Preparation (NOP) stage were not adequately addressed or addressed at all. Although we understand you are not required to provide written response to comments at the NOP stage, it would have been helpful as it was difficult to ascertain if any of the issues we have identified previously were analyzed or incorporated in the Draft EIR. Therefore many of our NOP comments are repeated and our concerns related to Culver City traffic, transit and public safety remains. Our specific comments are attached.

Please contact me at (310) 253-5755 if you have any questions.

Sincerely,

Susan Yun
Senior Planner

Attachments: 1. Detailed list of Comments Draft EIR

Copy: John Nachbar, City Manager
Sol Blumenfeld, Community Developer Director
Charles Herbertson, Public Works Director and City Engineer
Art Ida, Transportation Director
Scott Bixby, Police Chief
David White, Fire Chief
Daniel Hernandez, Parks and Recreation Director
Thomas Gorham, Deputy Community Development Director and Planning Manager

City of Culver City
**Comments on the 2015 Draft EIR Transit Oriented/Mixed Use Project Environmental
Impact Report (ENV-2014-4755-EIR)
Located in the City of Los Angeles.**

GENERAL COMMENTS

1. We request that a Final EIR and Response to Comments review period of at least 60 days be granted to enable us to conduct a careful review and the opportunity to work cooperatively with your project team to resolve any issues that may arise.
2. Please include within the notification of the Draft EIR – Culver City Neighborhoods such as the Blair Hills, East Culver City Neighborhood Alliance, Rancho Higuera Neighborhood, Blackwielder/Smiley area and the Hayden Tract area. **(This comment was not addressed in the Draft EIR. It was not made known to Culver City if these neighborhoods were notified, therefore this comment is repeated.)**
3. Since traffic, is such a critical issue, we would continue to also ask that our City traffic engineer be offered the opportunity to work with your staff and consultant in the preparation and review of the traffic studies prior to FINAL EIR publication. The contact person at the City for traffic issues is Barry Kurtz (310-253-5613). Planning staff would like to also request that an Administrative version of the Final EIR be available to us to review. This early collaboration would help to streamline Culver City's review of the Final EIR by allowing issues to be fully explored before the Final EIR is published, thereby reducing the likelihood of additional analysis and delays during the response to comments phase.
4. Based on the Draft EIR, Culver City's initial environmental areas of focus are impacts to our community as it relates to Traffic, Construction, Transit (City Bus), Parks/Recreation services, and Fire and Police services. Upon reviewing the Draft EIR, we continue request that adequate analysis and mitigations are included in the Draft and Final EIR related to these topics. Some of our standards and rules vary from the City of Los Angeles's standards (i.e. Traffic standards, Construction hours, haul routes, etc.) Therefore, we ask you consult with us as you prepare the Draft EIR regarding our standards and thresholds. **(This comment was not adequately addressed in the Draft EIR.)**
5. In order to fully understand the project's scope, we need an up to date project description. At the community meeting held on March 25, 2015, the conceptual plans did not show any office uses on the plans. However the NOP indicates that there will be about 200,000 sf of office space. Please provide us with a copy of the most current **Entitlement level** plans that include a site plan, elevations, floor plans, parking plan, circulation plan, and landscaping/open space plans. Please provide a summary of total

square footages by use type and parking totals and areas. *(Culver City Staff has yet to receive the plans as requested in this comment.)*

TRAFFIC

6. Traffic Study Fees in the amount of \$24,000 must be paid to the City of Culver City for its review of the project's traffic study.

Page 7, Site Plan:

7. Figure 1: The report shall include a site plan.

Page 69, Trip Generation in Table 7:

8. Since there is no ITE trip generation rate for Specialty Retail in the AM, the traffic study must use the SANDAG trip generation rate, which is widely accepted and used by all traffic studies in Culver City. The traffic study used an AM trip rate based on the proportionate ITE trip rate of a Shopping Center. The ITE proportionate trip rate used is less conservative and results in 58 percent less traffic generated in the AM by the Specialty Retail component.
9. For internal capture (IC), the traffic study may use a maximum credit of 10%, after the 25% reduction for transit/walk-in. The NCHRP method used in the traffic study resulted in an IC discount of 33%, which is excessive. County of Los Angeles and Culver City allow up to 10% credit for IC. LADOT informed us that this project is the first time LADOT allowed a higher IC reduction based on NCHRP.

Page 87, TDM Plan:

10. The report recommends a TDM discount of 10% in order to mitigate the project's impacts. City ordinances of Los Angeles and Culver City require certain TDM measures. The report should state which of their recommended TDM measures exceed the TDM ordinances. A strong TDM program can work for single employer development, such as UCLA, Sony, or Semantic, but it is not as effective for a mixed-use development such as this. An automated detection and surveillance monitoring, system, paid by the project, is necessary to ensure that traffic levels generated by the project after occupancy are consistent with the TDM target of 10%. However, the report's recommended penalty program, in which the project pays for Metro passes, for not achieving the 10% target, is inadequate. There is no assurance the bus passes would be used by the development's businesses and residents. Based on Culver City's practice, significant financial penalties shall be imposed on the project for not achieving the TDM target of 10%. Culver City requires a financial penalty for each excess trip and a letter of credit from the applicant covering the 10 % TDM credit. The funds would pay for mitigation measures at locations impacted by the project.
11. The report indicates the project will make a one-time contribution to the City of Los Angeles' Bicycle Plan. Because of the close proximity to the City of Culver City, the

project shall make a similar contribution to Culver City's Bicycle and Pedestrian Master Plan.

Pages 89-91, Intersection Mitigation Measures:

12. National Boulevard and Venice Boulevard (Intersection 9, Los Angeles): Rather than the report's recommendation of TDM and writing a statement of overriding considerations, provide dual westbound left turns via widening, restriping and signal modifications.
13. Fairfax Avenue and Adams Boulevard (Intersection 18, Shared Los Angeles/Culver City): Rather than the report's recommendation of TDM and writing a statement of overriding considerations, provide an eastbound left turn lane via restriping and red curb.
14. Duquesne Avenue and Jefferson Boulevard (Intersection 37, Culver City): Rather than the report's recommendation of TDM and writing a statement of overriding considerations, restripe the southbound approach and modify traffic signals by widening Duquesne Avenue by 8-10' on the west side from the Ballona Creek Bridge to Jefferson Boulevard. The resultant striping would have one lane northbound, southbound right-turn only, thru-Left and left lanes and northbound and southbound bike lanes.
15. Jefferson Boulevard and Overland Avenue (Intersection 38, Culver City): Rather than the report's recommendation of TDM and writing a statement of overriding considerations, restripe the southbound approach and modify traffic signals by removing the raise median northerly of Jefferson Boulevard. The resultant striping would provide dual southbound left turns.
16. La Cienega Boulevard and Venice Boulevard (Intersection 10, Los Angeles): We recommend widening the south side of Venice Boulevard by 14' within existing right of way between the I-10 eastbound on ramp to a point 300' westerly of La Cienega Boulevard. This would provide an eastbound right turn lane to La Cienega Boulevard and an eastbound right turn lane to the I-10 eastbound on ramp.
17. Fairfax Avenue and La Cienega Boulevard (Intersection 21, Culver City): We concur with the report's recommendation to restripe and sign for triple left turns.
18. National Boulevard and Washington Boulevard (Intersection 22, Culver City). The report's recommendation to convert an existing right-turn lane to a through-right lane is not feasible. The proposed right turn lane was constructed as part of the Greystar project that is under construction. It is not feasible to make it a through-right lane since there is no third departure lane to receive it. We recommend transportation management (TSM) measures as an alternative.

19. La Cienega/Washington (Intersection 16 Culver City): TSM measures are recommended rather than TDM and overriding considerations.
20. Fairfax/Washington (Intersection 17 Culver City): TSM measures are recommended rather than TDM and overriding considerations.
21. Sepulveda/Jefferson/Playa (Intersection 42 Culver City): Triple left turns were recommended for the LAX Northside project. TSM measures are recommended rather than TDM.
22. TSM measures consist of improvements such as improved traffic signal controllers, improved traffic signal interconnection, cameras, etc. TSM measures are recommended instead of transportation demand management (TDM) measures, and writing a statement of overriding considerations as indicated in the traffic study. Culver City is agreeable to implementing a TSM program as a means to mitigate the project's impacts at intersections in Culver City.
23. If a significant number of intersections in the cities of Los Angeles and Culver City cannot be mitigated by physical improvements and TSM measures, we recommend the project be downsized to levels that would not cause unmitigated traffic impacts.

TRANSIT (CULVERCITY BUS)

1. Culver CityBus Lines 1, 4, 7 will be directly impacted with no mitigation proposed that will eliminate the significant impacts on travel time delays. Furthermore, Culver CityBus Line 3 will potentially be impacted as it travels in the vicinity of Jefferson/Overland intersection. The transit residual capacity analysis should look at specific lines/corridor rather than overall transit residual capacity in the project area, as there may be more impacts to specific transit lines/corridors than others. There is potential transit capacity issue on the Culver CityBus system that have not been analyzed in any detail in the EIR or traffic study. The EIR/traffic study should examine capacity and travel time delay impacts specifically on Culver CityBus Lines 1, 3, 4, and 7.
2. The EIR/traffic study should acknowledge that Culver CityBus Line 4 services the Project Site, not just the project area. In addition Line 4 not only travels on Jefferson Boulevard, it also travels on La Cienega Boulevard, Fairfax Avenue, and Washington Boulevard and a large portion of Line 4's route will be subject to significant unmitigated impacts. Six of the significantly-impacted and unmitigatable intersections are located along this Line. There should be specific discussions on the impacts of the project will have on this particular bus line and what can be done to mitigate impacts beyond the limited proposed mitigation measures MM-L-1 and MM-L-2.3.

