

SMB20 PROJECT Final Environmental Impact Report



Prepared for:
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069



Prepared by:



IMPACT SCIENCES, INC.
803 Camarillo Springs Road, Suite A
Camarillo, California 93012

December 2011

SMB20 PROJECT

Final Environmental Impact Report

Prepared for:

City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069

Prepared by:

Impact Sciences, Inc.
803 Camarillo Springs Road, Suite A
Camarillo, California 93012

December 2011

TABLE OF CONTENTS

Section	Page
1.0 Introduction to the Final EIR	1.0-1
2.0 Executive Summary	2.0-1
3.0 Responses to Written Comments on the Draft EIR.....	3.0-1
State and Local Agencies	
1 State of California Office of Planning and Research, 5/10/2011	3.0-3
2 State of California Office of Planning and Research, 7/12/2011	3.0-4
3 California Regional Water Quality Control Board, 5/6/2011.....	3.0-5
4 California Regional Water Quality Control Board, 7/11/2011.....	3.0-7
5 County of Los Angeles Department of Public Works, 7/7/2011	3.0-17
6 City of Los Angeles Bureau of Sanitation, 6/30/2011.....	3.0-20
Firms and Individuals	
7 Andres, Travis, 6/18/2011	3.0-23
8 Ballard, Brian, 7/7/2011	3.0-24
9 Barker, Erik, 6/30/2011	3.0-25
10 Barnett, Shawn, 6/20/2011	3.0-27
11 Carlyle, Timothy D., Songstad & Randall, LLP, 5/9/2011	3.0-28
12 Eafalla, Louis, 7/5/2011	3.0-38
13 Elliott, Todd, Truman & Elliott, LLP, 5/6/2011	3.0-40
14 Fernandez, Kim 6/21/2011	3.0-44
15 Goldenberg, Elena 7/6/2011	3.0-45
16 Grant, Dennis, 6/30/2011	3.0-46
17 Hughes, Albert, 5/9/2011	3.0-55
18 Iparraguirre, Graciela, 7/11/2011.....	3.0-57
19 Jordan, Maurice, 7/10/2011.....	3.0-61
20 Joyce, Victoria Jane, 6/30/2011	3.0-62
21 Kanarek, Martin, 6/24/2011	3.0-63
22 Kroger, William, 6/21/2011.....	3.0-65
23 Kroger Family, 7/6/2011	3.0-68
24 Leftgoff, Terry, Terry Leftgoff & Associates, 5/9/11	3.0-70
25 Leftgoff, Terry, Terry Leftgoff & Associates, 7/11/2011	3.0-106
26 Lightfoot, Sheila, 5/6/11	3.0-132
27 Lipnick, Randy, 6/23/2011	3.0-135
28 McKlaine, Kaye, 6/22/2011	3.0-136
29 Meister, Lauren, 5/10/2011	3.0-137
30 Murchison, Neill, 6/30/2011	3.0-139
31 Oswald, Helga, 5/10/2011.....	3.0-140
32 Pamieri, Jimmy, 7/5/2011.....	3.0-142
33 Scotti, Arthur, 6/19/2011	3.0-144
34 Scotti, Arthur, 7/6/2011	3.0-145
35 Sullivan, Catherine, 7/5/2011	3.0-149

TABLE OF CONTENTS (continued)

Section	Page
36 Teramatsu, Michelle, 6/24/2011	3.0-151
37 Weingourt, Rita, 6/17/2011	3.0-152
4.0 Clarifications and Modifications to the Draft EIR.....	4.0-1
5.0 Mitigation Monitoring and Reporting Program	5.0-1

Appendices

A Comment Letters

LIST OF FIGURES

Figure	Page
3.0-1 Project Site Truck Access	3.0-35

LIST OF TABLES

Table	Page
2.0-1 Significance of Environmental Issues for the Proposed Project.....	2.0-4
2.0-2 Comparison of Alternatives to the Proposed Project	2.0-7
5.0-1 Mitigation Monitoring and Reporting Program	5.0-2

1.0 INTRODUCTION TO THE FINAL EIR

A. PURPOSE

This document and the Draft Environmental Impact Report (EIR) are the Final EIR for the SMB20 Project (Project). It has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), and its implementing guidelines (Title 14, California Code Regulations, Sections 15000 et seq., [*State CEQA Guidelines*]), as amended. The City of West Hollywood (City) will consider this Final EIR in its capacity as Lead Agency before it approves or denies the Project. The Findings of Fact and any Statement of Overriding Consideration would be made after the City has considered the information contained in this Final EIR. Likewise, the Mitigation Monitoring and Reporting Program (MMRP) would be adopted at the time the Findings of Fact are adopted and would also be included in the public record for the Project.

As required by Section 15132 of the *State CEQA Guidelines*, a Final EIR shall consist of the following:

- The Draft EIR or a revision of the Draft EIR
- Comments received on the Draft EIR either verbatim or in summary
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review process
- Any other information added deemed necessary by the Lead Agency

The evaluation and response to public comments is an important part of the CEQA process as it allows for (1) the opportunity to review and comment on the methods of analysis contained within the Draft EIR, (2) the ability to detect any omissions that may have occurred during preparation of the Draft EIR, (3) the ability to check for accuracy of the analysis contained within the Draft EIR, (4) the ability to share expertise, and (5) the ability to discover public concerns.

B. THE ENVIRONMENTAL REVIEW PROCESS

As defined by Section 15050 of the *State CEQA Guidelines*, the City is serving as Lead Agency, and is responsible for preparing the EIR for this Project. As such, the City is responsible for ensuring that the EIR satisfies the procedural and informational requirements of CEQA and for the consideration and certification of the adequacy of the EIR prior to making any decision regarding the Project.

The initial steps of the environmental review process are to determine whether CEQA applies and whether an EIR is required. For this Project, the City determined that CEQA did apply and, after review of the Project, indicated the possibility of significant environmental impacts, the preparation of an EIR was determined to be necessary. As a result, a Notice of Preparation (NOP) was prepared and circulated to public agencies and a resident group on December 5, 2009, beginning a 30-day review period. The City accepted comments between December 5, 2009 and April 15, 2010. A public Scoping Meeting was held on Wednesday, December 16, 2009, at the Plummer Park Community Center in West Hollywood. The purpose of the NOP and Scoping Meeting was to solicit input on the proposed scope and content of the Draft EIR from agencies and the public. Written comments received from agencies and from interested individuals and community groups in response to the NOP and Scoping Meeting, and copies of the NOP and Initial Study are provided in Appendix 1.0 to the Draft EIR.

Subsequent to the NOP review period, a Draft EIR was prepared. The Draft EIR was initially circulated for a 47-day review period, which exceeded by two days the requirements of *State CEQA Guidelines* Section 15087. The review period began on Thursday, March 24, 2011 and ended on Monday, May 9, 2011. The Draft EIR was submitted to the State Clearinghouse, which in turn submitted the Draft EIR to select state agencies, including the State Water Resources Control Board, for review. On May 6, 2011, the City received a letter from the California Regional Water Quality Control Board, Los Angeles Region, requesting an extension of the comment period. To ensure all interested parties and agencies had adequate time to review the Draft EIR and provide comments, the public comment period for the Draft EIR was officially extended on Thursday, May 26 to July 11, 2011. The comment period, therefore, began on Thursday, March 24 and ended on Monday, July 11, for a total of 110 days.

The Draft EIR was and is available for review at the following locations:

- Community Development Department
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069
- West Hollywood Public Library
715 N. San Vicente Boulevard
West Hollywood, California 90069

In addition, the Draft EIR is available on the City's Web site at [www.weho.org \(http://www.weho.org/planning\)](http://www.weho.org/planning).

C. CONTENTS OF THE FINAL EIR

As discussed above, the primary intent of the Final EIR is to provide a forum to raise and address comments pertaining to the analysis contained within the Draft EIR. Pursuant to Section 15088 of the *State CEQA Guidelines*, the City, as the Lead Agency for this Project, has reviewed and addressed all comments received on the Draft EIR prepared for the Project that were submitted during the 110-day public review period for the Draft EIR.

This Final EIR is organized into the following sections:

Section 1.0, Introduction to the Final EIR, describes the purpose, process, and contents of the Final EIR.

Section 2.0, Executive Summary, contains the Executive Summary from the Draft EIR, which has been revised to reflect changes made based upon comments received on the Draft EIR.

Section 3.0, Responses to Written Comments on the Draft EIR, provides a list of commenters who provided comments in writing, copies of written comments (coded for reference), and the responses to those written comments.

Section 4.0, Clarifications and Modifications to the Draft EIR, consists of minor text changes made to the Draft EIR as a result of comments raised during the public review process or by City staff.

Section 5.0, Mitigation Monitoring and Reporting Program, contains a list of all mitigation measures with their associated implementation and monitoring phases, the agency responsible for enforcing the mitigation measure, and a checklist to be used by the City for verification of compliance.

2.0 EXECUTIVE SUMMARY

A. INTRODUCTION

The purpose of the Executive Summary is to provide the reader with a clear and simple description of the SMB20 project (the Project) and its potential environmental impacts. Section 15123 of the *California Environmental Quality Act (CEQA) Guidelines*¹ requires that the executive summary identify each significant effect, recommended mitigation measure(s), and alternatives that would minimize or avoid potential significant impacts. The summary is also required to identify areas of controversy known to the Lead Agency including issues raised by agencies and the public, and issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects. This section focuses on the major areas of the Project that are important to decision makers and utilizes non-technical language to promote understanding.

B. PROJECT LOCATION AND SETTING

The Project site, commonly referred to as “8120 Santa Monica Boulevard,” is more precisely located at 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in the City of West Hollywood (City). The Project site is comprised of four parcels located along the south side of Santa Monica Boulevard between Havenhurst Drive and Crescent Heights Boulevard in the central portion of the City.

At its widest point, the City is 2.9 miles from east to west and 1.25 miles from north to south, with a total land area of approximately 1.9 square miles. The City is bounded by the City of Los Angeles to the north, east, and south, and the City of Beverly Hills to the west. The Hollywood Hills border the City to the northwest. The City of Los Angeles Civic Center is located approximately 8 miles to the southeast.

Regional access to the Project site is provided by the Hollywood Freeway (101 Freeway) to the northeast, the San Diego Freeway (405 Freeway) the west, and the Santa Monica Freeway (Interstate 10) to the south. Local access is provided to the Project site by Santa Monica Boulevard on the north, Crescent Heights Boulevard on the east and Havenhurst Drive on the west. Single-family and multi-family residential units border the Project site to the south.

¹ California Environmental Quality Act, *State CEQA Guidelines*, Section 15123, 167.

1. Project Description

The Project involves the redevelopment of the Project site. The existing commercial buildings, which provide 16,681 square feet of commercial space, would be demolished and replaced with an approximately 35,975-square-foot mixed-use building and an approximately 1,052-square-foot residential building. The mixed-use building would provide an approximately 13,276-square-foot drug store and an approximately 2,138 square feet of specialty retail uses on the ground level, and 18 multi-family residential units on the second and third levels. The single-story, 1,052-square-foot residential building would provide two residential units and would be located in the southeastern portion of the Project site. A subterranean parking garage and two at-grade parking areas would provide a total of 86 parking spaces.

A total of 20 residential units would be located at the Project site. Of these, 18 residential units would be located on the second and third floors of the larger proposed building and two units would be located in a separate smaller building located on the southeastern portion of the Project site just west of Crescent Heights Boulevard. The unit mix would consist of 10 one-bedroom units and 10 two-bedroom units. Residential units would range in size from 526 gross square feet to 1,116 gross square feet. The total square footage of the 20 residential units would be 18,397 square feet. Four of the 20 proposed residential units are proposed to be set aside for low- and moderate-income tenants.

A total of 15,414 square feet of commercial use would be located on the ground floor of the main building just south of Santa Monica Boulevard. A total of 13,276 square feet would be designated for occupancy by a drugstore and would be located on the western half of the site, and 2,138 square feet would be used for specialty retail space and would be located in the northeast corner of the Project site at Santa Monica Boulevard and Crescent Heights Boulevard.

The Project would provide 1,645 square feet of common open space for use by residents. All of the residential units would have private open space, ranging in size from 116 square feet to 428 square feet. The Project would include a private landscaped SkyParke located above the specialty retail near Crescent Heights and Santa Monica Boulevards, which would be accessible from the Project's grand staircase and the elevator. The SkyParke would be available for use by patrons of the commercial uses.

2. Project Objectives

The Applicant, Pacific Development Partners, LLC, seeks to develop the Project on the approximately 40,410-square-foot (0.93-acre) site. Key objectives of the Project are as follows:

- Provide a modern, high-quality design that complements surrounding uses and contributes to a sense of community identity.

- Enhance pedestrian activity along Santa Monica Boulevard by providing street-level, street-facing retail along Santa Monica Boulevard.
- Remove remaining tetrachloroethylene (PCE)-contaminated soil from the surface to 20 to 25 feet below ground surface at the Project site.
- Provide sufficient on-site parking for patrons, employees and residents, and provide housing and retail near alternative means of transportation.
- Increase the City's rental housing stock for low- and moderate-income renters.
- Provide for the economic well-being of the surrounding community by providing a range of housing types and retail uses.
- Create a consistent pattern of development and uses along Santa Monica Boulevard that serve Project residents and the surrounding community by redeveloping an underutilized and blighted site.
- Foster the City's fiscal health by, among other things, providing for commercial and retail activities with the potential to generate substantial sales and property tax revenue.
- Construct a facility with sufficient space for a drug store to allow operational efficiency and adequate distribution of goods to consumers within the West Hollywood area.
- Use the existing labor pool living in the West Hollywood area.
- Assist in meeting the circulation needs of the surrounding community by providing the City with improvements to the intersection of Crescent Heights Boulevard and Santa Monica Boulevard.
- Include a private "SkyParke" above the corner retail space at Santa Monica and Crescent Heights Boulevards to provide an iconic visual feature at a key intersection in the City.

C. SUMMARY OF PROPOSED PROJECT IMPACTS

This EIR focused on those environmental impact categories identified by the City as having potentially significant impacts during the Notice of Preparation, scoping process, and public review period for the Initial Study. Environmental factors are listed by the level of significance of their impacts, both project-specific and cumulative in **Table 2.0-1, Significance of Environmental Issues for the Proposed Project**.

**Table 2.0-1
Significance of Environmental Issues for the Proposed Project**

No Impact	Less than Significant Impact	Less than Significant Impact with Mitigation	Significant and Unavoidable Impacts
Agricultural Resources	Aesthetics	Air Quality	
Biological Resources	Air Quality (Operation)	(Construction)	
Mineral Resources	Geology and Soils Hydrology and	Cultural Resources	
	Water Quality	Hazards and Hazardous	
	Land Use and Planning	Materials	
	Noise (Operation)	Noise (Construction)	
	Population, Housing and	Traffic and Circulation	
	Employment	(Construction)	
	Public Services:		
	Fire Protection and Emergency		
	Medical Services		
	Police Protection		
	Schools		
	Library Services		
	Parks and Recreation		
	Traffic and Circulation (Operation)		
	Public Utilities:		
	Water		
	Wastewater		
	Solid Waste		
	Energy		

D. UNAVOIDABLE ADVERSE IMPACTS

The Project would not result in any unavoidable significant impacts.

E. MITIGATION MEASURES

Section 5.0, Mitigation Monitoring and Reporting Program, contains a list of all mitigation measures with their associated implementation and monitoring phases, enforcement agency and a checklist for verification of compliance.

F. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore merit in-depth consideration, and which are infeasible. Alternatives considered include a range of potential projects to

meet most of the Applicant's objectives while eliminating or reducing significant environmental impacts identified.

Alternatives considered include the following:

- **Alternative 1, No Project:** Under the No Project Alternative, the Project site would remain in its current condition. The existing building, totaling approximately 16,681 square feet in two separate structures, would remain, the donut shop and dry cleaners that are currently operational could continue to operate, and the vacant spaces could be leased. The existing surface parking lots also would remain, one located at the northwestern portion of the site with entrances/exits on Havenhurst Drive and Santa Monica Boulevard and the second located behind the buildings with access from Crescent Heights Boulevard. The requirements of the Regional Water Quality Control Board Order No. 0897 for remediation of a confirmed release of tetrachloroethylene (PCE) to the soil beneath the Top Hat Dry Cleaners would remain in effect. The remediation of existing subsurface contamination could take longer to complete in the absence of the Project, which would require excavation for subterranean parking.
- **Alternative 2, Reduced Density Alternative:** Under the Reduced Density Alternative, the commercial square footage would be reduced by 1,214 square feet, nearly 8 percent, and 13 fewer residential units would be provided, representing approximately 50 percent of the square footage of the residential portion of the Project. The proposed smaller residential building on Crescent Heights Boulevard would be eliminated. Under Alternative 2, the site would be developed in accordance with the CC and R3A/PK Zone Districts in the City of West Hollywood Zoning and Subdivisions Code. Alternative 2 would develop a structure with three stories totaling approximately 23,200 square feet, which would be under the allowable 45-foot height limit and 2.0 FAR. The R3A/PK portion of the site would be used for surface parking. The ground floor of Alternative 2 would be developed with an approximately 13,000-square-foot drugstore and 1,200 square feet of specialty retail space. The second and third floors would include approximately 8,600 square feet for seven two-bedroom residential apartments. These units would be "loft style" units with double height living rooms and patios facing Santa Monica Boulevard. The parking required for this alternative would include approximately 50 at-grade parking spaces behind the building and 16 spaces would be provided by a ramp system to a second floor parking deck. The ingress and egress options and restrictions for Alternative 2 would be the same as for the Project, with a driveway allowing egress onto Santa Monica Boulevard and a prohibition of left-turns onto Crescent Heights Boulevard during rush hour. With Alternative 2, no on-site affordable housing would be provided, because by providing fewer than 10 units, the Applicant would be allowed to pay an "in-lieu" fee under West Hollywood Municipal Code Section 19.22.040 (A). A SkyParke would not be included. The height of the proposed building in Alternative 2 would remain approximately 45 feet on Santa Monica Boulevard and 35 feet within 25 feet of the residentially zoned properties to the south. While the requirements of the Regional Water Quality Control Board Order No. 0897 for remediation of a confirmed release of tetrachloroethylene (PCE) to the soil beneath the Top Hat Dry Cleaners would remain in effect, no subterranean parking would be built, shortening the time for construction. The remediation of existing subsurface contamination could take longer to complete in the absence of the excavation for the subterranean parking.
- **Alternative 3, Commercial Only Alternative:** Under the Commercial Only Alternative, the site would be developed in accordance with the CC and R3A/PK Zone Districts in the City of West Hollywood Zoning and Subdivision Code. The CC Zone designation would allow a density of

1.5 FAR and up to 35 feet. Alternative 3 would develop a building with one story with approximately 14,200 square feet of commercial space, which would be under the allowable 35-foot height limit and 1.5 FAR. The commercial square footage would represent a reduction of 1,214 square feet, nearly eight percent, when compared with the Project. The building would be less than 35 feet tall within 25 feet of the residentially zoned properties to the south. The R3A/PK portion would be used for surface parking. The ground floor of Alternative 3 would be developed with an approximately 13,000-square-foot drug store and 1,200 square feet of specialty retail space. Alternative 3 would require approximately 50 parking spaces, all of which would be provided at-grade behind the building. The ingress and egress options and restrictions for Alternative 3 would be the same as for the Project, with a driveway for egress onto Santa Monica Boulevard and a prohibition of left-turns onto Crescent Heights Boulevard during rush hour. No residential units would be provided. While the requirements of the Regional Water Quality Control Board Order No. 0897 regarding remediation of a confirmed release of PCE to the soil beneath the Top Hat Dry Cleaners would remain in effect, no subterranean parking would be built, shortening the time for construction. The remediation of existing subsurface contamination could take longer to complete in the absence of the excavation for the subterranean parking.

- Alternative 4, Increase Commercial/Reduced Residential Alternative:** Under the Above Ground Commercial/20 Unit Residential Density Alternative, the entire site would be used and a project similar to the Project would be built entirely aboveground without subterranean parking. Under Alternative 4, the Project would be developed in accordance with the CC and R3A/PK Zone Districts in the City of West Hollywood Zoning and Subdivisions Code. Alternative 4 would be three stories for a total of approximately 33,200 square feet, which would be under the allowable 45-foot height limit and 2.0 FAR. The building would be 35 feet tall within 25 feet of the residentially zoned properties to the south. The R3/PK portion would be used for surface parking. The ground floor of Alternative 4 would be developed with an approximately 13,000-square-foot drugstore and 1,200 square feet of specialty retail space, representing a reduction in commercial square footage of 1,214 square feet, or nearly 8 percent. The second and third floors would include approximately 18,000 square feet for 15 one-bedroom and 5 two-bedroom residential apartments. These units would be single-level units. The parking required for Alternative 4 would include approximately 50 at-grade parking spaces provided behind the building and 30 spaces provided by a ramp system to a second floor parking deck. The ingress and egress options and restrictions for Alternative 4 would be the same as for the Project, with a driveway for egress onto Santa Monica Boulevard and a prohibition of left turns onto Crescent Heights Boulevard during rush hour. While the requirements of the Regional Water Quality Control Board Order No. 0897 for remediation due to confirmed release of tetrachloroethylene (PCE) to the soil beneath the Top Hat Dry Cleaners would remain in effect, no subterranean parking would be built, shortening the time for construction. The remediation of existing subsurface contamination could take longer to complete in the absence of the excavation for the subterranean parking.

Based on the information in this section, the Commercial Only Alternative is considered the environmentally superior alternative. The benefits of providing a less intensive development (i.e., less vehicle trips, reduced utility usage and public services requirements) under the Commercial Only Alternative (Alternative 3) would lessen overall impacts of the Project. **Table 2.0-2, Comparison of Alternatives to the Proposed Project**, shows the impacts of the alternatives compared to the impacts of the Project.

**Table 2.0-2
Comparison of Alternatives to the Proposed Project**

Environmental Topic	Alternative 1 No Project/No Development	Alternative 2 Reduced Density	Alternative 3 Commercial Only Alternative	Alternative 4 Increased Commercial/ Reduced Residential Density Alternative
Aesthetics	L	S	L	G
Air Quality	L	L	L	L
Cultural Resources	L	S	S	S
Geology and Soils	L	S	S	S
Hazards	G	S	S	S
Hydrology and Water Quality	L	S	S	S
Land Use	L	S	S	S
Noise	L	L	L	S
Population Housing	L	S	L	S
Fire Protection	L	S	L	S
Police Protection	L	S	L	S
School Services	L	S	L	L
Library Services	L	S	L	L
Parks and Recreation	L	S	L	L
Traffic and Circulation	L	S	L	S
Water Supply	L	S	L	S
Sanitary Sewer	L	S	L	S
Solid Waste	L	S	L	S
Energy	L	S	L	S

KEY (Level of Impact in Comparison to the Proposed Project):

G = Alternative Produces Greater Level of Impact.

S = Alternative Produces Similar Level of Impact.

L = Alternative Produces Lower Level of Impact.

G. AREAS OF KNOWN CONTROVERSY

The *State CEQA Guidelines* require that an EIR identify areas of controversy known to the Lead Agency, including issues raised by other agencies and the public. Comments were received from public agencies, and interested parties in response to the circulated NOP and Initial Study and at the public Scoping Meeting, and in response to the circulated Draft EIR. Highlighted issues of concern and areas of controversy include wastewater generation, traffic and circulation, hazardous materials sites, cultural resources, aesthetics and shade-shadow impacts (views of the Hollywood Hills and the potential for shading of neighboring residential units and commercial uses), public services (schools, fire, police, hospitals, and other emergency services), utilities (water, electrical, sewage, and other utility services),

geological impacts, noise, land use, population and housing, and impacts related to air quality and climate change. All of these areas of controversy are addressed in this EIR.

H. ISSUES TO BE RESOLVED

The *State CEQA Guidelines* require that an EIR present issues to be resolved by the Lead Agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the City of West Hollywood, as the Lead Agency, for the proposed Project include

- whether the recommended mitigation measures should be adopted or modified;
- whether additional mitigation measures need to be applied to the Project; and
- whether the Project or an alternative should be approved.

3.0 RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

A. INTRODUCTION

According to the *California Environmental Quality Act (CEQA) Guidelines*, Section 15132, the Final EIR shall consist of the following items: (1) The Draft EIR or a revision of the Draft, (2) Comments and recommendations received on the Draft EIR, (3) A list of persons, organizations and public agencies commenting on the Draft EIR, (4) The responses of the Lead Agency to significant environmental points raised in the review and consultation process, and (5) Any other information added by the Lead Agency. Item (1) is provided as **Section 4.0, Clarifications and Modifications to the Draft EIR**, of this document.

The Draft EIR was submitted to the State Clearinghouse, Office of Planning and Research, and circulated for public review beginning Thursday, March 24, and ending on Monday, July 11. The Draft EIR was circulated for a 110-day public review period, which exceeded the 45-day review period required by the *State CEQA Guidelines* Section 15087.

A total of 37 comment letters were received. A list of commenters is provided in **Section B**, below. The original comment letters with individual comments bracketed and numbered are also provided, followed by numbered responses to each bracketed comment. Individual comments within each letter are numbered and the corresponding response is given a matching number. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in **Section 4.0, Corrections and Modifications to the Draft EIR**.

B. LIST OF COMMENTERS ON THE SMB20 PROJECT DRAFT EIR

State and Local Agencies

1. State of California Office of Planning and Research, 5/10/2011
2. State of California Office of Planning and Research, 7/12/2011
3. California Regional Water Quality Control Board, (RWQCB) 5/6/2011
4. California Regional Water Quality Control Board, (RWQCB) 7/11/2011
5. County of Los Angeles Dept. of Public Works, 7/7/2011
6. City of Los Angeles Dept. of Public Works, 6/30/2011

Organizations and Individuals

1. Andres, Travis, 6/18/2011

2. Ballard, Brian, 7/7/2011
3. Barker, Erik, 6/30/2011
4. Barnett, Shawn, 6/20/2011
5. Carlyle, Timothy D., Songstad & Randall, LLP, 5/9/2011
6. Eafalla, Louis, 7/5/2011
7. Elliott, Todd, Truman & Elliott, LLP, 5/6/2011
8. Fernandez, Kim 6/21/2011
9. Goldenberg, Elena 7/6/2011
10. Grant, Dennis, 6/30/2011
11. Hughes, Albert, 5/9/2011
12. Iparraguirre, Graciela, 7/11/2011
13. Jordan, Maurice, 7/10/2011
14. Joyce, Victoria Jane, 6/30/2011
15. Kanarek, Martin, 6/24/2011
16. Kroger Family, 7/6/2011
17. Kroger, William, 6/21/2011
18. Leftgoff, Terry, Terry Leftgoff & Associates, 5/9/11
19. Leftgoff, Terry, Terry Leftgoff & Associates, 7/11/2011
20. Lightfoot, Sheila, 5/6/11
21. Lipnick, Randy, 6/23/2011
22. McKlaine, Kaye, 6/22/2011
23. Meister, Lauren, 5/10/2011
24. Murchison, Neill, 6/30/2011
25. Oswald, Helga, 5/9/2011
26. Pamieri, Jimmy, 7/5/2011
27. Scotti, Arthur, 6/19/2011
28. Scotti, Arthur, 7/6/2011
29. Sullivan, Catherine, 7/5/2011
30. Teramatsu, Michelle, 6/24/2011
31. Weingourt, Rita, 6/17/2011

Letter No. 1: State of California Office of Planning and Research, 5/10/2011

Comment No. 1-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 9, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Response No. 1-1

The Commenter states that the State Clearinghouse submitted the Draft EIR to selected state agencies for review, and notes that no state agencies submitted comments by the close of the review period on May 9. The Commenter notes that the lead agency has correctly complied with the State Clearinghouse review requirements under the California Environmental Quality Act.

Letter No. 2: State of California Office of Planning and Research, 7/12/2011

Comment No. 2-1

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 11, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Response No. 2-1

The Commenter states that the State Clearinghouse submitted the Draft EIR to selected state agencies for review, and notes that no state agencies submitted comments by the close of the review period on July 11, 2011. The Commenter notes that the lead agency has correctly complied with the State Clearinghouse review requirements under the California Environmental Quality Act.

Comment No. 2-2

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Response No. 2-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 3: California Regional Water Quality Control Board, 5/6/2011

Comment No. 3-1

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency responsible for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the subject property (Site).

Response No. 3-1

The comment provides introductory information regarding the (RWQCB). The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. Responses to commenter's detailed comments are provided below.

Comment No. 3-2

The Regional Board is currently the lead regulatory oversight agency for the environmental issues at the Site. It is our understanding that your agency has prepared and submitted a March 2011 *Draft Environmental Impact Report* (DEIR) pursuant to the California Environmental Quality Act (CEQA) for the proposed commercial and mixed-use redevelopment (SMB20 Project). The SMB Project is located at 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in West Hollywood, and includes the above referenced Site.

Response No. 3-2

The comment summarizes the RWQCB's knowledge and involvement with the project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 3-3

In accordance with CEQA requirements, your office issued a *Notice of Availability* of a *Draft Environmental Impact Report* (public notice) dated March 24, 2011. The public notice provided for a public comment period of 45-days starting on March 24, 2011 and ending on May 9, 2011. The Regional Board was not provided a copy of either the public notice or DEIR and Regional Board staff was not made aware of the existence of the DEIR until May 5, 2011. Given our recent awareness of the DEIR, We have not and will not have sufficient time to review and provide comments on the DEIR before the May 9, 2011 deadline for public comment period.

Response No. 3-3

The time for comment was extended to July 11, 2011. The Regional Board submitted a full comment letter to the City on July 11, 2011.

Comment No. 3-4

As the lead regulatory agency responsible for overseeing environmental corrective actions for mitigation of hazardous materials at the Site and pursuant to CEQA regulations, we have the authority to review and provide comments on the DEIR as necessary. Therefore, we respectfully request that your agency grant us the opportunity to review and submit comments after the May 9, 2011 deadline for the DEIR public comment period. As an alternative should this not be feasible, we would request a minimum additional 45-day extension of the public comment period for the DEIR. In addition to the opportunity to review and comment on this document, please provide us with a hard copy (including appendixes) of the DEIR.

Response No. 3-4

The Office of Planning and Research, State Clearinghouse, forwards copies of environmental review documents to state agencies. In their letter dated May 10, 2011, (Comment Letter No. 1), the State Clearinghouse notes in the Document Details Report that the RWQCB, Region 4, was provided with a copy of the Notice of Availability of the Draft EIR and a CD-ROM containing the Draft EIR. Nevertheless, as requested by the RWQCB, a hard copy (Volumes I, II and III) as well as a CD ROM were sent to the Commenter via overnight mail on May 13, 2011. The period for comment was officially extended on May 26, 2011 until July 11, 2011. The RWQCB provided detailed comments in a letter dated July 11, 2011. Please refer to **Letter No. 4** and associated responses to comments in the letter.

Comment No. 3-5

We thank you and would appreciate your timely response and cooperation on this matter.

If you have any questions please contact Mr. Steve Rowe, Project Manager at (213) 576-6755 (srowe@waterboards.ca.gov) or Ms. Thizar Tintut-Williams, Unit Chief at (213) 576-6723 (twilliams@waterboards.ca.gov).

Response No. 3-5

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 4: California Regional Water Quality Control Board, 7/11/2011

Comment No. 4-1

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency responsible for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above-referenced property.

Regional Board staff has reviewed the March 2011 *Draft Environmental Impact Report* (DEIR) prepared by Impact Sciences, Inc. on behalf of the City of West Hollywood (City) to comply with requirements of the California Environmental Quality Act (CEQA) for the SMB20 Project (SMB20), a proposed mixed-use and residential redevelopment, located at 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in West Hollywood.

Response No. 4-1

The comment provides background information on the letter submittal in light of the Agency's role regarding the site investigation and remediation at the SMB20 Project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-2

The City initially issued a *Notice of Availability of a Draft Environmental Impact Report* (public notice) on March 24, 2011, which authorized a 45-day public comment period from March 24 through May 9, 2011. Their submittal included the Regional Board via their public clearinghouse. However, Regional Board Site Cleanup Program (SCP) staff had not received any notification and was not aware of the comment period until May 5, 2011. Regional Board staff issued a May 6, 2011 letter to the City to request an extension of the review period. In response, the City issued a May 26, 2011 *Notice of Availability of a Draft Environmental Impact Report for an Extended Review Period*. Regional Board staff appreciates the opportunity to provide comments on the DEIR for SMB20.

Response No. 4-2

The comment acknowledges the City's decision to extend the public comment period for the Draft EIR. Please see also **Response No. 3-3**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-3

The Regional Board is the lead agency providing regulatory oversight for environmental investigation and remediation at the Crescent Square Shopping Center (Site), which includes SMB20. The Site was originally developed in 1926 and included a gasoline service station and automotive repair shop. The gas station was demolished and the Site was extensively remodeled in 1961. Since that time, various retail

tenants have occupied the Site, including a dry cleaner and print/copy business. Dry cleaning operations have been conducted at the Top Hat Cleaners since 1962. As a result, soil, soil vapor, and groundwater have been impacted with chemicals of concern (COCs) which include chlorinated volatile organic compounds (VOCs), primarily perchloroethylene (PCE). Petroleum hydrocarbons from the former gas station have also been detected in soil and groundwater, though to a much lesser degree. Since 1999, multiple soil, soil vapor and groundwater investigations have been conducted at the Site under Regional Board oversight. In March 2000, 75 tons of PCE-impacted soil was excavated to a depth of 10 feet below ground surface (bgs) beneath the former dry cleaning machine. Groundwater occurs at approximately 75 to 80 feet bgs and generally flows toward the southwest.

Response No. 4-3

The comment provides background information on the letter submittal in light of the Agency's role regarding the site investigation and clean up at the SMB20 Project site. For a complete discussion of prior site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, please refer to Section 4.5, Hazards and Hazardous Materials, of the Draft EIR. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-4

SMB20 is a planned mixed-use retail and residential redevelopment that will include a subterranean parking garage. As a result, the developer will conduct a site-wide excavation of surficial soil to depths of 20 to 25 feet bgs. Any existing soil contamination within this construction footprint will be removed by excavation and hauled away by the developer. The DEIR provides recent soil and soil vapor data within the construction footprint to identify areas of concern and the extent of contamination that is to be expected during the excavation. Residual contamination in soil and soil vapor below 25 feet bgs will be fully delineated and remediated under the Regional Board's Site Cleanup Program oversight. Assessment and cleanup of residual soil and soil vapor contamination at depth will be expedited following site demolition so as not to impede redevelopment. Groundwater investigation and subsequent remediation will continue under Regional Board oversight after SMB20 has been completed.

Response No. 4-4

The comment provides background information on the letter submittal in light of the Agency's role regarding the site investigation and clean up at the SMB20 Project Site. For a complete discussion of prior site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, Hazards and Hazardous Materials, of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing

contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will continue to work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-5

Based on our review of the document and the information in our file, the Regional Board has the following comments and recommendations on the DEIR:

1. The planned redevelopment proposes future mixed-use retail commercial and residential units on the premises. In order to ensure that future residents are adequately protected from known chemicals of concern including PCE, the Regional Board recommends that all site remediation and human health risk evaluations shall be conducted using future residential land use screening and cleanup levels.

Response No. 4-5

A preliminary Human Health Risk Assessment for the SMB20 Project site is contained in Appendix 4.5 of the Draft EIR. Residential screening levels were used for the areas of proposed residential use at the SMB20 Project site. It is anticipated with removal of the existing contamination from ground surface to 25 feet below ground surface as part of the excavation required for redevelopment of the SMB20 Project site, the risks should decrease substantially. Another risk assessment will be conducted after removal of existing contamination to 25 feet below ground surface and provided to the Regional Board and the Office of Environmental Health Hazard Assessment (OEHHA) for review prior to issuance of a certificate of occupancy by the City. Any remaining contamination below the level of excavation required to construct the project will be the subject of the Regional Board's Order, including any requirements for additional investigation and remediation by the potentially responsible parties at the Crescent Square Shopping Center site.

Comment No. 4-6

2. Under Section 4.5, 2.0b (page 4.5-2), the DEIR incorrectly states that "...Top Hat dry cleaners is the subject of a RWQCB order ..." The Regional Board wishes to clarify that the order is actually for the Crescent Square Shopping Center (Site), which includes the Top Hat Cleaners tenant.

Response No. 4-6

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-7

3. Under Section 4.5, 2.0b (page 4.5-3), the DEIR discusses the initial geophysical survey conducted by California Environmental in April 1999. The DEIR states that "...the geophysical survey revealed possible debris from the gasoline station, but did not reveal evidence of buried USTs." While the

Regional Board concurs with their findings, we would like to add that based on the reports submitted in our files, there was no record of any USTs, dispensers, or piping having ever been disposed of from this property.

Response No. 4-7

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. As discussed in Section 4.5, Hazards and Hazardous Materials, of the Draft EIR and in Appendix 4.5 of the Draft EIR, Jacob & Hefner Associates, Inc. conducted a soil matrix and soil gas assessment and a utility survey in the area of the former gas station in February 2010, during which no indication of a buried underground storage tank was observed. Nevertheless, the excavation to 25 feet below ground surface will be monitored to confirm the absence of underground storage tanks on the SMB20 Project site.

Comment No. 4-8

Under Section 4.5, 2.0b (page 4.5-3) and various other portions of the document, the DEIR indicates that impacted groundwater beneath the Site was due to a release of PCE from Four Seasons Cleaners, located off-site and east of the project site. The DEIR also states (page 4.5-5) that the Regional Board has identified the owner of the Four Seasons Cleaners as the responsible party for the impacted groundwater (beneath the site). The Regional Board wishes to clarify that both the Crescent Square Shopping Center (CSSC) and Four Seasons Cleaners (FSC) are under separate investigative orders to delineate soil and groundwater contamination on their properties and that we have not specified that the FSC is responsible for cleanup or delineation of groundwater beneath the case. We have been notified that FSC's role and responsibility in the CSSC groundwater plume (specifically related to Top Hat Cleaners) is through a 1999 legal settlement between these parties.

Response No. 4-8

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. As indicated in the comment, the responsible parties at the Crescent Square Shopping Center Site and the Four Seasons Cleaners Site have reached an agreement under which Four Seasons Cleaners is responsible for the investigation and remediation of groundwater under the SMB20 Project site.

Comment No. 4-9

5. Under Section 4.5, 3.0b (page 4.5-13) under the "State Regulations" heading, only the California Department of Toxic Substances Control (DTSC) is listed. The DEIR should also include a brief section that describes the regulatory authority of the Regional Board in this context, and identifies that the Regional Board (under the Site Cleanup Program) is the lead regulatory agency on this site.

Response No. 4-9

The following paragraph is added to Section 3.0.b. of Section 4.5, Hazards and Hazardous Materials, of the Draft EIR:

Regional Water Quality Control Board

The Los Angeles Regional Water Quality Control Board is the public agency responsible for the protection of groundwater and surface water quality in Los Angeles. The Regional Board Water Quality Control Board's Site Cleanup Program provides oversight for site investigation and corrective action for all types of pollutants, such as solvents, petroleum fuels, and heavy metals, and all environments, including surface water, groundwater, and the vadose zone. Upon confirming an unauthorized discharge is polluting or threatens to pollute regional water bodies, the Regional Water Quality Control Board oversees site investigation and corrective action under California Water Code Section 13304. Since the late 1990s, the Los Angeles Regional Water Quality Control Board has been the lead regulatory agency under the Site Cleanup Program for the Crescent Square Shopping Center Site, which generally is the site proposed for development with SMB20.

The revised text is also provided in **Section 4.0, Clarifications and Modifications to the Draft EIR**, of the Final EIR.

Comment No. 4-10

6. Under Section 4.5, 4.0b (page 4.5-17), the DEIR states that "... a Site-Specific Health and Safety Plan (HASP) would be prepared and submitted to the RWQCB for review and approval." The Regional Board may provide comments on the HASPs, but does not approve the HASPs. However, the HASP should be developed in accordance with Title 8, Section 5192 of the California Code of Regulations (CCR) and should be based on the nature and scope of the work being conducted and available onsite during the fieldwork.

Response No. 4-10

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. As indicated in Section 4.5, Hazards and Hazardous Materials, of the Draft EIR, a Site-Specific Health and Safety Plan (HASP) will be prepared for the excavation to 25 feet below ground surface required for construction of SMB20 in accordance with Title 8, Section 5192 of the California Code of Regulations, will be based on the nature and scope of the work being conducted, and will be available on site during fieldwork. The HASP will be provided to the Regional Board for review.

Comment No. 4-11

7. The DEIR includes a detailed human health risk assessment (HHRA) that was completed in order to evaluate potential health risks to future workers, residents and the general public from potential exposure to VOCs due to subsurface vapor intrusion to indoor air. The HHRA applied conservative

methods based on maximum concentrations and developed multiple exposure scenarios based on planned future commercial and residential future uses. We have the following comments:

- a. The conceptual exposure model (CEM) did not include a scenario for a future construction worker that could be exposed to COCs from multiple pathways, including inhalation (vapor, dust), ingestion, or dermal contact. The CEM also did not specify sensitive receptors (infant, child, elderly) as part of the risk evaluation. Some of the residential use receptors indicated “adult or child,” but these two receptors have different body weights and toxicity thresholds.
- b. There was no indication in the DEIR that the HHRA has been or will be submitted to a state toxicologist or a third party toxicologist for review. Generally, HHRA’s submitted to the Regional Board are forwarded to the Office of Environmental Health Hazard Assessment (OEHHA) for review by a state toxicologist. Given the timeframe of the DEIR, a thorough review by OEHHA may not be possible at this time. The HHRA identifies risks based on the most recent concentrations in soil and soil vapor, and does not take into account that most of this contamination will be removed by excavation. However, we consider this HHRA to provide a good preliminary screening of the risks/hazards useful in determining mitigation measures.
- c. Based on recent discussions with Jacob and Heffner Associates, Inc., the Regional Board recommends that a post-remediation HHRA be conducted at SMB20. The final HHRA will be reviewed by a state toxicologist with OEHHA to determine whether the health risks have been sufficiently lowered or if additional remediation and/or mitigation measures, such as a vapor barrier, are warranted.

Response No. 4-11

The Proposed Soil Management Plan for Shallow Soil Excavation, Attachment K to Appendix 4.5 of the Draft EIR, describes the methods to be implemented to protect the health and safety of construction workers working on the SMB20 Project, including the use of personal protection equipment and the requirement of proper health and safety training for all construction workers. During demolition and excavation activities, soil vapor will be monitored and a metered fire hydrant will be available to supply water for dust and vapor control. Security fencing will be installed around the perimeter of the SMB20 Project site to preclude public access.

As indicated in the comment, a preliminary Human Health Risk Assessment for the SMB20 Project is contained in Appendix 4.5 of the Draft EIR. Residential screening levels were used for the areas of proposed residential use at the SMB20 Project site. It is anticipated with removal of the existing contamination from ground surface to 25 feet below ground surface as part of the excavation required for redevelopment of the SMB20 Project site, the risks should decrease substantially. Another risk assessment will be conducted after removal of existing contamination to 25 feet below ground surface and provided to the Regional Board and the Office of Environmental Health Hazard Assessment (OEHHA) for review prior to issuance of a certificate of occupancy by the City. See also **Response No. 4-5**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-12

8. Based on their HHRA results, the DEIR proposed an engineered vapor barrier constructed beneath the foundation of the two proposed on-grade residential units in the southeast portion of SMB20 as a mitigation measure to reduce the threat of vapor intrusion to indoor air. The Regional Board has the following comments:
 - a. The proposed vapor barrier should include a passive or active venting system. This typically includes a network of horizontal underground piping beneath the barrier to prevent vapors from accumulating. An active system may require a scrubber and/or an operating permit from the South Coast Air Quality Management District or other air regulatory agency.
 - b. The installation of a vapor barrier and ventilation system should be conducted by a qualified contractor with sufficient experience in designing, installing, and compliance testing of such systems.
 - c. The proposed vapor barrier should include plans for periodic monitoring over time to evaluate the barrier's integrity and verify that it is functioning properly. Monitoring would be required as long as there are COCs sufficiently high enough that would constitute excess human health risk.

Response No. 4-12

The vapor barrier was proposed based on the preliminary Human Health Risk Assessment for the SMB20 Project, contained in Appendix 4.5 of the Draft EIR. Given the existing levels of contamination in soil vapor, a passive venting system is proposed for the SMB20 Project. However, it is anticipated with removal of the existing contamination from ground surface to 25 feet below ground surface as part of the excavation required for redevelopment of the SMB20 Project site, the risks should decrease substantially. Another risk assessment will be conducted after removal of existing contamination to 25 feet below ground surface and provided to the Regional Board and the Office of Environmental Health Hazard Assessment (OEHHA) for review prior to issuance of a certificate of occupancy by the City. Any remaining contamination below the level of excavation required to construct the project will be the subject of the Regional Board's Order, including any requirements for additional investigation and remediation. The future risk assessment may indicate the levels of contaminants in soil vapor after the excavation by the potentially responsible parties at the Crescent Square Shopping Center site do not require use of a vapor barrier. The Applicant will continue to work cooperatively with the Regional Board to reduce any threat of vapor intrusion to indoor air. Any vapor barrier will be installed by a qualified contractor and monitored periodically, as necessary.

Comment No. 4-13

9. As required in Item# 14c of the Regional Board's June 10, 2009 Order, the DEIR includes a Soil Management Plan (SMP) that outlines the handling of shallow contaminated soil that is anticipated during site-wide excavation activities. The Regional Board has the following comments on the SMP:

- a. In Section 3.1 (page 3) of the SMP, the DEIR states that " ... the Top Hat Cleaners suite will be surveyed to known points around the Site so that the location of the footings and foundation where PCE-impacted soil was left in place ..." can be found. We recommend that the survey should also include all source areas (e.g., dry cleaning machines, drums, etc.), known soil borings, soil vapor probes, monitoring wells and Top Hat building dimensions.
- b. Section 3.2 (page 3) of the SMP proposes installing up to nine direct-push, continuously cored soil borings near the former dry cleaning machine, one in the center for vertical delineation and eight lateral borings. The Regional Board generally concurs with the proposed assessment. However, we request that you provide a map of the boring locations. We also request that these data be submitted to the Regional Board to provide information on the assessment of deeper soils below the 25-foot construction depth.

Response No. 4-13

The Applicant will continue to work cooperatively with the Regional Board regarding the removal of existing contamination to 25 feet below ground surface concurrently with redevelopment of the SMB20 Project Site. The proposed survey will include all source areas (e.g., dry cleaning machines, drums, etc.), known soil borings, soil vapor probes, monitoring wells and the Top Hat building dimensions. The Applicant will provide a map of the proposed nine direct-push, continuously cored soil boring locations and will submit all data during the excavation to the Regional Board. See also **Response No. 4-5**.

Comment No. 4-14

10. The DEIR indicates that as part of the redevelopment, four existing onsite groundwater monitoring wells will be properly destroyed in accordance with State regulations and a permit from Los Angeles County Department of Health Services. The Regional Board will require installation of replacement groundwater monitoring wells so that groundwater monitoring and assessment activities can resume. We understand there may be some physical limitations on well placement following redevelopment, but are hopeful that the development can accommodate new well locations, including those in the source area, that will facilitate an adequate well network required for monitoring and remediation.

Response No. 4-14

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. The Applicant will continue to work cooperatively with the Regional Board regarding the removal of existing contamination to 25 feet below ground surface concurrently with redevelopment of the SMB Project site. While there will be some physical limitations on the well placement with development of SMB20, there will be access to wells in the private alley near the source area, which is proposed for truck loading and unloading at the rear of the SMB20 Project site, as well as access in the sidewalks and open areas of the SMB20 Project site.

Comment No. 4-15

11. The Regional Board will require complete delineation and remediation of residual contaminated soil beneath the proposed construction depth of 25 feet bgs. Following post-remediation confirmation sampling of the soil and soil vapor, a HHRA will be conducted to determine whether residual concentrations could pose a health threat to future occupants. Regional Board staff will also evaluate whether residual contamination could impact groundwater. Once the Regional Board determines that residual contaminant levels do not pose a threat to human health or groundwater, then we may be able to issue a soils-only No Further Action (NFA) for the Site.

Response No. 4-15

The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project site. To facilitate the construction of SMB20, the Applicant will continue to work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the SMB Project Site. See also **Response No. 4-5**. As required, the potentially responsible parties at the Crescent Square Shopping Center site will assess soils and the vadose zone directly below the dry cleaners' suite from the excavation depth of 25 feet below ground surface to groundwater in order to provide the Regional Board with data on residual contaminant levels so the Regional Board can issue a soils-only No Further Action (NFA) for the Crescent Heights Shopping Center Site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-16

12. Any absence of comments to any section of the *Draft Environmental Impact Report* should not be interpreted as an agreement by the Regional Board with respect to any statements or conclusions by the Community Development Department of the City of West Hollywood.

Response No. 4-16

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 4-17

We greatly appreciate your consideration of our comments and recommendations.

If you have any questions, please contact Mr. Steve Rowe, project manager, at (213) 576-6755 (srowe@waterboards.ca.gov), or Ms. Thizar Tintut-Williams, Site Cleanup Unit III Chief, at (213) 576-6723 (twilliams@waterboards.ca.gov).

Response No. 4-17

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 5: County of Los Angeles Department of Public Works, 7/7/2011

Comment No. 5-1

We reviewed the Draft Environmental Impact Report for the 8120 Santa Monica Boulevard (SMB20) project. The project involves the demolition of 16,681 square feet of commercial buildings and the construction of a new, approximately 35,975-square-foot, mixed-use development. The project is located at the southwest corner of 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in the City of West Hollywood.

The following comments are for your consideration and relate to the environmental document only:

Services-Sewer

The Environmental Impact Report should discuss the collection and disposal of the additional wastewater that would be generated by the proposed project especially its potential impact on the available capacity in the existing local sewer lines for both peak-dry and wet-weather flows, pursuant with the Statewide General Waste Discharge Requirements (Order No. 2006-0003).

Response No. 5-1

A report evaluating the wastewater impacts of the project was prepared by KHR Associates and was summarized in Section 4.12.2, Wastewater Services, of the Draft EIR. The complete report is provided in Appendix 4.12 of the Draft EIR. The report prepared by KHR Associates evaluated average and peak flows as well as the potential for impacts on the available capacity in the existing local sewer lines. The Project would result in a 0.002 mgd increase in average daily wastewater generation, and a 0.018 mgd increase in average peak daily flows as compared to existing conditions. After conveyance by one of four sewer connection alternatives evaluated, the wastewater produced by the Project would be conveyed south to the Hyperion Treatment Plant, (HTP). Since the trunk line serving the Project site could accommodate the Project flows, and considering the HTP has adequate capacity for wastewater treatment, the Draft EIR on page 4.12-8 concluded that impacts would be less than significant.

Comment No. 5-2

The City owns and the County of Los Angeles Department of Public Works' Consolidated Sewer Maintenance District maintains the local sewers within the project area under existing agreement. Therefore, the City shall require that any new sewer construction project within the project area comply with the City's and Public Works' sewer design and maintenance standards.

If you have any questions regarding sewer comment, please contact Ms. May Hong at (626) 300-3388 or mahong@dpw.lacounty.gov.

Response No. 5-2

Implementation of the Project and any needed upgrades to the sewer system will occur in compliance with the City and Los Angeles County Department of Public Works sewer design and maintenance standards.

Comment No. 5-3

Other Environmental Safety

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

Response No. 5-3

The Project's impacts related to solid waste were evaluated in Section 4.12.13, Solid Waste, of the Draft EIR. The Project would provide trash and recycling areas, in compliance with state and local requirements.

Comment No. 5-4

2. Should any operation within the project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.

Response No. 5-4

A report evaluating the potential for hazards at the Project site was summarized in Section 4.5, Hazards and Hazardous Materials, and is provided in Appendix 4.5 of the Draft (EIR). The geophysical survey revealed possible debris from the gasoline station, but did not reveal evidence of buried underground storage tanks (USTs). The Project does not include the construction, installation, modification, or operation of USTs, industrial waste treatment or disposal facilities.

Comment No. 5-5

3. All development and redevelopment projects which fall into one of the Standard Urban Stormwater Mitigation Plans project types, characteristics, or activities, must obtain Standard Urban Stormwater Mitigation Plans approval by the appropriate agency.

If you have any other questions regarding the environmental safety comments, please contact Mr. Corey Mayne at (626) 458-4921 or cmayne@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 4584921 or tduong@dpw.lacounty.gov.

Response No. 5-5

The Draft EIR evaluated the potential for the Project to alter the existing drainage pattern and surface runoff volume and to affect surface water quality hydrology impacts in Section 4.6, Hydrology and Water Quality. A copy of the drainage report prepared for the Project is provided in Appendix 4.6 of the Draft EIR. As noted on page 4.6-9, the Project would comply with the provisions of the Standard Urban Stormwater Mitigation Plans provided in the West Hollywood Municipal Code. The Draft EIR concluded that with compliance with regulatory requirements, construction-related impacts related to the violation of water quality standards or waste discharge would be less than significant.

Letter No. 6: City of Los Angeles Bureau of Sanitation, 6/30/2011

Comment No.6-1

This is in response to your May 26, 2011 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

Wastewater Requirement

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Commercial	80 GPD/1000 SQ.FT	16,681 SQ.FT	(1,334)
Proposed			
Retail	80 GPD/1000 SQ.FT	15,414 SQ.FT	1,233
Residential: 1-BR	120 GPD/DU	10 DU	1,200
Residential: 2-BR	160 GPD/DU	10 DU	1,600
Total			2,699

Response No. 6-1

The Bureau of Sanitation provided a table summarizing the net increase in wastewater that would be generated by the Project. A report evaluating the wastewater impacts of the Project was prepared by KHR Associates and was summarized in Section 4.12.2, Wastewater Services, of the Draft EIR. The complete report is provided in Appendix 4.12 of the Draft EIR. Table 4.12.2-2 on page 4.12.2-9 of the Draft EIR provides a table with the same data, taken from the report prepared by KHR Associates. KHR Associates used the same generation rates as the Bureau of Sanitation, therefore the generation from the Project is the same. However, the Bureau considered the entire 16,681-square-foot project site as generating wastewater, when the EIR included only operational uses. Therefore, the Draft EIR identified a greater increase in wastewater generation than the Bureau of Sanitation, and the analysis in the Draft EIR, therefore, provides a more conservative estimate of impacts. The Draft EIR on page 4.12-8 concluded that impacts related to wastewater conveyance and disposal would be less than significant.

Comment No. 6-2**SEWER AVAILABILITY**

The project is located within the City of West Hollywood, thus the initial sewer connection will be to County of Los Angeles, Sanitation District #4 sewer lines. Ultimately, the discharge will feed into City of Los Angeles. For sewer capacity issues related to City of West Hollywood, please contact County of Los Angeles, Sanitation District, directly.

Response No. 6-2

Please see **Response No. 5-1**. Based upon the technical report prepared to evaluate Project impacts, the Draft EIR determined that the sewer lines serving the Project site could accommodate the Project flows and that the Hyperion Treatment Plant (HTP) has adequate capacity for wastewater treatment. As a result, the Draft EIR on page 4.12-8 concluded that impacts would be less than significant.

Comment No. 6-3

The project is located at the intersection of Santa Monica Blvd and Crescent Heights Blvd. Based on our existing sewer data, the sewer flows from the project location ultimately feed into either an existing 12-inch pipe on La Cienega Blvd or an existing 8-inch line on Crescent Heights Blvd, within Los Angeles City limits. The sewage from the existing 12-inch line flows into a 15-inch line on La Cienega Blvd before feeding back into the City of West Hollywood. The flow then returns into the City of Los Angeles through the 15-inch line on La Cienega Blvd and continue into a 21-inch line on San Vicente Blvd before finally discharging into a 39-inch line on Crescent Heights Blvd. The sewage from the existing 8-inch line feeds into a 12-inch line on Harper St and 30-inch line on Sweetzer Ave before joining and discharging into the 36-inch line on Crescent Heights Blvd. Figure 1 shows the details of the sewer system within the vicinity of the project.

The current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
12	La Cienega Blvd	*	1.70 MGD
15	La Cienega Blvd	47	2.01 MGD
15	La Cienega Blvd	54	1.73 MGD
21	San Vicente Blvd	51	2.85 MGD
36	Crescent Heights Blvd	36	16.43 MGD
8	Crescent Heights Blvd	*	422,850 GPD
12	Harper Ave	*	799,996 GPD
30	Sweetzer Ave	*	9.92 MGD

* No gauging available

The request was reviewed based on the provided project location and our available pipe information on the City of West Hollywood. Should information on the exact sewer connection point become available, please send us the information so that we may determine if a sewer assessment is required in the future. Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. The developer will be required to contact County of Los Angeles Sanitation District to verify that available capacity for the proposed discharge exists within the City of West Hollywood limits. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

Response No. 6-3

The Draft EIR evaluated the effects of the Project sewer flows on the local infrastructure on pages 4.12.2-7 through 4.12.2-8. Taking into consideration the location, configuration, and capacities of existing sewer lines, and functional requirements to service the projected sewer loads for the Project, four alternative strategies to provide sewer connections were evaluated and all were found adequate to handle the project's flows. The exact number and locations of these laterals and/or main line extensions would be determined with completion of the plumbing design for the Project's building. The Draft EIR on page 4.12-8 concluded that impacts related to wastewater conveyance and disposal would be less than significant. Implementation of the Project and any needed upgrades to the sewer system will occur in compliance with the City and Los Angeles County Department of Public Works sewer design and maintenance standards.

Letter No. 7: Andres, Travis, 6/18/2011

Comment No. 7-1

Hello,

I live at 933 N. Crescent Heights Blvd and would like to express my concern with the building of a Walgreens on the corner of Santa Monica and Crescent Heights. There's already enough traffic and putting in a big store like that in that small intersection will only create more.

Response No. 7-1

Section 4.11 of the DEIR, Traffic, Circulation, and Parking, finds no significant impacts will result from traffic associated with the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No.7-2

We have enough big convenience stores in the area already (Rite-Aid, Longs, etc.) and don't need another.

Response No. 7-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 8: Ballard, Brian, 7/7/2011

Comment No. 8-1

As a co-homeowner in West Hollywood, I am emailing you to urge the City of West Hollywood to support the proposed Walgreens project at Santa Monica/Crescent Heights. I'm pleased that Walgreens cares about our community's concerns so much so that they went out of their way to have a full environmental impact report conducted. It's even more pleasing to see that there will be no significant negative traffic or noise impacts as a result of the thoughtful traffic circulation they have proposed to keep cars off residential streets.

Response No. 8-1

Section 4.11, Traffic, Circulation, and Parking, of the Draft EIR finds no significant impacts will result from traffic associated with the proposed project. The commenter's general support for the project is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 8-2

Though I live on Curson, my girlfriend and I walk to our favorite shops and restaurants on Santa Monica and Melrose on a regular basis. We like that this project will encourage pedestrian activity rather than driving. From its various "green" features to its pedestrian-friendly storefronts, this is the type of development we have been needing in West Hollywood for many years, and I'm glad to see Walgreens stepping up to the plate as a new member of our community.

Response No. 8-2

The commenter's general support for the Project is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 9: Barker, Erik, 6/30/2011

Comment No. 9-1

As someone who drives and walks by the site of the proposed project on a daily basis, I applaud the developer's commitment to seeing that neighborhood concerns are addressed and to bringing forth a model project. It is my understanding that the first and second proposals included a larger drugstore and more apartments, but following neighborhood input about scaling down the massing, the project was reduced considerably—and not just once, but on three occasions. An independent environmental review was also commissioned voluntarily by the developer to ease neighbors' fears about toxic soil, noise, and traffic impacts. The draft report now available for public review shows that the final iteration of the project will have no significant negative impacts.

Response No. 9-1

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers. The commenter correctly notes that a Draft EIR was prepared and released for comment on March 24, 2011. The Draft EIR finds that with mitigation, no significant impacts will result from the construction or operation of the Project.

Comment No.9-2

The current proposal for a green project with a smaller drugstore, two small retail spaces, and 20 apartment homes has been designed with the aid of community input and is consistent with the City's land use regulations. The new landmark design by renowned architect Lorcan O'Herlihy is complimentary to the surrounding buildings and will help to make this a true gateway for West Hollywood. Knowing parking is always an issue in West Hollywood, the developer will even provide enough parking on the property for both tenants and residents to avoid a further parking shortage in the immediate neighborhood. The benefits of this project are many, including temporary construction jobs and permanent jobs. And thanks to the diligence of the developer's team, the negative impacts are negligible, if any.

Response No. 9-2

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No.9-3

I hope the City of West Hollywood will support this project—the result of a collaborative effort between the developer, community and Planning Division—for the southwest corner of Santa Monica Blvd. and Crescent Heights Blvd.

Response No. 9-3

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 10: Barnett, Shawn, 6/20/2011

Comment No. 10-1

Hi, I live on 8061 romaine street and am against any walmart/cvc/walgreens expansion stores on santa monica blvd/crescent heights.

The traffic will clog up even more @ that intersection and will create chance for additional accidents @ an already dangerous street.

Please don't allow the approval of the building.

Thank u for taking the time in reading this.

(Sent on-the-go, please excuse brevity or any typo)

Response No. 10-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. Section 4.11 of the Draft EIR, Traffic, Circulation, and Parking, finds no significant impacts will result from traffic associated with the proposed Project.

Letter No. 11: Carlyle, Timothy D., Songstad & Randall, LLP, 5/9/2011

Comment No. 11-1

The following comments are submitted on behalf of Fritz B. Hoelscher, Trustee, the owner of 1045 and 1047 N. Crescent Heights Blvd. and the La Ventana Apartments, located at 1031 N. Crescent Heights Blvd. in the City of West Hollywood, California (“City”). The comments are provided with respect to the Draft Environmental Impact Report prepared by Impact Sciences, Inc., dated March 2011 (the “DEIR”).

Response No. 11-1

The comment provides introductory information. Responses to the commenter’s detailed comments are provided below.

Comment No. 11-2

On May 1, 2008, the City circulated an initial study for the mixed used [sic] project as it was originally conceived. Comments were submitted on the inadequacy of that Initial Study and related environmental documentation and assessment, including written comments dated May 30, 2008. After that time, the Project sponsor and applicant revised certain elements of the previously proposed project and, in December 2009, the City issued a new Notice of Preparation of a Draft EIR (“NOP”), and noticed and held one Scoping Meeting (on December 16, 2009) for the 8120 Santa Monica Blvd. mixed-use project as revised and currently proposed (the “Project”).

Response No. 11-2

The comment summarizes the public review process for the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 11-3

The City then prepared and distributed a revised Initial Study for the revised Project (“Initial Study” or “IS”). The new Initial Study appropriately concluded that an environmental impact report (“EIR”) was necessary to assess the significant adverse environmental impacts of the Project. The DEIR was issued and the comment period ends on May 9, 2011. This letter provides comments on the Project and the DEIR. These comments supplement all comments that our client has previously submitted to the City with respect to the Project. DEIR Volume II – Appendices 1.0 – 4.5 includes copies of correspondence providing comments submitted on behalf of Mr. Hoelscher by this office in connection with the Project (dated May 30, 2008 and January 4, 2010, respectively).

Response No. 11-3

The comment summarizes the public review process for the Project. In order to assure all interested parties and agencies had adequate time to review the Draft EIR and provide comments, the public

comment period for the Draft EIR was officially extended on Thursday, May 26, to July 11, 2011. The comment period, therefore, began on Thursday, March 24, and ended on Monday, July 11, for a total of 110 days. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 11-4

We note and appreciate that a number of the concerns set forth in our earlier comments (including the absence of analysis related to the Project's baseline conditions) have been addressed in the DEIR and in changes to the Project reflected therein.

We appreciate that the City has determined that it should impose the mitigation measures and conditions on the proposed Project, as revised, to address potentially significant adverse impacts (as summarized in Table 2.0-2). It is assumed, at a minimum that the City will include in the final EIR mechanisms that will be sufficient to assure enforcement of required mitigation measures.

With respect to the DEIR we submit the following comments:

Response No. 11-4

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project in compliance with *State CEQA Guidelines* Section 15097 and Section 21081.6 of the Public Resources Code. The MMRP is provided in **Section 5.0** of the Final EIR.

Comment No. 11-5

Project Design:

We appreciate that the Project Applicant has refined the southern portion of the proposed Project to provide greater consistency with residential uses south of the Project site. The prior Project design included multiple-story residential uses along the southern edge. The current Project proposal reduces the massing on the southern edge to a single-story component with a 25-foot height limit accommodating two residential units. The currently proposed single-story southern edge provides massing and scale similar to the residential property adjacent the proposed Project. We believe the improved Project design will soften the concerns previously noted regarding Project massing, size, and scale.

Response No. 11-5

The comment regarding the project design is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 11-6

Traffic, Circulation, and Parking

We appreciate that the Project Applicant and the City have refined components of the Project Description including the elimination of widening Crescent Heights Boulevard to accommodate a northbound left-turn lane at Santa Monica Boulevard. As noted in prior comments, we feel that a widening of Crescent Heights Boulevard to accommodate northbound left-turn vehicular traffic and the associated loss of on-street parking supply would have a profoundly detrimental effect to the community residents, businesses, and other stakeholders. With the elimination of excess Crescent Heights Boulevard roadway widening, increased landscaping is proposed by the Applicant, allowing improved buffer space between vehicular traffic and pedestrian areas. With improved infrastructure supportive of non-motorized travel, a walkable and livable Crescent Heights Boulevard will better support pedestrian activity.

Based on review of the DEIR, the only roadway improvement proposed in the vicinity of the Crescent Heights Boulevard/Santa Monica Boulevard intersection is a 10-foot wide roadway dedication to accommodate a southbound deceleration lane for entry to the Project site along Crescent Heights Boulevard (4.11-77). The elimination of excess widening of Crescent Heights Boulevard and minimal improvements to accommodate entry into the Project site addresses comments previously submitted on prior versions of the proposed Project. As noted, we appreciate that the Project Applicant has incorporated aesthetic improvements including the walkway and street trees (4.1-23; Figure 4.1-7) on the eastern side of the Project site to create a pedestrian-friendly environment and to increase landscaping in the Project vicinity.

We appreciate the prohibition of the eastbound left-turn during the weekday evening peak period (3:00 p.m. to 7:00 p.m.), and believe the proposed site access management accounts for current traffic circulation on Crescent Heights Boulevard. We recommend the eastbound left-turn restriction be maintained in perpetuity and the restriction be enforceable by the City staff through occupancy permits or other mechanisms. It is noted that Figure 4.11-8 doesn't appear to add to 100 percent, and may require errata to address apparent typographical errors.

Response No. 11-6

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. The percentages in the "Project Driveways" diagram in Figure 4.11-8 add to 100 percent for inbound and outbound trips (24 + 22 + 34 + 20 = 100 outbound trips and 34 + 66 = 100 inbound trips). The request that the left turn restriction be maintained in perpetuity as a condition of the development is noted and will be considered by the City Planning Staff in relation to its recommendations for the Project to the Planning Commission.

Comment No. 11-7

Aesthetics

The City sign standards are discussed on page 4.1-14. It is assumed that signs constructed on-site would be required to be in compliance [sic] the City Sign Ordinance and applicable Design Guidelines. We request that the discussion of signage be expanded in this portion of the EIR to clarify if large-format or high intensity illuminated signage is proposed at the Project site with particular concern regarding that portion of the Project fronting the southern boundary towards the adjacent residential area. The sign standards provide that "(s)ign lighting shall not be of an intensity or brightness that will create a nuisance for residential properties in a direct line of sight to the sign." We request that the EIR analysis include a statement that no illuminated signs will be located on the south side of the Project facing residential properties.

Response No. 11-7

All signs associated with the project would be required to be in compliance with the City Sign Ordinance and applicable Design Guidelines, in accordance with the City's standard conditions of approval for the Project. Large-format or high intensity illuminated signage is not proposed for use on the south side of the Project site, adjacent to residential properties.

Comment No. 11-8

Figure 4.1-7 (Viewpoint 3: Looking North Along Crescent Heights Boulevard) provides a helpful visual showing the eastern side of the proposed building and associated street trees. An additional visual simulation from Crescent Heights Boulevard facing northwest would be helpful to understand the Project's visual character from the adjacent southerly residential properties.

Response No. 11-8

The south elevation of the Project is shown in Figure 3.0-11, South and West Elevations, in the Draft EIR. The potential impacts of the Project related to aesthetics were analyzed in Section 4.1 of the Draft EIR. As indicated in Section 4.1, to determine if development of the Project would degrade the existing visual character or quality of the Project site or its surroundings, four visual simulations were prepared to provide a representation of what pedestrians walking and motorists driving along Santa Monica Boulevard, Crescent Heights Boulevard and Havenhurst Drive would see. Please refer to Figures 4.1-5 through 4.1-8 of the Draft EIR. Building materials used on the south elevation will be similar to those used on the west and east facades, shown in Figures 4.1-6 and 4.1-7, respectively, in the Draft EIR. The principle materials that are indicated for the two-unit building on Crescent Heights Boulevard are stucco with a mesh screen to create privacy for the tenants of these apartment units. The analysis in the Draft EIR determined that the Project would improve and enhance the visual context of the Project site with a

new architecturally modern mixed-use building and enhanced landscaping, aesthetic impacts, would be less than significant.

Comment No. 11-9

We had commented to the effect that the IS discussion was inadequate to explain how truck traffic and loading associated with the proposed intensive commercial use at the site would be consistent with the residential character of the neighborhood immediately adjacent to the site including the area of the site proposed for a loading zone off of Havenhurst Drive. Large truck traffic, which may engage in loading operations early in the morning or late in the evening could have a negative visual impact and result in increased noise in key residential time periods, lead to further congestion and impact ingress and egress from neighboring properties. We recommend the preparation of visual simulation from Havenhurst Drive facing northeast in order to understand the visual characteristics of the proposed loading zone from adjacent southerly residential properties.

Response No. 11-9

The south façade of the Project building, including the loading zone, is shown on the plan elevation included in Figure 3.0-11, South and West Elevations, in the Draft EIR. Refer to **Response No. 11-5**, above, for a discussion regarding the visual impacts of the Project.

The potential impacts of the Project related to noise were analyzed in Section 4.8 of the Draft EIR. As indicated in Section 4.8, a three-axel garbage truck would access the Project site once a week, a four-axel delivery truck would access the site once a week, and a two-axel delivery truck is expected to access the Project site twice a week. These trucks would not exceed the City's noise standards at the sensitive receptors south of the Project site, and noise impacts would be less than significant.

Comment No. 11-10

Noise

The currently proposed Project site plan includes a 5-foot setback along the southerly edge that was not included in the 2008 site plan. This increased setback will help reduce noise and conflicts with the adjacent residential property.

Response No. 11-10

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 11-11

We appreciate the proposed Project site plan revisions and the limited activity related to adjacent properties south of the Project site. Since at-grade parking is proposed adjacent to the southern Project

site edge, we recommend the Project include measures to minimize noise and illumination intrusion (including such intrusion related to automobile headlights) on adjacent residential properties. We recommend clarification if the Project proposes a masonry wall combined with a green screen on the southern Project boundary to reduce noise impacts.

Response No. 11-11

The potential impacts of the Project on aesthetics were analyzed in Section 4.1 of the Draft EIR. As indicated in Section 4.1, lighting would be designed and installed with sensitivity to visual context, including adjacent light-sensitive land uses such as neighboring residences. The Project's lighting plan would ensure that lighting from the Project would be cast downward to reduce the amount of light pollution that could occur on uses surrounding the Project site and would comply with the City's lighting standards. Refer also to **Response No. 11-7**.

The potential impacts of the Project related to noise were analyzed in Section 4.8 of the Draft EIR. As indicated in Section 4.8, the off-site residential uses to the south of the Project site are currently exposed to noise and light from automobile headlights generated by the existing parking lot on the southern side of the Project site, the alleyway on the southern side of the Project site, and automobile traffic on Havenhurst Drive and Crescent Heights Boulevard. The Project would provide 9 ground-level parking spaces in the southeast portion of the site, 9 fewer than are currently available. Additional surface parking for 14 cars would be available in a second ground level parking area, which would be partially enclosed by the Project building. The two proposed residences located on Crescent Heights Boulevard would also buffer noise. As indicated on page 4.8-43 of the Draft EIR, a landscaped 3-inch-thick, 10-foot-tall green screen would be constructed on the southern Project boundary. As a result, impacts related to noise generated on the Project site on sensitive land uses, including the off-site residential units south of the Project site, would be less than significant.

Comment No. 11-12

Truck traffic is discussed on page 4.8-42. The EIR and its mitigation measures should identify the frequency of high decibel emitting trucks and equipment to minimize the likelihood of higher frequency noise emissions during Project construction and operations by confirming delivery locations and schedules on-site, as well as location of trash areas and compactors on site in relation to adjacent residential properties. We further recommend that the EIR document the current and proposed truck and trash schedule and the frequency of truck deliveries per day.

Response No. 11-12

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. A loading dock would be developed on the rear (south) side of the commercial portion of the

Project site. A driveway leading to the loading area would be located south of the driveway on Havenhurst Drive leading into the building. This driveway would be sized to accommodate trucks accessing the site to deliver supplies to the commercial uses on the site. **Figure 3.0-1** depicts truck access at the Project site. The Draft EIR, on page 4.8-42, identified the frequency with which trucks are anticipated at the site. The Draft EIR, on pages 4.12.3-7 and 4.12.3-8, notes that refuse collection containers serving the Project's residential and commercial tenants would be located within enclosures in the underground level and at the rear of the building. A driveway on Havenhurst Drive that leads to an alley on the southern portion of the Project site would provide refuse collection truck access. Commercial trash (tote and bale) area and commercial loading would take place at grade and in an area enclosed on three sides. The fourth (south) side would be partially enclosed by a 10-foot-high green wall. The south elevation of the Project is shown in Figure 3.0-11, South and West Elevations, in the Draft EIR. As noted on page 4.8-42, noise related to trash trucks would be consistent with that produced by existing commercial uses on the Project site and surrounding the Project site to the north, east, and west. See also **Response No. 11-13**. As indicated in Section 4.8, Noise, of the Draft EIR, noise impacts from operation of the Project would be less than significant. Accordingly, no mitigation measures are required.

Comment No. 11-13

The analysis provides a qualitative discussion of the noise impacts related to truck deliveries (page 4.8-43). The analysis identifies that noise impacts related to this activity would be similar to existing conditions. Since the current site is primarily vacant or underutilized, we recommend clarification of the baseline noise conditions regarding current on-site activity.

Response No. 11-13

As indicated on page 4.8-22 of the Draft EIR, in a discussion of the existing noise environment at the Project site, delivery trucks enter the Project site from Santa Monica Boulevard into the surface parking lot on the northern portion of the Project site and from Havenhurst Drive into the alley located on the southern portion of the Project site. Trash trucks also access the Project site through the alley on the southern portion of the Project site from driveways that are located on Havenhurst Drive and North Crescent Height Boulevard. Finally, the surface parking lots on the northern and southern portion of the Project site generate noise associated with vehicles, including starting/revving engines, screeching tires, and use of horns. As indicated on page 4.8-23 of the Draft EIR, at noise monitoring location 3, which is on the southeast property line, the baseline noise level was 68.0 dB(A) CNEL. This current level is above the

City's standard of 65.0 dB(A) CNEL. While the Project site is not currently fully occupied, it has been in the past. The residential and retail uses proposed for the site are similar to uses located to the west of the site and within the City, and noise generated would be similar to that currently occurring within the City from similar uses.

Comment No. 11-14

All operational noise impacts are anticipated to be less than significant. However, the noise analysis relies upon a "10-foot tall green screen" to attenuate noise. We recommend additional data be provided to document the 10-foot-tall green screen attenuation factors, such as material, density, manufacturer specifications, literature citations, etc. Based on our understanding a typical green screen includes a density of 0.66 pounds/square foot, but density of 4.00 pounds/square foot would be required to adequately attenuate noise. Additionally, as noted, we request clarification if the green screen is combined with a masonry wall or proposed in lieu of a masonry wall. Revision to the Noise Contour figures provided in Section 4.8 and potential impacts may be required.

Response No. 11-14

The specific design of the green screen has not yet be finalized by the Applicant. In addition, the City's Planning Commission will provide input with regard to Aesthetics. For purposes of modeling noise impacts, the green-screen was assumed to be 10-feet tall and 3-inches thick and to include ornamental plants growing on a fence. Therefore, the analysis provided was conservative. Even with a conservative analysis, impacts were determined to be less than significant.