3. The West LA Transit center will be significantly impacted by the project and these impacts need to be mitigated to minimize impacts to bus operations during construction and after project is built. If no mitigations can be identified in the immediate area of the Transit Center, then the Project should be required to provide mitigations elsewhere on the impacted lines in order to reduce or eliminate travel time delays cause by the Project.
4. The 25 percent trip reduction credit being taken due to proximity to the rail station is very high and no supporting detail discussion has been provided in the EIR. Justification for having such high trip reduction credit should be provided and clearly explained. In addition, there should be some mechanism to provide for future mitigation measures if the anticipated rail ridership from the project is not generated.
5. The 10 percent TDM credit proposed needs to be justified and explained on how it will ensure 10 percent trip reduction. Given the proximity of the Project and its significant and unmitigated impacts to Culver City, the City of LA should revised Mitigation Measure MM-L-1 to state that LADOT will work with the City of Culver City to come up with penalty and other mitigation measures if the Project's TDM program does not achieve 10 percent TDM trip reduction.
6. Impacts to transit during construction were not mentioned and need to analyzed and addressed. The construction impacts to bus operations should be fully analyzed in the EIR and traffic study.
7. MM-L-10 (construction traffic control plans) states that the construction traffic control plans are to be submitted and approved by LADOT, but there is no provision for them to be coordinated with Culver City Public Works Department and Culver City Bus. It is highly probable that construction traffic, haul routes, detours will impact Culver City. In addition Culver City Bus operations would also be impacted. Coordination with Culver City should be required before approval and implementation of the construction traffic control plans.
8. MM-L-11 (development of the construction management plan) - There is no mention in hereof coordination with Culver City Public Works Department and Culver City Bus on the development and approval of the construction management plan. Construction of the Project will impact Culver City and the mitigation should be revised to require coordination with Culver City on the development and approval of the construction management plan.
9. Implementation of any construction activities impacting bus operations and the West LA Transit Center should require coordination with the affected transit operators at least 21 calendar days before implementation.

10. MM-L-1 requires adoption of a TDM plan but does not require coordination with and approval from any of the bus operators that might be impacted and/or provide direct connection to the project site. The project should coordinate with all transit operators impacted on the development of the TDM plan.
11. MM-L-2 Transportation System Management only requires coordination with LADOT. This should also require coordination with Culver City Public Works Department and, as needed Culver CityBus (because six of the intersections with significant unavoidable impacts that are can't be mitigated will directly impact Culver CityBus routes 1, 4 and 7 and possibly 3).
12. Due to the project's impacts to Culver CityBus and its high transit and TDM trip credit, the project should: 1). Work with Culver CityBus to look at how to mitigate impacts to Culver CityBus operations (impacts to travel time) and, potentially, transit capacity and 2). Look at opportunities to partner with Culver CityBus to enhance bus service to the project to increase transit mode share and reduce auto trips the Project will generate.
13. Under EIR Section 4.1 - Existing Transit System, corrections need to be made on the description of Culver CityBus transit service:
 - Rapid 6 and Line 6 does not provide direct service to Playa Vista. Line 6 has approximately 20 minute headway during the weekday peak hours. Rapid 6 has 15-20 minute headway.
 - Line 3 weekend operates at a headway of 30 minutes throughout the day. Also, the route does not travel along Jefferson Boulevard at any point in its route.
 - Throughout the EIR, there is reference to "Westfield Culver City Transit Center" and "CulverCity Transit center". There is only one transit center in Culver City, and it is the "Westfield-Culver City Transit Center."
 - Culver CityBus line 4 not only travels on Jefferson Boulevard, it also travels on La Cienega Boulevard, Fairfax Avenue, and Washington Boulevard. Line 4 will also be providing Saturday service starting December 2015.
 - Line 5 afternoon headway is approximately 60 minutes, not 45 minutes.
 - Line 7 travels from Marina Del Rey through downtown Culver City to the Expo Culver City Station and Hayden Tract business district located just southwest of Jefferson/National intersection. Its morning and afternoon peak hour headway is approximately 30 minutes.

FIRE PROTECTION

(These comments from Culver City Fire was not adequately addressed in the Draft EIR).

The Culver City Fire department requests that the EIR to consider:

8. Traffic increases in and through Culver City and adjacent freeways – flow patterns impacting routine traffic and emergency response times and transport times.
9. Increased fire and EMS call volume due to increased people coming into and through Culver City, as well as increases in mutual aid/border response calls.
10. Impacts to area hospital emergency rooms and corresponding wait times at Los Angeles area hospitals including Southern California, Cedars, UCLA, etc.
11. Impacts from increased water demand and water availability for needed fire-flow (firefighting purposes) in the surrounding area.
12. Addition of a potential high value terrorism target in our area – target hardening considerations.

Park and Recreation

13. There is potentially significant impact on Culver City community resources such as Parks and Recreation facilities due to the large amount of residential units proposed and close proximity of the proposed project location to the City's borders. There are several facilities nearby that might be affected including Syd Kroenthal Park, Culver City Park, and Baldwin Hills Scenic Overlook. The Draft EIR shall analyze and demonstrate how a project of this size and nature will not negatively affect Culver City resources such as our Park and Recreational facilities. Based on the NOP and the Draft EIR, it is not clear if there will be a park proposed on site with recreational features (i.e. baseball fields, etc.) proposed. There does not appear to be adequate **active** open space areas for the population proposed. ***(This comment was not adequately addressed in the Draft EIR. For a project of this size, it is unreasonable to expect Culver City's parks to handle the demand for active sports such as baseball or other sporting facilities).***

During Construction

14. The construction duration is very lengthy – 35 months. There are sensitive receptors in the City of Culver City that were not considered in the Draft EIR in regard to noise and construction related impacts. There are residential uses and Syd Kronenthal Park at 675 feet from the proposed project.
15. The traffic study and Draft EIR must identify potential impacts on traffic in City of LA as well as Culver City during construction and identify related mitigation measures ***(This comment was not adequately addressed in the Draft EIR).***

16. Indicate any staging plans or routes that trucks will take during construction. Specifically, any routes in Culver City which could potentially have significant impacts to Culver City community if not mitigated such as parking, noise, vibration, and traffic. ***(This comment was not adequately addressed in the Draft EIR).***
17. The traffic study and Draft EIR should include a construction management plan, including the haul route, the number of construction vehicles and where construction workers will park and the construction staging location. The traffic study and Draft EIR must indicate that the Project Owner shall be responsible to repair any damage to streets in Culver City caused by construction vehicles or activities. ***(This comment was not adequately addressed in the Draft EIR).***
18. Construction Hours: In addition to the Culver City City's hours of construction for developments in the City, Culver City further prohibits dirt hauling and construction material delivery or removal during the morning (7:00am to 9:00am) and afternoon (4:00pm to 6:00pm). In order to minimize potential impacts to the Culver City areas, adjacent to the Project site, Culver City insists incorporating the City's construction hours and restrictions on delivery and removal as mitigation measures in the EIR and/or conditions of Project approval when it impacts the streets and areas of Culver City. Also, a point person or ombudsman should be appointed by the City to deal with construction related complaints. ***(This comment was not adequately addressed in the Draft EIR).***

CUMULUS PROJECT DEIR COMMENTS - Culver City Transportation Department

1. Culver CityBus Lines 1, 4, 7 will be directly impacted with no mitigation proposed that will eliminate the significant impacts on travel time delays. Furthermore, Culver CityBus Line 3 will potentially be impacted as it travels in the vicinity of Jefferson/Overland intersection. The transit residual capacity analysis should look at specific lines/corridor rather than overall transit residual capacity in the project area, as there may be more impacts to specific transit lines/corridors than others. There is potential transit capacity issue on the Culver CityBus system that have not been analyzed in any detail in the EIR or traffic study. The EIR/traffic study should examine capacity and travel time delay impacts specifically on Culver CityBus Lines 1, 3, 4, and 7.
2. The EIR/traffic study should acknowledge that Culver CityBus Line 4 services the Project Site, not just the project area. In addition Line 4 not only travels on Jefferson Boulevard, it also travels on La Cienega Boulevard, Fairfax Avenue, and Washington Boulevard and a large portion of Line 4's route will be subject to significant unmitigated impacts. Six of the significantly-impacted and unmitigatable intersections are located along this Line. There should be specific discussions on the impacts of the project will have on this particular bus line and what can be done to mitigate impacts beyond the limited proposed mitigation measures MM-L-1 and MM-L-2.
3. The West LA Transit center will be significantly impacted by the project and these impacts need to be mitigated to minimize impacts to bus operations during construction and after project is built. If no mitigations can be identified in the immediate area of the Transit Center, then the Project should be required to provide mitigations elsewhere on the impacted lines in order to reduce or eliminate travel time delays cause by the Project.
4. The 25 percent trip reduction credit being taken due to proximity to the rail station is very high and no supporting detail discussion has been provided in the EIR. Justification for having such high trip reduction credit should be provided and clearly explained. In addition, there should be some mechanism to provide for future mitigation measures if the anticipated rail ridership from the project is not generated.
5. The 10 percent TDM credit proposed needs to be justified and explained on how it will ensure 10 percent trip reduction. Given the proximity of the Project and its significant and unmitigated impacts to Culver City, the City of LA should revised Mitigation Measure MM-L-1 to state that LADOT will work with the City of Culver City to come up with penalty and other mitigation measures if the Project's TDM program does not achieve 10 percent TDM trip reduction.
6. Impacts to transit during construction were not mentioned and need to analyzed and addressed. The construction impacts to bus operations should be fully analyzed in the EIR and traffic study.
7. MM-L-10 (construction traffic control plans) states that the construction traffic control plans are to be submitted and approved by LADOT, but there is no provision for them to be coordinated with Culver City Public Works Department and Culver CityBus. It is highly probable that construction traffic, haul routes, detours will impact Culver City. In additional Culver CityBus operations would also be impacted. Coordination with Culver City should be required before approval and implementation of the construction traffic control plans.
8. MM-L-11 (development of the construction management plan) - There is no mention in here of coordination with Culver City Public Works Department and Culver CityBus on the development and approval of the construction management plan. Construction of the Project will impact Culver City and the mitigation should be revised to require coordination with Culver City on the development and approval of the construction management plan.