Comment No. 11-15

A drive-through facility does not appear to be incorporated as part of the Project. To the extent such a facility were to be so incorporated further analysis would be required to determine the noise effect generated by such a facility and the mitigations required to render such noise less than significant.

Response No. 11-15

As noted by the commenter, the Project does not include a drive-through facility. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 11-16

We appreciate the opportunity to comment on the DEIR, and urge the City to carefully review the Mitigation Monitoring Program to ensure all Project site designs and mitigation measures required in the EIR be incorporated and maintained to minimize impacts to the environment.

Response No. 11-16

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project in compliance with *State CEQA Guidelines* Section 15097 and Section 21081.6 of the Public Resources Code. The MMRP is provided in **Section 5.0** of the Final EIR.

Comment No. 11-17

We reserve the right to further comment on and/or challenge the Project should there be a change in the Project Description from that set forth in the DEIR or should the City fail to assure that the changes in the Project now reflected in the DEIR are mandated as enforceable Project design requirements, mitigation measures, and/or other conditions of Project development, or should the City fail to diligently enforce such requirements, measures or conditions.

If you wish to discuss the foregoing comments or the proposed Project please feel free to contact me at the indicated telephone number or by email (tcarlyle@sr-firm.com).

Response No. 11-17

The contact information is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 12: Eafalla, Louis, 7/5/2011

Comment No. 12-1

I am writing to express my opposition to the proposed Walgreens project at the corner of Santa Monica and Crescent Heights.

Response No. 12-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 12-2

I have lived on Havenhurst Drive for almost 13 years. Since then, I have watched this quaint neighborhood change in so many ways. Large scale million dollar condos on virtually every block, eliminating fair priced housing for so many and making parking nearly impossible some evenings. Small business after small business has disappeared from the neighborhood. Traffic is horrific. Santa Monica gridlocked at various times throughout the day and evening hours.

Response No. 12-2

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts will result from traffic associated with the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 12-3

To put a Walgreens on that corner will only worsen the already less than perfect current conditions. If it's possible traffic will be even worse if this project is approved and what's left for all small business in the plaza will be gone, completely eliminating what was once a striving service oriented small business plaza.

Response No. 12-3

See **Response No. 12-2**.

Comment No. 12-4

I hope everyone involved with the approval of this project will prevent this oversized unnecessary project from happening.

Response No. 12-4

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 12-5

I hope my comments will be reviewed and considered.

Response No. 12-5

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 13: Elliott, Todd, Truman & Elliott, LLP, 5/6/2011

Comment No. 13-1

On behalf of our client, Pacific Development Partners, LLC, the applicant for the SMB20 Project, we thank City staff and the City's consultant, Impact Sciences, for their diligent work on this exciting project. We also share the following comments regarding the Draft Environmental Impact Report (DEIR) for the SMB20 Project released by the City on March 24, 2011.

In general, we fully support the DEIR's analysis. We note, however, certain assumptions in the Traffic Impact Analysis prepared by KOA Associates for the SMB20 Project are quite conservative and therefore overstate the potential impacts of the project. While the Traffic Impact Analysis showed no significant impacts to any intersections or street segments studied, the methodology to determine trip generation rates is conservative as it compares geographically dissimilar locations to the SMB20 Project with greater trip generation rates and includes drug store locations that operate 24 hour per day and contain drive-thru service, both of which are not proposed for the SMB20 Project.

Below is a summary of the trip generation methodology and results for the SMB20 Project Traffic Impact Analysis.

- KOA's trip generation estimate for the SMB20 Project was based on empirical traffic counts collected at six existing drug stores located in the greater Los Angeles area.
- The trip generation study included three sites located in a suburban setting and three sites located in an urban setting. All three suburban sites contained a pharmacy with drive-thru service. The characteristics and store sizes of the sites surveyed along with the SMB20 Project are summarized in the table below.

Trip Generation Study: Site Characteristics					
Locations	Setting	Size (SF)	Drive-Thru?	Trip Generation Rates (Trips per KSF)	
				Daily	PM
Walgreens: Southeast Corner of Pioneer Blvd & Artesia Blvd, Artesia, CA	Suburban	15,083	Yes	238.15	18.56
Walgreens: Southwest Corner of Greenleaf Blvd & Whittier Blvd, Whittier, CA	Suburban	14,908	Yes	133.82	11.27
Walgreens: Northwest Corner of Vermont Ave & 6th St, Los Angeles, CA	Suburban	15,525	Yes	218.87	13.66
CVS Pharmacy: Northeast Corner of La Cienega Blvd & Santa Monica Blvd, West Hollywood, CA	Urban	17,779	No	79.19	6.97
Rite Aid: Northeast Corner of 24th St & Pico Blvd, Santa Monica, CA	Urban	17,350	No	63.98	4.96
Rite Aid: Northeast Corner of Canon Dr & Dayton Way, Beverly Hills, CA	Urban	24,553	No	123.98	10.30
Proposed Walgreens: Southwest Corner of Santa Monica Blvd & Crescent Heights Blvd	Urban	13,276	No	138.28	10.68

- As shown in the above table, the three suburban sites with drive-thru service generate more vehicle trips on a per square foot basis than the three urban sites.
- On average, the three new sites located in an urban setting generate approximately 50 percent fewer daily trips and 30 percent fewer peak hour trips compared to the three suburban sites as shown in the table below. These results demonstrate urban mixed-use areas with bicycle and pedestrian friendly amenities and access to transit result in fewer vehicle trips than traditional suburban settings.

Trip Generation Rate Comparison Suburban vs. Urban Sites			
Average Vehicle-Trip Generation Rates			
Time Period	Suburban	Urban	% Difference
Daily	197.40	93.19	-52.8%
AM Peak Hour	7.38	4.83	-34.5%
Midday	12.06	8.17	-32.2%
PM	14.50	10.17	-29.8%

- The Traffic Impact Analysis applied the weighted average of the six sites. The trip generation table below summarized the number of trips generated by the three urban compared to the weighted average of all six sites. The urban sites generated approximately 30 percent fewer trips on a daily basis and 5 to 10 percent fewer trips during peak hours compared to the average rates of the six sites used in the Traffic Impact Analysis. Consequently, the results of the Traffic Impact Analysis are quite conservative and overstate the potential impacts of the SMB20 Project.

Trip Generation Rate Comparison Project Trip Generation vs. Urban Sites			
Average Vehicle-Trip Generation Rates			
Time Period	Proposed Project (6-site Avg.)	Urban	% Difference
Daily	138.28	93.19	-32.6%
AM Peak Hour	5.28	4.83	-8.5%
Midday	8.75	8.17	-6.6%
PM	10.68	10.17	-4.7%

Because average daily traffic counts in the DEIR are highest during weekdays, we have prepared the enclosed Trip Generation Rate Comparison based upon the average of the three urban locations used in the Traffic Impact Analysis to create a Weekday Project Trip Generation Estimate table which indicates a more realistic amount of traffic that would be generated by the SMB20 Project. As demonstrated, the trip generation for the SMB20 Project would be approximately 50% less than indicated in the Traffic Impact Analysis.

Once again, we appreciated your continued diligence and cooperation on the SMB20 Project and look forward to creating a project that will benefit the City of West Hollywood for decades to come.

Response No. 13-1

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts will result from traffic associated with the Project. The use of drug store sites that generate higher numbers of trips to determine the trip generation rate for the Project yielded a more conservative analysis. The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 14: **Fernandez, Kim 6/21/2011**

Comment No. 14-1

Please stop the Walgreens development, West Hollywood does not need another pharmacy, esp. not at the intersection increasing noise, traffic, and congestion.

Response No. 14-1

Sections 4.7 (Noise) and Section 4.11 (Traffic, Circulation, and Parking) of the Draft EIR find no significant impacts will result from noise and traffic associated with the proposed project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 15: **Goldenberg, Elena 7/6/2011**

Comment No. 15-1

I support the project that Walgreens proposed for our neighborhood and the environmental impact report. I live very close to this location and was at the first neighborhood meeting about 5 years ago to support this project. I liked that Walgreens was going to build affordable apartments for our senior citizens. West Hollywood has a large senior citizen population and this was very important. I also liked that they were going to build a store so close to my condominium so I could be able to walk there.

Response No. 15-1

The commenter provides general support for the Project which is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 15-2

Many of my neighbors were worried that the project was too big and would cause too much traffic in the area. They also did not like the design. Since then, I have seen Walgreens make many major changes to have these neighbors support the project. They made the pharmacy smaller, they added small shops, and they reduced the apartments. They also brought a new design and added nice landscaping to match the small park across the street. I am glad to see they respect our opinions.

Response No. 15-2

See **Response No. 15-1**.

Comment No. 15-3

The project now has a much smaller pharmacy compared to the CVS and Rite Aid. There are only 20 apartments but they have the affordable apartments for senior citizens. Because the project is about half of what it was 5 years ago, because it will have all the parking it needs, and because the driveways are designed with the planning department's help to avoid interrupting traffic, it will not cause any traffic for our neighborhood.

Response No. 15-3

See **Response No. 15-1**.

Comment No. 15-4

It is nice that Walgreens wants to be a good neighbor, and I hope they start to build soon. I ask that the city please approve this project.

Response No. 15-4

See **Response No. 15-1**.

Letter No. 16: Grant, Dennis, 6/30/2011

Comment No. 16-1

Jennifer, as a resident of West Hollywood, I'm happy to provide my input and to express my personal concerns on the proposed Walagreens (sic) project and the Draft Environmental Impact Report. This project, dominated by a large chain drug store, will create a dead pedestrian zone along a vibrant stretch of Santa Monica Boulevard, contrary to the City's General Plan goals. I have several other concerns outlined below.

First, I do want to thank you for your availability to answer questions and provide information. I'm grateful to the developers and their representatives for meeting with us and explaining the changes to the project. And I also want to say that I think the architect on this project is very talented. Unfortunately, I think this is the wrong project in the wrong place.

Response No. 16-1

One of the main objectives of the Project, as stated in the Draft EIR on page 3.0-1, is to enhance pedestrian activity along Santa Monica Boulevard by providing street-level, street-facing retail along Santa Monica Boulevard. The drugstore portion of the building would have windows on three sides permitting visual connectivity between the street and the activities inside. The drugstore would be a single-story, with full height glass and raised ceilings to maximize the connection to the street. The two residential units on Crescent Heights Boulevard would have a "front yard" streetscape and landscaping amenities, which would serve to connect the residential portion of the Project on the R3-zoned lot to the specialty retail tenants on Crescent Heights Boulevard. The public sidewalk in this part of the Project would be designed to connect pedestrians on Santa Monica Boulevard with the residential area along Crescent Heights Boulevard. The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-2

Environmental Concerns

- I feel like the DEIR does not sufficiently address the problem with toxic chemicals under the site. It also does not address the chemical spill from across the street to the east and how the big picture/total toxic chemical problem will be dealt with.

Response No. 16-2

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and

remediation of existing contamination at the SMB20 Project site whether or not a Project is approved for redevelopment on the Project site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

Comment No. 16-3

- It is unfair to ask citizens to weigh in on the project and Draft EIR until the Water Board provides its comments, and perhaps those comments being addressed by the EIR. The process and sequencing seems off and unfair.

Response No. 16-3

Please refer to **Letters Nos. 3 and 4**, which were submitted by the RWQCB. Copies of all background reports and assessments regarding soil, soil vapor and groundwater investigations and remediation at the Project site are available at the RWQCB and at the City of West Hollywood. The Final EIR is available for public review, and comments may be provided at the Planning Commission meeting for this Project.

Comment No. 16-4

Traffic

- As someone who lives on Havenhurst Drive, I am extremely concerned about increased traffic.

The plans 'say' that traffic can only enter or exit the project on Havenhurst from/to the north and there will be 'pork chops' to enforce this. This is not a reasonable solution. Immediately across the street from the project there is a 'pork chop' and signs saying no right turn, yet dozens of cars turn right every day.

Response No. 16-4

The driveway on Havenhurst Boulevard would provide ingress to and egress from the Project site. The driveway on Havenhurst Drive would be restricted to left turns into the Project site and right turns out of the Project site to prevent traffic from the Project from traveling on Havenhurst Drive through the residential neighborhood to the south of the Project site. Because the driveway exit will have a raised cement curb and is several feet north of the alley that connects Havenhurst Drive to LaJolla, Avenue it is not anticipated that vehicles exiting the Project will attempt to proceed south-bound when exiting the Project. The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-5

- There simply is not room on Havenhurst for the large delivery semis, trash, and other trucks to pass. The developer has a diagram to show how there is space on Havenhurst, and you said it's

been studied and it's fine. But it simply is not. The only way to make it work would be to lose four or more metered parking spaces on Havenhurst, not a good solution. It is frustrating to hear 'experts' say it is not an issue, because it is. I wish the City and the developer would at least acknowledge the problem and that they are OK with it, not that it is not a problem. It makes me wonder...if someone visible to the untrained eye is not covered in the EIR, where else might the report be inaccurate? In traffic counts? Regarding the toxic chemicals?

Response No. 16-5

As noted in the Draft EIR on page 3.0-23, a driveway leading to the loading area would be located south of the driveway on Havenhurst Drive leading into the building. This driveway would be sized to accommodate trucks accessing the Project site to deliver supplies to the commercial uses on the Project site. The commenter correctly notes that a scaled diagram is included with the plans for the Project which shows how truck deliveries will be made to the Project. This diagram is provided in **Figure 3.0-1**. Furthermore, Section 4.11 (Traffic, Circulation, and Parking) of the Draft EIR finds no significant impacts related to circulation and parking will result from traffic associated with Project.

Comment No. 16-6

- I understand the need for the exit on Santa Monica Blvd, but that is going to cause eastbound traffic on Santa Monica to back up even further, and then there are the cars who will try to turn left out of the complex onto Santa Monica, completing blocking the east bound lanes.

Response No. 16-6

The Project driveway on Santa Monica Boulevard would be restricted to eastbound right turns out of the Project site. With a raised cement curb, curved east and appropriate signage, it is anticipated that drivers will use the exit lane to turn right and drive only in an eastbound direction. Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts will result from traffic associated with the Project.

Comment No. 16-7

- It is inconceivable to me that it is 'acceptable' for northbound traffic on Crescent Heights to turn left into the project without a turn lane. That intersection has major traffic, and is bad enough that left turns are not allowed from 3-7pm, yet now just 1/5 of the block south traffic will be blocked by cars turning left into the complex.

Response No. 16-7

The intersection of Crescent Heights and Santa Monica Boulevard and the access driveways for the Project were studied as part of the analysis of potential impacts to traffic, parking, and circulation. Section 4.11 (Traffic, Circulation, and Parking) of the Draft EIR finds no significant impacts related to circulation and parking would result from traffic associated with Project.

Comment No. 16-8

- I'm concerned whether the traffic reports studied sufficient impacted intersections, and whether it sufficiently addressed the collective impact of all the projects planned along SM Blvd.

Response No. 16-8

The 11 key intersections in the Project area analyzed in the Draft EIR were selected based on consultation with the City of West Hollywood. The selection of related projects for analysis in the EIR of cumulative impacts is discussed in the Draft EIR on pages 4.0-3 through 4.0-11. Cumulative impacts refer to the combined effects of Project impacts with the impacts of other past, present, and reasonably foreseeable future projects. Due to the close proximity of the Project to the City of Los Angeles and the City of Beverly Hills, the related projects list includes developments in the City of West Hollywood, the City of Los Angeles, and the City of Beverly Hills. Specific projects proposed or currently under development are identified in Table 4.0-1, Related Projects. A total of 56 projects are in the City of West Hollywood, 38 projects are in the City of Los Angeles and 28 projects are in the City of Beverly Hills. The City uses a standard ITE Trip Generation methodology, which is a nationally accepted document, as a basis for determining the potential to impact area intersections and street segments. The Draft EIR, Section 4.11 (Traffic, Circulation and Parking), finds that no significant cumulative impacts would result from the construction or operation of the Project due to parking, loading or traffic.

Comment No. 16-9

NOISE-SAFETY-INFRASTRUCTURE

- I am concerned about the amount of noise this project will cause in the neighborhood -both during construction and during operation.

Response No. 16-9

Section 4.8 of the Draft EIR finds that with implementation of proposed mitigation measures, impacts due to noise from the Project would be less than significant.

Comment No. 16-10

- I'm also concerned about increased safety issues, especially with the panhandling and drug selling reputations outside businesses like big chain drug stores. Think about what it is like outside CVS and Rite Aid pharmacies in the neighborhood.

Response No. 16-10

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-11

- I'm also concerned whether the EIR has sufficiently addressed water, sewer, and other infrastructure issues, particularly the collective drain on infrastructure facilities of all the projects proposed in Weho, especially along Santa Monica Blvd.

Response No. 16-11

Due to the close proximity of the Project to the City of Los Angeles and the City of Beverly Hills, the related projects list includes developments in the City of West Hollywood, the City of Los Angeles, and the City of Beverly Hills. A total of 56 projects are in the City of West Hollywood, 38 projects are in the City of Los Angeles and 28 projects are in the City of Beverly Hills. Section 4.12 (Utilities and Service Systems) addresses water services, wastewater, solid waste and energy, including cumulative impacts, and finds that the Project will not have significant impacts on any of the City's utility or service systems.

Comment No. 16-12

- SIZE/MASSING/DESIGN/MIXED USE This project feels way too large for the site and for the neighborhood. It's frustrating that the City of West Hollywood is the cause of this, by insisting this be turned into a mixed-use development.

Response No. 16-12

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-13

- Previously the massing was spread out across the whole project. Now the massing is heavily concentrated towards the neighborhood...it's all on the low density residential area of Havenhurst Drive. There is now only one story on the busy corner of Santa Monica Blvd and Crescent Heights. It is interesting that all the massing has disappeared from the section of the project overlooking the property of a politically connected apartment-condo owner who has hired expensive lawyers and consultants. Is that what is required to get somewhere?

Response No. 16-13

Retail space at the corner of Santa Monica Boulevard and Crescent Heights Boulevard would be provided in a structure lower in height than the rest of the commercial project to complement the height and scale of Matthew Sheppard Park located diagonally across the street. Two single-story residential units would be provided on Crescent Heights Boulevard to serve as a transition point between the Project's commercial uses to the north and the multi-family residential neighborhood to the south. The main building would be three stories on the north and would be a maximum of two stories in height within 25 feet of the residential zone to the south. The stepping up of the building from the south would reduce the appearance of height and bulk on the south side of the Project. The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-14

- Why orient the residential over the neighborhood, destroying the privacy of the neighborhood. If the concept here is building residential along the bustling SM Blvd., why not have all the units face SM Blvd.?

Response No. 16-14

Residential units are provided on all sides of the Project. Residential units adjacent to a multi-family neighborhood are considered compatible uses.

Comment No. 16-15

- While I hate to see a big chain drug store replace a dozen local businesses, if this mix is to be built it seems more logical to put the big drug store at the commercial intersection of SMB and Crescent Heights and put the small retail at the corner of SMB and Crescent Heights.

Response No. 16-15

The Project proposes to place the smaller retail uses at the intersection of Santa Monica and Crescent Heights Boulevard because this corner includes the SkyParke which provides an iconic visual feature and gives the specialty retail located at the corner a greater sense of importance at a key intersection of Santa Monica Boulevard.

Comment No. 16-16

- I feel the kind of mixed-use development the City is encouraged is flawed and uncreative. Before Walgreens bought the shopping center, gutted it and gave us the eyesore we have today, it was pretty 'mixed' -12 to 15 different neighborhood serving, varied businesses. Now the block will become much more 'dead' with 90% of the ground floor occupied by a giant drug store.

Response No. 16-16

One of the main objectives of the Project, as stated in the Draft EIR on page 3.0-1, is to enhance pedestrian activity along Santa Monica Boulevard by providing street-level, street-facing retail along Santa Monica Boulevard. The drugstore portion of the building would have windows on three sides permitting visual connectivity between the street and the activities inside. The drugstore would be a single-story, with full height glass and raised ceilings to maximize the connection to the street. The two residential units on Crescent Heights Boulevard would have a "front yard" streetscape and landscaping amenities, which would serve to connect the residential portion of the Project on the R3-zoned lot to the specialty retail tenants on Crescent Heights Boulevard. The public sidewalk in this part of the Project would be designed to connect pedestrians on Santa Monica Boulevard with the residential area along Crescent Heights Boulevard. The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-17

- I'm concerned about how the building will shade the local coffee shop and restaurant across the street on Crescent Heights.

Response No. 16-17

The potential for shading impacts was evaluated in the Draft EIR in Section 7.0, (Effects Found Not to be Significant) on pages 7.0-1 through 7.0-2. The residential uses south of the Project site are considered sensitive to shading. Since the sun travels from east to west, shadows are not cast directly to the south at this latitude. Therefore, any impact associated with shading of sensitive uses would be less than significant. The threshold used to evaluate the impacts of shade on sensitive uses is if shadows would be cast for more than 3 hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time during the winter solstice, or for more than 4 hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time during the summer solstice. Given the location and height of proposed new building and the associated shadow bearings, shadows would not be cast onto adjacent commercial uses to the east, west and north of the proposed Project, nor onto Matthew Shepard Park, for more than 3 hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time during the winter solstice, or for more than 4 hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time during the summer solstice.

Comment No. 16-18

- There are large 'green screens' on the top of the building, which could potentially be nice, but effectively increase the height of the project, especially from the viewpoint of the neighborhood.

Response No. 16-18

West Hollywood Municipal Code Section 19.20.80 C (2) allows for projections above the height limit or roof line such as architectural projections, towers, and other architectural design elements integral to the overall design character of a structure and intended to distinguish its design and contribute to its architectural excellence may be allowed, provided they are non-occupiable.

Comment No. 16-19

- I think the architect does great work, but I hate how this project feels 'closed'. It's not inviting from the street level. (If it was going to be a mixed -use project, I wish it would be more like the new project at the corner of Fairfax and Waring in LA...a series of cute shops, coffee places, gyms, with outdoor seating and a strong orientation to the sidewalk and walkers.)

Response No. 16-19

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers. See **Response No. 16-1**.

Comment No. 16-20

- I'm concerned with the lack of illustrations that show what this development would look like from eye level with the other buildings in the neighborhood included. This thing is HUGE, and I don't think its size is being fairly and accurately represented to the community.

Response No. 16-20

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers. The potential impacts of the Project related to aesthetics were analyzed in Section 4.1, (Aesthetics), of the Draft EIR. As indicated in Section 4.1, to determine if development of the Project would degrade the existing visual character or quality of the Project site or its surroundings, four visual simulations were prepared to provide a representation of what pedestrians walking and motorists driving along Santa Monica Boulevard, Crescent Heights Boulevard and Havenhurst Drive would see. Please refer to Figures 4.1-5 through 4.1-8 in the Draft EIR. The analysis in the Draft EIR determined that the Project would improve and enhance the visual context of the Project site with a new architecturally modern mixed-use building and enhanced landscaping, aesthetic impacts, and impacts would be less than significant.

Comment No. 16-21

- For what it is worth, my preference would be for the existing structure to be renovated with local businesses -and perhaps a second story added with offices or homes.

Response No. 16-21

ALTERNATIVES

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-22

- If the current plans are to proceed I feel like the following are important:
- The upper stories should all be placed along a single row along the front of the building along Santa Monica Blvd, with the residences oriented towards the boulevard. And regardless, the massing should not be 'weighted' towards Havenhurst, the residential street.

Response No. 16-22

See **Response No. 16-13** and **Response No. 16-14**. Residential units are provided on all sides of the Project. Residential units adjacent to a multi-family neighborhood are considered compatible uses. The massing of the Project is on the north side and reduced on the south side. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-23

- Walgreens should be placed at SMB and Crescent Heights, and the small retail placed at the Havenhurst corner.

Response No. 16-23

See **Response No. 16-15**.

Comment No. 16-24

- Havenhurst Drive should be blocked off immediately south of the public parking lot that runs between Havenhurst and La Jolla, similar to the design further west by Starbucks and Trader Joes.

Response No. 16-24

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 16-25

- Loading and trash removal should be indoors or underground to prevent excess noise in the neighborhood.

Thank you for the opportunity to express my concerns.

Response No. 16-25

The trash and recycling area for the residential portion of the Project is located underground. Commercial trash (tote and bale) area and commercial loading would take place at grade and in an area enclosed on three sides. The fourth (south) side would be partially enclosed by a 10-foot high green wall. The south elevation of the Project is shown in Figure 3.0-11, South and West Elevations, in the Draft EIR.

Letter No. 17: Hughes, Albert, 5/9/2011

Comment No. 17-1

I have reviewed the DRAFT EIR as I am an owner and resident in the 1000 block of Havenhurst just south of the project site. In reviewing the Summary of Impacts my first comment is of course this project will result in significant unavoidable impacts—it is almost 40,000 square feet with 80 parking spaces! This 20x the size of my house which is typical for the neighborhood—and the lot area is only 5x the size of my lot area. The project as designed is too big for this corner – but if it does proceed as designed the impacts need to be minimized.

Response No. 17-1

The reviewer is correct that the project is approximately 37,027 square feet and 84 parking spaces are proposed. The size of the commenter's home is not known. The lot area of the Project is 39,345 square feet and a 37,027 square foot building is allowed to be built on this parcel under the City's current zoning regulations. The Draft Environment Impact Report finds that any and all impacts to the environment are less than significant and/or can be mitigated to a level that is less than significant. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 17-2

First TRAFFIC – I don't mind a project of this scale as long as the City does what it can to protect the character of our very narrow street, Havenhurst Drive. The street is too narrow for current uses—it is difficult to pass cars as it is, with no large commercial use at Santa Monica Blvd. After talking with many neighbors, the only solution seems to be to CLOSE THE END OF HAVENHURST at the alley/existing public parking lot. Havenhurst is different from other streets like La Jolla or Harper as none of those streets will have a 40,000 sq. foot building with 80 underground parking spaces—and the street must be treated somewhat differently. (so many broken rearview mirrors already).

Response No. 17-2

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts will result from traffic associated with the proposed project. A street closure of Havenhurst is not proposed as part of the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 17-3

Second, SOIL CONTAMINATION – the PCEs (tetrachloroethylene) identified under the project and in the surrounding streets indicate the CONTAMINATED SOIL MUST BE REMOVED. These identified cancer causing contaminants can only be removed during large construction projects. There is no excuse

for not holding the developer responsible for handling this removal – and the City can help allocate the cost of the cleanup.

Response No. 17-3

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, Hazards and Hazardous Materials, of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project site whether or not a project is approved for redevelopment on the Project site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. Impacts would be less than significant or reduced to less than significant levels with mitigation; therefore, no significant and unavoidable impacts related to hazards and hazardous materials would result from implementation of the Project.

Comment No. 17-4

These simple common sense comments to the very detailed but somewhat simplified and mechanical draft EIR will help immediate neighbors by protecting daily car travel and environmental health – and I sincerely hope they are incorporated in the final plan and any conclusions or modifications to the EIR.

Response No. 17-4

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from traffic associated with the Project. Section 4.6 of the Draft EIR (Hazards and Hazardous Materials) finds impacts would be less than significant or reduced to less than significant levels with mitigation; therefore, no significant and unavoidable impacts related to hazards and hazardous materials would result from implementation of the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 18: Iparraguirre, Graciela, 7/11/2011

Comment No. 18-1

I strongly oppose the proposed Walgreens mixed use project at the corner of Santa Monica Blvd. and Crescent Heights Blvd.

Response No. 18-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 18-2

After cities in the New Jersey/New York area, West Hollywood is the third city in population density in the whole nation, closely after Cudahy and Huntington Park, all in California. This is quite a feat for a tiny 1.88 square mile city. Obviously, we do not need any more population and then there is plenty of low-density cities in the rest of the country.

Response No. 18-2:

The need for housing, particularly affordable housing, is discussed in the Draft EIR in Section 4.9 (Population, Housing, and Employment). State law requires that each jurisdiction absorb its fair share of regional housing needs. The State of California Department of Housing and Community Development (HCD) determines the statewide housing need. In cooperation with HCD, local governments and councils of governments (COGS) are charged with making a determination of the existing and projected housing need as a share of the statewide housing need of their City or Region. The Southern California Association of Governments (SCAG) prepares a Regional Housing Needs Assessment (RHNA). Table 4.9-2 in the Draft EIR summarizes the RHNA 2000 housing construction need by income level for the City of West Hollywood. The Project would assist the City to achieve the needed housing units for all income levels as detailed in the RHNA. Therefore, the Project will contribute toward meeting the housing needs in the City of West Hollywood.

Comment No. 18-3

Our City does not need to build any more housing. It needs to protect the existing stock of rent-controlled units, instead of encouraging and helping developers to demolish them in order to build multi-unit apartments.

Response No. 18-3

No rent controlled units are being demolished. See **Response No. 18-2** for a discussion of the housing needs in the City of West Hollywood.

Comment No. 18-4

West Hollywood has only four conservation districts. Right adjacent to the proposed project, is the beautiful Conservation Overlay District of Laurel Park. The projected monstrosity, which would be located on higher ground than the rest of Laurel Park, would tower high above the neighborhood, overshadowing it, constituting an eyesore, diminishing the financial value of properties and the aesthetic value of our precious, charming area.

Response No. 18-4

Section 3.0.16 of the Draft EIR discusses the design of the Project. The Project is not located in the Neighborhood Conservation Overlay Zone. The Project is separated from this neighborhood to the south by a more than 10-foot set-back and at the property line a “green screen” is proposed to provide visual transitional relief from the commercial to residential zone. Section 4.1 (Aesthetics) of the Draft EIR undertakes a comprehensive discussion of visual impacts of the Project and finds that finds no significant impacts would result from construction of the Project.

Comment No. 18-5

The proposed project is completely incompatible with the look of Laurel Park and would ruin the character and cohesiveness of the neighborhood.

Response No. 18-5

See **Response No. 18-4**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 18-6

The lot is a toxic waste site. It used to accommodate a gas station, and later a cleaners. Apparently, the City chose to ignore the history of occupancy of the site and the effects of and clean-up needs of the toxic chemicals at and adjacent to the site.

Response No. 18-6

Section 1.0 of Section 4.5 addresses hazards associated with the Project that may potentially affect public health and safety or degrade the environment. That section of the Draft EIR incorporates information from the review of prior reports regarding the investigation of soils, soil gas, and groundwater contamination, remediation of soil and results of recent soil matrix and soil gas sampling, a human health risk assessment, and a summary of proposed mitigation measures for the site development. The Hazards report is provided in Appendix 4.5 of the Draft Environmental Impact Report (EIR). Please also refer to **Letters Nos. 3 and 4**, which were submitted by the RWQCB.

Comment No. 18-7

Only after the neighbors brought up these problems, did the City acknowledge them. This concerns me greatly; this matter needs to be throughroughly [sic] evaluated and properly dealt with.

Response No. 18-7

Since 1999, multiple soil, soil vapor and groundwater investigations have been conducted at the site under RWQCB oversight. For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

Comment No. 18-8

In the City's uncalled for push to develop more and more, and to build bigger projects, small business are faced with rent increases they cannot afford and keep closing down, leaving rows of stores that remain empty for months/years and new condos that are not being rented/bought.

Response No. 18-8

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 18-9

Now these small businesses will be displaced and replaced by a big-box store, of which kind we have already several in the city, and we have no real need for.

Response No. 18-9

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 18-10

Santa Monica Blvd. and Crescent Heights Blvd. are already high-volume, congested roads, and this mixed-use project would have a strong negative impact on local traffic and on the cumulative area and through-traffic situation. This project would add delivery trucks, semis and thousands of cars because of the store and the apartments, which would be maneuvering into and out of the already heavy traffic, increasing traffic volume, slowing flow and increasing travel times.

Response No. 18-10

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project.

Comment No. 18-11

Havenhurst Drive, which is a narrow street, would be overwhelmed by the increased traffic and the access by residents would be affected by the traffic overflowing into side streets. The worsening of traffic, including on Havenhurst Dr., Santa Monica Blvd. and Crescent Heights Blvd., would also constitute a public safety hazard, as it could delay and hinder the access into the neighborhood of emergency and law enforcement personnel.

Response No. 18-11

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project. The Fire Department indicated that fire protection facilities serving the Project site and surrounding area are adequate (page 4.10.1-9). The West Hollywood Sheriff's Department indicated that there are adequate personnel and resources to provide service to the Project (page 4.10.2-7).

Comment No. 18-12

The proposed commercial/residential project, with its customers, apartment residents and visitors, cars, delivery trucks and semis unloading, idling, etc., would bring daily, increased noise, bright lighting, parking problems, and other nuisances to our quiet neighborhood.

Response No. 18-12

Sections 4.1 (Aesthetics) and 4.11, (Traffic, Circulation and Parking), of the Draft EIR find no significant impacts will result from lighting or traffic associated with the proposed project.

Comment No. 18-13

I oppose this mixed-use project. I feel that the neighborhood would be better served by having the shopping mall restored, reopened, and occupied by (ground level only) small businesses.

Response No. 18-13

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 19: **Jordan, Maurice, 7/10/2011**

Comment No. 19-1

Really? Really? REALLY?

Bad move Jen.

P.S. Can't tell you how badly this would kill what weho is all about. Just plain kill it.

Response No. 19-1

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 20: Joyce, Victoria Jane, 6/30/2011

Comment No. 20-1

As a years long West Hollywood resident and former Historic Preservation Commissioner, I am writing to express my support for the proposed mixed-use project known as SMB20. The corner of Santa Monica and Crescent Heights is a key gateway for our City, especially for the thousands of Angelinos commuting between the Valley and the L.A. Basin each day. The project designed by Lorcan O'Herlihy will go a long way in preserving West Hollywood as a destination city with world-class architecture, adding to the many historical landmarks that we already have throughout our wonderful community.

Response No. 20-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 20-2

From a community perspective, I am pleased that this project not only complies with the Zoning Ordinance but goes above and beyond what the community would like to see. Not only does it incorporate a green building design, abundant landscaping, a car sharing service and bike rentals for sustainability, but it offers affordable apartments for our seniors (a generous 20% of the apartments) as well as pedestrian-friendly storefronts to help our urban village maintain its walkable atmosphere. As a community, these are features we have encouraged for two and half decades. While other developers have often refused to incorporate them into their projects, Walgreens has volunteered them. I also applaud Walgreens for making numerous changes in response to community input.

Response No. 20-2

The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 20-3

It's my pleasure to support this well-thought-out project and welcome Walgreens to our community. I hope the city will approve the project.

Response No. 20-3

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 21: Kanarek, Martin, 6/24/2011

Comment No. 21-1

I oppose the mixed use development proposed for the corner of Santa Monica Blvd. and Crescent Heights. I moved into West Hollywood approximately four years ago and I'm proud to call this little city home. It is for the following reasons that I will continue to fight the Walgreen's Project.

Response No. 21-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 21-2

Traffic Congestion

This one is kind of a no-brainer. Traffic is already bad. This project makes it much worse.

Response No. 21-2

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project.

Comment No. 21-3

If you don't believe me, take a look for yourself. Stand on the corner of Santa Monica Blvd. and Crescent Height between 4 p.m. at 7:30 p.m. on any given night. Better yet, try to pick up your dry cleaning at the Four Seasons Dry Cleaner at any hour.

Response No. 21-3

See **Response No. 21-2**.

Comment No. 21-4

Crescents Heights south of Santa Monica is a bottle neck that cannot accommodate any more traffic. This problem is aggravated by the decline slope of southbound Crescent Heights. Due to this slope, southbound vehicles are often going too fast to merge before Crescent turns into a one lane street. And yet, there will surely be an expansive entrance and exit for Walgreen's at this very bottleneck.

Response No. 21-4

See **Response No. 21-2**.

Comment No. 21-5

These are the current problems at this intersection. A 35,975 square foot mixed-use development will only make these problems much worse. A project of this size will grind the already slow moving traffic of

Santa Monica Blvd. into a parking lot. But, when traffic is flowing, this project will cause vehicle collisions, as fast moving southbound vehicles desperately trying to merge into one lane of travel now avoid one more obstacle—traffic into and out of Walgreen's.

In essence, Santa Monica is already pretty slow, let's not go out of our way to make it worse.

Response No. 21-5

See **Response No. 21-1**.

Comment No. 21-6

Land Use and Planning

This development is a misuse of the limited land available to the city. "Big Box" retailers surround this intersection. CVS half a mile to the West. Rite Aid 3/4 of a mile to the North. Target a mile to the East. Another Big Box retailer in between other Big Box retailers is not why many of us moved to West Hollywood, and fails to provide our city with any benefit. Benefit free planning and a quadruplicate "Big Box" does not make sense.

I appreciate your time, and look forward to your response.

Response No. 21-6

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 22: Kroger, William, 6/21/2011

Comment No. 22-1

We are very concerned about the problems and issues this store will bring to our neighborhood. We live down the street from the proposed site and know without a doubt that: the traffic will increase to a point where it will be impossible to get in and out of our neighborhood in any timely manner.

Response No. 22-1

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project.

Comment No. 22-2

Already the corner of Crescent Heights and Santa Monica are so congested that it is absurd to even think about a new drug store and apartment complex on that corner.

Response No. 22-2

The Project would make improvements to the intersection of Crescent Heights and Santa Monica Boulevards including the dedication of a 10-foot-wide southbound right-hand turning lane into the site along Crescent Heights Boulevard. See **Response No. 23-1**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-3

The traffic down Havenhurst will increase and it is already being used way too much by traffic avoiding Crescent Heights, too many cars speed down our street and we cannot even let our children play in front of the house.

Response No. 22-3

The driveway on Havenhurst Drive would be restricted to left turns into the Project site and right turns out of the Project site to prevent traffic from the Project from traveling on Havenhurst Drive through the residential neighborhood to the south of the Project site. See **Response No. 23-1**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-4

The traffic by delivery trucks coming and going will just be horrible.

Response No. 22-4

The driveway leading to the loading area would be located south of the driveway on Havenhurst Drive leading into the building. This driveway would be sized to accommodate trucks accessing the Project site

to deliver supplies to the commercial uses on the Project site. See **Response No 23-1**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-5

The noise from the construction that we will have to deal with and the excavating of the ground and toxic waste may be harmful.

Response No. 22-5

Section 4.8 of the Draft EIR finds that, with proposed mitigation measures, impacts due to construction noise would be reduced to less than significant levels.

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-6

What happened to returning to mom and pop type stores, this is just so against what we need, we don't need another drugstore when we have so many within a one mile radius of the site.