9. Implementation of any construction activities impacting bus operations and the West LA Transit Center should require coordination with the affected transit operators at least 21 calendar days before implementation.
10. MM-L-1 requires adoption of a TDM plan but does not require coordination with and approval from any of the bus operators that might be impacted and/or provide direct connection to the project site. The project should coordinate with all transit operators impacted on the development of the TDM plan.
11. MM-L-2 Transportation System Management only requires coordination with LADOT. This should also require coordination with Culver City Public Works Department and, as needed, Culver CityBus (because six of the intersections with significant unavoidable impacts that are can't be mitigated will directly impact Culver CityBus routes 1, 4 and 7 and possibly 3).
12. Due to the project's impacts to Culver CityBus and its high transit and TDM trip credit, the project should: 1). Work with Culver CityBus to look at how to mitigate impacts to Culver CityBus operations (impacts to travel time) and, potentially, transit capacity and 2). Look at opportunities to partner with Culver CityBus to enhance bus service to the project to increase transit mode share and reduce auto trips the Project will generate.
13. Under EIR Section 4.1 - Existing Transit System, corrections need to be made on the description of Culver CityBus transit service :
 - Rapid 6 and Line 6 does not provide direct service to Playa Vista. Line 6 has approximately 20 minute headway during the weekday peak hours. Rapid 6 has 15-20 minute headway.
 - Line 3 weekend operates at a headway of 30 minutes throughout the day. Also, the route does not travel along Jefferson Boulevard at any point in its route.
 - Throughout the EIR, there is reference to "Westfield Culver City Transit Center" and "Culver City Transit center". There is only one transit center in Culver City, and it is the "Westfield-Culver City Transit Center."
 - Culver CityBus line 4 not only travels on Jefferson Boulevard, it also travels on La Cienega Boulevard, Fairfax Avenue, and Washington Boulevard. Line 4 will also be providing Saturday service starting December 2015.
 - Line 5 afternoon headway is approximately 60 minutes, not 45 minutes.
 - Line 7 travels from Marina Del Rey through downtown Culver City to the Expo Culver City Station and Hayden Tract business district located just southwest of Jefferson/National intersection. Its morning and afternoon peak hour headway is approximately 30 minutes.

memorandum

date May 26, 2017
to Susan Yun
cc Michael Allen
from Mike Harden
subject 8777 Washington Boulevard Project – Draft Responses to Channel Law Group, LLP Letter

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by the City of Culver City (City) in accordance with the California Environmental Quality Act (CEQA), as amended, to evaluate the potential environmental effects associated with implementation of the proposed 8777 Washington Project (Project). The IS/MND was circulated for public review from April 19, 2017 to May 10, 2017. During the public review period, Channel Law Group, LLC submitted a comment letter (dated May 10, 2017) on behalf of the Arts District Residents for Responsible Development (Association). A Copy of the original comment letter is attached to this Memo.

Subsections I to III (pages 1-4) provide an overview of the Project, a summary of the environmental review process, background CEQA information and a description of existing conditions. These comments do not require a response because they do not raise any new issues or address the adequacy of the environmental analysis in the IS/MND.

Subsection IV.b (pages 3-9) provides comments on the traffic analysis included within the Project's Traffic Study and incorporated into the IS/MND. Comments and Responses Numbers 1-10 below address these traffic-related comments. The comments are summarized herein.

Comment 1

Project trip generation is underestimated because a 25% Transit Trip Use discount was applied to the office use.

Response 1

Culver City's Traffic Study Criteria states, *A maximum of twenty-five percent (25%) trip credits for TOD project may be allowed by the City for developments within a quarter (1/4) of a mile of a rail transit station or transit center.*

The City of Los Angeles Transportation Impact Study Guidelines dated December 2016, states, *LADOT, at its discretion, may allow up to a 25% transit/walk trip generation reduction, subject to the following guidelines, on a case by case basis: Developments above or adjacent to a Metro Rail, Metrolink, or Orange Line station, or to a similar dedicated transit line station with convenient pedestrian access to the station may qualify for a maximum 25% trip generation adjustment.*

The Project is on a site across the street from the Exposition Line transit station, with easy walking to the station. As such, the Project qualifies for the 25% trip generation credit. Both Culver City and the LADOT approved the 25% discount for transit, as well as the other assumptions for this Project's traffic study.

Comment 2

Project trip generation is underestimated because the trip discount for existing uses is overestimated. Traffic counts of all onsite driveways should have been taken during operation of the existing uses in order to determine existing traffic volumes resulting for the existing uses.

Response 2

It is standard practice for cities to use the Institute of Transportation Engineers (ITE) Trip Generation rates to estimate traffic generated by existing uses. Both Culver City and the LADOT approved the ITE trip generation land use rates used to determine the amount of traffic generated by the existing uses on the Project's site.

Comment 3

Given the underestimate of Project trip generation, the Project could have a significant impact at the intersection of National and Venice Boulevards and at other study intersections:

Response 3

Following standard practice, the Project's traffic study used Culver City's guidelines to analyze the study intersections in Culver City, and it used LADOT's traffic study guidelines for intersections in the City of Los Angeles. The traffic study showed the Project would not have a significant impact at any traffic study intersections in the Culver City and in the City of Los Angeles. Both Culver City and the LADOT approved the ITE trip generation land use rates used to determine the amount of traffic generated by the existing uses on the Project's site and by the Project.

Comment 4

As shown in Attachment D of the City of Los Angeles' TIA Guidelines, specialty retail uses are only eligible for a 10% pass-by trip discount, rather than the 25% used in the MND.

Response 4

The Channel Law Group letter misinterprets the Pass-By Trip Rates in Attachment D of LADOT's Transportation Impact Study Guidelines. The Guidelines state that shopping centers of 600,000 sf or more can get a 10% discount rate. It also states that shopping centers less than 50,000 sf can get a 50% discount. The retail component of the Project is 4,500 sf. Therefore, under LADOT's criteria, the Project would be eligible for a 50%

discount. However, Culver City’s Traffic Study Criteria only allows up to a 25% discount for pass-by trips. The 25% pass-by trip discount that was applied to the Project’s retail component in the traffic study is half of the discount allowed by LADOT, and is in fact a very conservative discount.

Comment 5

The MOU states, By signing below, the Property Owner/Developer /Applicant hereby agrees to pay for and submit to the City a post-occupancy traffic count analysis for the development to the satisfaction of the City (of Los Angeles). The analysis shall determine the amount of actual traffic generated by the development compared to the ITE trip generation rates. The analysis shall include traffic counts of all onsite driveways to be taken upon reaching the eight five percent (85%) occupancy of the total building gross floor area or within one (1) year of issuance of the first Temporary Certificate of Occupancy (TCO), as determined by the City. The data shall be used to confirm the findings in the approved traffic study, and shall not result in any additional traffic mitigation measures and/or conditions of approval on the subject property.

This required condition thus provides for the possibility that impacts may be identified as a result of a future study, by that no mitigation will be required to address these impacts. The environmental analysis of the proposed Project thus provides for the potential for significant unmitigated impacts. The traffic study must be corrected and the environmental document for the Project revised and recirculated.

Response 5

Culver City’s Traffic Study Guidelines include the post-occupancy traffic counts because the Planning Commission, at the time the Guidelines were reviewed by the Commission, questioned whether the trip generation rates in the ITE publication, Trip Generation Manual, were appropriate for Culver City. If the post-occupancy counts determined that the trip generation rates for developments in Culver City were higher than the ITE rates, then Culver City would consider using the higher rates. Several traffic studies conducted by Culver City and by other jurisdictions showed that the ITE trip rates are higher than actual driveway trip generation counts for sites in Culver City and for other urban areas. The reason the ITE trips rates are conservative or higher is because, for the most part, the ITE trip rates are based on data points or sites in suburban areas that do not have the availability of alternative modes of transportation, such as transit, bicycling and walking, which are typically available in urban areas.

Culver City’s Traffic Study Guidelines state, *The data shall be used to confirm the findings in the approved traffic study, and shall not result in any additional traffic mitigation measures and/or conditions of approval on the subject Project.* This indicates the post-occupancy data would be for informational purposes only, and may not be used to determine if the Project should be responsible for any additional mitigation measures.

Comment 6

The MND’s statement that there is 4,500 square feet of new retail is inaccurate. The proposed uses in other documents say “restaurant.” Therefore, the City’s calculations are wrong.

Response 6

The ITE publication, Trip Generation Manual, under Land Use: 820 Shopping Center states, *Shopping centers, including neighborhood centers, community centers, regional centers and super regional centers, were surveyed for this land use. Some of these centers contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs and recreational facilities...* As such, restaurants are included in the shopping center land use. Both Culver City and the LADOT approved the ITE Shopping Center land use trip generation for the restaurant component in this Project's traffic study.

Comment 7

Also, office designation for 128,000 square feet seems inaccurate given that the proposed use is for high traffic entertainment uses.

Response 7

The ITE trip generation values for office were appropriate for the 128,000 sf office component for this Project. Both Culver City and the LADOT approved the use of the ITE trip generation values for the office component of the Project.

Comment 8

Again, existing land use states, 12,485 square feet of retail. Existing space is a kitchen equipment warehouse.

Response 8

The website for the Surfas Culinary District, the existing land use at Project's site, states, *Stop into one of our stores for your culinary needs. All of our unique stores, test kitchens and cafes are open and ready to serve you!* As verified by site inspection, the existing land use is a kitchen supply store with test kitchen and a small restaurant. The ITE publication, Trip Generation Manual, describes warehousing as, *Warehousing are primarily devoted to the storage of materials, but they may also include office and maintenance areas.* As such, the existing land use was appropriately designated as a retail land use in the Project's traffic study.

Comment 9

2019 Projections are Inconsistent – the MND's 2019 projections differ from the DEIR for "Cumulus" Project (see Page 48 of MND). Why? The City should explain why the projections are not the same. Also, pp. 527 and 531d (written as Pages 4.L-84 and 4.L-88 in the footers) show that Washington & National is graded as an F/F post Cumulus.

Response 9

There are several reasons why the projected or future levels of service (LOS) of the Project's traffic study intersections may differ from the LOS projections of the Cumulus Project or other projects' traffic studies. The Cumulus Project is in the City of Los Angeles. Projects may have different LOSs at an intersection because of the following reasons: Culver City and the City of Los Angeles have different traffic study criteria, such as the ambient growth factor and allowable trip credits; the existing traffic counts that were taken for each project were

taken times and can vary by as much as 10% or a complete level of service; and each project has a different list of related projects included in the traffic study, which can affect the LOS.

When an intersection is operating at a congested LOS, levels E and F, such as the intersection of Washington Boulevard and National Boulevard in Culver City, whether a project has a significant impact is determined by its relative increase in LOS caused by the project. In the case of the intersection of Washington Boulevard and National Boulevard, the Project caused an increase in LOS of 0.014 at LOS F in the PM peak hour. Under Culver City's Traffic Study Criteria, an increase in LOS of 0.014 would not cause a significant impact any LOS.

Comment 10

Project will exacerbate traffic spillover into residential neighborhood. Project will exacerbate traffic to schools. This is because Washington Boulevard is the only way in/out. This is a significant impact that the City has failed to analyze.

Response 10

The Project's traffic study analyzed four residential street segments. Table 8 of the Project's traffic study shows that the Project will not have an impact at any of the four residential street segments. The Project's assumed trip distribution, which was approved by the City's traffic engineer, assumed that under typical daily conditions, little or no traffic would use the residential streets as a route to and from the Project's site. It is not reasonable to assume that traffic en route to the Project's site will use the residential streets, since motorists would have to drive extra miles and time, which is an unlikely scenario. There is no logical path of travel for motorists en route to or from the Project site to travel on a residential street serving a school, especially since there is more traffic congestion on residential streets serving schools during student pick-up and drop-off times.

The following includes comments on other issues in the MND raised in the letter and responses to each comment. See pages 10-15 of the letter.

Comment 11

Air Quality

The City has failed to sufficiently analyze the Project's impacts on air quality. See MND at page 63. Note that SCAQMD requires this to occur at areas LOS 'D' or worse. The MND states that there are no such intersections within Project vicinity that meet this criteria. However, the traffic studies conflict with this statement. The intersection of Washington and National need to be studied.

Response 11

This comment suggests that a CO hotspot analysis should have occurred due to LOS D at Washington/National. The South Coast Air Quality Management District (AQMD) in 2003 looked at the worst intersections throughout Los Angeles County. The AQMD determined that an intersection of 100,000 vehicles per day would not result in a significant CO hotspot. For the Project, the studied intersection with the highest volume was La Cienega and Venice Blvd. with approximately 70,000 vehicles per day. Since this intersection has less than 100,000 vehicles per day, CO concentrations would not exceed the SCAQMD significance thresholds for a CO hotspot impact.

Accordingly, the CO hotspot analysis covers the maximum impacted intersection by traffic volume, which is the numerical criteria for evaluating impacts. The analysis determined CO impacts would be substantially below the thresholds. Intersections with lower traffic volumes would have even less impacts.

Comment 12

b. Aesthetics

The City concludes that there is a "less than significant impact" from glare without any real analysis. See MND at pp. EC-5 and B7-B8 of the MND. A meaningful analysis is required in light of the fact that this is a glass building with a southern face. Shade/Shadow, on the other hand, was studied and the diagrams for these show multiple instances where reflection will occur during rush hour traffic. Why wasn't a similar analysis conducted for glare?

Response 12

As discussed on page B-8 of the MND, glass fenestration incorporated into the Ground Level commercial component and the office component have been designed with low-reflectivity values (no mirror-like tints or films), minimizing off-site glare. "Exterior reflectance" is performance help explain the amount of glare from glass surfaces. Insulating glass with a low-e coating can range in percentage of exterior reflectance from <10% up to >40%. For reference, clear uncoated glass has an exterior reflectance of 14%. The glass materials being considered for the Project have an exterior reflectance of less than approximately 16%. So when comparing the types of glass being considered, the reflectance is similar to that of clear uncoated glass, which is not considered to generate a substantial amount of glare which would adversely affect day or nighttime views in the area.

To the extent glare is experienced by adjacent uses or the occupants of vehicles on nearby streets it would be temporary, changing with the movement of the sun throughout the course of the day and the seasons of the year. Shade/shadow diagrams were prepared to quantitatively illustrate the duration of Project shadows based on the thresholds utilized included in the MND. Because the City does not utilize quantitative thresholds for glare, no corresponding glare diagrams were necessary in the MND. For the above reasons, glare impacts were determined to be less than significant.

Comment 13

The Project will also "substantially degrade the existing visual character or quality of the site and its surroundings." This is especially true in light of the fact that downtown Culver City is to the west and Helms Bakery is to the east. The Project does not embrace the City's history and existing architectural styles. The building proposed is a modern glass cube that breaks from the historic tradition of these buildings. Also, the style is inconsistent with any of the existing or in-process developments on the other three corners of the intersection. There is no unifying aesthetic.

Response 13

The commenter is referred to Checklist Response No. C on pages B-2 to B-17 of the MND. As discussed therein, the analysis concludes that impacts regarding visual quality and character would be less than significant. This comment states that the Project does not embrace the City's history and existing architectural styles. Development in the City has many varied architectural styles and is not defined by any particular style or styles.

Contrary to the comment, the ground level commercial component would include floor to ceiling glass, which is common for similar commercial uses as seen in the adjacent Access Culver City Project, and also proposed as part of the adjacent Ivy Station Project. The Ivy Station Project also has an “office building” that will include retail uses on the ground floor with four levels of office uses above the ground floor. The office building would provide floor to ceiling glass amidst red exterior walls in a sawtooth pattern wrap. Thus, there are similar glass frontages being developed as part of the Ivy Station Project within the immediate vicinity. Further, the City acknowledges that the various recent and proposed developments at the Washington/National intersection will include different architectural features, styles, materials, etc., but each include compatible modern designs that will contribute to the revitalization of the Transit Oriented Development (TOD) area. The new modern developments will individually improve the existing visual quality and character of each site, as well as collectively improve the visual quality of the TOD area as a whole. Further, each project will include a streetscape design consistent with the TOD Streetscape Plan that will activate the pedestrian environment and improve the street-level visual corridor of National Boulevard and Washington Boulevard.

Comment 14

Impacts on Scenic Vistas. The Project will have a significant effect on the palm trees located on Washington Boulevard. The Project will significantly damage trees that have been part of the visual character of the area for 100 years. Palm trees have been an integral part of the community character of the Arts District since the early 1900's. Indeed, Previous residents have put time and money in to beautify and enhance them with the tree rings. City-approved streetscapes are not consistent with the community. In fact, they substantially degrade the visual character of the community by overlaying a “cookie cutter” look on the community.

Response 14

The commenter is referred to Checklist Response No. A on page B-1 of the MND. As discussed therein, the analysis concludes that impacts regarding scenic vistas would be less than significant. The existing landscaping on the Project site do not qualify the Site as being located within a scenic vista. Vegetation on the Project site is largely confined to ornamental landscaped trees, all of which would be removed as part of the Project. The Project would comply with the City’s TOD Streetscape Plan and applicable provisions pertaining to the removal and replacement of street trees in the Culver City Municipal Code (CCMC) within Title 9: General Regulations, Chapter 9.08: Streets and Sidewalks – Tree Removal, Section 9.08.220: Removal of Trees in Parkways Related to Private Improvement or Development Project. Per the City’s requirements, the Project is required to plant two new Street Right-of-Way trees or Parkway trees for each tree that is removed from the site. The size and location of the replacement trees would be determined by the TOD Streetscape Plan and by the Department of Public Works based on what is appropriate for the particular Street Right-of-Way or Parkway. The Project would result in an increase in landscaping compared to existing conditions.