Response No. 22-6

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-7

As an example of what they will do for our community, just look at the condition of the site since they have owned it. They ran the stores out of the location and it is a complete eyesore. If this is what they are doing for our community, what is next?

Response No. 22-7

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-8

There are already so many vacant stores on Santa Monica and so many small stores fighting for the ever evaporating dollar that this will surely put more people out of business.

Response No. 22-8

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 22-9

Please don't let this happen, we love this city, we enjoy living here. It will make it horrible, we don't need another large complex.

Response No. 22-9

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 23: Kroger Family, 7/6/2011

Comment No. 23-1

We oppose the proposed Walgreens mixed-use development proposed for the corner of Santa Monica Blvd. and Crescent Heights. I am concerned with the increased traffic, noise, and congestion this project will bring, and question whether there is sufficient infrastructure to support this project. This will bring increased traffic into the neighborhood, as well as semis and other delivery trucks onto residential Havenhurst and Kilkea Drive. I'm also concerned about additional traffic on Crescent Heights, which is already very congested, particularly with vehicles being allowed to make left turns out of the project onto Crescent Heights.

Response No. 23-1

The driveway on Crescent Heights Boulevard would provide for northbound left turns and southbound right turns out of the Project site, except weekdays from 3:00 PM to 7:00 PM, when the driveway would be closed to outbound traffic by a gate arm. Southbound right turns into the Project site would be permitted at all times. During this period, egress from the site would be available from the other two Project driveways. Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project. The potential impacts of the Project related to noise were analyzed in Section 4.8 of the Draft EIR and were determined to be less than significant, with implementation of mitigation during construction.

Comment No. 23-2

Twelve or more small, local-serving businesses have been displaced for a big box chain drug store. West Hollywood has ample chain and independent drug stores. This does not seem like a very creative development for The Creative City.

Response No. 23-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 23-3

I am also concerned about the toxic chemicals underground at the site, as well as the chemicals underground originating just east of Crescent Heights Blvd. I'm concerned that the City of West Hollywood take a close look at ALL chemical spills in the area to make sure there is a comprehensive, safe clean-up plan in place. It disturbs me that these problems were not disclosed until discovered by neighbors.

Response No. 23-3

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 23-4

The factors of traffic, pollution, pedestrian safety, road repairs, noise, safety of our children, turning a corner that is loved as meeting place into a massive-over-built-commercial-creation with only profits in mind is not what we need in West Hollywood.

Response No. 23-4

The Draft EIR determined that all environmental impacts from the project would be less than significant or less than significant with mitigation.

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 24: Leftgoff, Terry, Terry Leftgoff & Associates, 5/9/11

Comment No. 24-1

I am writing on behalf of WeHo Neighbors, a group of concerned residents who live adjacent to the proposed project.

Response No. 24-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-2

Given the complexity of the DEIR and the proposed project, I am submitting the following comments and am requesting an extension of the comment period. WeHo Neighbors wish to reserve the ability, as the most directly affected neighbors, to submit comments after an important oversight has been rectified. Please find attached, Preliminary Comments so that in the event additional time is not granted, some of WeHo Neighbors initial concerns will be on the record. I will address some broader issues that have come to light.

Response No. 24-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-3

FAILURE TO NOTICE STATE LEAD AGENCY

I have learned that a critical state regulatory agency did not receive legally required notice of the DEIR's availability and has been denied the opportunity to review and comment on the DEIR for a project within its primary jurisdictional authority as Lead Agency.

Response No. 24-3

Please refer to **Response No. 3-3**. The State Clearinghouse submitted the Draft EIR to select state agencies for review, including the RWQCB. The review period closed on May 9, 2011 and no state agencies submitted comments by that date. On May 6, 2011, however, the City received a letter from Steve Rowe of the RWQCB, indicating he had not seen a copy of the Draft EIR. To ensure the public, including the RWQCB, had adequate time to review the Draft EIR, the period for comment was officially extended on May 26, 2011 until July 11, 2011. As requested by the RWQCB in **Letter No. 3**, a hard copy (Volumes I, II and III) as well as a CD ROM of the Draft EIR were sent to the RWQCB via overnight mail on May 13,

2011. The RWQCB provided detailed comments in **Letter No. 4**, dated July 11, 2011. Please refer to **Letter No. 4** and associated responses to comments in the letter.

Comment No. 24-4

This is not the first time this project has had notice and process irregularities. And as it appears to be a pattern, it begs for a broader systemic review.

Response No. 24-4

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-5

PRIOR FAILURE TO DISCLOSE TOXICS AT PROJECT SITE -AN ATTEMPT TO MANIPULATE THE PROCESS THAT ALMOST SUCCEDED

In a strikingly flagrant abuse, the project developer previously failed to disclose toxic contamination on the project site - 3 separate registered SLIC sites with an extensive history of active state enforcement actions. Instead the developer withheld this information, which would trigger the requirement for an EIR, and convinced the city to prepare a Mitigated Negative Declaration, falsely stating there was no significant unmitigatable environmental impact associated with the project.

Response No. 24-5

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. As discussed in Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR, with implementation of mitigation measures, the Project would not have a significant adverse impact regarding existing contamination at the Project site.

Comment No. 24-6

According to extensive public record, the project developer and land owner knew for many years about the existence of the toxic contamination. We would hope they did not deliberately withhold this information from the city in order to manipulate the process in favor of a desired outcome. But we are left with little feasible alternate explanation.

Response No. 24-6

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. Please see **Letter No. 4**. Since 1999, multiple soil, soil vapor and groundwater investigations have been conducted at the site under RWQCB oversight. In March 2000, 75 tons of PCE-impacted soil was excavated to a depth of 10 feet below ground surface (bgs) beneath the former dry cleaning machine. The

City has been, and continues to be, aware of the situation. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

Comment No. 24-7

It was only through my diligent professional efforts on behalf of concerned members of WeHo Neighbors that the presence of toxic contamination at the project site was discovered and brought to the city's attention. It is this discovery that subsequently required the preparation of this DEIR.

Response No. 24-7

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. See **Response No. 24-6**.

Comment No. 24-8

Had I not personally conducted research and uncovered this information, the city would have likely approved a project based upon what appears to have been fraudulent material misrepresentations.

Response No. 24-8

As discussed in Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR, with implementation of mitigation measures, the Project would not have a significant adverse impact regarding existing contamination at the Project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-9

Since this situation was exposed, there appears to have been no consequence or penalty and the DEIR lacks a description of the troubled part of this portion of the project's background. It is reiterated here for the record.

Response No. 24-9

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. As discussed in Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR, with implementation of mitigation measures, the Project would not have a significant adverse impact regarding contamination at the Project site.

Comment No. 24-10

A PATTERN OF PROCESS PROBLEMS

In fact, the history of this project has been plagued by a pattern of process short cuts and abuses that have had the effect of squelching public participation, limiting access to information, and manipulating the process.

Response No. 24-10

Please see **Letter No. 4**. Since 1999, multiple soil, soil vapor and groundwater investigations have been conducted at the site under RWQCB oversight. In March 2000, 75 tons of PCE-impacted soil was excavated to a depth of 10 feet below ground surface (bgs) beneath the former dry cleaning machine. The City has been, and continues to be, aware of the situation. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-11

In previously submitted written comments, we documented extensive noticing irregularities and problems an (MND Comments dated 5-29-08, DEIR Scoping Comments dated 1-4-10). The comments are attached for the record. (Many of the MND comments are still applicable to the project, particularly those relating to toxics, hazards, geology, traffic, and access issues).

Response No. 24-11

The attachments are a prior submission to the City. The issues of toxics, hazards, geology, traffic, and access are concerns the commenter has repeated and are fully addressed in responses to this Comment Letter 24 and Comment Letter 25.

Comment No. 24-12

THE LATEST LAPSE

Today, we learn of another serious lapse -the failure to provide notice of the DEIR to the California Regional Water Quality Control Board (hereinafter referred to as RWQCB) for review as required by state CEQA statute. It is a particularly egregious oversight.

Response No. 24-12

See **Response No. 24-3**.

Comment No 24-13

And again, the discovery of this lapse was made through my diligent professional efforts on behalf of my clients. See **Response No. 24-3**.

Response No. 24-13

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-14

Clearly something is seriously amiss when the city and its EIR contractor fail to provide notice of the DEIR to the very agency that is the reason this EIR is required.

It appears the city and the EIR contractor neglected to designate the RWQCB as a Responsible and Trustee Agency as required pursuant to CEQA. It is not unusual for one agency to qualify for both designations and it is required when, as here, a state agency has responsibility for carrying out or approving the project and also has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California. The RWQCB has primary jurisdictional authority over the site's toxic contamination and is the trustee for the state's underground water resource. Which makes it all the more perplexing the city would have left this agency out of the loop.

Response No. 24-14

See **Response No. 24-3**. The RWQCB is not a Responsible or Trustee Agency pursuant to CEQA for the Project. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

Comment No. 24-15

I note that within the DEIR's section entitled "Regulatory Setting, State Regulations", the RWQCB regulation is not listed, although its actions are mentioned elsewhere in the document. The DEIR does not contain a list of Responsible and Trustee Agencies. Nor does it contain a list of interested parties.

Response No. 24-15

See **Response No. 4-9**. The RWQCB is not a Responsible or Trustee Agency pursuant to CEQA. The Final EIR (Section 3.0) identifies State and Local Agencies as well as Organizations and Individuals that commented on the Draft EIR.

Comment No. 24-16

COMPREHENSIVE PROCESS REVIEW URGED

We believe these repeated oversights require a comprehensive review of the city's operating process and procedure to ensure compliance with CEQA statutes governing such activities. One mistake might be an oversight; such repeated material oversights would appear to form a pattern. It simply does not pass the smell test.

Response No. 24-16

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-17

ADDITIONAL COMMENT PERIOD REQUESTED

It is my understanding the RWQCB has requested a full 45 day comment period so it may exercise its legal duty and statutory authority to review the DEIR. Additionally, I understand the RWQCB is reserving the right to request additional time beyond the minimum 45 day period due to this project's complexity.

Response No. 24-17

See **Response No. 24-3**. The period for comment was officially extended on May 26, 2011 until July 11, 2011.

Comment No. 24-18

We join them and support their request. My clients, as the most directly affected neighbors, would like to do the same. Given the projects complexity it is clear we will require additional time to fully comment.

Response No. 24-18

See **Response No. 24-3**. The period for comment was officially extended on May 26, 2011 until July 11, 2011.

Comment No. 24-19

Inasmuch as the RWQCB is the lead agency on toxic soil remediation that already contaminates groundwater and is intertwined with the proposed project, we believe their review and comment are critical to a complete understanding of project environmental impacts. It is my understanding a Revised Clean up Plan has been prepared and is pending review and has not been approved by the RWQCB. This plan, once final and approved, along with the Soil Management Plan forms the basis of a significant part of the proposed project description. Together, they are critical to understanding the true environmental impact of the project.

Response No. 24-19

The City of West Hollywood is the lead agency for the Project. The RWQCB did comment on the Draft EIR on July 11, 2011. Please refer to **Letter No. 4** and associated responses to comments in that letter.

Comment No. 24-20

Of particular significance is the complicated and unique multi-agency and multi-jurisdictional structure upon which the proposed project relies. There needs to be a full description of this structure and each authority. Without a full description, we believe the DEIR is flawed and we are prevented from being able to review and comment on it.

Response No. 24-20

A full description of the Project is provided in Section 3.0 of the Draft EIR. Section 4.5 identifies agencies involved in matters related to hazards. See also **Response No. 4-9**.

Comment No. 24-21

Further, the DEIR appears to only consider one small slice of what must occur once ground is disturbed at the project site where 3 separate toxic sites have hit groundwater and are thought to commingle. The DEIR only evaluates the environmental impacts of shallow soil disturbance. We believe it must also include deep soil disturbance anticipated as part of the remediation as it is required and is an integral part of the project. The environmental impacts of any reasonably anticipated remediation itself must be described and quantified.

Response No. 24-21

Section 1.0 of Section 4.5 of the Draft EIR addresses hazards associated with the proposed SMB20 project that may potentially affect public health and safety or degrade the environment. That section of the Draft EIR incorporates information from the review of prior reports regarding the investigation of soils, soil gas, and groundwater contamination, remediation of soil, and results of recent soil matrix and soil gas sampling, a human health risk assessment, and a summary of proposed mitigation measures for the site

development. The Hazards report is provided in Appendix 4.5 of the Draft EIR. Copies of all background reports and assessments regarding soil, soil vapor and groundwater investigations and remediation at the Project site are available at the RWQCB and at the City of West Hollywood.

Comment No. 24-22

The DEIR acknowledges the interplay between the relative scope of the proposed project and the deep soil remediation in its description of alternatives but it does not then include the scope of environmental impacts within the analysis. It is unclear what the extent of the excavation will be; the method of storage, staging and transport; and whether deep soil remediation would be required were it not for the proposed project. Either way, the DEIR should disclose, describe and address all portions of the project that would create significant project related environmental impacts.

Response No. 24-22

See **Response Nos. 24-21** and **24-26**.

Comment No. 24-23

CITY TOXICS SPECIALIST NEEDED

On a related note, the proposed project has highlighted a serious deficiency in the city's planning organization, a deficiency that was exploited in this instance by a dishonest developer. It is a deficiency in working knowledge and information about toxic contamination locations throughout the city. To address this deficiency, I renew my request that the city retain and/or designate a member of staff as a specialist and/or liaison on toxics to the RWQCB.

Response No. 24-23

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-24

Indeed, West Hollywood's commercial corridors are riddled with toxic sites, many of them active enforcement cases spanning many decades that have the potential to or have already contaminated the regions valuable groundwater resources. It should be routine best practice to consult local historical and enforcement records as part of any development review process. But, as planning staff has revealed in this case and the developer was able to make abundantly clear, no such best practice has been adopted or put into practice at the city. We urge you to consider doing so. At a minimum, a designated specialist on staff will be able to maintain up to date knowledge about the location of area toxics and remain in regular communication with staff at the RWQCB. Without such information, the residents, businesses and

visitors of the city are put at risk as these sites are blindly developed and disturbed through routine project development approvals.

Thank you for the opportunity to comment.

Response No. 24-24

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-25

WeHo Neighbors

ROUGH PRELIMINARY COMMENTS

DEIR SMB20 Proposed Project (Walgreens)

AKA 8120 Santa Monica Blvd.

- Are they condos or apartments? The planner when we talked to her late last year she said she thought they were condos. Allegra told Marco they are apartments.

Response No. 24-25

The Project includes a subdivision of land to place housing, affordable housing, parking, retail, and specialty retail on separate parcels. The 20 residential units being developed will be rental units.

Comment No. 24-26

- Under opening summary paragraph most of the impacts cited occur during construction and do not take into account "other" impacts (traffic, shading, parking, toxic chemical ongoing issues, noise as it relates to the operations of the retail and apartment operations, ongoing hydrology issues, etc.). Can we not [text ends here]

Response No. 24-26

The Draft EIR considers a full range of potential impacts to the environment during construction and operation of the Project, including impacts to Traffic, Circulation and Parking (Section 4.11), Hazards and Hazardous Materials (Section 4.5), Aesthetics (Section 4.1), Noise (Section 4.8) and Hydrology (Section 4.6).

Comment No. 24-27

- Page 1.0-1 (2.0) They refer to the application being deemed complete in January 2007 but the developer missed several deadlines and the plans changed considerably. At what point/for what reasons do they have to file a new application?

Response No. 24-27

The City deems an application complete when it has sufficient information to determine that a proposed project meets with current provisions of the City's general plan and zoning laws. Subsequent to a project being deemed complete, a project applicant may change the scale or design of a project.

Comment No. 24-28

- Under section 1.0-4 it states that copies of the EIR findings were sent to all parties who indicated interest...this did not in fact happen. The RWQCB, a Responsible and Trustee Agency, did not receive copies of the findings, notice or an opportunity to review and comment. We likewise did not receive copies of findings.

Response No. 24-28

See **Response Nos. 24-3 and 24-14.**

Comment No. 24-29

- General comment: Why is the residential portion built such that patios face south towards then neighborhood vs. facing Santa Monica Blvd? Shouldn't this be mitigated by having residential units (if approved) face Santa Monica and with most massing towards Santa Monica?

Response No. 24-29

The Project has patios facing north and south in the residential portion of the Project. Residential uses on the south side of the building are considered compatible with the residential neighborhood to the south. See **Response No. 16-13** regarding massing. The main project building would be three stories on the north and would be a maximum of two stories in height within 25 feet of the residential zone to the south. The stepping up of the building from the south would reduce the appearance of height and bulk on the south side of the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-30

- General comment: It states that views aren't impacted however residential views from the south including 1046/1044 Havenhurst do have views of the mountains towards the north which would be completely obscured should a second and third floor be constructed.

Response No. 24-30

The Draft EIR on page 4.18 states that the project will limit views of the Hollywood Hills. The Draft EIR on pages 4.1-3 and 4.1-18 has been revised to state t views from the residences south of the Project site are limited. Refer to **Section 4.0, Corrections and Modifications to the Draft EIR**. Page 4.1-18 of the Draft EIR concludes that the Project would not have a substantial adverse effect on a scenic vista.

Comment No. 24-31

- (2.0) They say the developer and City agreed an EIR is needed...like they made a proactive decision. This is not really telling the full story and is gilding the lily. The document should provide an accurate accounting of how the City initially concluded it did NOT need an EIR and only after we discovered the information on the multiple commingled toxic contamination and protested did the EIR happen. Please correct the record.

Response No. 24-31

As discussed in Section 4.5 (Hazards, and Hazardous Materials) of the Draft EIR, with implementation of mitigation measures, the Project would not have a significant adverse impact regarding existing contamination on the site. See **Response No. 24-12**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-32

- EXISTENCE OF NEIGHBORHOOD CONSERVATION OVERLAY ZONE: Exec Summary 2.0-1, Setting and elsewhere when they describe the neighborhood there is little note of the fact the adjacent neighborhood abutting the project to the south is in a conservation overlay district. What impacts will the project have that will visually dominate and overwhelm this neighborhood. Likewise, what policies exist to protect the neighborhood? How is this project consistent or in opposition to these policy objectives? We believe that architecturally the proposed project is not compatible with and will have a detrimental effect on the existing residential neighborhood within this zone.

Response No. 24-32

The Project is not within the Neighborhood Conservation Overlay Zone. Rather, it is along Santa Monica and Crescent Heights Boulevards. Section 4.1 (Aesthetics) of the Draft EIR provides a comprehensive discussion of visual impacts of the Project. Pages 4.1-23 through 4.1-24 of the Draft EIR concludes the Project would not substantially degrade the existing visual character or quality of the site and its surroundings. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-33

- 2.0-2 first reference to Sky Park. What is the purpose/benefit of this, as they say it's only for use of commercial tenant customers. 85% of the space is a drug store.

Response No. 24-33

The SkyParke is described in the Draft EIR Project Description on page 3.0-15. The commenter correctly notes the SkyParke is intended for use by the commercial tenants of the Project. Public and private open space are provided for the residential tenants of the Project. The SkyParke provides an iconic visual feature and gives the specialty retail located at the corner a greater sense of importance at a key intersection of Santa Monica Boulevard.

Comment No. 24-34

RESPONSE TO PROJECT OBJECTIVES

- Provide a modern, high-quality design that complements surrounding uses and contributes to a sense of community identity.
- Design does not at all complement surrounding neighborhood but rather conflicts and will overwhelm the adjacent residential neighborhood which is a designated Neighborhood Conservation Overlay Zone (see prior comment).

Response No. 24-34

See **Response No. 24-32**.

Comment No. 24-35

- Enhance pedestrian activity along Santa Monica Boulevard by providing street-level, streetfacing retail along Santa Monica Boulevard.
- The block along SMB will be mostly a dead pedestrian block since 3/4 of SM Blvd is an enclosed Walgreens with a single pedestrian entry; the rest are windows intended to be blocked by displays. There will be room for 1 or 2 small shops at the NE corner. This does very little to enhance pedestrian activity. Rather it reduces pedestrian activity compared to the existing conditions as they existed prior to the retail tenants being evicted. At that time the mall generated quite a bit of neighborhood pedestrian activity since the tenants were primarily neighborhood services and restaurants.

Response No. 24-35

The Project includes both retail and residential uses. The drugstore portion of the building would have windows on three sides permitting visual connectivity between the street and the activities inside. It is anticipated that residents of the Project and the area would walk to the retail stores and Walgreens, enhancing pedestrian activity. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-36

- Remove remaining tetrachloroethylene (PCE)-contaminated soil from the surface to 20 to 25 feet below ground surface at the Project site.
- This appears arbitrary and intended to only shed a positive light on the proposed project. What about the contamination that exists below 25 feet? I don't see an objective to also coordinate with deep soil remediation activities to protect this development and the neighborhood.

Response No. 24-36

See **Response No. 4-15** for a discussion of the plan to address any contamination below 25 feet below ground surface.

Comment No. 24-37

- Provide sufficient on-site parking for patrons, employees and residents, and provide housing and retail near alternative means of transportation.
- Increase the City's rental housing stock for low and moderate-income renters.
- Yet they have decreased the low income housing, and it appears according to the planner that these could be condos.

Response No. 24-37

The Project provides parking as required by the West Hollywood Municipal Code for the uses proposed. The residential units would be rental units, and 20 percent (four units) would be set aside as affordable units intended for low and moderate income households.

Comment No. 24-38

- Provide for the economic well-being of the surrounding community by providing a range of housing types and retail uses.
- Not really, especially since 85 plus percent of retail is taken by a pharmacy when there is already an excessive supply serving the area. This project considerably decreases the range of retail. Currently the small center can house 15 or so businesses...small neighborhood serving ones. The proposed project will house one big box drug store, and perhaps 1 or 2 smaller retail spaces, leading to a net reduction in the mix of retail uses.

Response No. 24-38

The Project provides for a range of housing types, including low, moderate and market rate housing and specialty retail and retail/pharmacy uses. Accordingly, the Project provides a range of housing types and retail uses.

Comment No. 24-39

- Create a consistent pattern of development and uses along Santa Monica Boulevard that serve...
- Huh???? This would be the very first project of its kind along this stretch of SMB. What is 'consistent' about that?

Response No. 24-39

The Project is consistent with the existing and proposed general plan and zoning code of the City. The City has approved other mixed-use projects in the City, including projects along Santa Monica Boulevard at the intersections of La Brea, Fuller, Sierra Bonita, Kings Road, and Westbourne Drive. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-40

- Project residents and the surrounding community by redeveloping an underutilized and blighted site.
- Blighted because of the intentional years-long neglect of the site's owner, Walgreens. The project developers should not be rewarded for deliberately neglecting this property so as to render it blighted. What penalty is there for developers who utilize such a deliberate 'neglectful blight' strategy in order to attempt to manipulate the process?

Response No. 24-40

There are no outstanding code-compliance issues at the Project site. During the long process of planning for development of the Project, many of the tenants at the property have relocated. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-41

- Foster the City's fiscal health by, among other things, providing for commercial and retail activities with the potential to generate substantial sales and property tax revenue.
- Construct a facility with sufficient space for a drug store to allow operational efficiency and adequate distribution of goods to consumers within the West Hollywood area.
- As stated many times before, there are plenty of drug stores in Weho.

Response No. 24-41

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-42

- Use the existing labor pool living in the West Hollywood area.
- This is an empty statement without proof of a plan or legal ability to do discriminate in employment based upon where one lives.

Response No. 24-42

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-43

- Assist in meeting the circulation needs of the surrounding community by providing the City with improvements to the intersection of Crescent Heights Boulevard and Santa Monica Boulevard.
- How? This project can be expected to choke this intersection lowering its traffic rating and interrupting a major cross mountain regional access route.

Response No. 24-43

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project. The Project also would provide a deceleration lane on southbound Crescent Heights Boulevard, which would improve the circulation on Crescent Heights Boulevard.

Comment No. 24-44

- Include a private “SkyParke” above the corner retail space at Santa Monica and Crescent Heights Boulevards to provide an iconic visual feature at a key intersection in the City.
- See previous comment

Response No. 24-44

See **Response No. 24-33**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-45

- Exec. Summary Mitigation Measure—MM-4.5.1—no reference to chemicals from neighboring site that are thought to commingle on the project site
- Exec. Summary Mitigation Measure—MM.4.5.2—no reference to how to mitigate for neighboring houses to the south

Response No. 24-45

Section 4.5 of the Draft EIR provides an analysis of the potential impact of the Project on hazards. As discussed in Section 4.5 (Hazards, and Hazardous Materials) of the Draft EIR, with implementation of mitigation measures, the Project would not have a significant adverse impact regarding existing contamination on the site. For additional information, refer responses to comments in **Letter No. 4** from the RWQCB.

Comment No. 24-46

- Under page 2.0-5 it states the project would not result in any unavoidable significant impacts. We disagree for many reasons.

Response No. 24-46

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-47

- Page 2.0-6 lists several mitigations relating to a construction liaison. We would request an on-site liaison that supervises whenever there is activity ongoing and can ensure trucks are not idling

needlessly. We would also like construction hours limited so as not to disturb residents sleep and those who work at home.

Response No. 24-47

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. Mitigation Measure 4.2-3 requires that all construction vehicles shall be prohibited from idling in excess of 5 minutes, both on and off site. The Project will be required to adhere to the City's requirements related to noise as outlined in the General Plan and Municipal Code and provided in the Regulatory Setting section of the Draft EIR on pages 4.8-13 through 4.8-17. As stated in the Municipal code, exterior construction activities may occur between the hours of 8:00 AM and 7:00 PM on weekdays and all day Saturdays; exterior construction activities on Sundays and City holidays are prohibited. Interior construction activities may occur between the hours of 8:00 AM and 7:00 PM on weekdays and Saturdays; interior construction activities on Sundays and City holidays are prohibited.

Comment No. 24-48

- What mitigation and who provides and pays for the daily clean - up off all dust/soil particles that land on our property immediately to the south of the construction site (our cars will be covered in dust, our houses will be covered in dust)? Some of this dust may be contaminated. Who will monitor to ensure it isn't?

Response No. 24-48

Mitigation Measure 4-5-1 and the Soil Management Plan would be implemented under the oversight of the RWQCB and in accordance with a SCAQMD Rule 1166 permit.

Comment No. 24-49

- What mitigations will the "applicant" be prepared to provide should the construction result in loss of income at 1044/1046 Havenhurst due to tenant losses because of the noise and dust and lack of sufficient parking?

Response No. 24-49

The Draft EIR identified mitigation to reduce impacts related to noise and dust to levels that are less than significant. The Draft EIR concluded that parking for the Project would be adequate. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-50

- On page 2.0-11 it discusses soil contamination going down 25 feet and that the mitigation is to remove it . . . what about the contamination below the depth? Also it states in this report that contamination levels have dropped since the original contamination study was done but is this to a SAFE level? How does this relate to relative rainfall totals and groundwater patterns? Does it have to be disclosed to potential renters of the residential and whoever rents the retail spaces (other than Walgreens)?

Response No. 24-50

The Project would not excavate below 25 feet below ground surface, however implementation of Mitigation Measure 4-5-1 and the Soil Management Plan under the oversight of the RWQCB would ensure the Project would be completed in a safe manner. See **Response No. 4-15** for a discussion of the plan to address any contamination below 25 feet below ground surface. Any legally required disclosures would be provided to residential and commercial tenants.

Comment No. 24-51

- On page 2.0-12 it states a 10 foot tall noise barrier to be constructed to the south of the property. Given the first adjacent home that abuts the proposed project site is two stories tall why can't this noise barrier wall be taller? Say 20 feet? Also, there is no noise barrier along the Western perimeter so wouldn't this be to the detriment of the retail operations immediately across the street? Who wants to sit and have coffee or eat at Marco's patio when there is dust/noise directly across the street?

Response No. 24-51

Implementation of Mitigation Measure 4-5-1 and the Soil Management Plan under the oversight of the RWQCB would ensure that daily clean-up will occur at the construction site. Section 4.8 (Noise) and Figure 4.8.13 of the Draft EIR identified sensitive receptors to determine where a noise barrier would be required during project construction and did not identify the need for a barrier on the western perimeter.

Comment No. 24-52

- Page 2.0-14 discusses traffic circulation during construction and creation of alternative walkways etc... what about the parking that is currently used in the existing alley way which is currently used by a tenant to access his unit? What access will be provided to this unit? This parking has been accessible for at least the past 10 years.

Response No. 24-52

The proposed use is a mixed-use project. The issue raised by the commenter is one of personal convenience and not an environmental concern requiring study in an EIR. Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds there is adequate parking to serve the Project and the Project would not result in adverse impacts to parking or circulation.

Comment No. 24-53

- Page 2.0-15 Alternative number 1 doesn't take into account that leasing of the space would allow for MORE Mom & Pop shops which the neighborhood group have repeatedly stated is more desirable.

Response No. 24-53

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-54

- Page 2.0-15 Alternative number 3 lessens the overall height of the building and would be highly preferred to the options that include mixed use residential. It would also minimize the traffic impacts though not sure it would mitigate them completely as much of our concerns regarding traffic is how would semi tractor trailers enter and exit the building. Especially if the exit is on Havenhurst, how the hell do they plan to turn a semi-tractor trailer out of the alley way behind the site onto tiny narrow Havenhurst. This seems ludicrous.

Response No. 24-54

The commenter's preference for alternative 3 is noted. Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds the Project would not result in adverse impacts to parking or circulation. Trucks would enter the site on Havenhurst Drive and exit on Crescent Heights Boulevard. Refer to **Figure 3.0-1** for diagrams showing truck access on the Project site.

Comment No. 24-55

- 2.0-16 Alternative uses—Commercial only alternative is the environmentally superior option. Given how little the population of Weho has increased in the last decade according to recent census figures, is the tradeoff worth it to add housing to the project? Is there truly a housing shortage in Weho?

Response No. 24-55

The need for housing, particularly affordable housing is discussed in the Draft EIR in Section 4.9 (Population, Housing, and Employment). State law requires that each jurisdiction absorb its fair share of regional housing needs. The State of California Department of Housing and Community Development (HCD) determines the statewide housing need. In cooperation with HCD, local governments and councils of governments (COGS) are charged with making a determination of the existing and projected housing need as a share of the statewide housing need of their City or Region. The Southern California Association of Governments (SCAG) prepares a Regional Housing Needs Assessment (RHNA.). Table 4.9-2 in the Draft EIR summarizes the RHNA's 2000 housing construction need by income level for the City of West Hollywood. The Project would assist the City to achieve the needed housing units for all income levels as detailed in the RHNA. Therefore, the Project would contribute toward meeting the housing needs in the City of West Hollywood.

Comment No. 24-56

- 3.0.5 It states there are two commercial businesses on the site. There is a third—the barber shop, and Equality California also has an office—a fourth active tenant.

Response No. 24-56

The commenter is correct. The Draft EIR did not include these businesses as existing uses when calculating impacts at the Project site because these businesses were not there when the traffic study was prepared and identification of related projects for purposes of cumulative analysis was made. However, if additional on-site existing uses were to be included in the impacts analysis, in all cases, the existing uses would generate more traffic, solid waste, and wastewater and consume more water and energy, etc. The proposed uses would, therefore, create fewer net impacts. Therefore, the analysis in the Draft EIR provides a more conservative estimate of impacts.

Comment No. 24-57

- 3.0.5 in surrounding uses and elsewhere, they don't really effectively communicate or evaluate the impacts to low density and heights on Havenhurst. Only at the very end of the block is there an apartment building. The rest of the block is single family/duplexes. It is why there is a Neighborhood Conservation Overlay zone.

Response No. 24-57

The commenter opines that the area to the south of the Project site is predominately single-family homes and duplexes. The general area surrounding the Project includes an eclectic mix of commercial and residential buildings. The built environment in the immediate area includes a mix of buildings and uses that are commercial and residential and range from one to four stories in height.

Comment No. 24-58

- Page 3.0-8 we assert the project should keep it's residential spaces with the R3 and R4 zones of the project. It states because the size of property is under 60,000 square feet, so what is the requirement for properties under 60,000 square feet?

Response No. 24-58

The Project is permitted to develop residential units in the commercially zoned portion of the Project site because the site is approximately 40,410 square feet. Adequate parking would be provided for the residential and commercial uses at the Project.

Comment No. 24-59

- On the architectural renderings the massing towards the neighborhood to the south is clearly larger on the west side of the project and repeatedly the neighborhood association (Weho Neighbors) and other interested parties requested that the massing should be towards Santa Monica Boulevard to minimize the impact (noise, shading, views) to the existing homes immediately south of the project.

Response No. 24-59

See **Response No. 16-13** regarding massing. The main Project building would be three stories on the north and would be a maximum of two stories in height within 25 feet of the residential zone to the south. The stepping up of the building from the south would reduce the appearance of height and bulk on the south side of the Project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-60

- 3.08—it talks about the project is two parts because it does not qualify as a mixed use project that spans commercial and residential. This sounds fishy to a layman. Is it in fact one project or two? Why do the developers keep identifying the project as “mixed use” if it isn’t. What bonuses are the developers claiming or surrendering?

Response No. 24-60

The Project is a single project that spans commercial and residentially zoned properties. It is a mixed-use project because it includes residential and commercial uses. The zone allows a floor area ratio of 2.0 when residential units are constructed as part of the Project and a height of up to 45 feet. The Applicant is not proposing to build the entire amount of floor area allowed and will not exceed the allowed height limit. Because the Applicant is proposing affordable housing on site, no guest parking would be required for the apartment units (however, two additional parking spaces in excess of what is required by code would be provided) and a 5-foot setback is requested on Crescent Heights Boulevard rather than a 15 foot setback in the R-3 zone.

Comment No. 24-61

- In the new designs ALL the massing have been moved to the western part of the project overlooking Havenhurst Drive, a conservation overlay district. Now everything overlooking the busier Crescent Heights is one story. This is backwards, increases impact on the sensitive area, decreases impacts on the least sensitive area.

Response No. 24-61

See **Response No. 16-13** regarding massing. The main Project building would be three stories on the north and would be a maximum of two stories in height within 25 feet of the residential zone to the south. The stepping up of the building from the south would reduce the appearance of height and bulk on the south side of the Project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-62

- The landscape towers have stubbornly not been shortened. The ones overlooking SM Blvd run perpendicular to it. But the one overlooking Havenhurst runs east-west, so that the project feels even taller from the perspective of the neighborhood. Please remove or reduce them. They will

tower over the neighborhood and contribute to undermining the value of the Neighborhood Conservation Overlay zone.

Response No. 24-62

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-63

- Page 3.0-15 clearly states that there is minimal common or open space (1600 square foot when compared to over 35000 sq ft of retail/residential space). The comments shared during scoping meeting and various meetings with the developer and neighborhood group point to the interest of the neighborhood residents to be strongly in favor of greater space for pedestrian and recreational activities. Additionally this space should be easy to access by locating it at street level so it has practical access and function, not in a SkyParke located (and perhaps hidden) away from most customers of the retail establishments.

Response No. 24-63

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-64

- 3.0.16 – extensive work and description has been provided to talk about how the project mixes with and transitions to the neighborhood on Crescent Heights. No care (or description) is provided for the transition to the neighborhood on Havenhurst which is the subject of the Neighborhood Conservation Overlay.

Response No. 24-64

Section 3.0.16 of the Draft EIR discusses the design of the Project. The Project would not be located in the Neighborhood Conservation Overlay Zone. The Project would be separated from this neighborhood to the south by a more than 10-foot setback and at the property line. A “green screen” is proposed to provide visual transitional relief from the commercial to residential zone.

Comment No. 24-65

- Confused by the elevations... it looks like there are things on the 2nd and 3rd levels on the east side of the complex, but the description says its one story.

Response No. 24-65

The eastern portion of the Project site consists of one story residential that is 20 feet in height, a single story of specialty retail that is double height and the SkyParke. The eastern portion of the Project site would connect to the western portion of the Project site at the grand staircase. From the grand staircase west, the Project would be three stories tall, including commercial, and two levels of residential space.

The main Project building would be three stories on the north and would be a maximum of two stories in height within 25 feet of the residential zone to the south.

Comment No. 24-66

- 3.0.23 - first paragraph – interesting concessions being sought. Also, this is a phased project? That is the first I've heard of that. What are the phases? What are the conditions and impacts of phasing?

Response No. 24-66

The Project is not a phased project.

Comment No. 24-67

- 3.0.23 – Access and circulation
- Left hand turns onto Crescent Heights at ANY time seems untenable, given how traffic builds up there going north and queues at the signal. Also traffic heading south swoops down the hill from those using the canyon as a cross mountain regional route. It is dangerous. With a new left turn lane (as the project proposes) it will be even worse. (Also, is the developer paying for intersection improvements?) We would request the intersection improvements be required to be completed first before other construction starts.

Response No. 24-67

The Project does not propose a new left turn lane at the intersection of Crescent Heights and Santa Monica Boulevards. The improvement that would be made to the intersection of Crescent Heights and Santa Monica Boulevards would involve the dedication of a 10-foot-wide southbound right-hand turning lane into the site along Crescent Heights Boulevard. See **Response No. 24-43**.

Comment No. 24-68

- They say there will be an arm preventing left turns during rush hours? Will that reasonably stop cars from turning left using the exit lane for right turns? They are easy to get around.

Response No. 24-68

The commenter is describing the outbound lane which will be closed to left turns from 3:00-7:00 PM on weekdays. The arm will be made of steel and wood construction, similar to those seen throughout the Los Angeles area. The arm will prohibit cars from exiting the site and turning left or right.

Comment No. 24-69

- How will they reasonably keep cars from entering from northbound Havenhurst or exiting the site southbound on Havenhurst. The plan shows a little curved curb. We have one of these right now across from this location at the municipal parking lot between La Jolla and Havenhurst. Despite extensive 'no right turn signage' and a curved curb, hundreds of cars turn right every day.

Response No. 24-69

The commenter describes the raised curb, which would prevent cars from turning left from the garage on to Havenhurst. The curb would be full height curb made of solid cement. Because the driveway exit would have a raised cement curb and would be several feet north of the alley that connects Havenhurst Drive to LaJolla Avenue, it is not anticipated that vehicles exiting the project would attempt to proceed southbound when exiting the Project site.

Comment No. 24-70

- Trucks on tiny narrow Havenhurst? It's not wide enough. ANYTIME a truck tries to make a turn in or out of alleys, it cannot do it... it gets stuck and has to wiggle backwards and forward. You simply cannot accommodate truck traffic into the project off of Havenhurst easily. And what about emergency vehicle... we are concerned about fire trucks getting in or out in a safe, efficient manner.

Response No. 24-70

Trucks will enter the site on Havenhurst Drive and exit onto Crescent Heights Boulevard. Page A1-1.05 of the Project plans, on file at the City, provide substantial evidence that trucks of all sizes necessary to serve the Project could access the Project site. The relevant sheet of the site plan is provided in **Figure 3.0-1, Project Site Truck Access**. The City's traffic engineer and the Fire Department have reviewed the site plans and have confirmed that emergency vehicles would be able to access the site.

Comment No. 24-71

- What will stop people from making left hand turns onto Santa Monica Boulevard blocking lanes of east bound traffic on this busy thoroughfare.

Response No. 24-71

The Project driveway on Santa Monica Blvd. would be restricted to eastbound right turns out of the Project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. See also **Response No. 24-69**.

Comment No. 24-72

- It's also interesting to note this new SM Blvd exit. Our understanding is that the City highly discourages curb cuts onto SM Blvd. Have they really weighed the pros and cons of this? Is this good for the city and its residents? How does this improve pedestrian activity when a major driveway is cut through the sidewalk?

Response No. 24-72

The new driveway cut is located near the same place as the existing driveway cut. Accordingly, essentially the same condition would exist in terms of pedestrian walkability; however, the new driveway

would be one way, "exit only," whereas the existing driveway allows cars to come in and out of the Project site.

Comment No. 24-73

- 4.0-6 It would be interesting to total up the number of proposed units in Weho and area. Compared with population increases, is there really a need for this much new housing in Weho? (pg. 64)

Response No. 24-73

See **Response No. 24-55**.

Comment No. 24-74

- On page 3.0-24 it mentions a 15 month construction phase for the project as submitted. We believe this argues in favor of one of the other alternatives that would result in a significant reduction in construction (especially if no subterranean parking and no residential)? This reduction would eliminate most of the concerns cited in this EIR that have minimal to significant impact! Clearly there are environmentally superior alternatives but they don't seem to take them seriously.

Response No. 24-74

A full and reasonable range of alternatives have been discussed in Section 8.0 of the Draft EIR. The commenter's preference for the Commercial Only Alternative (Alternative 3), identified as the environmentally superior alternative on page 8.0-42 of the Draft EIR, is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-75

- Page 4.1-3 states that the neighbors south of the construction site do not have views of the Hollywood Hills. This is FALSE and can be proven with pictures. The project will completely block views of the Hollywood Hills which is a valuable feature for community identity, property values and quality of life.

Response No. 24-75

The Draft EIR on page 4.18 states that the Project would limit views of the Hollywood Hills. The Draft EIR text on pages 4.1-3 and 4.1-18 has been revised to state that limited views from the residences south of the Project site are available. Refer to **Section 4.0, Clarifications and Modifications to the Draft EIR**. Page 4.1-18 of the Draft EIR concludes that the Project would not have a substantial adverse effect on a scenic vista. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-76

- Page 4.1-4 Lighting: significant lighting changes could/will occur given the addition of a second and third story residential unit. Where lighting can be controlled within the retail space there are no restrictions on how much light or in what direction the light faces with respect to each individual apartment. Thus the overall lighting impact to those neighbors immediately south of the project could be huge!

Response No. 24-76

Section 4.1 (Aesthetics) of the Draft EIR finds that that no significant light or glare would result from the Project. Lighting would be designed and installed with sensitivity to visual context, including adjacent light-sensitive land uses, such as the neighboring residential units to the south of the Project site. A lighting plan would be developed for the Project. The primary objective of the lighting plan will be to illuminate entrances and provide adequate site lighting to facilitate safe and clear circulation for residents and visitors. Energy-efficient, long-life luminaries and timers or photo sensors would also be used where feasible to reduce the Project's energy consumption for lighting. Additionally, the lighting plan would ensure that lighting from the Project would be cast downward to reduce the amount of light pollution that could occur on uses surrounding the Project site. Furthermore, the Project would be regulated by the City of West Hollywood Municipal Code for lighting standards to help reduce any light pollution that could be produced by the Project during its operation. Since the Project is not expected to substantially increase the amount of light in the area around the Project site. Accordingly, impacts would be less than significant.

Comment No. 24-77

- Page 4.1-9 discusses state highways, etc...

Response No. 24-77

As stated on page 4.1-9 of the Draft EIR, the Project site is not located within the corridor of any state scenic highway, as there are no state-designated scenic highways within the City. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-78

- Page 2.1-9 states buildings should be constructed to be compatible with current styles/aesthetics of the surrounding business/residential neighborhood. We believe the "modernist" style of this building and it's "massing" violates the guidelines. The residential neighborhood has an aesthetic of an older Spanish style architecture for the duplexes which make up the majority of the area. Some of the apartment buildings may have been modern for the era they were constructed but are not as massive as this project, especially those buildings south of the project site.

Response No. 24-78

The commenter's preference for Spanish style architecture is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-79

- Page 4.1-11 discussed use of trees along the sidewalks to maintain the cities distinctive style. How many trees are proposed? Just the minimum? It seems that most of this project site is dedicated to retail and residential space with only 1600 sq ft dedicated to open space most of which is on the second and third floors of the building!

Response No. 24-79

The existing street trees are to remain. A triple row of Australian Flame trees is proposed on the Crescent Heights side of the Project site; eight or nine new trees at the ground floor of the property would be provided.

Comment No. 24-80

- Page 4.1-15: Open space is much greater at the current site than the proposed and that lighting will definitely be a concern. Shading, especially to the businesses located directly West of the project will be a problem. These businesses (Marco's, Grindhouse Café) will lose morning light and potentially experience shade given the height of the new construction. The sky may be completely obstructed as they look eastward. This would be a major concern for their customers who want to sit outside.

Response No. 24-80

The potential for shading impacts was evaluated in the Draft EIR in Section 7.0, (Effects Found Not to be Significant) on pages 7.0-1 through 7.0-2. The residential uses south of the Project site are considered sensitive to shading. Since the sun travels from east to west, shadows are not cast directly to the south at this latitude. Therefore, any impact associated with shading of sensitive uses would be less than significant. The threshold used to evaluate the impacts of shade on sensitive uses is if shadows would be cast for more than 3 hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time during the winter solstice, or for more than 4 hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time during the summer solstice. Given the location and height of proposed new building and the associated shadow bearings, shadows would not be cast onto adjacent commercial uses to the east, west and north of the Project, nor onto Matthew Shepard Park, for more than 3 hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time during the winter solstice, or for more than 4 hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time during the summer solstice.

Comment No. 24-81

- Page 4.1-17: Glare associated with the aluminum construction effects used on the building. Glare may be an issue for multiple neighbors on all sides of the building.

Response No. 24-81

The City's standard condition of approval requires that glass on the façade at and near the street level be clear and untinted, and that mirrored, tinted, or reflective glass not be used except as an architectural or decorative element. Compliance with the City's standard condition of approval requiring the use of low-reflectivity materials would ensure impacts would be less than significant. Section 4.1 (Aesthetics), page 4.1-24, of the Draft EIR finds the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Comment No. 24-82

- Page 4.1-18: Again, it states residents immediately south of the proposed site do not have views of the Hollywood hills and we DO!

Response No. 24-82

The Draft EIR text on pages 4.1-3 and 4.1-18 has been revised to state that limited views from the residences south of the Project site are available. Refer to **Section 4.0, Clarifications and Modifications to the Draft EIR**. Section 4.1 page 4.1-18 of the Draft EIR finds under the Impact Analysis section that the limited views of the Hollywood Hills presently available from south of the Project site would not be substantially impacted by the Project.

Comment No. 24-83

- Page 4.1-20: States that the architectural styles is similar to that of buildings three blocks to the EAST... so it skips right over how it compares to the immediate surrounding area! Looks like cherry picking to get a desired conclusion.

Response No. 24-83

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-84

- Page 4.1-23: They stress how much the landscaping helps the visual enhancement yet most of the landscaping is not at ground level but at heights above 40 ft! How is this eye catching? The most attractive landscape that currently exists along Santa Monica Boulevard is at or near ground level. Where is there any green space in the project?

Response No. 24-84

The existing street trees are to remain. A triple row of Australian Flame trees is proposed on the Crescent Heights side of the Project site; eight or nine new trees at the ground floor of the property would be provided. The commenter's opinions are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-85

- Page 4.1-24: Again, with respect to lighting, most of the comments focus on lighting within retail and open areas of the building, how will they maintain lighting standards for residents of the building such that neighbors to the south of the building are not exposed 24/7 to significant increases in lighting?

Response No. 24-85

See **Response No. 24-76**.

Comment No. 24-86

- Page 4.1-27: Does mention glare associated with certain building materials and states that this may affect neighbors on all sides!

Response No. 24-86

See **Response No. 24-76**.

Comment No. 24-87

- Page 4.1-25: The below statement is of concern especially for neighbors to the south. It states earlier in this section that southern neighbors are the most affected by this issue:

Response No. 24-87

The commenter refers to the statement below provided in this Final EIR as **Comment No. 24-88**. The commenter's opinions are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-88

- As shown in Table 4.2-10, construction of the Project would generate on-site emissions in excess of the site-specific localized significance thresholds for PM10. Demolition and excavation/grading activities would exceed the LST Thresholds during construction. Operation of the Project would not generate on-site emissions in excess of the site-specific localized significance thresholds for NOX, CO or PM2.5. Therefore, based on this assessment, without implementation of mitigation measures, the localized impacts for PM10 would be significant during construction of the Project.

Response No. 24-88

As stated in the Draft EIR at page 4.2-92, construction of the Project would generate emissions in excess of the site specific localized thresholds for PM10 during demolition/excavation grading activities. With implementation of Mitigation Measures MM-4.2-10 through 4.2-16, construction related impacts related to PM10 emissions would be effectively reduced to levels of less than significant. Specifically, Mitigation Measure 4-2-10 would reduce demolition-related PM10 emissions to 3.70 pounds per day and Mitigation Measure 4-2-11 would reduce excavation/grading-related PM10 emissions to 3.64 pounds per day. The

mitigated emissions would not exceed the LST threshold of 3.896 pounds per day and no significant impact with respect to on-site construction emissions would occur.

Comment No. 24-89

- In general Air Quality and Climate Change section: The exposure to potential toxic gases is an enormous health concern, especially for neighbors and business patrons immediately close to the construction site.

Response No. 24-89

Sections 4.2 (Air Quality and Climate Change) and 4.5 (Hazards and Hazardous Materials), of the Draft EIR finds that there are no significant impacts anticipated from the construction and operation of the Project.

Comment No. 24-90

- Under the Cultural Resources section it's important to note that when Walgreens purchased the current site it included the lot where the residence on the southwest now sits. Walgreens sold that residence to a private individual who in turn sold it to the current owners. Walgreens did not disclose the significance of the proposed project.

Response No. 24-90

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. The analysis provided in Section 4.3 (Cultural Resources) concluded the Project would not cause a substantial adverse change in the significance of an historical resource as defined in *State CEQA Guidelines* Section 15064.5.

Comment No. 24-91

- Page 4.3-14 states: There are no scenic properties of significance along the block. This is patently false. Properties along this block are significant and are designated part of a Neighborhood Conservation Overlay zone immediately south of Santa Monica Boulevard. This is because they reflect a valued significant aesthetic character and neighborhood worthy of special preservation. The impacts of this massive proposed building that will overwhelm the neighborhood cannot be overstated. The impacts must be honestly described as it will affect light, shade, traffic, and will have impact on the character of the immediate neighborhood.

Response No. 24-91

The block to which page 4.3-14 of the Draft EIR refers is Santa Monica Boulevard between Havenhurst Drive and Crescent Heights Boulevard, on the Project site. The commenter correctly notes that a neighborhood conservation zone exists south of the Project site; however, the Project site is not located within that zone.

Comment No. 24-92

- Geology and Soils: We have questions that relate to whether this EIR and mitigations address the cumulative effect of the toxic issues in and around the project area.

Response No. 24-92

Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR, and subsection 5.0 (Cumulative Impacts) analyzes cumulative impacts regarding these issues.

Comment No. 24-93

- Hazards and hazardous materials, page 4.5-2: Richfield Gas Company is mentioned but we have been informed that the gas containers located under ground may not have been properly capped or disposed of. The DEIR makes no mention of even the likelihood of this being the case. Yet there is considerable historical memory that there were several errors made when the Richfield Gas Company closed down. It was not compliant with modern standards and this may affect the toxicity of the site.

Response No. 24-93

See **Response No. 24-36** and **Response No. 4-7**.

Comment No. 24-94

- Page 4.5-3: We have a number of concerns relating to the need for a complete remediation that includes deep contaminated soils.

Response No. 24-94

Mitigation Measure 4.5-1 requires soil remediation beneath the dry cleaner's suite and soil excavation for the subterranean parking structure to be performed in accordance with the Soil Management Plan under the oversight of the RWQCB and in accordance with a SCAQMD Rule 1166 Permit. With appropriate mitigation, the Draft EIR finds any potential impacts would be reduced to less than significant levels and no significant and unavoidable impacts related to hazardous materials would result from the Project. See **Response No. 4-15**.

Comment No. 24-95

- 4.7.9 – This project asks for a mixed use bonus, but is it truly a mixed use bonus since it doesn't quality for one – and is thus it has two different parts. They've also asked for a 15 to 5 foot setback concession. We object to that concession of public visual and physical space.

Response No. 24-95

See **Response No. 24-60**. The commenter's opinions are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-96

- 4.8 Noise – what about noise from events, parties, gathering from SkyParke.

Response No. 24-96

Section 4.8 of the Draft EIR finds there would be no significant impacts due to noise from the Project. The SkyParke would be available for use only by patrons of the commercial uses. The City may place standard conditions of approval which limit the hours for use and operation of the SkyParke.

Comment No. 24-97

- 4.9-1 Interesting Chart. Is there a housing shortage? Weho's anticipated housing increase is greater than its expected population increase through 2035. How is this possible in the real world?

Response No. 24-97

See **Response No. 24-55**.

Comment No. 24-98

- 4.11.1 – on the intersections studied, they went to Melrose Blvd to the south (4 blocks) but only went 2 blocks north to Fountain.

Response No. 24-98

The 11 key intersections in the Project area analyzed in the Draft EIR were selected based on consultation with the City of West Hollywood. The City uses a standard ITE Trip Generation methodology which is a nationally accepted document as a basis for determining the potential to impact area intersections and street segments. The Draft EIR Section 4.11 (Traffic, Circulation, and Parking) finds no significant impacts would result from the construction or operation of the Project due to parking, loading, or traffic.

Comment No. 24-99

- We believe there are a number of problems with the traffic studies that mask true traffic issues and conditions. There are not enough intersections at the right times of day to get a real assessment of traffic. Willoughby should also be studied.

Response No. 24-99

See **Response No. 24-98**.

Comment No. 24-100

- 4.11.8 – first intersection not identified fully (Crescent Heights & ___), but all major C.H. intersections are E or F!

Response No. 24-100

The first intersection is Crescent Heights Blvd & Fountain Ave. The typographical error is corrected in **Section 4.0, Clarifications and Modifications to the Draft EIR**, of the Final EIR. See also **Response No. 24-98**.

Comment No. 24-101

- 4.11.17 – thresholds of significance – we question sufficient emergency vehicle access to the site from Havenhurst.

Response No. 24-101

See **Response No. 24-70**.

Comment No. 24-102

- 4.11-20 – This is not a representative sample of drug stores. Whittier? Really? How is that remotely similar to West Hollywood. Why is the Rite Aid at Sunset and Fairfax left off?

Response No. 24-102

The commenter's opinions are noted and incorporated into the Final EIR for review and consideration by the decision makers. In order to adequately assess the trips of the proposed drug store, traffic data was collected at six stores located in Los Angeles County. The stores were selected in coordination with City of West Hollywood staff. See also **Response No. 13-1**.

Comment No. 24-103

- 4.11-34 – that traffic on Havenhurst will increase only by 60 cars a day. Seems ridiculously low.

Response No. 24-103

See **Response No. 24-93**.

Comment No. 24-104

- Table 4.11-8 is a great illustration of how bad traffic is going to get even without this project – look at how many more Fs there are!

Response No. 24-104

The commenter's opinions are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-105

- 4.11-58 Impact analysis – it says no increase in traffic. Really? This is simply not reality based. How is it a massive development like this will generate no increase in traffic? Is this of the school that the more development the less traffic there will be because it is imaginary?

Response No. 24-105

See **Response No. 24-98**. The traffic that would be generated by the Project is identified on page 4.11-23 of the Draft EIR. The Project would generate a net 1,018 weekday daily trips, including 15 weekday AM peak hour trips, 48 weekday midday peak hour trips, and 118 weekday PM peak hour trips. 1,015 Friday daily trips, including 87 Friday night peak hour trips, and 983 Saturday daily trips, including 87 Saturday night peak hour trips. The analysis beginning on page 4.11-58 and ending on page 4.11-74 concluded impacts of the Project intersections and on street segments would be less than significant.

Comment No. 24-106

- Table 4.11-23 we believe these % increases in traffic are unrealistic and too low!

Response No. 24-106

See **Response Nos. 24-98**. and **13-1**.

Comment No. 24-107

- 4.11-78 – we remain concerned about fire and emergency trucks being able to make turns.

Response No. 24-107

See **Response No. 24-70**.

Comment No. 24-108

- 4.12-1 we are concerned about the cumulative impact of these projects that are planned and whether this EIR (and the City overall) are adequately looking at required infrastructure. Does this project meet the General Plan goals, objectives and policy as outlined on 4.12.1-8 and 9? We think not.

Response No. 24-108

The Draft EIR, on page 4.12.1-10, cites the ability of the Los Angeles Department of Water and Power (LADWP) to provide utility service to the Project. As discussed on page 4.12.1-13 of the Draft EIR, the Project's population is within the Southern California Association of Government's (SCAG's) growth forecast for the City of Los Angeles, it is also within the growth parameters of the Urban Water Management Plan. The Project would result in a net decrease in water demand (Table 4.12.1-2 on page 4.12.1-11). As stated on page 4.12.1-3 of the Draft EIR, according to the LADWP's water supply is expected to meet projected demands through 2025. Project and cumulative impacts associated with water supplies would be less than significant. The remaining Utilities and Service Systems Sections (Wastewater, Solid Waste, and Energy) of the Draft EIR conclude there is sufficient infrastructure and supply or disposal capacity to serve the Project and cumulative projects.

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-109

- 4.12.3-4 existing solid waste generation – does not factor in two tenants operating at site – barber shop/spray tanning facilities and office Equality California.

Response No. 24-109

The Utilities sections of the Draft EIR did not include these businesses as existing uses when calculating impacts at the Project site because these businesses were not there when the traffic study was prepared and identification of related projects for purposes of cumulative analysis was made. However, if additional on-site existing uses were to be included in the impacts analysis, in all cases, the existing uses would generate more solid waste and wastewater and consume more water and energy. The proposed uses would, therefore, create fewer net impacts. Therefore, the analysis in the Draft EIR provides a more conservative estimate of impacts.

Comment No. 24-110

- 4.12.3-7 – concern about alley and waste collection devices being located so close to an existing residence. We are concerned about smell, noise and the alley blocked during collection.

Response No. 24-110

There is a 10-foot-high wall that will separate the Project from adjoining properties and the required separation between buildings exists to ensure that smell and noise would not affect adjacent neighbors. The alley is currently closed to through traffic. As indicated in Section 4.8, a three-axel garbage truck would access the Project site once a week, a four-axel delivery truck would access the site once a week, and a two-axel delivery truck is expected to access the Project site twice a week. These trucks would not exceed the City's noise standards at the sensitive receptors south of the Project site, and noise impacts would be less than significant.

Comment No. 24-111

- 6.0-3 they estimate 22 full time and 10 part time employees expected from the development. How does it compare to the previous uses of the center? We believe there will be FEWER jobs with this project than with the old center.

Response No. 24-111

As stated on page 6.4-9, as of November 2009, the existing on-site businesses employed a combined total of nine employees. The Project would decrease commercial square footage by 1,267 square feet. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-112

- 7.0.1 Shade. This is crap. “Adjacent land uses to the west, north, and east are commercial uses that are not considered shade-sensitive” There are two neighborhood friendly and pedestrian encouraging cafes immediately to the west of the project that will have significant shade impacts, including outdoor seating areas. Plus, how might this create shade impacts on a public park, Matthew Shepard Park?

Response No. 24-112

The potential for shading impacts was evaluated in the Draft EIR in Section 7.0 (Effects Found Not to be Significant) on pages 7.0-1 through 7.0-2. The residential uses south of the Project site are considered sensitive to shading. Since the sun travels from east to west, shadows are not cast directly to the south at this latitude. Therefore, any impact associated with shading of sensitive uses would be less than significant. The threshold used to evaluate the impacts of shade on sensitive uses is if shadows would be cast for more than 3 hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time during the winter solstice, or for more than 4 hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time during the summer solstice. Given the location and height of proposed new building and the associated shadow bearings, shadows would not be cast onto adjacent commercial uses to the east, west and north of the Proposed Project, nor onto Matthew Shepard Park, for more than 3 hours between the hours of 9:00 AM and 3:00 PM Pacific Standard Time during the winter solstice, or for more than 4 hours between the hours of 9:00 AM and 5:00 PM Pacific Daylight Time during the summer solstice.

Comment No. 24-113

- 7.0-8 it says it doesn't contain recreational facilities. What about the new Sky Parke feature? There is no study or discussion of it. For instance, what sort of noise impacts might it have, e.g., from residents or other groups having parties or events there?

Response No. 24-113

The SkyParke is described in the Draft EIR Project Description on page 3.0-15. The SkyParke is intended for use by the commercial tenants of the Project. Residents would not be permitted to have parties or other events there. Its hours of use and capacity will be appropriately conditioned by the City to ensure that there are no noise impacts to residents of the Project or adjacent neighbors.

Comment No. 24-114

- Section 8 – its interesting that Commercial only is the best alternative... so only pressure from some inside the City's that Walgreens add housing is causing the biggest problem. Countering this is the census that says that Weho's population growth is very low and will remain constant and stable.

Response No. 24-114

See **Response No 24-55**. The commenter's opinions are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-115

- Appendix 4.5 is interesting analysis around soil issues (pg 397 of pdf).

Response No. 24-115

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 24-116

- Page 527 of appendix – We remain concerned about continuing health and cancer risks from the contamination without a full remediation. We question whether the required soil barrier is a better alternative to remediating the site to bring cancer risk to acceptable levels! Holy cow!

Response No. 24-116

See **Response No. 24-36**. See also the responses to **Letter No. 4**, submitted by the RWQCB. The commenter's opinion is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 25: Leftgoff, Terry, Terry Leftgoff & Associates, 7/11/2011

Comment No. 25-1

I am writing on behalf of WeHo Neighbors, a group of concerned residents who live and work adjacent to the proposed project.

Response No. 25-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-2

This correspondence is supplemental to comments dated May 9, 2011 with associated attachments.

Response No. 25-2

The commenter's correspondence dated May 9, 2011 is provided as **Letter No. 24**. Please refer to the responses to comments provided in **Letter No. 24**.

Comment No. 25-3

We remain concerned about the absence of detailed information about the anticipated and/or required toxic remediation program at the site. The failure to fully describe the details of this program and to incorporate it into the project description render us unable to comment. Further, the DEIR fails completely in its duty to identify, describe and quantify the potential environmental impacts of this and various remediation programs. Inasmuch as this information is absent, the public cannot know, understand or comment on it.

California Public Resources Code Section § 21001.1. states, "The Legislature further finds and declares that it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies."

Response No. 25-3

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project site whether or not a project is approved for redevelopment on the Project site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface (bgs) concurrently with redevelopment of the Project site. Residual contamination in soil and soil vapor below

25 feet bgs will be fully delineated and remediated under the Regional Board's Site Cleanup Program oversight. Assessment and cleanup of residual soil and soil vapor contamination at depth will be expedited following site demolition so as not to impede redevelopment. Groundwater investigation and subsequent remediation will continue under Regional Board oversight after SMB20 has been completed.

Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

Comment No. 25-4

We and other members of the public need time to review and digest the input from the California Regional Water Quality Control Board (hereinafter referred to as RWQCB), a Responsible Agency and Trustee Agency. It is not unusual for one agency to qualify for both designations and it is required when, as here, a state agency has responsibility for carrying out or approving the project and also has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California. The RWQCB has primary jurisdictional authority over the site's toxic contamination and is the trustee for the state's underground water resource. This makes it all the more important to be able to receive and digest their input.

Response No. 25-4

See **Response No. 25-3**. The RWQCB is not a Responsible or Trustee Agency for the project, as defined by CEQA. The RWQCB commented on the Draft EIR on July 11, 2011 and the City has responded to those comments. See **Response Nos. 4-1** and **4-17**. The comments are noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-5

It is our belief the DEIR should be withdrawn pending revision in order to: a. incorporate this information; b. a comprehensive environmental analysis of the work plan is conducted and prepared; and, c. the environmental impacts are described with alternate scenarios. We request the DEIR then be re-circulated.

Response No. 25-5

See **Response No. 25-4**.

Comment No. 25-6

Additionally, the DEIR asserts there will only be shallow soil remediation and pretends that deep soil remediation, if required, would magically not be part of the project. Why? Because it would unfavorably alter the outcome? Please describe both scenarios and the actual environmental impacts of these scenarios.

Response No. 25-6

The investigation and remediation of soil, soil vapor and groundwater will continue under RWQCB oversight regardless of whether or not a project is proposed on this site. See **Response Nos. 25-3 and 25-4**. See also responses to **Letter No. 4** from the RWQCB.

Comment No. 25-7

ADDITIONAL COMMENT PERIOD REQUESTED

We previously asked to reserve the right to request additional time beyond the minimum 45 day period due to this project's complexity. We hereby renew that request.

Response No. 25-7

In order to ensure all interested parties and agencies had adequate time to review the Draft EIR and provide comments, the public comment period for the Draft EIR was officially extended on Thursday, May 26, to July 11, 2011. The comment period, therefore, began on Thursday, March 24 and ended on Monday, July 11, for a 110 day review period.

Comment No. 25-8

My clients, as the most directly affected neighbors, would like to do the same. Given the projects complexity it is clear we will require additional time to fully comment.

Response No. 25-8

See **Response No. 25-7**.

Comment No. 25-9

Inasmuch as the RWQCB is the lead agency on toxic soil remediation that already contaminates groundwater and is intertwined with the proposed project, we believe their review and comment are critical to a complete understanding of project environmental impacts. It is my understanding a Revised Cleanup Plan has been prepared and is pending review and has not been approved by the RWQCB. This plan, once final and approved, along with the Soil Management Plan forms the basis of a significant part of the proposed project description. Together, they are critical to understanding the true environmental impact of the project.

Response No. 25-9

See **Response Nos. 25-3 and 25-4**.

Comment No. 25-10

Of particular significance is the complicated and unique multi-agency and multi-jurisdictional structure upon which the proposed project relies. There needs to be a full description of this structure and each authority. Without a full description, we believe the DEIR is flawed and we are prevented from being able to review and comment on it.

Response No. 25-10

See **Response No. 24-16**.

Comment No. 25-11

Further, the DEIR appears to only consider one small slice of what must occur once ground is disturbed at the project site where several separate toxic sites have hit groundwater and are thought to commingle. The DEIR only evaluates the environmental impacts of shallow soil disturbance. We believe it must also include deep soil disturbance anticipated as part of the remediation as it is required and is an integral part of the project. The environmental impacts of any reasonably anticipated remediation itself must be described and quantified. The DEIR acknowledges the interplay between the relative scope of the proposed project and the deep soil remediation in its description of alternatives but it does not then include the scope or environmental impacts within the analysis. It is unclear what the extent of the excavation will be; the method of storage, staging, and transport; and whether deep soil remediation would be required were it not for the proposed project. Either way, the DEIR should disclose, describe, and address all portions of the project that would create significant project related environmental impacts.

Response No. 25-11

Other than the incidental excavation of contaminated soils to 25 feet below ground surface during excavation for the subterranean garage, the investigation and remediation of existing contamination of the Project site is a separate project under CEQA. The investigation and remediation of contamination occurred before the Project was proposed and will occur regardless of whether or not a project is proposed and/or approved on this site. See **Responses No. 4-5 and 24-17**.

Comment No. 25-12

PLANNING

Speculative Citation of Unapproved Codes Rather Than Adopted Codes

It is interesting to note the DEIR relies upon and goes into some depth into describing draft General Plan policies that have not been adopted that, nonetheless, would have benefits for the project. In fact, the

proposed project appears to rely upon these unapproved draft policies for its hoped for compliance. CEQA does not allow for wishful thinking. The unapproved draft is presently undergoing rigorous scrutiny and likely revision. Reliance upon an unapproved General Plan is pure speculation and violates CEQA requirements to consider 'adopted General Plan and related documents'.

Response No. 25-12

Please note that the West Hollywood draft General Plan referred to in the Draft EIR was adopted by resolution of the City of West Hollywood on September 20, 2011. The Draft EIR discusses the Project's consistency with the General Plan previously in effect and applicable to the Project and the new General Plan adopted on September 20, 2011. The Project does not rely on the now adopted General Plan 2035, however, it is consistent with the policies contained therein.

Comment No. 25-13

The Project Description (3.0) section (d) Land Use Designation and Zoning states, "The General Plan designates the northern portion of the Project site (33,854 square feet) as C2.1(A), which generally permits a variety of commercial uses."

Response No. 25-13

The City's General Plan adopted on September 20, 2011 now designates the northern portion of the site as CC1. This designation continues to permit a variety of commercial uses.

Comment No. 25-14

Unfortunately this zoning designation, C2.1(A), does not exist. Later it says the zoning designation is CC which is the existing approved zoning code.

Response No. 25-14

C2.1(A) is the land use designation under the General Plan previously in effect and applicable to the commercial portion of the Project site. CC is the zoning designation for the commercial portion of the Project site.

Comment No. 25-15

Later the DEIR states, "The City's proposed General Plan would revise the land use designation for this site to CC2, which would permit a variety of commercial uses including the Project's uses. The CC2 designation would permit a maximum 2.0 Floor Area Ratio (FAR) and a 45-foot height limit."

Response No. 25-15

See **Response No. 25-13**. The CC1 designation permits a maximum 1.5 Floor Area Ratio (FAR) and a 35-foot height limit without applicable bonuses.

Comment No. 25-16

Unfortunately this zoning designation, CC2, does not exist. The property is zoned and is controlled by the prevailing approved zoning, CC which permits 1.5 FAR and a 35 foot height limit which this project appears to violate.

Response No. 25-16

The CC2 land use designation proposed under the Draft General Plan 2035 for the Project site was changed to CC1 when the 2035 General Plan was adopted on September 20, 2011. The CC1 designation allows a maximum 1.5 Floor Area Ratio (FAR) and a 35-foot height limit without applicable bonuses. The Project site is within the Mixed-Use Incentive Overlay Zone which allows for an additional density of 0.50 (FAR) and height of up to 45 feet for mixed-use residential projects. The Project is likewise consistent with the current zoning designation for the site (CC-Community Commercial) which allows a maximum height of 45 feet for mixed-use residential projects.

Comment No. 25-17

The DEIR states, "The density and height limitations under the Draft 2035 General Plan for Santa Monica Boulevard are similar to the existing General Plan, allowing for a wide variety of neighborhood-serving commercial uses."

Response No. 25-17

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-18

This statement is misleading and false. There are distinct differences between the existing General Plan and the unapproved draft currently undergoing debate. If the unapproved draft in its present configuration is adopted, which is doubtful, there would be a change in designation of that commercial property from CC to CC2, where height and FAR would increase by 10ft. and .5 FAR, respectively. Please describe the existing zoning conditions and how this project adheres or violates those requirements. Please enumerate what specific sections of the DEIR rely upon the faulty unapproved zoning cited and list corrections to discussion, analysis, and conclusions.

Response No. 25-18

See **Response No. 25-16**.

Comment No. 25-19

Please incorporate and describe the actual prevailing zoning policies for each project alternative. Please describe what alternative project is most consistent with these policies and the specifics of how this will occur.

Response No. 25-19

See **Response Nos. 25-12** and **25-16**. Each project alternative is consistent with the City's General Plan 2035 and its zoning code as well as the 1988 General Plan, which is applicable to the Project.

Comment No. 25-20

Please describe what bonuses the project relies upon, if any. How is it the proposed project utilizes a density of 2.0 FAR when the existing approved zoning provides for 1.5 FAR? How is it this developer is anticipating such a density bonus?

Response No. 25-20

See **Response Nos. 25-12** and **25-16**.

Comment No. 25-21

While the DEIR engages in some hopeful speculation, concurrently, it does not describe the dramatic change in political climate in the city which makes this speculation unlikely to come true. In the last election, the electorate signaled a strong rebuke. This will be one of the first major projects to come before the city since the election realigned priorities. We believe it would be inappropriate to speculate, however, it seems the DEIR does just that by engaging in speculative wishful thinking in the projects favor.

Response No. 25-21

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-22

Failure to Cite Adopted Vision 2020 Document

There is no mention in the DEIR of the city's adopted Vision 2020 document and planning goals. Please elaborate on how and in which specific sections of the DEIR this omission has affected analysis, presumptions, discussion, and conclusions about adverse impacts and has affected consistency with adopted city planning policy goals and objectives. Please enumerate relevant sections of the Vision 2020 document. Also please elaborate on how and in which specific sections of the DEIR, analysis, discussion and conclusions should be amended to comment on adverse impacts and consistency with this adopted

city planning document. Please provide analysis, reference, and discussion about how the project is or is not consistent with such goals. Please incorporate and describe these policies for each project alternative. Please describe what alternative project is most consistent with these policies and the specifics of how this will occur. Please incorporate this into the document and also itemize this in a separate chart.

Response No. 25-22

The commenter refers to the City's long-range strategic plan approved in 2002, which updated the City's Mission Statement, Core Values, and established initiatives to guide the City's budget priorities for 20 years. The primary initiatives of the Vision 2020 Plan include:

- Maintaining the City's Unique Urban Balance;
- Developing and Protecting Affordable Housing;
- Maintaining Fiscal Sustainability (by monitoring, protecting and increasing City resources); and
- Expanding City Parks and Library (by expanding and enhancing the City's green and public spaces).

The Project, and each of the alternatives discussed in the Draft EIR, are consistent with the Vision 2020 document because they are consistent with the City's General Plan and zoning codes, which regulate land use and provide guidelines for development of projects in commercial and residential areas to achieve and maintain a balance of diverse commercial uses and housing types within various districts and zones of the City. A goal of the Project is to include on-site affordable housing, which is an explicit goal of the Vision 2020 plan. Likewise, the Project seeks to provide commercial business and employment opportunities which are consistent with the City's goal of maintaining fiscal sustainability. Section 4.10 (Public Services) of the Draft EIR, which includes sections measuring impacts on library and park services, finds the Project would have no significant impacts on library or park services.

Comment No. 25-23

Failure to Recognize Neighborhood Conservation Overlay Zone Designation

Strikingly the DEIR fails to note that the R1A area immediately to the south and west of the proposed Project is a designated Neighborhood Conservation Overlay zone. Please elaborate on how and in which specific sections of the DEIR this omission has affected analysis, discussion, and conclusions about adverse impacts and has affected consistency with adopted city planning policy goals and objectives. Also please elaborate on how and in which specific sections of the DEIR, with this zone duly corrected, the presence of this zone affects analysis, discussion, and conclusions about adverse impacts and consistency with adopted city planning policy goals and objectives. Please provide analysis, reference,

and discussion about how the project is or is not consistent with such goals. Please incorporate this into the document and also itemize this in a separate chart.

Response No. 25-23

The commenter refers to the Neighborhood Conservation (NC) Overlay District, which is south of the Project site. According to the West Hollywood 2035 General Plan the NC District “is used to identify sites and areas within the City that represent clearly defined neighborhoods with predominantly consistent historic or architectural character.” The Project is not located within the NC district. The Project is consistent with the City’s General Plan and is mostly designated Community Commercial 1, which allows for commercial uses and mixed-use development along major corridors, including Santa Monica Boulevard. Section 4.7 (Land Use and Planning) of the Draft EIR analyzes potential impacts to the regional and local setting and finds the Project is consistent with the existing land use and zoning designations, and the goals, objectives and policies of the General Plan and Zoning Ordinance. Accordingly, impacts would be less than significant.

Comment No. 25-24

Given it appears the DEIR neglected to recognize this special zoning designation, what impact will the proposed project have upon the zone immediately adjacent and in the larger neighborhood vicinity. Please incorporate and describe these conditions for each project alternative. Please describe what alternative project best preserves the integrity of the Neighborhood Conservation Overlay zone and the specifics of how this will occur? Alternately, please describe short and long term impacts to this zone by proximity to the proposed project were the project built out as proposed. Please describe impacts including but not limited to land values, views, solar/shading, noise, traffic, quality of life, neighborhood cohesion, architectural and visual compatibility, among other factors.

Response No. 25-24

See **Response Nos. 24-32 and 25-23.**

Comment No. 25-25

A project of this imposing scale and mass located on a slope will visually overwhelm and by definition alter and adversely affect the character of the neighborhood within the conservation overlay zone. As such the proposed project is inconsistent with the existing neighborhood and character of the adjacent residential neighborhood to the south and west. We believe there needs to be a full evaluation of the impacts such a huge imposing project will have on this conservation zone. Please describe all such impacts negative, neutral, and positive, if any.

Response No. 25-25

See **Response Nos. 24-32** and **25-23**.

Comment No. 25-26

How does this fulfill the stated goal of the proposed project to “complement surrounding uses?” What impact will the proposed project have visually upon the character and integrity of the neighborhood to the south looking north. What impact will the proposed project have upon the small quaint home immediately to the south that it will practically envelop and surround on 2 sides?

Response No. 25-26

See **Response Nos. 11-8, 16-1, 16-14, and 25-23**. The massing of the Project is on the north side and reduced on the south side of the Project site. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-27

Contrary to the stated city objective which is repeated verbatim by the proposed project description, building such a monolithic building designed for primarily vehicular access with a single street level pedestrian entrance creates a dead pedestrian block and does not ‘enhance pedestrian activity along Santa Monica Boulevard’. Saying it does not make it so; please provide factual documentation to back up such a claim. We also have concerns about the appearance and design of the store from the street. It appears from the plans the windows may be blocked, which would contribute to the feeling of a ‘dead zone’ on the block.