Comment 15

c. Land Use Planning

The City should analyze the land use impacts of the Project. The Project may effectively "physically divide an established community" under CEQA. As the City is undoubtedly aware, the Arts District residential neighborhood is landlocked. As a result, residents must almost always go through Washington Boulevard at

National to get to the rest of Culver City. The Project will increase traffic at this intersection and exacerbate the problem.

Response 15

Land Use impacts are analyzed on pages B-64 to B-67 of the MND. The commenter is referred to Response X.a on page B64 for a discussion of impacts regarding physically dividing an established community. As discussed therein, the Project would be an infill project providing uses in keeping with the commercial and mixed-use character of the surrounding area. Given the type of uses in the Project vicinity, and the infill character of the Project, the Project would not physically divide an established community. Please refer to above responses for a discussion of traffic impacts.

Comment 16

The MND also erroneously states that the Project is located in a "highly urbanized area." This is not accurate. Indeed, the City also describes the site as a "1 level retail." Moreover, there are single family homes within 500 feet of the site and single level light industrial/warehouse adjacent.

Response 16

The term "highly urbanized area" in the MND was used to indicate that the Project site and surrounding uses are part of a built environment commonly associated with urbanized uses. Even without the term "highly", the analysis in the MND would remain unchanged. The use of this term in the MND does not change the impact analysis or conclusions in the MND. Regardless, the comment does not raise any new issues or address the adequacy of the environmental analysis in the IS/MND.

Comment 17

d. Zoning

The City should analyze the land use impacts of the Project. The Project may effectively "physically divide an established community" under CEQA. As the City is undoubtedly aware, the Arts District residential neighborhood is landlocked. As a result, residents must almost always go through Washington Boulevard at National to get to the rest of Culver City. The Project will increase traffic at this intersection and exacerbate the problem.

Response 17

Refer to Response 15 above.

Comment 18

The MND also erroneously states that the Project is located in a "highly urbanized area." This is not accurate. Indeed, the City also describes the site as a "1 level retail." Moreover, there are single family homes within 500 feet of the site and single level light industrial/warehouse adjacent.

Response 18

Refer to Response 16 above.

Comment 19

The current zoning does not allow for this project at this site. The applicant is trying to change the project to a zone that is only for sites that are 1 acre and above, which this site is not. (See Culver City City Code, § 17.240.015, subd. (b) ["Minimum Site Area for Rezoning. The PD Zoning District may only be applied to sites of 1 acre or larger."], available at [http://library.amlegal.com/nxt/gateway.dll/California/culver/title17zoningcode/article2zoningdistrictsallowablelanduses/chapter17240planneddevelopmentpdzoningdi?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:culvercity_ca\\$anc=JD_17.240.015](http://library.amlegal.com/nxt/gateway.dll/California/culver/title17zoningcode/article2zoningdistrictsallowablelanduses/chapter17240planneddevelopmentpdzoningdi?f=templates$fn=default.htm$3.0$vid=amlegal:culvercity_ca$anc=JD_17.240.015).)

Response 19

Pursuant to Title 17, Zoning Code, Section § 17.120.010.C, Rules of Interpretation, “Wherever this Title requires calculations to determine applicable requirements, any fractional results of the calculations shall be rounded to the next higher whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.” In the case of the Project site being 0.98-acres, it appropriate to round the acreage up to one-acre for purposes of determining compliance with applicable zoning requirements pursuant to the above referenced Zoning Code rules of interpretation.

Comment 20

The Project will necessarily have a significant impact on the land use planning/zoning because the proposed zoning designation conflicts with applicable land use plans, policies are regulations. The City’s statement to the contrary at page EC-9 is false.

Response 20

Land use impacts are addressed in Section X, Land Use and Planning, on pages B-64 to B-67 of the MND. As discussed therein, land use impacts would be less than significant. As discussed therein, the Project would not result in conflicts with the applicable General Plan or Zoning Code or any other applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project such that significant physical impacts on the environment would occur. Thus, impacts would be less than significant. In addition, because the comment does not raise a substantive issue on the content of the MND or the impacts of the Project on the environment, no further response is warranted.

Comment 21

e. TOD Purpose

The Project does not comply with the purpose of transit oriented projects. The proposed Project is a traditional office space with full parking for employees. Prime TOD property such as this is meant for projects that maximize reliance on the metro. As such, this Project does not conform to the intent of the TOD in promoting alternative transportation, especially in cars. The City should analyze alternative projects in the MND that are more consistent with transient oriented development.

Response 21

Pursuant to CEQA Guidelines Section 15126.6, a reasonable range of alternatives is required for an Environmental Impact Report (EIR). However, alternatives are not required as part of preparation of an MND. Regardless, the Site is considered a Transit Oriented Development (TOD) and is located in a transit priority area, which is defined in Senate Bill (SB) 743 as an area located within one-half mile of a major existing or planned transit stop, or which are identified in regional transportation plans. The site meets this criterion as it is located immediately adjacent to the Metro Exposition Expo Line and Culver City Metro Station. The Project would be developed with a bicycle friendly design with bicycle parking for visitors and occupants as well as bike share participation for employees of tenant businesses via integration with the transit access pass (TAP) card or other similar mechanism. The Project's setbacks have been designed to accommodate a future bicycle and parking lane along the Washington Boulevard right-of-way should the City determine that alignment best meets its mobility objectives. The Project would provide designated parking for low-emission/zero-emission vehicles, carpools and loading areas for shared-ride vehicles to allow for convenient pick up and drop off for visitors and occupants utilizing Uber, Lyft, and other similar rideshare companies. Also, secured-access end-of-trip amenities such as bathrooms and showers for use by office tenants in order to promote riding to work would be provided by the Project. The Project's urban infill location close to jobs, shopping and entertainment uses and in close proximity to existing and future public transit stops would result in reduced vehicle trips and vehicle miles traveled (VMT), as compared to the South Coast Air Basin-wide average. As such, the Project would result in a corresponding reduction in transportation-related emissions compared to the South Coast Air Basin-wide average. According to the Project Traffic Study, the Project would result in a reduction in total Project VMT by a minimum of 25 percent from its proximity to major high-quality public transit stations and stops.

The Culver City General Plan designation for the Project site is General Corridor which allows for a range of small to medium scale commercial uses with an emphasis on community serving retail, office, and service uses along major corridors. The General Corridor designation is intended to support desirable existing and future neighborhood and community serving commercial uses and housing opportunities that are compatible with nearby residential neighborhoods. The Project is consistent with the General Corridor designation as it is proposing a mix of office and retail uses within a four-story building located within the City's TOD area near the Metro Expo Line and Culver City Metro Station.

Further, the Project's Ground Level would include a streetscape design, consistent with the TOD Streetscape Plan, that includes wide public sidewalks with street trees, landscape planters, tree grates, benches, bicycle racks, trash receptacles, and street furniture to activate the pedestrian environment and to improve the street-level visual corridor of National Boulevard and Washington Boulevard.

The Traffic Study for the Project took a transit credit of 25% for the office component of the Project. The 25% credit is consistent with Culver City Traffic Study Guidelines. Both Culver City and the LADOT approved the 25% credit for transit.

Comment 22

f. Public Services

It appears that the City used the old plan for the Project when analyzing impacts on public services, which included about half residential. The City's analysis should be updated to reflect the proposed new office-only (and minimal retail) use.

Response 22

City Planning Staff and applicant representatives met with public services staff, including police and fire, to review the original Project site plans and potential impacts on public services. Following revisions to the Project, City Planning Staff contacted police and fire personnel to determine if any of the responses required revisions based on the current Project. Both police and fire personnel, indicated that no changes to the previously submitted responses were necessary. Correspondence from the police and fire personnel indicating such is included within public service correspondence referenced in the MND and made available by the City Planning Department. Accordingly, the analysis included in the MND accurately reflects the currently proposed Project.

Comment 23

Miscellaneous Issues and Questions

Exterior loading zone. Large delivery and moving trucks will necessarily visit the property and will need to be parked on Washington. However, the City has not analyzed any of these impacts in the MND.

Response 23

Contrary to the comment, loading for large deliveries for office and retail uses would occur in a designated loading area located on site on the Ground Level upon entering the parking structure. The loading area would be accessed from Washington Boulevard and designed to allow for box trucks and smaller vans to head into the space fronting the entry driveway and then reverse into the loading areas. Delivery drivers would access the retail uses on the Ground Level from the loading area through appropriate corridors. Access for deliveries would be from either the loading area or the secured parking areas by use of elevators accessible on all parking levels. Delivery vehicles would not block access to the retail parking areas. Because the loading area would be on-site, no significant traffic, noise or other impacts would occur.

Comment 24

Trash Trucks: The City is proposing to allow trash trucks to park on Washington Blvd., but has failed to analyze the reasonably foreseeable impacts of this action. Significant impacts could be reduced by limiting the hours for trash collection. This issue needs to be analyzed by the City.

Response 24

Noise impacts from refuse collection were analyzed on page B-77 of the MND. As discussed therein, impacts were concluded to be less than significant.

With regards to traffic impacts, a scout service, or an employee of the City's Environmental Programs and Operation (EPO) Division, would collect all trash bins serving the Project from the dedicated trash rooms and move the bins to a curbside collection area where the refuse would be collected by the City's EPO truck(s). The

trucks would not park on Washington Boulevard, but rather temporarily stop to pick up the trash bins. After collection, the trash bins would be returned to the dedicated trash rooms by the scout service.

The City has discretion to schedule trash collection as such times that will minimize traffic impacts. Under the Project, the westbound approach to the Washington/National intersection along Washington would continue to provide four vehicular travel lanes similar to existing traffic conditions. Because of the temporary nature of the trash pick-up activities by only one truck and proposed interchange that would maintain the existing number of travel lanes at the Washington/National intersection, no significant traffic impacts would occur.

Comment 25

Impact on Emergency Services: The Association is concerned that emergency services (e.g. fire, police, ambulance) could be negatively impacted during the construction of this project. Specifically, emergency response times may be hampered due to lane closures that are required to construct the Project. The City should analyze this issues and require the applicant to submit a lane closure schedule. See MND at page B-57, B-87.

Response 25

Short-term, construction –related impacts regarding emergency services are addressed in Section XIV, Public Services of the MND. See pages B-84 and B-85 for impacts to fire services and pages B-89 and B-90 for impacts to police services. As discussed therein, potentially significant impacts would be less than significant after implementation of the prescribed mitigation requiring preparation of a Construction Management Plan.

Comment 26

Window Washing. The City has not analyzed the window washing that will be required for glass building. The City should require that is activity occur from internally anchored access (swing stage or similar) - not from the street or sidewalk.

Response 26

Regarding window washing activities, the Project will use a roof rigged system, with the exception of the National Boulevard facing exterior where the Project will use the widened sidewalk as a staging location for ground based washing as the open terrace precludes use of a roof rigged system. All window washing activities would be temporary and would not be expected to result in pedestrian detours. Window washing activities similar to that which would occur under the Project occur on regular basis for multi-story buildings throughout the City. No significant environmental impacts would occur from window washing activities.

Comment 27

Non-Compliance with Applicable City Policies:

- Encouraging multi-use developments that make the City more walkable. See Addendum at pg. B-4. The project doesn't make the city more walkable, it promotes driving. Therefore, the Project doesn't conform to City Goals.

- Promoting revitalization, encouraging reinvestment and eliminating blight in the City’s Area Improvement Projects. See Addendum pg. B-48. The Project doesn’t reinvest in community. There is no evince that the applicant’s tenant(s) will have the same investment in the community as Sony or Culver Studios. Therefore, the Project doesn’t conform to City Goals.

Response 28

Regarding the 1st bullet point, no evidence is provided to support this comment. As discussed on page B-48 of the MND, the Project is a transit oriented development and would incorporate ground level pedestrian serving retail and food retail uses within an office building. At grade retail uses would create connectivity between the various uses and the community. Connectivity would further be achieved through streetscape improvements that incorporate the City approved Streetscape Plan to help create an attractive and inviting walkable environment that connects to the nearby Culver City light rail station.

Regarding the 2nd bullet point, the proposed Project along with other recent and currently proposed projects in the TOD area would contribute to the local area’s ongoing revitalization and would be compatible in their urban character with modern architectural styles and streetscapes consistent with the City’s TOD Streetscape Plan. The perimeter of the Project site area would create an attractive and inviting walkable environment for the community. The Project would include a total of approximately 3,305 square feet of outdoor open spaces. Of this total, approximately 2,675 square feet of at grade landscape and hardscape areas. The Project would introduce a pedestrian friendly environment to an area that currently has minimal streetscape and landscape improvements. The commenter’s reference to Sony or Culver Studios is not relevant to the Project’s MND analysis of environmental impacts.

Comment 29

Cumulative Impacts: The City has failed to meaningfully analyze the cumulative impacts of this project in conjunction with other large development projects in the vicinity (e.g. Cumulus and Wrapper Projects).

Significantly, Washington and National was one of the 8 intersections that was determined to have an unmitigatable significant impact on traffic as a result of the proposed Cumulus project. Why would this project not have the same impact?

Response 29

The traffic study for this Project included a list of related projects (Table 6) that were provided by the cities of Culver City and Los Angeles. All known projects were included in the list at the time the MOU for the Project was approved. The Project’s traffic study showed all the traffic generated by the related projects distributed on the road system, and the LOS at the study intersections reflected the related projects. Therefore, the Project’s traffic study analyzed the Project’s cumulative impact, and found the Project did not have significant impact at any study location.

Comment 30

h. Construction Impacts

The City has failed to analyze many of the construction impacts of the Project.

Truck route. The applicant proposed to utilize a truck route down Washington Boulevard. However, the Association contends this will be very impactful.

The Association contends that all reasonably foreseeable impacts associated with the haul route should be analyzed and mitigated. At a minimum, flagmen should be required to stop traffic to allow vehicles into the Project site. The Association notes that the swing radius is greater than what is shown. Further, the Association suggests that the Applicant bring vehicles off National from North or South. Left turns into the Project site should be carefully analyzed. If necessary, they should occur on Washington. The Association notes that adjusting working hours is not the solution to this problem.

Response 30

The commenter is referred to Response Nos. 31 to 41 below for a discussion of construction-related impacts. Traffic noise impacts from hauling activities are discussed on page B-75 of the MND. As discussed therein, noise impacts from hauling activities would be less than significant. Flagmen will be present for all major deliveries during ingress and egress to the Project site during construction. The comment states the swing radius is greater than shown, but offers no evidence to support this unsubstantiated opinion. The construction contractor has verified there is adequate turning area for trucks entering and exiting the Project site. The proposed haul routes have been determined in consultation with the construction contractor and City Staff to minimize traffic impacts, including no left turns into or exiting the Project site. Trucks would enter the site by making a right turn from Washington and exit the site by making a right turn onto National.

Comment 31

Item 2.5 – The Association contends that the proposed community notification too short.

Response 31

The comment does not does not raise any new issues or address the adequacy of the environmental analysis in the IS/MND. However, the comment is part of the record and as such will be considered by the decision makers for review as part of the decision making process.

Comment 32

Item 2.6.1 - All activities listed as permissible from the hours of 8am-8pm. The City should consider limited certain activities during certain hours to reduce environmental impacts (e.g. no hauling during peak traffic hours).

Response 32

The comment does not does not raise any new issues or address the adequacy of the environmental analysis in the IS/MND. However, the comment is part of the record and as such will be considered by the decision makers for review as part of the decision making process.

Comment 33

Exhibit A.1 – The City should analyze how sidewalk closures can be reduced to mitigate the impacts on pedestrians.

Response 33

It is not uncommon for sidewalks to temporarily be closed during construction activities. If sidewalk closures occur, signage for alternative pedestrian routes would be posted or flagmen would direct pedestrians, as necessary. Any closures would be temporary, and limited to the maximum extent feasible while maintaining pedestrian safety.

Comment 34

Exhibit A.2 – The City should analyze how bike lane closures can be reduced to mitigate the impacts on traffic.

Response 34

It is not uncommon for bike lanes to temporarily be closed during construction activities. If bike lanes closures occur, signage for alternative bike routes would be posted or flagmen would direct cyclists, as necessary. Also, advanced notice of bike lane closures can be made available per the requirements of the Construction Management Plan. Any closures would be temporary, and limited to the maximum extent feasible to maintain cyclist safety. For these reasons, no significant impacts on traffic would occur as a result of temporary bike lane closures.

Comment 35

Exhibit A.3 - The City should analyze how traffic lane closures can be reduced or scaled back to reduce impacts on traffic.

Response 35

The Concept Construction Management Plan does not propose closing any automobile traffic lanes. Rather, the plan proposes closure of an approximately 190-foot segment of a lane striped for bicycle use only. The two through traffic lanes that run along the frontage of the Project site will remain open, as will the right turn/through lane at the intersection of Washington and National Boulevards.

Comment 36

Exhibit A.4 – The Association observes that trucks cannot make turns into the Project site without a large radius. The Association notes that double dirt trucks are simply too large for this operation. Single dirt trucks will be required. The Association also observes that the City has failed to analyze where trucks will stage. All of the construction related impacts of the Project should be analyzed to reduce environmental impacts.

Response 36

The proposed haul route contained in the Concept Construction Management Plan will accommodate the turn radius of all anticipated construction related vehicles, including double dirt trucks. Flag persons will be on site to facilitate safe ingress and egress of all major deliveries, including dirt hauling. Staging of trucks will be outside of Culver City.

Comment 37

Exhibit A.5 – The Association notes that a concrete pump will be needed for the Project, which will be parked on a public sidewalk. This will also require lane closures. These details should be analyzed. The Association observes that the first floor deck is 15' high. The applicant should be required to pump concrete from within the project for L1-Roof. For underground, the applicant should be required to pump from National.

Response 37

The proposed Concept Construction Management Plan proposes to use the bicycle lane segment described above (Response 35) as well as the sidewalk along the Project site frontage to support construction activities, including concrete pouring. Those areas will be closed in order to ensure public safety, however no additional area will be closed to accommodate concrete pumping. And specifically, no vehicle travel lanes will be closed during concrete pumping.