Response No. 25-27

One of the main objectives of the Project, as stated in the Draft EIR on page 3.0-1, is to enhance pedestrian activity along Santa Monica Boulevard by providing street-level, street-facing retail along Santa Monica Boulevard. The drugstore portion of the building would have windows on three sides permitting visual connectivity between the street and the activities inside. The drugstore would be a single-story, with full height glass and raised ceilings to maximize the connection to the street. The two residential units on Crescent Heights Boulevard would have a “front yard” streetscape and landscaping amenities, which would serve to connect the residential portion of the Project on the R3-zoned lot to the specialty retail tenants on Crescent Heights Boulevard. The public sidewalk in this part of the Project site would be designed to connect pedestrians on Santa Monica Boulevard with the residential area along Crescent Heights Boulevard. It is anticipated that residents of the Project and the area will walk to the retail stores and Walgreens enhancing pedestrian activity. The comments are noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-28

It would appear this key commercial block will become unfriendly to pedestrians contrary to city zoning requirements. As proposed, the only public activity is a mid-block entrance to Walgreen's and possibly the 2 small retail shops. All other features are limited to the private activities of the residents of the 28 apartments. Please provide elevations and visual simulations that include the realistic perspective and scale from the existing residential neighborhood to the south.

Response No. 25-28

The Project includes only 20 instead of 28 apartments. A complete set of plans, elevations, and renderings may be viewed upon request at West Hollywood City Hall. Contact project planner Jennifer Alkire (323) 848-6475.

The south elevation of the Project is shown in Figure 3.0-11, South and West Elevations, in the Draft EIR. The potential impacts of the Project related to aesthetics were analyzed in Section 4.1 of the Draft EIR. As indicated in Section 4.1, to determine if development of the Project would degrade the existing visual character or quality of the Project site or its surroundings, four visual simulations were prepared to provide a representation of what pedestrians walking and motorists driving along Santa Monica Boulevard, Crescent Heights Boulevard and Havenhurst Drive would see. Please refer to Figures 4.1-5 through 4.1-8 of the Draft EIR. Building materials used on the south elevation would be similar to those used on the west and east facades, shown in Figures 4.1-6 and 4.1-7, respectively, in the Draft EIR. The principle materials that are indicated for the Project are stucco, glass and a mesh screen to create privacy for the tenants of the apartment units on Crescent Heights Boulevard. A variety of landscaping is integral to the Project. The analysis in the Draft EIR determined that the Project would improve and enhance the visual context of the Project site with a new architecturally modern mixed-use building and enhanced landscaping, and aesthetic impacts, would be less than significant.

Comment No. 25-29

We are concerned about the reduced setbacks of such a massive building on such a prominent corner. By so thoroughly dominating this corner and this stretch of our community the building will create negative impacts upon the streetscape and on the pedestrian feel and look of this stretch of Santa Monica Boulevard. Many of the City's planning documents embody goals that embrace the concept of an 'urban village' with pedestrian oriented amenities. This stretch of Santa Monica Boulevard currently succeeds at these goals by attracting vibrant commerce and pedestrian activity. Such a massive closed off building will deal it a reversal and be contrary to these stated goals. Please describe each of these goals and how they will be impacted.

Response No. 25-29

The Project does not propose reduced set backs along Santa Monica Boulevard. Retail space at the corner of Santa Monica Boulevard and Crescent Heights Boulevard would be provided in a structure lower in height than the rest of the commercial project to complement the height and scale of Matthew Sheppard Park located diagonally across the street. See **Response Nos. 11-8, 16-13, and 25-27**. The comments are noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-30

This stretch of storefronts along the south side of Santa Monica Boulevard in the immediate vicinity of the proposed project location consists entirely of small single story commercial shops. A 3 story structure as proposed jutting out on a prominent corner sitting on a slope punctuated by the visually jarring landscape derricks would be the first in the immediate vicinity.

Response No. 25-30

See **Response Nos. 25-28 and 25-29**.

Comment No. 25-31

Additionally such a large building creates a clear and obvious growth inducing impact by setting a development precedent along an otherwise single story stretch of Santa Monica Boulevard.

Response No. 25-31

Section 7.0 (Growth-Inducing Impacts) of the Draft EIR concludes that because the project is consistent with the City's general and economic housing goals, the Project would not result in significant growth-inducing impacts.

Comment No. 25-32

Given the City's current housing policies and goals we are particularly concerned about the potential for these apartments, some of which are advertised as low to moderate income in order to qualify for a number of special bonuses, being converted into another set of high priced condos. It appears to us to be a likely outcome. What is the City proposing to do to ensure the apartments remain as rental units and are not, once granted density and height bonuses, surreptitiously converted into condos. The developer would have gotten benefit of bonuses not available to others similarly situated.

Response No. 25-32

Standard conditions of approval will require that the units proposed as affordable rental units remain low and moderate-income rental units for 30 years.

Comment No. 25-33

TRAFFIC AND CIRCULATION

We note the following inadequacies in the Traffic Study that we believe have lead to a failure to adequately estimate and mitigate project impacts to below significant levels. In some instances, as noted, project impacts are significant with or without the proposed mitigations.

Response No. 25-33

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

See responses to specific comments, below.

Comment No. 25-34

There is a complete failure to consider the impact to public alleys that parallel Santa Monica Boulevard that traffic commonly relies upon as a cut-through alternative when adjacent streets and intersections are clogged.

Response No. 25-34

Section 4.11 (Traffic Circulation and Parking) of the Draft EIR finds no significant impacts would result from the construction or operation of the Project due to parking, loading or traffic. Because the Draft EIR finds no significant impacts to area intersections or streets surrounding the Project site, it is not anticipated that adjacent alleyways would be impacted by the construction or operation of the Project.

Comment No. 25-35

The project proposes to create a new through access through the proposed project between Havenhurst and Crescent Heights where currently there is none (what exists is a dead end alley that is blocked off, only used for parking and is not open to through traffic). Please provide analysis of how this new access cut through will affect already impacted streets and intersections particularly Havenhurst, Santa Monica Boulevard, and Crescent Heights.

Response No. 25-35

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR analyzes the potential impacts of the Project on traffic and circulation and finds no significant impacts would result from the construction or operation of the Project.

Comment No. 25-36

The new access will become a cut-through where there currently isn't one. This is confused further by March 2008 correspondence relating to right and left turn restrictions from Havenhurst into the project referenced later in this section. Please note we also refer to this alley later in our comments.

Response No. 25-36

The Project would not create a "cut-through" because access on Havenhurst for loading will be gate controlled.

Comment No. 25-37

Traffic measurements and projections were made for peak weekdays that included Tuesday, Wednesday and Thursday and only late evening Friday. Please include traffic measurements and projections for the busiest peak commuter traffic times Monday and Friday during morning and evening rush hours. Owing to the regional draw of popular area nightlife, particularly along Santa Monica Boulevard and the Sunset Strip, the study needs to quantify what those of us who live and work in the area know well from personal observation, that there are 3 separate peak traffic periods on Fridays: morning and evening rush hour plus nighttime. Friday's evening rush hour can often be worse than other weekdays.

Response No. 25-37

The City uses a standard ITE Trip Generation methodology which is a nationally accepted method, as a basis for determining the potential to impact area intersections and street segments. The methodology used considers potential impacts during weekday AM, midday, and PM peak hours, Friday night peak hours and Saturday night peak hours. The study times analyzed in the Draft EIR were selected based on consultation with the City of West Hollywood. These times are considered to provide a representative selection of study times. Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from the construction or operation of the Project due to parking, loading or traffic.

Comment No. 25-38

Please study impacts to the closest major east-west alternative street located to the north, Sunset Boulevard. This is a well known and highly important area roadway. It is oft designated significant by numerous area regional transportation plans. We note the study measured traffic at Melrose, the closest major east west alternate roadway located 4 blocks to the south, but not Sunset which is the closest major east-west alternate located 3 blocks to the north. The failure to study impacts of this project on Sunset Boulevard is a serious material oversight. Inasmuch as this gap in information has formed the basis of and shaped the study's conclusions, they are flawed.

Response No. 25-38

The 11 key intersections in the Project area analyzed in the Draft EIR were selected based on consultation with the City of West Hollywood based upon the experience of an independent traffic engineer that determined those intersections that may be impacted by traffic, and circulation. The intersections of Fountain/Crescent Heights and Melrose/Crescent Heights were studied as intersections north and south of the Project site that could be potentially impacted by traffic and circulation for the Project. Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from the Project at these intersections.

Comment No. 25-39

On a related matter, the study also failed to study or consider project related impacts to a variety of intersections along Sunset Boulevard. One such intersection that can be reasonably expected to be one of the most heavily impacted by the project is the intersection of Sunset and Crescent Heights.

Response No. 25-39

See **Response Nos. 25-37 and 25-38.**

Comment No. 25-40

The Traffic Study failed to measure or evaluate a number of key intersections that can be predicted to be impacted by the project: Havenhurst and Romaine, Havenhurst and Willoughby, LaJolla and Romaine, and Romaine and Willoughby.

Response No. 25-40

See **Response Nos. 25-37 and 25-38.**

Comment No. 25-41

The Traffic Study measured the roadway segment of Havenhurst but only measured south of the very busy exit to the public parking lot and alley just to the north.

We take issue with one of the core methodologies used in the Traffic Study. The Traffic Study indicates it did not utilize traffic data from other Walgreens closest to West Hollywood but instead utilized traffic data from 3 other locations that are quite dissimilar to West Hollywood (Whittier, Artesia and 6th near Vermont in the Koreatown area of Los Angeles.) The report indicates that one required criterion was for only Walgreens that operated 24 hours a day. This is puzzling. According to the project description and multiple representations by project representatives, the proposed Walgreens is to have limited business hours and will NOT operate 24 hours a day. If the project description is true, this traffic data is seriously diluted and has presented flawed traffic projections for the proposed project.

Response No. 25-41

The Project does not propose the operation of Walgreens 24 hours per day. Please refer to **Comment and Response No. 13-1** regarding the selection of drugstores. The use of drug store sites that generate higher numbers of trips to determine the trip generation rate for the Project yielded a more conservative analysis. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-42

What guarantees do we have this Walgreens will not later seek to convert to one that operates 24 hours?

Response No. 25-42

The Project does not propose the operation of a Walgreens 24-hours per day. The ability to operate 24-hours per day in West Hollywood would require the granting of further discretionary permit approvals.

Comment No. 25-43

By utilizing data only from Walgreens that are open 24 hours to estimate traffic for a proposed store that is to be open limited hours, it presents factually inaccurate, overly optimistic data since the traffic patterns and impacts are artificially diffused over a more extended period of time. Conversely, if the traffic for a 24-hour store were compressed into the limited business hours of the proposed project, the projections would be more realistic and the anticipated traffic impacts would be far more severe. This would push a number of critical intersections into 'F' ratings and require findings of significance that we believe would require a more thorough environmental analysis. We believe this is a fatal flaw in the Traffic Study.

Response No. 25-43

See **Response No. 25-41**.

Comment No. 25-44

This problem is compounded and highlighted by the Traffic Study's trip generation estimates for the proposed project.

Response No. 25-44

See **Response No. 25-41**.

Comment No. 25-45

This becomes all the more important because only a small increase in calculated Delay or V/C will require a finding of significant impact for this intersection according to the Intersection Impacts Summary. We note the following for the record:

As we previously note, traffic measurements and projections were made for peak weekdays that included Tuesday, Wednesday and Thursday and only late evening Friday. Traffic measurements and projections are completely missing for the busiest peak commuter traffic times Monday and Friday during morning and evening rush hours. This omission is made significant by Existing 2007 Level of Service Summary indicates the existing condition of the intersection of Santa Monica Boulevard and Crescent Heights, the corner where the proposed project is located, currently has Levels of Service (LOS) rating of "F" during weekday PM Peak times.

Response No. 25-45

See **Response No. 25-37**.

Comment No. 25-46

The study defines an "F" rating as: "FAILURE, backups from nearby intersections or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths."

Response No. 25-46

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-47

Please include Monday and Friday PM Peak times. Without this information the public and decision makers are left without necessary information sufficient to judge whether impacts from the project are significant. What happens to our community livability when our intersections go beyond an "F" rating? What is the cumulative effect of so many "F" ratings on West Hollywood?

Response No. 25-47

See **Response No. 25-37**.

Comment No. 25-48

LOS ratings for this intersection during Weekday AM and Midday Peak times carry a rating of 'D' which is described as 'the lowest acceptable operating condition' with times of substantial delays.

Response No. 25-48

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-49

The Project Level of Service Summary indicates this one intersection will deteriorate to the point that Midday Peak will slip from 'D' to 'F' and AM Peak will slip from 'D' to 'E'.

The Intersection Impacts Summary shows how a small increase in calculated Delay or V/C will require a finding of significant impact for this intersection. We believe this increase is masked in the flawed methodology that has resulted in understated traffic estimates.

Response No. 25-49

See **Response Nos. 25-37** and **25-41**.

Comment No. 25-50

Our own firsthand experience and observation about the intersection of northbound Crescent Heights and Santa Monica Boulevard indicates typically severe queuing through multiple signals. A proposed mitigation measure contemplates allowing project traffic to turn left northbound on heavily congested Crescent Heights, compounding this already congested intersection. It would exacerbate an already impacted street and create significant navigational hazards at an impacted intersection.

Response No. 25-50

The Project includes a design feature (gate arm) that prevents left-turns to northbound Crescent Heights Boulevard during PM peak hours. Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from the construction or operation of the Project due to parking, loading or traffic. Mitigation Measure 4-11-1 regarding construction staging and traffic management is proposed. The mitigation measure discussed by the commenter is not proposed.

Comment No. 25-51

At best, we believe this mitigation will cause an already congested intersection to suffer significant additional impacts and navigational obstacles. In addition, due to the nature of the queuing at the intersection, it is likely to cause significant disruption of southbound traffic flow as cars turning left across traffic can be expected to get stuck mid-turn. We believe the only way to safely mitigate this specific impact is to add signalization mid-block synchronized with the intersection. But such a mitigation measure would do nothing to reduce total project traffic impacts on the intersection.

Response No. 25-51

See **Response No. 25-50**.

Comment No. 25-52

Encouraging traffic to cross such a busy street would also set the stage for a serious safety hazard and accidents. Please describe the effects of this scenario and include accident projections with both injury, non injury and fatalities.

Response No. 25-52

See **Response No. 25-50**.

Comment No. 25-53

The difficulty of turning left from the project across congested Crescent Heights will be such that it is sufficient to deter the practical use of this mitigation and renders it ineffective. Thus the stated goal of the mitigation to shift and thereby reduce impacts on Havenhurst will not occur. Like water, traffic finds the path of least resistance through other neighborhood streets. It is reasonable to predict that traffic seeking to go westbound on Santa Monica, frustrated by the prospect of crossing busy Crescent Heights and traveling in an inconvenient circle, will simply zip straight across Havenhurst through the public alley, turn right on La Jolla, to turn left westbound at a signal onto Santa Monica. Please study this probability and incorporate this data into the DEIR.

Response No. 25-53

The driveway on Havenhurst Boulevard would provide ingress to and egress from the Project site. The driveway on Havenhurst Drive would be restricted to left turns into the Project site and right turns out of the Project site to prevent traffic from the Project from traveling on Havenhurst Drive through the residential neighborhood to the south of the Project site. The cement curb designed to prohibit left turns would be curved to force a right turn, and the driver would not be able to proceed west in the alley, as the alley is located south of the exit from the Project site.

Comment No. 25-54

In addition, allowing left turns out of the project onto Crescent Heights causes great safety concerns for people in vehicles and pedestrians walking along Crescent Heights. When traffic is less heavy, southbound/downhill traffic moves very quickly, and there are many right turns from Santa Monica onto southbound Crescent Heights. Please quantify how exiting and turning left will cause accidents and near accidents.

Response No. 25-54

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from traffic associated with the Project. The Project would make improvements to the intersection of Crescent Heights and Santa Monica Boulevards. The improvement would involve the dedication of a 10-foot-wide southbound right-hand turning lane into the Project site along Crescent Heights Boulevard. The Project proposes a deceleration lane on Crescent Heights Boulevard which will allow traffic to flow safely into the Project site and then to safely exit from the Project site onto Crescent Heights Boulevard. The driveway on Crescent Heights Boulevard would provide for northbound left turns and southbound right turns out of the Project site, except weekdays from 3:00 PM to 7:00 PM when the driveway would be closed to outbound traffic by a gate arm. Southbound right turns into the Project site would be permitted at all times. During this period, egress from the site would be available from the other two Project driveways. The Project driveway on Santa Monica Boulevard would be restricted to eastbound right turns out of the Project site.

Comment No. 25-55

While project proponent correspondence with the City indicates that left turns will be prohibited from Havenhurst into the project, the DEIR and project plans show no such restriction. 34% of project traffic is projected to enter via Havenhurst. Further we note that according to March 2008 correspondence the City and the applicant agreed to restrict both right and left turns into the project from Havenhurst. If this correspondence is correct, then it would necessitate a revision to the traffic analysis since it would reroute and relocate a significant portion of the project traffic to other streets.

Response No. 25-55

The driveway on Havenhurst Drive would be restricted to left turns into the Project site and right turns out of the Project site to prevent traffic from the Project from traveling on Havenhurst Drive through the residential neighborhood to the south of the Project site. The 34 percent of project traffic that is predicted to enter from Havenhurst Drive will do so by traveling southbound on the commercial portion of Havenhurst Drive north of the residential area described by the commenter.

Comment No. 25-56

It appears an effort has been made to prevent left turns from exiting the project onto Havenhurst featuring a no left turn sign and a curb cut curved to the right. We believe this is inadequate and, faced with the difficulty and inconvenience of the alternative, easily defeated. We know this from direct experience and note this approach is similar to the techniques used at the public parking lot directly across the street from the project in an attempt to keep exiting vehicles from turning south onto

Havenhurst. Faced with such obvious inconvenience, it has become commonplace for many vehicles to defeat the strategy and turn right anyway. Please study this feature for its efficacy.

Response No. 25-56

See **Response No. 24-64**.

Comment No. 25-57

In addition, the traffic report did not study this busy parking lot or the busy alley immediately north of the parking lot that runs between LaJolla and Havenhurst Drive. Both generate considerable traffic, including frequent U-turns from the parking lot into the alley at all hours of the day/night. Faced with the prohibition on left turns from Havenhurst to westbound Santa Monica, it is likely this alley will become the primary route for vehicles leaving the development to access Santa Monica Blvd. Traffic can be expected to cut westbound through the alley, turn right on LaJolla where there is a signal at the intersection with Santa Monica. Please provide an analysis of this predictable shifting of significant impacts from one street to another.

Response No. 25-57

Please see **Response No. 25-34** and **25-53**.

Comment No. 25-58

We noted earlier in our comments the turning radius maps that were drawn to demonstrate the turning radius required for projected truck turns do not show the scale, centerlines or lane boundaries of the streets where these turns will begin and end. The developer previously made representations to the community they would restrict truck size at the project to smaller scale delivery and trash trucks. It appears from the numerous references in the DEIR that Walgreens and the developer are renegeing on this commitment.

Response No. 25-58

As noted in the Draft EIR on page 3.0-23, a driveway leading to the loading area would be located south of the driveway on Havenhurst Drive leading into the building. This driveway entrance would be sized to accommodate trucks accessing the Project site to deliver supplies to the commercial uses on the Project site. The commenter correctly notes that a scaled diagram is included with the plans for the Project which shows how truck deliveries will be made to the project. This diagram is provided in **Figure 3.0-1**. Furthermore, Section 4.11 (Traffic, Circulation, and Parking) of the Draft EIR finds no significant impacts related to circulation and parking would result from traffic associated with the Project.

Comment No. 25-59

Due to turning radius and shear size the use of large trucks (e.g. typical semi delivery trucks) cannot be accommodated on narrow Havenhurst. The street is so narrow that a large semi will block the lane of oncoming traffic, particularly if there is queuing to enter the loading zone. Likewise the turning radius required for large trucks on Crescent Heights would force trucks into oncoming traffic and would therefore create a dangerous situation and impede traffic flow.

Response No. 25-59

Please see **Response No. 25-58**.

Comment No. 25-60

Even trucks that are 39 and 41 feet long (as previously identified in the project plans) exceed the length of the existing left turn lane from westbound Santa Monica Boulevard onto southbound Havenhurst and will impede access to the local neighborhood. Further, this truck traffic will cause a significant back up on Santa Monica Boulevard and impede traffic regionally. This turn lane is physically limited by the length of the opposing left turn lane leading from eastbound Santa Monica Boulevard to northbound Crescent Heights.

Response No. 25-60

Please see **Response No. 25-58**.

Comment No. 25-61

Smaller trucks must make 6-8 point turns to enter or leave the alleyway, heading north on Havenhurst Drive. This street in particular, which was originally designed in the 1920's, cannot accommodate the size of typical modern trucks and sustain traffic without better mitigation strategies that includes restricting truck size, hours and designating specific approach routes. Please analyze and elaborate on these conditions.

Response No. 25-61

Please see **Response No. 25-58**.

Comment No. 25-62

GENERAL COMMENTS

Rewriting Project History

2.0 Project Background. Please correct the statement, "Due to concerns regarding possible soil contamination from the on-site dry cleaners and former on-site gas station, as well as possible

groundwater contamination from an off-site dry cleaner, the City and Applicant determined an Environmental Impact Report (EIR) should be prepared for the Project.”

Response No. 25-62

Since 1999, multiple soil, soil vapor and groundwater investigations have been conducted at the Crescent Square Shopping Center under RWQCB oversight. In March 2000, 75 tons of PCE—impacted soil was excavated to a depth of 10 feet below ground surface (bgs) beneath the former dry cleaning machine. Groundwater investigation and subsequent remediation will continue under RWQCB oversight regardless of whether or not a project is proposed for the Project site. As discussed in Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR, with implementation of mitigation measures, the Project would not have a significant adverse impact regarding existing contamination on the Project site. The City appreciates the involvement of the public in the planning process for the Project. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-63

This is a factually untrue statement.

Response No. 25-63

See **Response No. 25-62**. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 25-64

An applicant makes no determination about the preparation of an EIR. This is, by statute, entrusted to the Lead Agency acting in compliance with state CEQA statutes and guidelines. In this situation this statement is particularly misleading. The applicant, in fact, appears to have deliberately withheld information about toxic contaminants at the proposed project site in order to evade the statutory EIR requirement and manipulate the process. It was not until, that is, I, as a representative of WeHo Neighbors, independently discovered and made public disclosure of known toxics at the site (Hazard and Hazardous Materials Section, Comment Letter, Mitigated Negative Declaration, WeHo Neighbors dated 5-29-2008).

Section 15064 of the CEQA Guidelines state, “If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, **the agency shall prepare a draft EIR.**” (highlighting added)

Response No. 25-64

Please see **Response Nos. 25-62 and 18-7**.

Comment No. 25-65

It is factually inaccurate and is disingenuous to attribute the preparation of this EIR to ‘concerns regarding possible soil contamination...’ As specifically enumerated in CEQA, this is a mandatory finding of significance that requires the preparation of an EIR. It has nothing to do with unspecified discretionary ‘concerns’ and is, in fact, mandated by state statute.

Response No. 25-65

Please see **Response No. 25-62 and 18-7.**

Comment No. 25-66

Why is this important? Because it goes to the appearance of continuing process bias.

California Public Resources Code Section § 21005 (a) states, “The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, **may constitute a prejudicial abuse of discretion** within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.” (highlighting added)

Response No. 25-66

Since 1999, multiple soil, soil vapor and groundwater investigations have been conducted at the site under RWQCB oversight. For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of Project, please refer to Section 4.5 (Hazards and Hazardous Materials) of the Draft EIR. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project site whether or not a project is approved for redevelopment on the Project site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

Comment No. 25-67

It appears the city and the city’s EIR consultants are attempting to rewrite history in favor of a favored applicant that has committed a fraud upon the city and the process.

Response No. 25-67

See **Response No. 25-62**.

Comment No. 25-68

Please correct the record and fully describe the actual history of this project so the public record is factually accurate and not editorialized to omit or downplay fraudulent activity of the applicant.

Response No. 25-68

See **Response No. 25-62**.

Comment No. 25-69

Incorporating the MND File by Reference

For purposes of a complete public record as required, I hereby incorporate the entirety of the Mitigated Negative Declaration record by reference as part of this DEIR record and request it be made available to the public pursuant to Public Resources Code Section § 15150.

Response No. 25-69

The entire Mitigated Negative Declaration record is available for review at the City. In addition, copies of all background reports and assessments regarding soil, soil vapor and groundwater investigations and remediation at the Project site are available at the RWQCB and at the City of West Hollywood.

Comment No. 25-70

Sales Tax Revenue Claims

The DEIR makes unsubstantiated claims about the proposed project increasing sales tax receipts for the city. Please provide complete documentation upon which this claim is based. In an area like West Hollywood that has an oversaturation of well established pharmacies, it would appear there would be no net change in sales tax revenue. Rather the sales tax revenue would merely be redistributed by predated on and splintering the customer base of established pharmacies, many of which are independently owned and operated. What is the projected economic and social impact of siphoning sales from these independently owned pharmacies, in effect undermining them, whose owners actively support local business, culture and charitable causes compared to the practice of Walgreens which has a checkered history of such activity? At what point will these well established pharmacies suffer failure due to an over-diluted customer base?

Response No. 25-70

CEQA reviews potential impacts of a project on the environment, but does not consider economic impacts. However, over 15,000 square feet of commercial space would be constructed at the Project site, which when fully leased would generate sales tax and gross receipts tax revenue. The comment is noted and incorporated into the Final EIR for review and consideration by the decision-makers.

Comment No. 25-71

Another Alternative

Please evaluate preserving the existing strip mall structure with no housing while including a small satellite Walgreens located within the existing strip mall that is given a facelift and other storefronts leased to local pedestrian friendly shops.

Thank you for the opportunity to comment.

Response No. 25-71

Section 8.0 (Alternatives) of the Draft EIR describes a reasonable range of alternatives as required by CEQA. See *State CEQA Guidelines* Section 15125.6(a).

Letter No. 26: Lightfoot, Sheila, 5/6/11

Comment No. 26-1

Why was there was no notification to nearby affected neighbors? I live just above Norton on Havenhurst so this is my immediate walking neighborhood. If notifications were sent about the last meeting at Plummer Park, I don't believe they we sent to all neighbors who have significant interest in this project.

Response No. 26-1

The City notifies owners of property and occupants of property within 500 feet of property of public meetings, public hearings, and the availability of Draft EIRs. In addition, notices are posted at City Hall and advertised in the local paper, the Beverly Press. Design review hearings are noticed at the City's website at www.weho.org.

Comment No. 26-2

The traffic report suggests the intersection is already significantly over taxed. Cars pulling out of the Walgreen's onto eastbound Santa Monica just before the Crescent Hts intersection AND onto southbound Crescent Hts just south of the eastbound SM intersection where traffic funnels from 2 lanes to 1 would both bring traffic to total gridlock. It would also be extremely hazardous with exiting cars entering traffic southbound on Crescent Hts at the point where 2 lanes are already funneled into 1 (see the google pictures).

Response No. 26-2

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from traffic associated with the Project. The Project would make improvements to the intersection of Crescent Heights and Santa Monica Boulevards, including the dedication of a 10-foot-wide southbound right-hand turning lane into the Project site along Crescent Heights Boulevard. The Project proposes a deceleration lane on Crescent Heights Boulevard, which would allow traffic to flow safely into the Project site and then to safely exit from the Project site onto Crescent Heights Boulevard. The driveway on Crescent Heights Boulevard, would provide for northbound left turns and southbound right turns out of the Project site, except weekdays from 3:00 PM to 7:00 PM, when the driveway would be closed to outbound traffic by a gate arm. Southbound right turns into the Project site would be permitted at all times. During this period, egress from the site would be available from the other two Project driveways. The Project driveway on Santa Monica Boulevard would be restricted to eastbound right turns out of the Project site.

Comment No. 26-3

The City's General Plan policies appear to be maintaining the existing aesthetics of the neighborhood. This project does not fit the neighborhood in any way . . . style, height, bulk, pedestrian friendly. As it's

designed it would be jarring unfriendly, modern structure that blocks out the sky in an otherwise cohesive and pedestrian streetscape (see the google pictures).

Response No. 26-3

The potential impacts of the Project were evaluated in Section 4.1, (Aesthetics) of the Draft EIR. The analysis determined that impacts would be less than significant. Retail space at the corner of Santa Monica Boulevard and Crescent Heights Boulevard would be provided in a structure lower in height than the rest of the commercial project to complement the height and scale of Matthew Sheppard Park located diagonally across the street. Two single-story residential units would be provided on Crescent Heights Boulevard to serve as a transition point between the Project's commercial uses to the north and the multi-family residential neighborhood to the south. The main Project building would be three stories on the north and would be a maximum of two stories in height within 25 feet of the residential zone to the south. The stepping up of the building from the south would reduce the appearance of height and bulk.

One of the main objectives of the project, as stated in the Draft EIR on page 3.0-1 is to enhance pedestrian activity along Santa Monica Boulevard by providing street-level, street-facing retail along Santa Monica Boulevard. The drugstore portion of the building would have windows on three sides permitting visual connectivity between the street and the activities inside. The drugstore would be a single-story, with full height glass and raised ceilings to maximize the connection to the street. The two residential units on Crescent Heights Boulevard would have a "front yard" streetscape and landscaping amenities, which would serve to connect the residential portion of the Project on the R3-zoned lot to the specialty retail tenants on Crescent Heights Boulevard. The public sidewalk in this part of the Project would be designed to connect pedestrians on Santa Monica Boulevard with the residential area along Crescent Heights Boulevard. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 26-4

The height and density of the included residential units will be a tremendous neighborhood nuisance to residents south of the project.

From my experience with a new 4 story condo topped with a huge portico entrance to the rooftop adjacent to my apartment, not only does it block out the sky, but with all old growth trees removed and minimum setbacks, there is no sound buffer. At night, the sound carries to the point of being nearly unbearable . . . even when there are no parties.

Response No. 26-4

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. Current landscaping is minimal and consists of several street trees on Santa Monica Boulevard and small, planted areas along Havenhurst Drive and Crescent Heights Boulevard. No old growth trees are proposed to be removed from at the property. Section 4.8 (Noise) of the Draft EIR finds no significant impacts would result from noise associated with the Project. As indicated in Section 4.8, the off-site residential uses to the south of the Project site are currently exposed to noise from the existing parking lot on the southern side of the Project site, the alleyway on the southern side of the Project site, and automobile traffic on Havenhurst Drive and Crescent Heights Boulevard. The Project would provide nine ground-level parking spaces in the southeast portion of the site, nine fewer than are currently available. Additional surface parking for 14 cars would be available in a second ground level parking area, which would be partially enclosed by the Project building. The two proposed residences located on Crescent Heights Boulevard would also buffer noise. As indicated on page 4.8-43 of the Draft EIR, a landscaped 3-inch-thick, 10-foot-tall green screen would be constructed on the southern Project boundary. As a result, impacts related to noise generated on the Project site at sensitive land uses, including the off-site residential units south of the Project site, would be less than significant.

Letter No. 27: Lipnick, Randy, 6/23/2011

Comment No. 27-1

I am an owner and a resident on Havenhurst Drive.

I am very concerned and OPPOSED to the Walgreen's Project.

Not only am I concerned about the Toxic Conditions that having this building constructed will cause, I am also concerned about the traffic that it is going to create in my neighborhood. We do not need another Drug Store or Chain Box Store on Santa Monica Blvd. We don't need 20 plus residential units built. We don't need more cars and trucks driving up and down the narrow street Havenhurst Drive.

Lastly, a Walgreens at this location will RUIN THE INTEGRITY OF THIS NEIGHBORHOOD!

Response No. 27-1

Section 4.11, Traffic, Circulation and Parking, of the Draft EIR finds no significant impacts would result from traffic associated with the Project.

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of the Project, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

See **Response No 18-2** regarding the need for the need for housing, particularly affordable housing, in West Hollywood. The Project will contribute toward meeting the housing needs in the City. See **Response No. 25-28**.

Letter No. 28: **McKlaine, Kaye, 6/22/2011**

Comment No. 28-1

Please STOP Walgreens from coming to West Hollywood. One of the things I love the most about living in WeHo is that you have this wonderful, safe, community feel within a big city. We have a Rite Aid on the corner of Fairfax/Sunset, a Target on Santa Monica Blvd./La Brea and a CVS on the corner of Santa Monica/La Cienegia. Isn't that enough? (sorry for the street misspell- horrible speller!)

Response No. 28-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 28-2

We do not need a Walgreen to take away from the small business or bring in additional traffic.

Response No. 28-2

Section 4.11, Traffic, Circulation and Parking, of the Draft EIR finds no significant impacts will result from traffic associated with the Project.

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 28-3

STOP WALGREENS! Thank you.

Response No. 28-3

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 29: Meister, Lauren, 5/10/2011

Comment No. 29-1

Quick Question – In the 8120 SMB DEIR, under Project Description (3.0) section (d) Land Use Designation and Zoning, it states that the commercial portion of the property is designated C2.1(A) and later it says it is CC – but I can't find the maximum allowable height limit and FAR (i.e., the existing zoning) for C2.1(A) or CC in that section.

Response No. 29-1

The City of West Hollywood adopted a new 2035 General Plan on September 20, 2011. However, the Applicant is processing a vesting tentative tract map and its development applications were deemed substantially complete on January 17, 2007. While the General Plan land use designations for the Project have changed during the entitlement processing for the Project, the Project is being processed for consistency in relation to the 1988 General Plan, effective at the time the development applications for the Project were deemed complete. The City's 2035 General Plan revised the land use, designation for this site from C2.1(A) to CC1. Both designations permit a variety of commercial uses including those proposed by the Project. Both designations permit a maximum 1.5. FAR and a 35-foot height limit. The zoning designation for the northern portion of the project site continues to be CC (Community Commercial). The West Hollywood Municipal Code, Section 19.10.050, provides incentives in the form of bonus increases in allowable FAR, building height, and floor area, to encourage commercial projects to provide certain features desired by the City. The Applicant has requested a Mixed-use Bonus, as identified in Section 19.10.050 (B) (3), to allow a height bonus of up to 10 feet to accompany a FAR bonus of up to 0.5 for residential uses.

Comment No. 29-2

Height and FAR is cited for CC2 (45 ft., 2.0 FAR) –but CC2 is based on the “new General Plan.” The “new General Plan” or (GP update has not been approved by City Council land as far as we know the zoning is still CC.

Response No. 29-2

See **Response No. 29-1.**

Comment No. 29-3

It also states, “The density and height limitations under the Draft 2035 General Plan for Santa Monica Boulevard are similar to the existing General Plan, allowing for a wide variety of Neighborhood-serving Commercial uses.”

Response No. 29-3

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 29-4

However, this is misleading, because, if the “new General Plan were to be approved the designation of that Commercial property would change from CC to CC2 where height and FAR increase by 10ft and 0.5 FAR, respectively. And, if the new General Plan is not approved, the project is not in line with the current designation of CC.

Response No. 29-4

See **Response 29-1**. The Project would comply with the current height limitations of the City’s zoning code, which allows for 35 feet in height the CC zone and an additional 10 feet for residential construction in that zone. See West Hollywood Municipal Code Section 19.10.050.

Comment No. 29-5

So, I just want to confirm, that the existing zoning of the commercial portion of the site is CC—with an allowable FAR of 1.5 and a maximum height of 35 ft. Is that correct?

Response No. 29-5

See **Response No. 29-1**.

Letter No. 30: Murchison, Neill, 6/30/2011

Comment No. 30-1

I am writing today as a longtime West Hollywood resident to express my support for the Walgreens and residential development at Crescent Heights and Santa Monica Boulevards. I live within walking distance at Norton and Harper Avenues and have been familiar with this site for many years.

Response No. 30-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 30-2

The heyday of strip malls is behind us, and it would serve our neighborhood well to see this site redeveloped with our community's needs in mind. I believe this is precisely what the proposed development will accomplish. Since a project was first proposed for this site, the developer has held numerous neighborhood meetings and made countless changes in response to the input they have received. When they were asked to reduce the overall size of the project, they did so, dropping the size of the Walgreens as well as the number of apartments from 44 to 28 and finally to 20. When the community asked for a more complimentary design to match the surrounding businesses, they worked with our Urban Designer and hired a new architect and landscape architect to redesign the whole project. And as we as a city started to focus on sustainability, the developer proposed to build a green building with rental bikes and flex cars.

Response No. 30-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 30-3

We now have an opportunity to see this location finally come alive with a neighborhood-serving drugstore, apartment homes, and two other retail stores. I believe this development can only enhance our neighborhood as well as bring much-needed jobs to West Hollywood, and I would urge the City to support it.

Response No. 30-3

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 31: Oswald, Helga, 5/10/2011

Comment No. 31-1

As a resident and homeowner living on Havenhurst Drive for almost nine years, I would like to comment on the proposed project on 8100-8120 Santa Monica Boulevard. While I do agree that the site in question is in dire need of redevelopment, I object to the project as planned for the following reasons:

Response No. 31-1

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers. Responses to commenter's detailed comments are provided below.

Comment No. 31-2

The area is already over-saturated with drug store chains, as there are two Rite Aid stores, two CVS stores and a Target store with pharmacy within a one-mile radius, and an additional CVS and three Rite Aid stores within a two mile radius. As can be observed at other drug store chains like Walgreens and some of those mentioned above, they contribute to rather than counteract, the seediness of their surroundings, not in the least due to the nature of the products they are selling. A more upscale architecture, as is currently planned, will only serve as window dressing and not prevent the neighborhood's downgrading by the presence of a Walgreens chain in the long run.

Response No. 31-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 31-3

The effects of architecture and urban planning on a neighborhood are very obvious in the example of the parking lot adjacent to the alley ("Vaseline Alley") on the south side of the 8200 block of Santa Monica Boulevard. It serves, as I am sure City officials are aware of, as a pickup location of some members of the gay community to not only solicit, but subsequently perform, sex; evidence of which can frequently be found on the front lawn in the morning, especially after weekends. The west façade in the current design will not counteract this problem but rather contribute to an even more anonymous environment with the markings of urban wasteland—a forty foot windowless wall and parking structure entrance. If anything, this side should be as open and accessible to pedestrians as the north façade along Santa Monica Boulevard if it is meant to serve the surrounding community.

Response No. 31-3

The comment is noted and incorporated in the Final EIR for review and consideration by the decision makers. The drugstore portion of the building would have windows on three sides, including the west,

permitting visual connectivity between the street and the activities inside. The drugstore would be a single-story, with full height glass and raised ceilings to maximize the connection to the street. The residences at the second and third floors would also have windows on the western façade, which would bring liveliness and “eyes and ears” to the street and neighborhood.

Comment No. 31-4

Of major concern is the impact a project of that scale would have on traffic, especially on Havenhurst Drive, which is too narrow, as it is, for two cars to pass each other without one of them pulling to the side. I noticed that drivers use Havenhurst Drive to cut through to Santa Monica Boulevard going north or Melrose Avenue going south in order to avoid backup traffic on Crescent Heights Boulevard during rush hour. In the long run, the additional traffic that would be generated by the planned project could only be offset by a well-connected subway line. Increasing density by adding a retail space of that size without significant changes to the infrastructure would create an unacceptable burden to the surrounding neighborhood.

Response No. 31-4

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from traffic associated with the proposed project. The driveway on Havenhurst Boulevard would provide ingress to and egress from the Project site. The driveway on Havenhurst Drive would be restricted to left turns into the Project site and right turns out of the Project site to prevent traffic from the Project from traveling on Havenhurst Drive through the residential neighborhood to the south of the Project site. A subway line or stop was being considered for West Hollywood as an extension of Metro Redline, but was rejected. The amount of retail space proposed is slightly reduced when compared with the amount of retail space that exists at this location, 16,681 square feet exists and 15,414 square feet are proposed. Additionally, 20 housing units are proposed. Section 4.12 (Utilities and Service Systems) addresses water services, wastewater, solid waste and energy including cumulative impacts, and finds that the Project would not have significant impacts related any of the City’s utility or service systems.

Letter No. 32: Pamieri, Jimmy, 7/5/2011

Comment No. 32-1

I oppose the proposed Walgreens mixed-use development proposed for the corner of Santa Monica Blvd and Crescent Heights. I am concerned with the increased traffic, noise, and congestion this project will bring, and question whether there is sufficient infrastructure to support this project. This will bring increased traffic into the neighborhood, as well as semis and other delivery trucks onto residential Havenhurst Drive. I'm also concerned about the additional traffic on Crescent Heights, which is already very congested, particularly with vehicles being allowed to make left turns out of the project onto Crescent Heights.

Response No. 32-1

The driveway on Havenhurst Boulevard would provide ingress to and egress from the Project site. The driveway on Havenhurst Drive would be restricted to left turns into the Project site and right turns out of the Project site to prevent traffic from the Project from traveling on Havenhurst Drive through the residential neighborhood to the south of the Project site. The driveway on Crescent Heights Boulevard would provide for northbound left turns and southbound right turns out of the Project site, except weekdays from 3:00 PM to 7:00 PM when the driveway would be closed to outbound traffic by a gate arm. Southbound right turns into the Project site would be permitted at all times. During this period, egress from the site would be available from the other two Project driveways. Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project. Also, Section 4.8 (Noise) of the Draft EIR finds that with proposed mitigation measures there will be no significant impacts due to noise from the Project. Finally Section 4.12, (Utilities and Service Systems) finds no significant impacts would result to infrastructure from the implementation of the Project.

Comment No. 32-2

Twelve or more small, local-serving businesses have been displaced for a big box chain drug store West Hollywood has ample chain and independent drug stores. This does not seem like a very creative development for The Creative City.

Response No. 32-2

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No.32-3

I am also concerned about the toxic chemicals underground at the site, as well as the chemicals underground originating just east of Crescent Heights Blvd. I'm concerned that the City of West

Hollywood take a close look at ALL chemical spills in the area to make sure there is a comprehensive, safe clean-up plan in place. It disturbs me that these problems were not disclosed until discovered by neighbors.

Response No. 32-3

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of SMB20, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of SMB20, the Applicant will work cooperatively with the RWQCB to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 33: Scotti, Arthur, 6/19/2011

Comment No. 33-1

We do NOT need this store, or the new apartments, in our neighborhood. CVS and Rite-Aid and independents already serve our community very well.

Response No. 33-1

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 33-2

We do NOT need increased traffic. That intersection of Santa Monica and Crescent Heights needs left turn signals, NOT more cars turning!

Response No. 33-2

Section 4.11 (Traffic, Parking and Circulation) of the Draft EIR finds no significant impacts would result from traffic associated with the proposed project.

Comment No.33-3

We do Not need the increased noise—the police already fail to ticket the illegally loud motorcycles.

Response No. 33-3

Section 4.8 (Noise) of the Draft EIR finds that with implementation of the Proposed mitigation measures, there would be no significant impacts due to noise from the Project.

Comment No. 33-4

We do NOT need more parking issues—there is already too little parking on the streets for all of us locals.

Response No. 33-4

Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts will result from parking associated with the Project.

Comment No. 33-5

I will NOT patronize it if you do allow it.

Response No. 33-5

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 34: Scotti, Arthur, 7/6/2011

Comment No. 34-1

I am writing to protest the destruction of another WEHO block and the building of yet another drug store. I moved here over a year ago because this neighborhood (Norton Ave./Havenhurst) is walkable and convenient. This will NOT make it a better place:

1. There will be a dead zone pedestrian-wise because of the large store front. I thought we were supposed to have a pedestrian-friendly city.

Response No. 34-1

One of the main objectives of the Project, as stated in the Draft EIR on page 3.0-1, is to enhance pedestrian activity along Santa Monica Boulevard by providing street-level, street-facing retail along Santa Monica Boulevard. The Project includes both retail and residential uses. It is anticipated that residents of the project and the area would walk to the retail stores and Walgreens, enhancing pedestrian activity. The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 34-2

2. The used to be a gas station and auto repair shop there. What will this do in regards to putting the underlying oil and gas into our soil/water? And the fact that the developers withheld crucial toxics information in an attempt to defraud the city should be a huge mark against them.

Response No. 34-2

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of the Project, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of the Project, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No.34-3

3. This will ADD 22 housing units to an area with none right now. We already have too much traffic for too little parking. We also have a glut of apartments right now according to the last census— population has gone DOWN in WEHO and we have a 10% apartment vacancy rate. WE DO NOT NEED TO BUILD MORE UNITS TO ADD MORE PEOPLE AND CARS HERE!!! Add in the guests visiting the new residents vying for our on-street parking and it's totally unacceptable.

Response No. 34-3

The Project would provide adequate parking to serve the needs of the residents of the proposed 20 apartment units and the commercial tenants in accordance with the West Hollywood Municipal Code. Section 4.11 (Traffic, Circulation and Parking) of the Draft EIR finds no significant impacts would result from traffic associated with the Project.

The need for housing, particularly affordable housing is discussed in Section 4.9, (Population, Housing, and Employment) of the Draft EIR. State law requires that each jurisdiction absorb its fair share of regional housing needs. The State of California Department of Housing and Community Development (HCD) determines the statewide housing need. In cooperation with HCD, local governments and councils of governments (COGS) are charged with making a determination of the existing and projected housing need as a share of the statewide housing need of their City or Region. The Southern California Association of Governments (SCAG) prepares a Regional Housing Needs Assessment (RHNA). Table 4.9-2 in the Draft EIR summarizes the RHNA 2000 housing construction need by income level for the City of West Hollywood. The Project would assist the City to achieve the needed housing units for all income levels as detailed in the RHNA. Therefore, the Project would contribute toward meeting the housing needs in the City of West Hollywood.

Comment No. 34-4

4. Santa Monica and Crescent Heights already has huge traffic problems since there are NO left turn signals, or even left turn lanes in most directions, for all the cars. We do NOT need more cars turning in and out of a large store at that location therefore making the traffic, and the driver's tempers, worse yet.

Response No. 34-4

Section 4.11 (Traffic Circulation and Parking) of the Draft EIR finds no significant impacts would result from traffic associated with the Project. The Project would make improvements to the intersection of Crescent Heights and Santa Monica Boulevards including the dedication of a 10-foot-wide southbound right-hand turning lane into the site along Crescent Heights Boulevard. The Project proposes a deceleration lane on Crescent Heights Boulevard, which would allow traffic to flow safely into the Project site and then to safely exit from the Project site onto Crescent Heights Boulevard. The driveway on Crescent Heights Boulevard would provide for northbound left turns and southbound right turns out of the Project site, except weekdays from 3:00 PM to 7:00 PM when the driveway would be closed to outbound traffic by a gate arm. Southbound right turns into the Project site would be permitted at all times. During this period, egress from the site would be available from the other two Project driveways. The Project driveway on Santa Monica Boulevard would be restricted to eastbound right turns out of the Project site.

Comment No. 34-5

5. Honking is already a problem. Do we need the increased noise that both the construction AND the final product will bring?

Response No. 34-5

Section 4.8 (Noise) of the Draft EIR finds that with proposed construction mitigation measures impacts due to noise from the Project would be less than significant.

Comment No. 34-6

6. Do we need the increase in drug deals that such a site bring? It will become a Craigslist locale.

Response No. 33-6

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 34-7

7. We do NOT need another big chain to take customers away from our local mom and pops. I always frequent our small local independents when there is an alternative to the chains so I can keep more of my money at work here in our City.

Response No. 34-7

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 34-8

8. The aluminum siding will probably create a glare that will make the already difficult commute even worse for drivers at various times of the day.

Response No. 34-8

Section 4.1 (Aesthetics) of the Draft EIR finds that no significant light or glare would result from the Project.

Comment No. 34-9

9. Will they sell liquor? I hope not. It will bring more undesirables AND undercut the nearby liquor store that has already undergone so many hardships in an effort to survive.

Response No. 34-9

The sale of liquor in West Hollywood requires the granting of a conditional use permit and the proposed entitlements do not include an application for a conditional use permit to sell liquor. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 34-10

10. Will it be open 24 hours? We do NOT need that kind of operation competing with the other 24-hour food places open in the area. NOR do we need the customers that kind of place attracts at all times of the day or night, nor more night-long noise.

Response No. 34-10

The commercial portion of the premises would not be open 24 hours. In order to be open from 2:00 AM to 6:00 AM in West Hollywood, a business must apply for a permit to be open 24 hours a day. No such application is included in the request for entitlements. The commercial tenants are likely to have hours ranging from 7:00 AM to midnight. No restaurant uses are proposed for the Project.

Comment No. 34-11

I moved here in part because I thought West Hollywood was a renters city, a place that protects the interest of those of us who have sold our homes and who now want the convenience of city services and city living. This project so near my home will be a blight on an already over-congested area. Certainly we in the Creative City can do better. And we've already signaled our desire for change in the last city council election—we do not want developers' cash and influence in city hall overriding the residents' best interests! There is a limit and we have reached it. This project must be stopped as it is currently configured, and it should not go forward unless drastically modified.

Response No. 34-11

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 35: Sullivan, Catherine, 7/5/2011

Comment No. 35-1

I oppose the proposed Walgreens mixed-use development proposed for the corner of Santa Monica Blvd and Crescent Heights. I am concerned with the increased traffic, noise and congestion this project will bring, and question whether there is sufficient infrastructure to support this project. This will bring increased traffic into the neighborhood, as well as semis and other delivery trucks onto residential Havenhurst Drive. I'm also concerned about the additional traffic on Crescent Heights, which is already very congested, particularly with vehicles being allowed to make left turns out of the project onto Crescent Heights.

Response No. 35-1

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts will result from traffic associated with the Project. Also, Section 4.8, (Noise), of the Draft EIR finds that with proposed mitigation measures, there would be no significant impacts due to noise from the Project. Finally Section 4.12 (Utilities and Service Systems) finds no significant impacts will result to infrastructure from the implementation of the proposed project.

Comment No. 35-2

Twelve or more small, local-serving businesses have been displaced for a big box chain drug store. West Hollywood has ample chain and independent drug stores. This does not seem like a very creative development for The Creative City.

Response No. 35-2

The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 35-3

I am also concerned about the toxic chemicals underground at the site, as well as the chemicals underground originating just east of Crescent Heights Blvd. I'm concerned that the City of West Hollywood take a close look at ALL chemical spills in the area to make sure there is a comprehensive, safe clean-up plan in place. It disturbs me that these problems were not disclosed until discovered by neighbors.

Response No. 35-3

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of the Project, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The

potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of the Project, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter. The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 35-4

All n' all this is a ridiculous project . . .only you, the Weho government and Walgreens have anything to benefit!! A travesty to the social climate of West Hollywood and its neighborhood feel.

Response No. 35-4

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 36: Teramatsu, Michelle, 6/24/2011

Comment No. 36-1

Hi Jennifer,

My name is Michelle and I just moved into the neighborhood just recently with my husband from new York. We love the area and are looking forwarding to raising our child here (I'm due in Aug!)

Response No. 36-1

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 36-2

I have recently heard about the new Walgreens development and have some concerns with the changes that will inevitably happen. Not just with construction, traffic and parking (which are big concerns for me because I don't have a parking space), but more with regards to what big chains do to smaller businesses. Not only does unfair competition for local businesses but it also takes away the charm and individuality off the neighborhood. I hope the city will consider an alternative that will both benefit the city but also preserve the individuality of the area. Coming from New York, I know the benefit neighborhoods have from unique stores run by individuals that create a sense if community and make you feel like you are living in a neighborhood not just a big, impersonal place. Think about the way you feel when you go to Walgreen's versus going to a smaller store run by a person not a corporation? I do believe it will make this area less desirable to live in.

Response No. 36-2

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic and parking associated with the Project. Impacts during construction related to Air Quality, Noise, and Traffic and Circulation would be reduced to less than significant levels with implementation of mitigation. The comment is noted and incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 36-3

I hope you consider my comments and please feel free to email or call me.

Response No. 36-3

The comment is noted and will be incorporated into the Final EIR for review and consideration by the decision makers.

Letter No. 37: Weingourt, Rita, 6/17/2011

Comment No. 37-1

I am writing to voice my concerns about the proposed building of a big box store on the small mall on the corner of Santa Monica Bl and Havenhurst Drive. While the current site has become an eyesore, there is no reason to rush to build something that, ultimately, will not benefit the neighborhood, nor I believe, benefit Walgreens.

Response No. 37-1

The comment is noted and is incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 37-2

The result of the planned building will be: increased traffic and noise and increased congestion in the already congested area. The mall should be used to provide small niche stores, a way of keeping the small town feel of West Hollywood. A big box chain will destroy the smaller businesses and irreparably change the personality of the area.

Response No. 37-2

Section 4.11, (Traffic, Circulation and Parking), of the Draft EIR finds no significant impacts would result from traffic associated with the Project. Section 4.8, (Noise), of the Draft EIR finds, that with proposed mitigation measures, there would be no significant impacts due to noise from the Project. The comment is noted and is incorporated into the Final EIR for review and consideration by the decision makers.

Comment No. 37-3

Also, I am aware that there are toxic chemicals buried under the site. I have heard nothing definite about Walgreens plans to deal with the potential danger.

Response No. 37-3

For a complete discussion of site investigation and remediation of the Crescent Square Shopping Center Site, which includes the SMB20 Project Site, and the handling of contaminated soils during construction of the Project, please refer to Section 4.5, (Hazards and Hazardous Materials), of the Draft EIR. The potentially responsible parties at the Crescent Square Shopping Center Site are responsible for the investigation and remediation of existing contamination at the SMB20 Project Site. To facilitate the construction of the Project, the Applicant will work cooperatively with the Regional Board to remove existing contamination to 25 feet below ground surface concurrently with redevelopment of the Project site. Please refer to **Letter No. 4** from the RWQCB and responses to comments in the letter.

The comment is noted and is incorporated into the Final EIR for review and consideration by the decision makers.

4.0 CLARIFICATIONS AND MODIFICATIONS TO THE DRAFT EIR

A. INTRODUCTION

Any corrections and modifications to the Draft Environmental Impact Report (EIR) text generated either from responses to comments or independently by the City are stated in this section of the Final EIR. The Draft EIR text has not been modified to reflect these EIR modifications.

These EIR errata are provided to clarify, refine, and provide supplemental information for the Project Draft EIR. Changes may be corrections or clarifications to the text of the original Draft EIR. Other changes to the EIR clarify the analysis in the EIR based upon the information and concerns raised by commenters during the public review period. None of the information contained in these EIR modifications constitutes significant new information or changes to the analysis or conclusions of the Draft EIR.

The information included in this EIR errata that resulted from the public comment process does not constitute substantial new information that requires recirculation of the Draft EIR. The *California Environmental Quality Act (CEQA) Guidelines*, Section 15088.5, states in part:

- (a) *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:*
- (1) *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - (2) *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - (3) *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.*
 - (4) *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or insignificant modifications in an adequate EIR.

The changes to the Draft EIR included in these EIR modifications do not constitute “significant” new information because:

- no new significant environmental impact would result from the project or from a new or modified mitigation measure;
- there is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;
- no feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and
- the Draft EIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Therefore, recirculation of the Draft EIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already adequate Draft EIR.

For simplicity, the EIR modifications contained in the following pages are in the same order as the information appears in the Draft EIR. Changes in text are signified by ~~strikeout~~ text (~~strikeout~~) where text has been removed and by underline text (underline) where text has been added. The applicable page numbers from the Draft EIR are also provided where necessary for easy reference.

B. CLARIFICATIONS AND MODIFICATIONS

Changes to the Draft EIR are listed below by section and page number.

3.0 Project Description

Page 3.0-15, under subheading d. Open Space and Recreational Areas, the description of the SkyParke is revised as follows:

The Project would include a private, landscaped SkyParke located above the specialty retail near Crescent Heights and Santa Monica Boulevards which would be accessible from the grand staircase and the ~~rooftop~~elevator. The SkyParke would be available for use by patrons of the commercial uses.

Page 3.0-8, under subheading d., Land Use Designations and Zoning, the discussion is revised as shown below.

d. Land Use Designations and Zoning

Land use in the City of West Hollywood is governed by the City's General Plan and Zoning Ordinance (Title 19 of the West Hollywood Municipal Code). The City of West Hollywood first adopted a General Plan in 1988.

The 1988 General Plan designates the northern portion of the Project site (33,854 square feet) as C2.1(A), which generally permits a variety of commercial uses. The southern portion of the Project site (6,556 square feet) is designated R3.1/PK-A, which permits multi-family residential uses and off-street commercial parking.

~~The City is in the process of adopting~~ adopted a new General Plan on September 20, 2011. ~~While~~ However, the Applicant is processing an application for a vesting tentative tract map, and its Development Applications were deemed substantially complete on January 17, 2007, the land use designations for the site may change during the entitlement processing for the Project. ~~The City's proposed General Plan would revise the land use designation for this site to CC2, which would permit a variety of commercial uses including the Project's uses. The CC2 designation would permit a maximum 2.0 Floor Area Ratio (FAR) and a 45-foot height limit. While the General Plan land use designations for the Project have may changed during the entitlement processing for the Project, the Project is being processed for consistency in relation to the 1988 General Plan, effective at the time the development applications for the Project were deemed complete. The City's 2035 proposed General Plan would revise the land use designation for the Project site to CC1, which would permit a variety of commercial uses including those proposed. The CC1 designation would permit a maximum 1.50 FAR and a 35-foot height limit. Under the 2035 General Plan, the Project site is located within the City's Mixed-Use Incentive Overlay Zone which allows up to an additional 0.5 FAR and 10 feet of building height for Residential Mixed-Use projects. The residential portion of the Project site under the 2035 General Plan is designated R3A/PK and identical in restrictions to the R3.1/PK designation under the 1988 General Plan.~~

The majority of the Project site, approximately 33,854 square feet, is zoned CC (Commercial, Community). The remaining 6,556 square feet, located in the southeastern portion of the site, is zoned R3A-PK (Residential Multi-Family Medium Density with Parking Overlay). Mixed commercial/residential uses are permitted in these zones.

The City's Municipal Code separates mixed-use projects into two categories, those that span both residential and commercial zoning districts and those that are wholly within commercial zones. Projects that span both residential and commercial zones require a minimum project site area of 60,000 square feet and must place the residential uses in the areas of the site located in R3 and R4 zones. The Project would

not qualify as a mixed-use project that spans both residential and commercial zoning districts because the site is only approximately 40,410 square feet.

Accordingly, the Project would consist of two parts, a commercial/residential mixed-use project for the portion of the site zoned CC and a residential project with parking for the adjacent commercial use within the residentially zoned R3A-PK portion of the site. This is a permitted use of the R3A-PK portion of the site because in addition to being zoned for residential use, the Project site is within a parking overlay district, which permits parking structures for adjacent commercial uses.

Under the City's ~~current 1988~~ General Plan, ~~which was adopted in 1988~~, designations for properties to the north of the Project site allow for medium and high-density multi-family housing. To the south of the Project site, the designations allow low to medium-density multi-family housing. Along Santa Monica Boulevard to the east and the west a broad range of commercial designations permit neighborhood and specialty retail as well as housing. The City's ~~Draft~~ 2035 General Plan similarly ~~proposes~~ permits low to moderate-density multi-family housing for the area south of Santa Monica Boulevard and medium to high-density housing for the area north of Santa Monica Boulevard. The density and height limitations under the ~~Draft~~ 2035 General Plan for Santa Monica Boulevard are similar to the existing General Plan, allowing for a wide variety of neighborhood-serving commercial uses.

4.1 Aesthetics

The second sentence in the fourth paragraph on page 4.1-3 is revised as follows:

The residences located immediately south of the Project site ~~do not~~ have limited views of the Hollywood Hills due to the height of the existing buildings.

The fourth sentence in the second full paragraph on page 4.1-18 is revised as follows:

The residences located immediately south of the Project site ~~do not~~ would continue to have limited views of the Hollywood Hills due to the height of the existing buildings. Therefore, impacts would be less than significant.

The fourth sentence in the first full paragraph on page 4.1-24 is revised as follows:

Lighting would be designed and installed with sensitivity to visual context, including adjacent light-sensitive land uses such as the neighboring residential units to the ~~northwest~~ south of the proposed Project site.

4.2 Air Quality and Climate Change

Page 4.2-58, mitigation measure MM-4.2-5 is revised as follows:

MM-4.2-15 Sweep paved streets at the end of the day if visible soil material is carried onto adjacent public paved roads (~~recommend water sweepers with reclaimed water~~). Adjacent streets that may require sweeping include Santa Monica Boulevard, Havenhurst Drive, and North Crescent Heights Boulevard

4.5 Hazards and Hazardous Materials

The following paragraph is added at the bottom of page 4.5-13.

Regional Water Quality Control Board

The Los Angeles Regional Water Quality Control Board is the public agency responsible for the protection of groundwater and surface water quality in Los Angeles. The Regional Board Water Quality Control Board's Site Cleanup Program provides oversight for site investigation and corrective action for all types of pollutants, such as solvents, petroleum fuels, and heavy metals, and all environments, including surface water, groundwater and the vadose zone. Upon confirming an unauthorized discharge is polluting or threatens to pollute regional water bodies, the Regional Water Quality Control Board oversees site investigation and corrective action under California Water Code Section 13304. Since the late 1990s, the Los Angeles Regional Water Quality Control Board has been the lead regulatory agency under the Site Cleanup Program for the Crescent Square Shopping Center Site, which generally is the site proposed for development with SMB20.

Page 4.5-23, mitigation measure MM-4.5-1 is revised as follows:

MM-4.5-1 Soil ~~remediation beneath the dry cleaners' suite and soil excavation to 25 feet below ground surface~~ for the subterranean parking structure shall be performed in accordance with the Soil Management Plan under the oversight from the LARWQCB and in accordance with a SCAQMD Rule 1166 permit.

Land Use and Planning

Page 4.7-3, the second and fourth paragraphs are revised as follows:

The City of West Hollywood first adopted a General Plan ~~was adopted~~ in 1988, ~~and subsequently updated~~. As shown in **Figure 4.7-1, City of West Hollywood General Plan Land Use Designations**, ~~t~~The

1988 General Plan designates the northern portion of the Project site (33,854 square feet) as C2.1(A), which generally permits a variety of commercial uses. The southeastern portion (6,556 square feet) of the Project site is designated R3.1/PK-A, which permits multi-family residential uses and off-street commercial parking.

The City of West Hollywood ~~is in the process of adopting~~ a new 2035 General Plan on September 20, 2011. ~~While However,~~ the Applicant is processing a vesting tentative tract map and its development applications ~~(the application was~~ deemed substantially complete January 17, 2007)~~).~~ While the General Plan land use designations for the Project have may changed during the entitlement processing for the Project, the Project is being processed for consistency in relation to the 1988 General Plan, effective at the time the development applications for the Project were deemed complete. The City's ~~2035 proposed~~ General Plan ~~would~~ revised the land use designation for this site to CC12, which ~~would~~ permits a variety of commercial uses including those proposed. The CC12 designation ~~would~~ permits a maximum 1.52-0 FAR and a 4535-foot height limit. Under the 2035 General Plan, the Project site is located within the City's Mixed-Use Incentive Overlay Zone which allows up to an additional 0.5 FAR and 10 feet of building height for Residential Mixed-Use projects. The residential portion of the Project site under the 2035 General Plan is designated R3A/PK and identical in restrictions to the R3.1/PK designation under the 1988 General Plan. Accordingly, the Project is consistent with the height and density limitations of both the 1988 and the 2035 General Plans.

Page 4.7-4, the first paragraph is revised as follows:

According to Title 19 of the City of West Hollywood Municipal Code, otherwise known as the Zoning Ordinance, the majority of the Project site is designated for Commercial uses and located within the CCA (Commercial, Community-Arterial) zoning district. As shown in **Figure 4.7-2, City of West Hollywood Zoning**, the majority of the Project site, approximately 33,854 square feet, is zoned CC (Commercial, Community). The remaining 6,556 square feet, located in the southeastern portion of the site, is zoned R3-A-PK (Residential Multi-Family Medium Density with Parking Overlay). Mixed commercial/residential uses are permitted in these zones.

Pages 4.7-7 through 4.7-10, the discussion of zoning designations and General Plan consistency is revised as follows:

Zoning Designations and Consistency with General Plan and Zoning Designations

The Project would demolish the existing commercial buildings and surface parking lots and construct two new buildings (a three-story mixed use building and a single-story, two-unit residential building) containing 37,118-gross-square-foot of mixed-use development. The new mixed-use development would

include approximately 15,414 gross square feet of retail space, including a 13,276-gross-square-foot drug store and 2,138 gross square feet of specialty retail, and 20 residential units. The City's zoning code designates the northern portion of the Project site as C2.1A CC (Community Commercial) on the northern portion of the Project site and R3.1A/PK for on the southeastern portion of the Project site zoned CC (Commercial Community) on the northern portion of the Project site and R3A PK(Residential Multi-Family, Medium Density with Parking Overlay) on the southern portion of the Project site.

Under the City's ~~1988~~^{current} General Plan ~~adopted in 1988~~, designations for properties to the north of the Project site allow for medium and high density multi-family housing. To the south of the Project site, the designations allow low to medium residential density multi-family housing. Along Santa Monica Boulevard, both to the east and west, a broad range of commercial designations permit neighborhood and specialty retail as well as housing. The ~~Draft~~ 2035 General Plan similarly proposes low-moderate density multi-family housing for the area south of Santa Monica Boulevard and medium to high density housing for the area north of Santa Monica Boulevard. The density and height limitations under the ~~Draft~~ 2035 General Plan for the area of Santa Monica Boulevard where the Project is located are ~~identical~~^{similar} to the ~~1988~~^{existing} General Plan, allowing for a wide variety of neighborhood-serving commercial uses. The Project would be consistent with the ~~current~~¹⁹⁸⁸ General Plan and the ~~Draft~~ 2035 General Plan.

The CC designated zone is intended to provide a wide variety of commercial opportunities to serve local community needs, as well as broader market areas.² The CC zoning district identifies areas appropriate for a variety of commercial uses including: retail; professional offices; business support and personal services; entertainment uses; restaurants; specialty shops; overnight accommodations; cultural uses; and small-scale manufacturing uses related to design furnishings, galleries, motion pictures, television, music or design-related uses. Mixed-use developments with residential and office uses above businesses are encouraged.³ The CC zoning district is consistent with the C2.1(A) land use designation of the 1988 General Plan and the CC1 designation of the 2035 General Plan.⁴

~~The CC zoning district is consistent with the C2.1 land use designation of the General Plan.~~⁷ The R3A/PK zoning district provides for the development of a wide range of multi-family dwelling units, including

² City of West Hollywood Zoning Ordinance, Title 19 Zoning Ordinance, Chapter 19.10 Commercial and Public Zoning Districts, Article 19-2 Zoning Districts and Allowable Land Uses, http://qcode.us/codes/westhollywood/view.php?topic=19-19_2-19_10-19_10_020&frames=off.

³ City of West Hollywood Zoning Ordinance, Title 19 Zoning Ordinance, Chapter 19.10 Commercial and Public Zoning Districts, Article 19-2 Zoning Districts and Allowable Land Uses, http://qcode.us/codes/westhollywood/view.php?topic=19-19_2-19_10-19_10_020&frames=off.

⁴ City of West Hollywood Zoning Ordinance, Title 19 Zoning Ordinance, Chapter 19.10 Commercial and Public Zoning Districts, Article 19-2 Zoning Districts and Allowable Land Uses, http://qcode.us/codes/westhollywood/view.php?topic=19-19_2-19_10-19_10_020&frames=off.

apartments and condominiums.⁵ The standards of the R3 zoning district are intended to ensure that new residential projects are compatible with the scale and character of existing medium-density multi-family residential neighborhoods.⁶ The R3 zoning district is consistent with the R3.1, R3.2, and R3.3 residential land use designations of the 1988 General Plan and the R3A, R3B and R3C designations under the 2035 General Plan.⁷

As discussed above, the CC zone permits commercial uses with a floor area ratio (FAR) of 1.5. ~~The A within the designation permits a~~ bonus FAR of 0.5 for the incorporation of residential uses is permitted to create a mixed-use commercial development, as long as the bonus floor area is strictly devoted to residential use. The R3-A zone allows for a density of one unit per 1,210 square feet of site area and a building height of 25 feet or two stories.

The West Hollywood Municipal Code separates mixed-use projects into two categories: those that span both residential and commercial zoning districts and those that are wholly within commercial zones. Projects that span both residential and commercial zones require a minimum project site area of 60,000 square feet and must place the residential uses in the areas of the site located in R3 and R4 zones. However, the Project would not qualify as a mixed-use project that spans both residential and commercial zoning districts because the proposed Project site is only approximately 40,410 square feet.

The proposed Project, therefore, would consist of two parts: a commercial/residential mixed-use project for the portion of the site zoned CC and a two-unit residential project with parking for the adjacent commercial use within the residentially zoned R₃A-PK portion of the site. This is a permitted use of the R₃A-PK portion of the site because in addition to being zoned for residential use, the site is within a parking overlay district, which permits parking structures for adjacent commercial uses.

Page 4.7-10, under the subheading Affordable Housing Incentives, second paragraph, last sentence is revised as follows:

The second is for a concession from Section 19.22.050(E)(2)(c), which allows a concession to decrease the front yard setback on the R₃ part of the project from 15 feet to 5 feet.

⁵ City of West Hollywood Zoning Code, Title 19 Zoning Ordinance, Chapter 19.06 Residential Zoning Districts, Article 19-2 Zoning Districts and Allowable Land Uses, http://qcode.us/codes/westhollywood/view.php?topic=19-19_2-19_06-19_06_020&frames=off.

⁶ City of West Hollywood Zoning Code, Title 19 Zoning Ordinance, Chapter 19.06 Residential Zoning Districts, Article 19-2 Zoning Districts and Allowable Land Uses, http://qcode.us/codes/westhollywood/view.php?topic=19-19_2-19_06-19_06_020&frames=off.

⁷ City of West Hollywood Zoning Code, Title 19 Zoning Ordinance, Chapter 19.06 Residential Zoning Districts, Article 19-2 Zoning Districts and Allowable Land Uses, http://qcode.us/codes/westhollywood/view.php?topic=19-19_2-19_06-19_06_020&frames=off.

Page 4.7-10, under the subheading Affordable Housing Incentives, last paragraph is revised as follows:

Based upon the discussion provided above, the Project would be consistent with the 1988 General Plan, the 2035 General Plan and the Zoning Code and no general plan amendment or zone change is required. The impact, therefore, would be less than significant.

Page 4.7-10, under the subheading Consistency with the General Plan Objectives and Policies, the first sentence is revised to reference the 1988 General Plan as follows:

Construction of the proposed Project would be subject to the policies set forth in the City of West Hollywood 1988 General Plan and the Municipal Code.

Page 4.7-11, Table 4.7-1 is renamed to reference the 1988 General Plan as follows:

Table 4.7-1, Consistency with the 1988 General Plan

Page 4.7-13, under the Project Consistency/Comment analysis for Policy 9.1.11, the first sentence is revised as follows:

The project would include a private landscaped SkyParke located above the specialty retail near Crescent Heights and Santa Monica Boulevards which would be accessible from the project's grand staircase and the ~~rooftop~~ elevator.

Page 4.7-16, the paragraph following Table 4.7-1 is revised to reference the 1988 General Plan as follows:

Since the proposed Project is consistent with the existing land use and zoning designations, goals, objectives, and policies of the 1988 General Plan and Zoning Ordinance, impacts would be less than significant.

Page 4.7-16, under Section 5.0, Cumulative Impacts, the fourth sentence is revised to reference the 1988 and 2035 General Plans.

The proposed Project is consistent with the 1988 and 2035 General Plans, zoning designations, and the land use pattern in the City of West Hollywood, and would not conflict with other planned development.

4.11 Traffic, Circulation, and Parking

The first row of Table 4.11-2 on page 4.11-8 is revised as follows:

**Table 4.11-2
Existing 2010 Level of Service Summary**

Study Intersections	Weekday (Tuesday/Wednesday/Thursday)						Friday		Saturday		
	AM Peak		Midday Peak		PM Peak		Night Peak		Night Peak		
	V/C or Delay [a]	LOS	V/C or Delay [a]	LOS	V/C or Delay [a]	LOS	V/C or Delay [a]	LOS	V/C or Delay [a]	LOS	
City of West Hollywood											
1	Crescent Heights Blvd & Fountain Ave	1.095	F	0.940	E	0.972	E	0.525	A	0.638	B

4.12.1 Water Services

The typographical error in the third sentence in the second paragraph on page 4.12.1-13 is revised as follows:

As the Project's population is within SCAG's growth forecast for the City of West Hollywood~~Los Angeles~~, it is also within the growth parameters of the UWMP.

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

A. INTRODUCTION

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the *California Environmental Quality Act (CEQA) Guidelines* requires that:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An EIR has been prepared to address the potential environmental impacts of the proposed project. Where appropriate, the EIR includes recommended mitigation measures to avoid or substantially lessen the significant environmental impacts associated with the proposed project. This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures required for the proposed project.

This MMRP has been prepared in compliance with Public Resources Code Section 21081.6. It describes the requirements and procedures to be followed by the City of West Hollywood to ensure that required mitigation measures adopted as part of the proposed Project will be carried out as described in this EIR. **Table 5.0-1, Mitigation Monitoring and Reporting Program**, contains a list of these mitigation measures with their associated implementation and monitoring phases, the agency responsible for enforcing the mitigation measure, and a checklist the City can use for verification of compliance.

**Table 5.0-1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Air Quality						
General Measures						
MM 4.2-1 General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.						
MM 4.2-2 All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.						
MM 4.2-3 All construction vehicles shall be prohibited from idling in excess of 5 minutes, both on- and off site.						
MM 4.2-4 The Applicant shall schedule routine deliveries during off-peak traffic periods to encourage the reduction of trips during the most congested periods.						
MM 4.2-5 The Applicant shall require the contractor to provide temporary traffic controls, such as a flag person, during all phases of construction to maintain smooth traffic flow.						
MM 4.2-6 Appoint a construction relations officer to act as a community liaison concerning on-site construction activity, including resolution of issues related to PM ₁₀ generation.						
Air Quality (continued)						
Demolition						
MM 4.2-7 During demolition activities, apply water every 4 hours to the area of the Project site within 100 feet of a structure being demolished to reduce vehicle trackout.						
MM 4.2-8 Apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.						

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
MM 4.2-9 Prohibit demolition activities when wind speeds exceed 25 miles per hour.						
MM 4.2-10 The Applicant shall use electric generators during demolition.						
Grading/Excavation MM 4.2-11 Apply non-toxic soil stabilizers according to manufacturer's specification to all inactive construction areas (previously graded areas inactive for 10 days or more).						
MM 4.2-12 Water active sites at least three times daily.						
MM 4.2-13 Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.						
Air Quality (continued)						
MM 4.2-14 All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.						
MM 4.2-15 Sweep paved streets at the end of the day if visible soil material is carried onto adjacent public paved roads (recommend water sweepers with reclaimed water). Adjacent streets that may require sweeping include Santa Monica Boulevard, Havenhurst Drive, and North Crescent Heights Boulevard.						
MM 4.2-16 Install wheel washers or wheel shaker plates where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip.						