The suggestion that concrete can be pumped from within the site is incorrect. Such an approach would be infeasible because the overhead clearance after the concrete structure is complete, including beams, is approximately 12 feet to 13 feet. Loading ready mix trucks and pumping from within the building's column and wall layout would create a congested and unsafe condition.

Given the sidewalk configuration, concrete pouring from National Boulevard would require the closure of at least one vehicle travel lane in the northbound direction. This is in contrast with the Washington Boulevard frontage, where concrete pumping can be accommodated without closure or obstruction of vehicle travel lanes.

Comment 38

Exhibit A.6 - The Association observes that a manlift will be required and that it will need to be placed on a public sidewalk. However, the crane radius doesn't reach National. The City should consider this information and develop a plan to reduce the environmental impacts of the project.

Response 38

As indicated in the Concept Construction Management Plan, a tower crane will be located on the Project site. Such crane would be appropriately sized to support the entirety of the Project site. During the three months prior to installation of the tower crane, and during three months following removal of the tower crane, it will be necessary to use a lift or lifts to facilitate movement of materials. Such lift or lifts will include mobile cranes located on the sidewalk right of way closed throughout the construction period in order to ensure public safety. No additional or other use of right of way will be required in order to accommodate such lifts.

Comment 39

TOD Visioning Study: The Association notes that current construction plans assume Washington Blvd. will stay the same. However, the current TOD Visioning Study is considering major changes to Washington that would render these plans moot.

The City is currently in the middle of an expensive and comprehensive visioning study for this part of Culver City. One of the ideas being discussed considerably throughout this process is reducing the two lanes of car traffic in each direction to one lane, while using the extra space for pedestrian, bike, and public transport friendly use. Also discussed is changing the current bike plan next to the Project site. Should the City implement either of these ideas, it would greatly impact the current construction plan that involves regular lane and sidewalk closures, even during rush hour (8am to 8pm in current plan). The Association contends that the study should be redone after the City has received the visioning report (July) and decided what it will do to implement it.

Response 39

The comment is correct that the City is undertaking a TOD Visioning Study. The Study is anticipated to be completed in Summer 2017. The intent of this Study is to build on the strengths of the TOD District, examine area mobility and circulation, and plan for the next decade and beyond of Transit Oriented Development. The Study will establish recommendations for a comprehensive program of alternative transit and mobility improvements to address first and last mile mobility and local circulation needs. While the Visioning Study will include recommendations, the specifics of the recommendations are not known at this time. Once the Study is approved, the recommendations will not take immediate effect. For example, any recommendations that may be included in the General Plan Circulation Element may take up to two years to incorporate into the General Plan. Potentially, some of the recommendations may require future CEQA analysis to evaluate the potential for environmental impacts. Because the Visioning Study is not an implementation ready study/plan, the Project's approval cannot be held up due to the uncertainties of the recommendations to be included in the Visioning Study.

Comment 40

Construction noise impacts: The noise study states that to the west is a vacant parking lot (future site of Ivy Station), when in fact that will almost certainly be a large construction site concurrently built while this project is built. The noise study should be redone with this in mind to study cumulative impacts.

Response 40

With implementation of the prescribed mitigation measures, noise levels from the Project's construction activities at the nearest noise sensitive receptors (Access Culver City) would be within 2 to 4 dBA of the daytime ambient noise conditions. Upon review of the Ivy Station noise analysis, that Project would create maximum (worst-case) noise levels of approximately 68 dB at 350 feet. This is not accounting for any noise reducing measures. Assuming a similar amount of construction at a distance of 300 feet from Access Culver City, noise levels from the Ivy Station Project at Access Culver City would be approximately 69 dB prior compliance with City noise requirements. Compliance with the City's noise standards that require properly equipped mufflers and sound control devices (i.e., intake silencers and noise shrouds) would reduce noise levels by approximately 5 dBA, resulting in noise levels of approximately 64 dBA. Thus, the cumulative noise increase from both projects

operating maximum equipment on a worst-case day would be approximately 74 dBA. This would fall below the 5 dB increase of “clearly noticeable” noise increase and threshold for a significant noise impact. However, it is not likely that maximum construction noise impacts from the Ivy Station Project would occur simultaneously with the Project, as sound levels vary from day to day depending on the construction activity performed that day and its location on the development site. The cumulative noise levels would be intermittent, temporary and would cease at the end of the respective construction phases. Both projects would be required to comply with City noise standards and implement noise reduction measures consistent with the City’s Noise Element, conditions of approval, and CCMC requirements, as applicable. As such, the Project’s contribution to cumulative noise impacts is not considered to be cumulatively considerable.

Comment 41

The Association believes that all mitigation measures drafted to address environmental impacts should be written as ‘Conditions of Approval.’ As explained below, deferred analysis or evaluation is neither adequate nor acceptable.

Response 41

The mitigation measures included in the MND will become conditions of approval for the Project.

Comment 42

VI. The City Has Unlawfully Deferred Application of Mitigation Measures to Another Date

The Association is aware that the City has prepared proposed conditions of approval for the Project. Many of these conditions are designed to mitigate the environmental impacts of the Project. Unfortunately, the City has simply deferred environmental analysis to another date in these conditions of approval. This does not comply with CEQA.

Conditioning a project on another agency's future review of environmental impacts, without evidence of the likelihood of effective mitigation by the other agency, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated. *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296. Further, requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a project is approved. PRC § 21080, subd. (c)(2)). See *League for Protection of Oakland Architectural & Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396; *Quall Botanical Ganlens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1605, fn. 4; *Oro Fino Gold Mining Corp. v. Cnty. of El Dorado* (1990) 225 Cal.App.3d 872, 884; *Sundstrom v. Cnty. of Mendocino*, supra, 202 Cal.App.3d at p. 306, (condition requiring that mitigation measures recommended by future study to be conducted by civil engineer evaluating possible soil stability, erosion, sediment, and flooding impacts was improper). Moreover, a condition that requires implementation of mitigation measures to be recommended in a future study may conflict the requirement that project plans incorporate mitigation measures before a proposed negative declaration is released for public review. PRC § 21080, subd. (c)(2); 14 Cal Code Regs § 15070(b)(1). Studies conducted after a project's approval do not guarantee an adequate inquiry into environmental effects. Such a mitigation measure would effectively be exempt from public and governmental scrutiny.

Response 42

The commenter provides an opinion with respect to conditions of approval, but does not provide any evidentiary support for the assertions. A comment that consists exclusively of mere argument and unsubstantiated opinion does not constitute substantial evidence.

Comment 43

VII. At a Minimum, Recirculation of the MND is Required

Once a negative declaration has been circulated, it may need to be recirculated for another round of review and comment if it is "substantially revised" after the public notice of the first circulation period has been given. 14 Cal Code Regs §15073.5(a). A substantial revision includes two situations (14 Cal Code Regs §15073.5(b)):

1. A new, avoidable significant effect is identified, and to reduce that effect to a level of insignificance, mitigation measures or project revisions must be added.
2. The lead agency finds that the mitigation measures or project revisions originally included in the negative declaration will not reduce potentially significant impacts to a level of insignificance, and new mitigation measures or project revisions are required.

New information will require recirculation when it amounts to a substantial revision of the negative declaration, which is defined to mean the identification of new significant environmental impacts or the addition of new mitigation that is required to avoid a significant environmental impact. 14 Cal Code Regs §15073.5(b).

In this case, numerous deficiencies with the MND have been identified. Further, "new information" has been provided to the City, which requires that the MND be corrected and recirculated. The Association requests that the City provide 60 days for public review of any Recirculated MND. This will allow for careful review of the MND and the opportunity to work cooperatively with the City and the applicant to resolve any issues that may arise.

Response 43

The commenter is referred to Responses 1-42 above. There is no new information that has identified a new significant impact or would otherwise change the impact conclusions in the MND. In addition, no new mitigation is required to avoid a significant environmental impact. Accordingly, recirculation of the MND is not required.

Comment 44

Conclusion

For the reasons listed above, the Association respectfully contends that the City cannot approve the Project in light of the deficient MND. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Response 44

The commenter is referred to Responses 1-43 above. No significant deficiencies have been identified in the MND.

8777 WASHINGTON BOULEVARD – TRAFFIC RESPONSES TO CHANNEL LAW GROUP LETTER DATED MAY 10, 2017

Page 4, Channel Law Group (CLG) assertion:

Project trip generation is underestimated because a 25% Transit Trip Use discount was applied to the office use.

Response:

Culver City's Traffic Study Criteria states, *A maximum of twenty five percent (25%) trip credits for TOD project may be allowed by the City for developments within a quarter (1/4) of a mile of a rail transit station or transit center.*

The City of Los Angeles Transportation Impact Study Guidelines dated December 2016, states, *LADOT, at its discretion, may allow up to a 25% transit/walk trip generation reduction, subject to the following guidelines, on a case by case basis: Developments above or adjacent to a Metro Rail, Metrolink, or Orange Line station, or to a similar dedicated transit line station with convenient pedestrian access to the station may qualify for a maximum 25% trip generation adjustment.*

The project is on a site across the street from the Exposition Line transit station, with easy walking to the station. As such, the Project qualifies for the 25% trip generation credit. Both Culver City and the LADOT approved the 25% discount for transit, as well as the other assumptions for this project's traffic study.

Page 8, CLG assertion:

Project trip generation is underestimated because the trip discount for existing uses is overestimated. Traffic counts of all onsite driveways should have been taken during operation of the existing uses in order to determine existing traffic volumes resulting for the existing uses.

Response:

It is standard practice for cities to use the Institute of Transportation Engineers (ITE) Trip Generation rates to estimate traffic generated by existing uses. Both Culver City and the LADOT approved the ITE trip generation land use rates used to determine the amount of traffic generated by the existing uses on the project's site.

Page 8, CLG assertion:

Given the underestimate of project trip generation, the project could have a significant impact at the intersection of National and Venice Boulevards and at other study intersections:

Response:

Following standard practice, the Project's traffic study used Culver City's guidelines to analyze the study intersections in Culver City, and it used LADOT's traffic study guidelines for intersections in the City of Los Angeles. The traffic study showed the project would not have a significant impact at any traffic study intersections in the Culver City and in the City of Los Angeles. Both Culver City and the LADOT approved the ITE trip generation land use rates used to determine the amount of traffic generated by the existing uses on the project's site and by the project.

Page 8, CLG assertion:

As shown in Attachment D of the City of Los Angeles' TIA Guidelines, specialty retail uses are only eligible for a 10% pass-by trip discount, rather than the 25% used in the MND.

Response:

The Channel Law Group letter misinterprets the Pass-By Trip Rates in Attachment D of LADOT's Transportation Impact Study Guidelines. The Guidelines state that shopping centers of 600,000 sf or more can get a 10% discount rate. It also states that shopping centers less than 50,000 sf can get a 50% discount. The retail component of the project is 4,500 sf. Therefore, under LADOT's criteria, the project would be eligible for a 50% discount. However, Culver City's Traffic Study Criteria only allows up to a 25% discount for pass-by trips. The 25% pass-by trip discount that was applied to the project's retail component in the traffic study is half of the discount allowed by LADOT, and is in fact a very conservative discount.

Page 9, CLG assertion:

The MOU states, By signing below, the Property Owner/Developer /Applicant hereby agrees to pay for and submit to the City a post-occupancy traffic count analysis for the development to the satisfaction of the City (of Los Angeles). The analysis shall determine the amount of actual traffic generated by the development compared to the ITE trip generation rates. The analysis shall include traffic counts of all onsite driveways to be taken upon reaching the eight five percent (85%) occupancy of the total building gross floor area or within one (1) year of issuance of the first Temporary Certificate of Occupancy (TCO), as determined by the City. The data shall be used to confirm the findings in the approved traffic study, and shall not result in any additional traffic mitigation measures and/or conditions of approval on the subject property.

This required condition thus provides for the possibility that impacts may be identified as a result of a future study, by that no mitigation will be required to address these impacts. The environmental analysis of the proposed project thus provides for the potential for significant unmitigated impacts. The traffic study must be corrected and the environmental document for the project revised and recirculated.

Response:

Culver City's Traffic Study Guidelines included the post-occupancy traffic counts because the Planning Commission, at the time it was being review by the Commission, questioned whether the trip generation rates in the ITE publication, Trip Generation Manual, were appropriate for Culver City. If the post-occupancy counts determined that the trip generation rates for developments in Culver City were higher than the ITE rates, then Culver City would consider using the higher rates. Several traffic studies conducted by Culver City and by other jurisdictions showed that the ITE trip rates are higher than actual driveway trip generation counts for sites in Culver City and for other urban areas. The reason the ITE trips rates are conservative or higher is because, for the most part, the ITE trip rates are based on data points or sites in suburban areas that do not have the availability of alternative modes of transportation, such as transit, bicycling and walking, which are typically available in urban areas.

Culver City's Traffic Study Guidelines state, *The data shall be used to confirm the findings in the approved traffic study, and shall not result in any additional traffic mitigation measures and/or*

conditions of approval on the subject project. This indicates the post-occupancy data would be for informational purposes only, and may not be used to determine if the project should be responsible for any additional mitigation measures.

Page 9, CLG assertion:

The MND's statement that there is 4,500 square feet of new retail is inaccurate. The proposed uses in other documents say "restaurant." Therefore, the City's calculations are wrong.

Response:

The ITE publication, Trip Generation Manual, under Land Use: 820 Shopping Center states, *Shopping centers, including neighborhood centers, community centers, regional centers and super regional centers, were surveyed for this land use. Some of these centers contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs and recreational facilities...* As such, restaurants are included in the shopping center land use. Both Culver City and the LADOT approved the ITE Shopping Center land use trip generation for the restaurant component in this project's traffic study.

Page 9. CLG assertion:

Also, office designation for 128,000 square feet seems inaccurate given that the proposed use is for high traffic entertainment uses.

Response: The ITE trip generation values for office were appropriate for the 128,000 sf office component for this project. Both Culver City and the LADOT approved the use of the ITE trip generation values for the office component of the project.

Page 9, CLG assertion:

Again, existing land use states, 12,485 square feet of retail. Existing space is a kitchen equipment warehouse.

Response:

The website for the Surfis Culinary District, the existing land use at Project's site, states, *Stop into one of our stores for your culinary needs. All of our unique stores, test kitchens and cafes are open and ready to serve you!* As verified by site inspection, the existing land use is a kitchen supply store with test kitchen and a small restaurant. The ITE publication, Trip Generation Manual, describes warehousing as, *Warehousing are primarily devoted to the storage of materials, but they may also include office and maintenance areas.* As such, the existing land use was appropriately designated as a retail land use in the project's traffic study.

Page 9, CLG Assertion:

2019 Projections are Inconsistent – the MND's 2019 projections differ from the DEIR for "Cumulus" Project (see Page 48 of MND). Why? The City should explain why the projections are not the same. Also, pp. 527 and 531d (written as Pages 4.L-84 and 4.L-88 in the footers) show that Washington & National is graded as an F/F post Cumulus.

Response:

There are several reasons why the projected or future levels of service (LOS) of the Project's traffic study intersections may differ from the LOS projections of the Cumulus project or other projects' traffic studies. The Cumulus project is in the City of Los Angeles. Projects may have different LOSs at an intersection because of the following reasons: Culver City and the City of Los Angeles have different traffic study criteria, such as the ambient growth factor and allowable trip credits; the existing traffic counts that were taken for each project were taken times and can vary by as much as 10% or a complete level of service; and each project has a different list of related projects included in the traffic study, which can affect the LOS.

When an intersection is operating at a congested LOS, levels E and F, such as the intersection of Washington Boulevard and National Boulevard in Culver City, whether a project has a significant impact is determined by its relative increase in LOS caused by the project. In the case of the intersection of Washington Boulevard and National Boulevard, the project caused an increase in LOS of 0.014 at LOS F in the PM peak hour. Under Culver City's Traffic Study Criteria, an increase in LOS of 0.014 would not cause a significant impact any LOS.

Page 9, CLG Assertion:

Project will exacerbate traffic spillover into residential neighborhood. Project will exacerbate traffic to schools. This is because Washington Boulevard is the only way in/out. This is a significant impact that the City has failed to analyze.

Response:

The project's traffic study analyzed four residential street segments. Table 8 of the Project's traffic study shows that the project will not have an impact at any of the four residential street segments. The project's assumed trip distribution, which was approved by the City's traffic engineer, assumed that under typical daily conditions, little or no traffic would use the residential streets as a route to and from the Project's site. It is not reasonable to assume that traffic en route to the Project's site will use the residential streets, since motorists would have to drive extra miles and time, which is an unlikely scenario. There is no logical path of travel for motorists en route to or from the Project site to travel on a residential street serving a school, especially since there is more traffic congestion on residential streets serving schools during student pick-up and drop-off times.

Page 11, CLG Assertion:

TOD Purpose. The Project does not comply with the purpose of transit oriented projects. The proposed project is a traditional office space with full parking for employees. Prime TOD property such as this is meant for projects that maximize reliance on the metro. As such, this project does not conform to the intent of the TOD in promoting alternative transportation, especially in cars. The City should analyze alternative projects in the MND that are more consistent with transient oriented development.

Response:

The traffic study for the Project took a transit credit of 25% for the office component of the Project. The 25% credit is consistent with Culver City Traffic Study Guidelines. Both Culver City and the LADOT approved the 25% credit for transit.

Page 12, CLG Assertion:

Trash Trucks: The City is proposing to allow trash trucks to park on Washington Blvd., but has failed to analyze the reasonably foreseeable impacts of this action. Significant impacts could be reduced by limiting the hours for trash collection. This issue needs to be analyzed by the City.

Response: Lee to answer.

Page 12, Cumulative Impacts: The City has failed to meaningfully analyze the cumulative impacts of this project in conjunction with other large development projects in the vicinity (e.g. Cumulus and Wrapper projects). Significantly, Washington and National was one of the 8 intersections that was determined to have an unmitigatable significant impact as a result of the proposed Cumulus project. Why would this project not have the same impact?

Response:

The traffic study for this project included a list of related projects (Table 6) that were provided by the cities of Culver City and Los Angeles. All known projects were included in the list at the time the MOU for the project was approved. The Project's traffic study showed all the traffic generated by the related projects distributed on the road system, and the LOS at the study intersections reflected the related projects. Therefore, the Project's traffic study analyzed the Project's cumulative impact, and found the Project did not have significant impact at any study location.

Page 13, CLG Assertion:

TOD Visioning Study. The Association notes that current construction plans assume Washington Blvd. will stay the same. However, the current TOD Visioning Study is considering major changes to Washington that would render these plans moot.

Response: Planning to answer.