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Cultural Paleontological Resources						
MM 4.3-1 In the event that previously unknown paleontological resources are encountered during excavation and/or construction activities, the City of West Hollywood shall be notified immediately and work within 100 feet of the find shall stop to allow a certified paleontologist to evaluate and appropriately remove the find for preservation, identification, analysis and the eventual storage of paleontological resources found during excavation and/or construction activities.	Construction	Construction	City of West Hollywood Community Development Department, Building and Safety Division			
Cultural Archaeological Resources						
MM 4.3-2 If archaeological resources are uncovered on the Project site during excavation, the developer must notify the City of West Hollywood immediately and work must stop within a 100-foot radius until a qualified archaeologist (one who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists) has evaluated the find. Construction activity may continue unimpeded on other portions of the Project site. If the find is determined by the qualified archaeologist to be a unique archaeological resource, as defined by Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code. If the find is determined not to be a unique archaeological resource, no further action is necessary and construction may continue.	Construction	Construction	City of West Hollywood Community Development Department, Building and Safety Division			

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Cultural Archaeological Resources (continued)						
MM 4.3-3 If archaeological resources are uncovered on the Project site during excavation, the resources shall be avoided, or unavoidable disturbance shall be mitigated through data recovery, documentation, analysis, and curation. Archaeological treatment plans shall be developed and implemented, as applicable. All materials and records resulting from implementation of the archaeological treatment plans shall be curated in accordance with 36 Code of Federal Regulations, Part 79 (Curation of Federally Owned and Administered Archaeological Collections).	Construction	Construction	City of West Hollywood Community Development Department, Building and Safety Division			
Cultural Archaeological Resources (continued)						
MM 4.3-4 If potential human remains are encountered during ground-disturbing activities, all work shall halt, and the Los Angeles County Coroner's Office shall be notified, as prescribed in Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the Coroner determines that the remains are of Native American origin, the Coroner shall proceed as directed in Section 15064.5(e) of the <i>CEQA Guidelines</i> . City shall follow all guidelines outlined in Public Resources Code Section 5097.98 and Section 5097.94(k).	Construction	Construction	City of West Hollywood Community Development Department, Building and Safety Division			
Hazards and Hazardous Materials						
MM 4.5-1 Soil excavation to 25 feet below ground surface for the subterranean parking structure shall be performed in accordance with the Soil Management Plan under the oversight from the LARWQCB and in accordance with a SCAQMD Rule 1166 permit.	During construction and prior to issuance of Certificate or Occupancy.	During construction and prior to issuance of Certificate or Occupancy.	City of West Hollywood, Community Development Department, Building and Safety Division and the LARWQCB			

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Hazards and Hazardous Materials (continued)						
MM 4.5-2 An engineered vapor barrier shall be constructed beneath the foundation of the two on-grade residential units just west of Crescent Heights Boulevard, in accordance with the Human Health Risk Assessment provided in Appendix I of the Hazards Report prepared by Jacob Hefner Associates, Inc., dated November, 2010, and provided in Appendix 4.5 of the Draft EIR.	During construction and prior to issuance of Certificate or Occupancy.	During construction and prior to issuance of Certificate or Occupancy.	City of West Hollywood, Community Development Department, Building and Safety Division and the LARWQCB			
Noise						
MM 4.8-1 The construction contractor shall construct a noise barrier 10 feet tall on the southern and eastern perimeter of the Project site along the total length of the southern and eastern perimeter of the Project site. The installation of the noise barrier shall occur prior to commencement of Phase 1 construction. After installation of the noise barrier, the barrier shall stay in place through the end of Phase 3 construction. The noise barrier shall be constructed in a manner such that the line-of-sight is blocked between ground-level construction activity on the Project site and the adjacent multi-family residential units to the south and east of the Project site. The noise barrier shall be made out of any outdoor weather-resistant solid material that meets a minimum sound transmission loss, including 16-gauge steel, 1-inch thick plywood, and any reasonable thickness of concrete.	Pre-Construction; Construction	Pre-Construction; Construction	City of West Hollywood, Community Development Department, Building and Safety Division			

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Noise (continued)						
<p>MM 4.8-1 (continued)</p> <p>The use of the noise barrier between construction equipment and the sensitive uses to the south and east of the Project site during Phase 1 and Phase 3 construction would attenuate construction equipment noise levels as much as 12.5 dB(A) CNEL during Phase 1 construction and as much as 5.4 dB(A) CNEL during Phase 3 construction.</p>						
Noise (continued)						
<p>MM-4.8-2 The following specifications shall be included in the Project plans approved for the City of West Hollywood building permits:</p> <p>Best Management Practices (BMPs) shall be implemented by the contractor and sub-contractors to reduce construction noise as much as practicable. Two weeks prior to the commencement of construction, notification shall be provided to the residential land uses within a 100-foot radius of the Project site, disclosing an approximate construction schedule and describing the various activities that would occur during the construction period until completion. Such notification may be made by delivering the construction notice to the building manager, or if there is no building manager by posting it in a conspicuous place at the front entrance of any building, or any building with multiple occupants.</p>	Pre-Construction; Construction	Pre-Construction; Construction	City of West Hollywood, Community Development Department, Building and Safety Division			

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Noise (continued)						
<p>MM 4.8-2 (continued) During the entire construction period, the contractor and sub-contractors shall comply with the following:</p> <ul style="list-style-type: none"> • Ensure that construction equipment using gasoline or diesel engines shall be properly muffled according to industry standards and in good working condition. • Locate noise-generating construction equipment and staging areas away from sensitive uses when and where feasible. • Use electric air compressors and similar power tools rather than gasoline or diesel powered equipment when and where feasible. • Construction-related gasoline or diesel-powered equipment, including heavy-duty equipment, motor vehicles, and portable equipment shall be turned off when not in use for more than 30 minutes. 						

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Noise (continued)						
MM 4.8-2 (continued) <ul style="list-style-type: none"> Construction hours, allowable workdays, and the phone number of the Project superintendent shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the Project superintendent. If the Project superintendent receives a complaint from a surrounding owner or resident, the superintendent shall investigate the complaint, and if required or practical take appropriate corrective action, and report the action to the reporting party. 	Pre-Construction; Construction	Pre-Construction; Construction	City of West Hollywood, Community Development Department, Building and Safety Division			

5.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Verification of Compliance		
				Initial	Date	Remarks
Traffic, Circulation, and Parking						
MM 4.11-1 Construction Staging and Traffic Management Plan. Prior to the issuance of a building permit, the Applicant shall develop and submit for approval to the City a Construction Staging and Traffic Management Plan that includes designated haul routes and staging areas, traffic control procedures, emergency access provisions and construction crew parking, to mitigate traffic impacts during construction. The plan shall also require appropriate signage to restrict construction traffic from traveling or parking on the surrounding residential streets, appropriate signage to guide the construction traffic to the main entrance of the Project site, and signage to warn the general traffic of trucks entering and exiting the Project site. In addition, the plan shall require that temporary sidewalks or alternative pedestrian passage be provided should sidewalks be closed during construction.	Prior to Issuance of a Building Permit; Construction	Prior to Issuance of a Building Permit; Construction	City of West Hollywood, Community Development Department, Transportation Division			

APPENDIX A

Comment Letters



JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



May 10, 2011

Jennifer Alkire
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, CA 90069

Subject: SMB20 (Walgreens Mixed Use) Project
SCH#: 2010031054

Dear Jennifer Alkire:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 9, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044

P.002

STATE CLEARINGHOUSE

MAY-10-2011 15:03

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010031054
Project Title SMB20 (Walgreens Mixed Use) Project
Lead Agency West Hollywood, City of

Type EIR Draft EIR

Description The Project involves the redevelopment of the site. The existing commercial buildings, which provide 16,681 sq. ft. of commercial space, would be demolished and replaced with an approximately 35,975 sq. ft., three-story mixed-use building and an approximately 1,052 square-foot one-story residential building. The mixed-use building would provide an approximately 13,276 sq. ft. drug store and an approximately 2,138 sq. ft. of specialty retail uses on the ground level, and 18 multi-family residential units on the second and third levels. The single-story 1,052 sq. ft. residential building would provide two residential units and would be located in the southeastern portion of the Project site. The Project would provide 10% (two units) of the 20 proposed units as low-income housing and 10% (two units) as moderate-income housing.

Lead Agency Contact

Name Jennifer Alkire
Agency City of West Hollywood
Phone 323-848-6487 **Fax**
email
Address 8300 Santa Monica Boulevard
City West Hollywood **State** CA **Zip** 90069

Project Location

County Los Angeles
City West Hollywood
Region
Lat / Long 34° 05' 26" N / 118° 21' 46" W
Cross Streets Santa Monica Boulevard and Crescent Heights Boulevard
Parcel No. 5529-019-027, 029, 030, 033
Township 1S **Range** 14W **Section** **Base**

Proximity to:

Highways 2, 170
Airports No
Railways No
Waterways No
Schools LAUSD Elem, Mid & High Schools + many private schools, day cares
Land Use The project site is presently designated by the General Plan as CC (Commercial, Community) & R3A (Residential, Multi-family, Medium Density)

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 03/24/2011 **Start of Review** 03/24/2011 **End of Review** 05/09/2011

800° d Note: Blanks in data fields result from insufficient information provided by lead agency. STATE CLEARINGHOUSE MAY-10-2011 15:03



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

July 12, 2011

Jennifer Alkire
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, CA 90069

Subject: SMB20 (Walgreens Mixed Use) Project
SCH#: 2010031054

Dear Jennifer Alkire:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 11, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010031054
Project Title SMB20 (Walgreens Mixed Use) Project
Lead Agency West Hollywood, City of

Type EIR Draft EIR
Description NOTE: Review Period Extended Per Lead

The Project involves the redevelopment of the site. The existing commercial buildings, which provide 16,681 sq. ft. of commercial space, would be demolished and replaced with an approximately 35,975 sq. ft., three-story mixed-use building and an approximately 1,052 square-foot one-story residential building. The mixed-use building would provide an approximately 13,276 sq. ft. drug store and an approximately 2,138 sq. ft. of specialty retail uses on the ground level, and 18 multi-family residential units on the second and third levels. The single-story 1,052 sq. ft. residential building would provide two residential units and would be located in the southeastern portion of the Project site. The Project would provide 10% (two units) of the 20 proposed units as low-income housing and 10% (two units) as moderate-income housing.

Lead Agency Contact

Name Jennifer Alkire
Agency City of West Hollywood
Phone 323-848-0487
email
Address 8300 Santa Monica Boulevard
City West Hollywood **State** CA **Zip** 90069
Fax

Project Location

County Los Angeles
City West Hollywood
Region
Lat / Long 34° 05' 26" N / 118° 21' 46" W
Cross Streets Santa Monica Boulevard and Crescent Heights Boulevard
Parcel No. 5529-019-027, 029, 030, 033
Township 1S **Range** 14W **Section** **Base**

Proximity to:

Highways Hwy 2, 170
Airports No
Railways No
Waterways No
Schools LAUSD Elem, Mid & High Schools + many private schools, day cares
Land Use The project site is presently designated by the General Plan as CC (Commercial, Community) & R3A (Residential, Multi-family, Medium Density)

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Date Received 03/24/2011

Start of Review 03/24/2011

End of Review 07/11/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.



California Regional Water Quality Control Board
Los Angeles Region



320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>

Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

May 6, 2011

Ms. Jennifer Alkire, Associate Planner
Community Development Department
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069

**SUBJECT: REQUEST FOR ABILITY TO SUBMIT COMMENTS AFTER THE MAY 9, 2011
PUBLIC COMMENT DEADLINE FOR DRAFT ENVIRONMENTAL IMPACT REPORT**

**SITE/CASE: CRESCENT SQUARE SHOPPING CENTER, 8100-8136 SANTA MONICA BLVD.,
WEST HOLLYWOOD, CA. (SCP NO. 0897, SITE ID NO. 2048F00) – SMB20 PROJECT**

Dear Ms. Alkire:

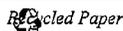
The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency responsible for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the subject property (Site).

The Regional Board is currently the lead regulatory oversight agency for environmental issues at the Site. It is our understanding that your agency has prepared and submitted a March 2011 *Draft Environmental Impact Report* (DEIR) pursuant to the California Environmental Quality Act (CEQA) for the proposed commercial and mixed-use redevelopment (SMB20 Project). The SMB Project is located at 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in West Hollywood, and includes the above-referenced Site.

In accordance with CEQA requirements, your office issued a *Notice of Availability of a Draft Environmental Impact Report* (public notice) dated March 24, 2011. The public notice provided for a public comment period of 45-days starting on March 24, 2011 and ending on May 9, 2011. The Regional Board was not provided a copy of either the public notice or DEIR and Regional Board staff was not made aware of the existence of the DEIR until May 5, 2011. Given our recent awareness of the DEIR, we have not and will not have sufficient time to review and provide comments on the DEIR before the May 9, 2011 deadline for the public comment period.

As the lead regulatory agency responsible for overseeing environmental corrective actions for mitigation of hazardous materials at the Site and pursuant to CEQA regulations, we have the authority to review and provide comments on the DEIR as necessary. Therefore, we respectfully request that your agency grant us the opportunity to review and submit comments after the May 9, 2011 deadline for the DEIR public comment period. As an alternative should this not be feasible, we would request a minimum additional 45-day extension of the public comment period for the DEIR. In addition to the opportunity to review and comment on this document, please provide us with a hard copy (including appendixes) of the DEIR.

California Environmental Protection Agency



Ms. Jennifer Alkire
City of West Hollywood

- 2 -

May 6, 2011

We thank you and would appreciate your timely response and cooperation on this matter.

If you have any questions, please contact Mr. Steve Rowe, Project Manager at (213) 576-6755 (srowe@waterboards.ca.gov) or Ms. Thizar Tintut-Williams, Unit Chief, at (213) 576-6723 (twilliams@waterboards.ca.gov).

Sincerely,



Steve Rowe, PG
Engineering Geologist
Site Cleanup Program III

cc: Mr. Mitchell Weiss, Weiss Family Trust

California Environmental Protection Agency





California Regional Water Quality Control Board Los Angeles Region

320 West Fourth Street, Suite 200, Los Angeles, California 90013
(213) 576-6600 • Fax (213) 576-6640
<http://www.waterboards.ca.gov/losangeles>



Linda S. Adams
Acting Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

July 11, 2011

Ms. Jennifer Alkire, Associate Planner
Community Development Department
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069-6216

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

SITE/CASE: CRESCENT SQUARE SHOPPING CENTER, 8100-8136 SANTA MONICA BLVD., WEST HOLLYWOOD, CA. (SCP NO. 0897, SITE ID NO. 2048F00) – SMB20 PROJECT

Dear Ms. Alkire:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency responsible for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the above-referenced property.

Regional Board staff has reviewed the March 2011 *Draft Environmental Impact Report* (DEIR) prepared by Impact Sciences, Inc. on behalf of the City of West Hollywood (City) to comply with requirements of the California Environmental Quality Act (CEQA) for the SMB20 Project (SMB20), a proposed mixed-use and residential redevelopment, located at 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in West Hollywood.

The City initially issued a *Notice of Availability of a Draft Environmental Impact Report* (public notice) on March 24, 2011, which authorized a 45-day public comment period from March 24 through May 9, 2011. Their submittal included the Regional Board via their public clearinghouse. However, Regional Board Site Cleanup Program (SCP) staff had not received any notification and was not aware of the comment period until May 5, 2011. Regional Board staff issued a May 6, 2011 letter to the City to request an extension of the review period. In response, the City issued a May 26, 2011 *Notice of Availability of a Draft Environmental Impact Report for an Extended Review Period*. Regional Board staff appreciates the opportunity to provide comments on the DEIR for SMB20.

The Regional Board is the lead agency providing regulatory oversight for environmental investigation and remediation at the Crescent Square Shopping Center (Site), which includes SMB20. The Site was originally developed in 1926 and included a gasoline service station and automotive repair shop. The gas station was demolished and the Site was extensively remodeled in 1961. Since that time, various retail tenants have occupied the Site, including a dry cleaner and print/copy business. Dry cleaning operations have been conducted at the Top Hat Cleaners since 1962. As a result, soil, soil vapor and groundwater have been impacted with chemicals of concern (COCs) which include chlorinated volatile organic compounds (VOCs), primarily perchloroethylene (PCE). Petroleum hydrocarbons from the former gas station have also been detected in soil and groundwater, though to a much lesser degree. Since 1999,

California Environmental Protection Agency

Recycled Paper

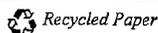
multiple soil, soil vapor and groundwater investigations have been conducted at the Site under Regional Board oversight. In March 2000, 75 tons of PCE-impacted soil was excavated to a depth of 10 feet below ground surface (bgs) beneath the former dry cleaning machine. Groundwater occurs at approximately 75 to 80 feet bgs and generally flows toward the southwest.

SMB20 is a planned mixed-use retail and residential redevelopment that will include a subterranean parking garage. As a result, the developer will conduct a site-wide excavation of surficial soil to depths of 20 to 25 feet bgs. Any existing soil contamination within this construction footprint will be removed by excavation and hauled away by the developer. The DEIR provides recent soil and soil vapor data within the construction footprint to identify areas of concern and the extent of contamination that is to be expected during the excavation. Residual contamination in soil and soil vapor below 25 feet bgs will be fully delineated and remediated under the Regional Board's Site Cleanup Program oversight. Assessment and cleanup of residual soil and soil vapor contamination at depth will be expedited following site demolition so as not to impede redevelopment. Groundwater investigation and subsequent remediation will continue under Regional Board oversight after SMB20 has been completed.

Based on our review of the document and the information in our file, the Regional Board has the following comments and recommendations on the DEIR:

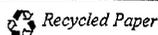
1. The planned redevelopment proposes future mixed-use retail commercial and residential units on the premises. In order to ensure that future residents are adequately protected from known chemicals of concern including PCE, the Regional Board recommends that all site remediation and human health risk evaluations shall be conducted using future residential land use screening and cleanup levels.
2. Under Section 4.5, 2.0b (page 4.5-2), the DEIR incorrectly states that "... Top Hat dry cleaners is the subject of a RWQCB order ..." The Regional Board wishes to clarify that the order is actually for the Crescent Square Shopping Center (Site), which includes the Top Hat Cleaners tenant.
3. Under Section 4.5, 2.0b (page 4.5-3), the DEIR discusses the initial geophysical survey conducted by California Environmental in April 1999. The DEIR states that "...the geophysical survey revealed possible debris from the gasoline station, but did not reveal evidence of buried USTs". While the Regional Board concurs with their findings, we would like to add that based on the reports submitted in our files, there was no record of any USTs, dispensers, or piping having ever been disposed of from this property.
4. Under Section 4.5, 2.0b (page 4.5-3) and various other portions of the document, the DEIR indicates that impacted groundwater beneath the Site was due to a release of PCE from Four Seasons Cleaners, located off-site and east of the project site. The DEIR also states (page 4.5-5) that the Regional Board has identified the owner of the Four Seasons Cleaners as the responsible party for the impacted groundwater (beneath the site). The Regional Board wishes to clarify that both the Crescent Square Shopping Center (CSSC) and Four Seasons Cleaners (FSC) are under separate investigative orders to delineate soil and groundwater contamination on their properties and that we have not specified that the FSC is responsible for cleanup or delineation of groundwater beneath the CSSC. We have been notified that FSC's role and responsibility in the CSSC groundwater plume (specifically related to Top Hat Cleaners) is through a 1999 legal settlement between these parties.

California Environmental Protection Agency



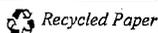
5. Under Section 4.5, 3.0b (page 4.5-13) under the "State Regulations" heading, only the California Department of Toxic Substances Control (DTSC) is listed. The DEIR should also include a brief section that describes the regulatory authority of the Regional Board in this context, and identifies that the Regional Board (under the Site Cleanup Program) is the lead regulatory agency on this site.
6. Under Section 4.5, 4.0b (page 4.5-17), the DEIR states that "... a Site-Specific Health and Safety Plan (HASP) would be prepared and submitted to the RWQCB for review and approval." The Regional Board may provide comments on the HASPs, but does not approve the HASPs. However, the HASP should be developed in accordance with Title 8, Section 5192 of the California Code of Regulations (CCR) and should be based on the nature and scope of the work being conducted and available onsite during the fieldwork.
7. The DEIR includes a detailed human health risk assessment (HHRA) that was completed in order to evaluate potential health risks to further workers, residents and the general public from potential exposure to VOCs due to subsurface vapor intrusion to indoor air. The HHRA applied conservative methods based on maximum concentrations and developed multiple exposure scenarios based on planned future commercial and residential future uses. We have the following comments:
 - a. The conceptual exposure model (CEM) did not include a scenario for a future construction worker that could be exposed to COCs from multiple pathways, including inhalation (vapor, dust), ingestion or dermal contact. The CEM also did not specify sensitive receptors (infant, child, elderly) as part of the risk evaluation. Some of the residential use receptors indicated "adult or child", but these two receptors have different body weights and toxicity thresholds.
 - b. There was no indication in the DEIR that the HHRA has been or will be submitted to a state toxicologist or a third party toxicologist for review. Generally, HHRA's submitted to the Regional Board are forwarded to the Office of Environmental Health Hazard Assessment (OEHHA) for review by a state toxicologist. Given the timeframe of the DEIR, a thorough review by OEHHA may not be possible at this time. The HHRA identifies risks based on the most recent concentrations in soil and soil vapor, and does not take into account that most of this contamination will be removed by excavation. However, we consider this HHRA to provide a good preliminary screening of the risks/hazards useful in determining mitigation measures.
 - c. Based on recent discussions with Jacob and Heffner Associates, Inc., the Regional Board recommends that a post-remediation HHRA be conducted at SMB20. The final HHRA will be reviewed by a state toxicologist with OEHHA to determine whether the health risks have been sufficiently lowered or if additional remediation and/or mitigation measures, such as a vapor barrier, are warranted.
8. Based on their HHRA results, the DEIR proposed an engineered vapor barrier constructed beneath the foundation of the two proposed on-grade residential units in the southeast portion of SMB20 as a mitigation measure to reduce the threat of vapor intrusion to indoor air. The Regional Board has the following comments:
 - a. The proposed vapor barrier should include a passive or active venting system. This typically includes a network of horizontal underground piping beneath the barrier to prevent vapors from

California Environmental Protection Agency



- accumulating. An active system may require a scrubber and/or an operating permit from the South Coast Air Quality Management District or other air regulatory agency.
- b. The installation of a vapor barrier and ventilation system should be conducted by a qualified contractor with sufficient experience in designing, installing and compliance testing of such systems.
 - c. The proposed vapor barrier should include plans for periodic monitoring over time to evaluate the barrier's integrity and verify that it is functioning properly. Monitoring would be required as long as there are COCs sufficiently high enough that would constitute excess human health risk.
9. As required in Item# 14c of the Regional Board's June 10, 2009 Order, the DEIR includes a Soil Management Plan (SMP) that outlines the handling of shallow contaminated soil that is anticipated during site-wide excavation activities. The Regional Board has the following comments on the SMP:
 - a. In Section 3.1 (page 3) of the SMP, the DEIR states that "... the Top Hat Cleaners suite will be surveyed to known points around the Site so that the location of the footings and foundation where PCE-impacted soil was left in place ..." can be found. We recommend that the survey should also include all source areas (e.g., dry cleaning machines, drums, etc.), known soil borings, soil vapor probes, monitoring wells and Top Hat building dimensions.
 - b. Section 3.2 (page 3) of the SMP proposes installing up to nine direct-push, continuously cored soil borings near the former dry cleaning machine, one in the center for vertical delineation and eight lateral borings. The Regional Board generally concurs with the proposed assessment. However, we request that you provide a map of the boring locations. We also request that these data be submitted to the Regional Board to provide information on the assessment of deeper soils below the 25-foot construction depth.
 10. The DEIR indicates that as part of the redevelopment, four existing onsite groundwater monitoring wells will be properly destroyed in accordance with State regulations and a permit from Los Angeles County Department of Health Services. The Regional Board will require installation of replacement groundwater monitoring wells so that groundwater monitoring and assessment activities can resume. We understand there may be some physical limitations on well placement following redevelopment, but are hopeful that the development can accommodate new well locations, including those in the source area, that will facilitate an adequate well network required for monitoring and remediation.
 11. The Regional Board will require complete delineation and remediation of residual contaminated soil beneath the proposed construction depth of 25 feet bgs. Following post-remediation confirmation sampling of the soil and soil vapor, a HHRA will be conducted to determine whether residual concentrations could pose a health threat to future occupants. Regional Board staff will also evaluate whether residual contamination could impact groundwater. Once the Regional Board determines that residual contaminant levels do not pose a threat to human health or groundwater, then we may be able to issue a soils-only No Further Action (NFA) for the Site.
 12. Any absence of comments to any section of the *Draft Environmental Impact Report* should not be interpreted as an agreement by the Regional Board with respect to any statements or conclusions by the Community Development Department of the City of West Hollywood.

California Environmental Protection Agency



Ms. Jennifer Alkire
City of West Hollywood

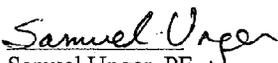
- 5 -

July 11, 2011

We greatly appreciate your consideration of our comments and recommendations.

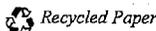
If you have any questions, please contact Mr. Steve Rowe, project manager, at (213) 576-6755 (srowe@waterboards.ca.gov), or Ms. Thizar Tintut-Williams, Site Cleanup Unit III Chief, at (213) 576-6723 (twilliams@waterboards.ca.gov).

Sincerely,


Samuel Unger, PE
Executive Officer

cc: Mr. Brett Richer, Walgreens
Mr. Mitchell Weiss, Weiss Family Trust
Mr. Patrick Huang, Huang Fedalen & Lin LLP
Mr. Charles Buckley, California Environmental
Ms. Kathleen Truman, Truman & Elliot, LLP
Mr. Wally Jensky, Jacob & Hefner Associates, Inc.
Mr. Walt Hamann, Rincon Consultants
Mr. Murray Sinclair, Murray M. Sinclair & Associates
Ms. Nancy Carter, Four Seasons Cleaners
Mr. Robert Ostrove, Hathaway, Perrett, Webster, Powers, Chrisman & Gutierrez
Mr. Rick Fero, Fero Engineering

California Environmental Protection Agency





GAIL FARBER, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 7, 2011

IN REPLY PLEASE
REFER TO FILE: LD-1

Ms. Jennifer Alkire
Community Development Department
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, CA 90069



Dear Ms. Alkire:

DRAFT ENVIRONMENTAL IMPACT REPORT
8120 SANTA MONICA BOULEVARD (SMB20)
CITY OF WEST HOLLYWOOD

We reviewed the Draft Environmental Impact Report for the 8120 Santa Monica Boulevard (SMB20) project. The project involves the demolition of 16,681 square feet of commercial buildings and the construction of a new, approximately 35,975-square-foot, mixed-use development. The project is located at the southwest corner of 8100-8120 Santa Monica Boulevard and 1051-1057 Crescent Heights Boulevard in the City of West Hollywood.

The following comments are for your consideration and relate to the environmental document only:

Services-Sewer

The Environmental Impact Report should discuss the collection and disposal of the additional wastewater that would be generated by the proposed project especially its potential impact on the available capacity in the existing local sewer lines for both peak-dry and wet-weather flows, pursuant with the Statewide General Waste Discharge Requirements (Order No. 2006-0003).

The City owns and the County of Los Angeles Department of Public Works' Consolidated Sewer Maintenance District maintains the local sewers within the project area under existing agreement. Therefore, the City shall require that any new sewer construction project within the project area comply with the City's and Public Works' sewer design and maintenance standards.

Ms. Jennifer Alkire
July 7, 2011
Page 2

If you have any questions regarding sewer comment, please contact Ms. May Hong at (626) 300-3388 or mahong@dpw.lacounty.gov.

Other- Environmental Safety

1. The California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires each development project to provide an adequate storage area for collection and removal of recyclable materials. The environmental document should include/discuss standards to provide adequate recyclable storage areas for collection/storage of recyclable and green waste materials for this project.
2. Should any operation within the project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.
3. All development and redevelopment projects which fall into one of the Standard Urban Stormwater Mitigation Plans project types, characteristics, or activities, must obtain Standard Urban Stormwater Mitigation Plans approval by the appropriate agency.

If you have any questions regarding the environmental safety comments, please contact Mr. Corey Mayne at (626) 458-4921 or cmayne@dpw.lacounty.gov.

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

Very truly yours,

GAIL FARBER
Director of Public Works


ANTHONY E. NYIVIH
Assistant Deputy Director
Land Development Division

JY:ca

P:\idpub\CEQA\CDM-TD\City of West Hollywood-8120 Santa Monica Boulevard SMB20_DEIR.doc

CITY OF LOS ANGELES
CALIFORNIA



BOARD OF
PUBLIC WORKS
COMMISSIONERS
ANDREA A. ALARCÓN
(ACTING BOARD PRESIDENT)
VICE PRESIDENT
PAULA A. DANIELS
PRESIDENT PRO-TEMPORE
STEVEN T. NUTTER
COMMISSIONER
VALERIE LYNNE SHAW
COMMISSIONER

DEPARTMENT OF
PUBLIC WORKS
BUREAU OF SANITATION
ENRIQUE C. ZALDIVAR
DIRECTOR
TRACI J. MINAMIDE
CHIEF OPERATING OFFICER
VAROUJ S. ABKIAN
ADEL H. HAGEKHALIL
ALEXANDER E. HELOU
ASSISTANT DIRECTORS

June 20, 2011

WASTEWATER ENGINEERING SERVICES DIVISION
2714 MEDIA CENTER DR
LOS ANGELES, CA 90065
FAX: (323) 342-6210 OR (323) 342-6211

Jennifer Alkire
Community Development Department
CITY OF WEST HOLLYWOOD
8300 Santa Monica Boulevard
West Hollywood, CA 90069-4314



File: SC.CE.

Dear Ms. Alkire:

SMB20 Santa Monica Blvd and Crescent Heights Blvd intersection (Walgreens Mixed Use) Project – Draft EIR

This is in response to your May 26, 2011 letter requesting a review of your proposed project. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
Existing			
Commercial	80 GPD/1000 SQ.FT	16,681 SQ.FT	(1,334)
Proposed			
Retail	80 GPD/1000 SQ.FT	15,414 SQ.FT	1,233
Residential: 1-BR	120 GPD/DU	10 DU	1,200
Residential: 2-BR	160 GPD/DU	10 DU	1,600
Total			2,699

SEWER AVAILABILITY

The project is located within the City of West Hollywood, thus the initial sewer connection will be to County of Los Angeles, Sanitation District #4 sewer lines. Ultimately, the discharge will feed into City of Los Angeles. For sewer capacity issues related to City of West Hollywood, please contact County of Los Angeles, Sanitation District, directly.

The project is located at the intersection of Santa Monica Blvd and Crescent Heights Blvd. Based on our existing sewer data, the sewer flows from the project location ultimately feed into either an existing 12-inch pipe on La Cienega Blvd or an existing 8-inch line on Crescent Heights Blvd, within Los Angeles City limits. The sewage from the existing 12-inch line flows into a 15-inch line on La Cienega Blvd before feeding back into the City of West Hollywood. The flow then returns into the City of Los Angeles through the 15-inch line on La Cienega Blvd and continue into a 21-inch line on San Vicente Blvd before finally discharging into a 39-inch line on Crescent Heights Blvd. The sewage from the existing 8-inch line feeds into a 12-inch line on Harper St and 30-inch line on Sweetzer Ave before joining and discharging into the 36-inch line on Crescent Heights Blvd. Figure 1 shows the details of the sewer system within the vicinity of the project.

The current approximate flow level (d/D) and the design capacities at d/D of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
12	La Cienega Blvd	*	1.70 MGD
15	La Cienega Blvd	47	2.01 MGD
15	La Cienega Blvd	54	1.73 MGD
21	San Vicente Blvd	51	2.85 MGD
36	Crescent Heights Blvd	36	16.43 MGD
8	Crescent Heights Blvd	*	422,850 GPD
12	Harper Ave	*	799,996 GPD
30	Sweetzer Ave	*	9.92 MGD

* No gauging available

The request was reviewed based on the provided project location and our available pipe information on the City of West Hollywood. Should information on the exact sewer connection point become available, please send us the information so that we may determine if a sewer assessment is required in the future. Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. The developer will be required to contact County of Los Angeles Sanitation District to verify that available capacity for the proposed discharge exists within the City of West Hollywood limits. Further detailed gauging and evaluation will be

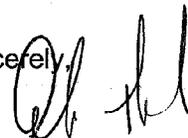
Jennifer Alkire, Community Development Department
SMB20 Project – Draft EIR
June 20, 2011

Page 3 of 3

needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

Sincerely,

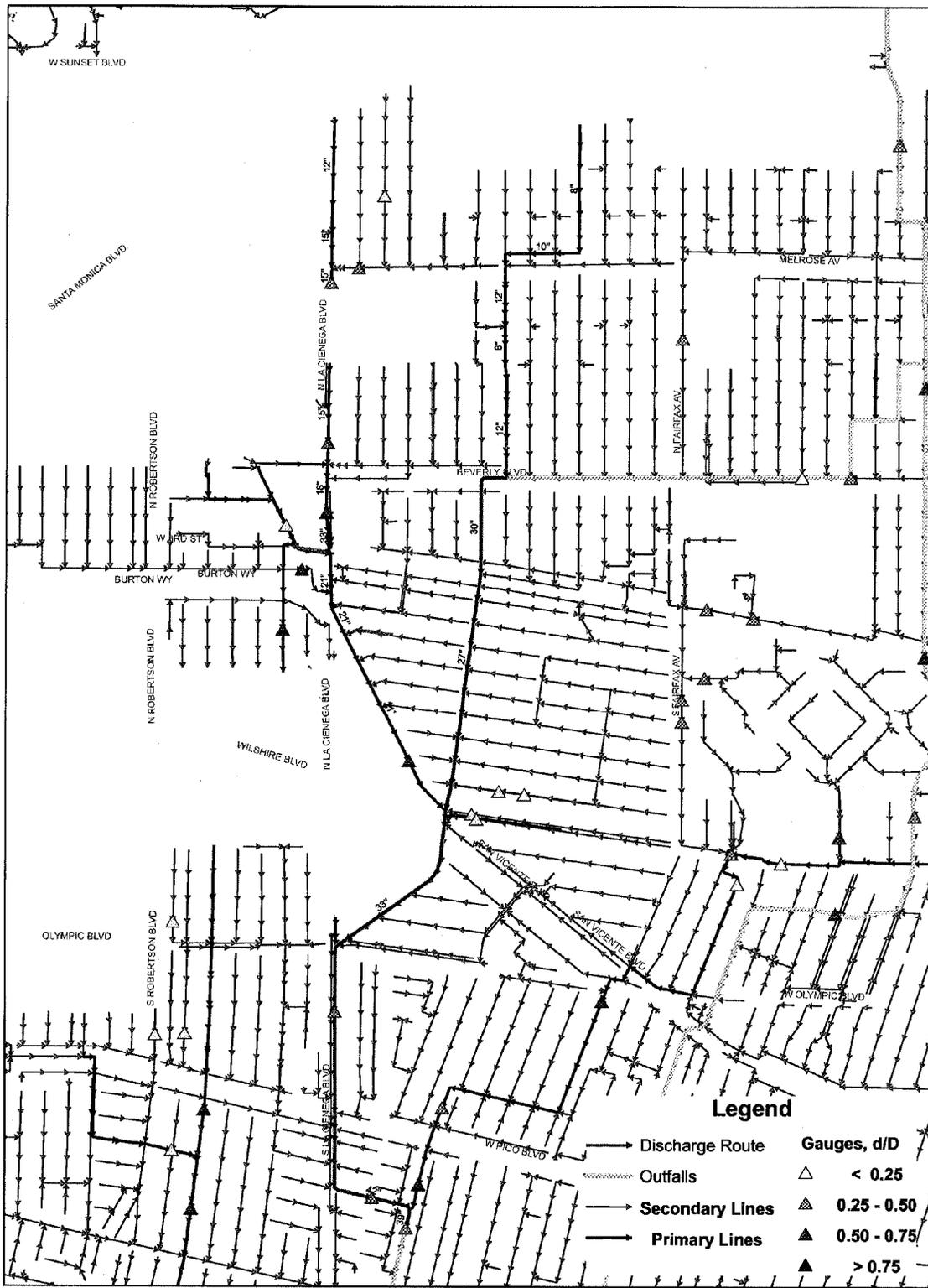


Ali Poosti, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

Attachments:
Figure 1 – Sewer Map

cc: Kosta Kaporis, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

Div Files\SCAR\CEQA Review\Final Response Ltrs\SMB20 Project

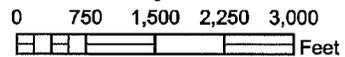


Wastewater Engineering Services Division
Bureau of Sanitation
City of Los Angeles



Thomas Brother Data reproduced with permission granted by THOMAS BROS MAP

FIGURE 1
SMB20 Project
Sewer Map



Jennifer Alkire

From: Travis Andres [travis@treehouseela.com]
Sent: Saturday, June 18, 2011 8:10 PM
To: Jennifer Alkire
Subject: Stop Walgreens

Follow Up Flag: Follow up
Flag Status: Red

Hello,
I live at 933 N. Crescent Heights Blvd and would like to express my concern with the building of a Walgreens on the corner of Santa Monica & Crescent Heights. There's already enough traffic and putting a big store like that in that small intersection will only create more. We have enough big convenience stores in the area already (Rite-Aid, Longs, etc) and don't need another.

Thank you.
Travis Andres

Print - Close Window

Subject: Walgreens project at Santa Monica/Crescent Heights
From: Brian Solomon Ballard (briansballard@googlemail.com)
To: jalkire@weho.org;
Bcc: rkalonian1@yahoo.com;
Date: Fri, 24 Jun 2011 14:14:34



June 24, 2011

Jennifer Alkire
City Planner
West Hollywood City Hall
jalkire@weho.org

Ms. Alkire:

As a co-homeowner in West Hollywood, I am emailing you to urge the City of West Hollywood to support the proposed Walgreens project at Santa Monica/Crescent Heights. I'm pleased that Walgreens cares about our community's concerns so much so that they went out of their way to have a full environmental impact report conducted. It's even more pleasing to see that there will be no significant negative traffic or noise impacts as a result of the thoughtful traffic circulation they have proposed to keep cars off our residential streets.

Though I live on Curson, my girlfriend and I walk to our favorite shops and restaurants on Santa Monica and Melrose on a regular basis. We like that this project will encourage pedestrian activity rather than driving. From its various "green" features to its pedestrian-friendly storefronts, this is the type of development we have been needing in West Hollywood for many years, and I'm glad to see Walgreens stepping up to the plate as a new member of our community.

Brian Ballard
900 N Curson Ave. Unit # 2
West Hollywood

--
Regards,
Brian Solomon

June 28, 2011

City of West Hollywood
Community Development Dept.
Attention: Jennifer Alkire
8300 Santa Monica Blvd.
West Hollywood, CA 90069



Re: Walgreens Project, Santa Monica Blvd./Crescent Heights Blvd.

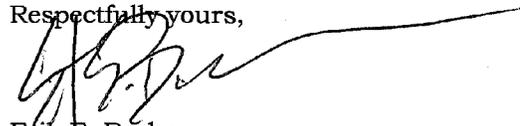
Dear Ms. Alkire:

As someone who drives and walks by the site of the proposed project on a daily basis, I applaud the developer's commitment to seeing that neighborhood concerns are addressed and to bringing forth a model project. It is my understanding that the first and second proposals included a larger drugstore and more apartments, but following neighborhood input about scaling down the massing, the project was reduced considerably – and not just once, but on three occasions. An independent environmental review was also commissioned voluntarily by the developer to ease neighbors' fears about toxic soil, noise and traffic impacts. The draft report now available for public review shows that the final iteration of the project will have no significant negative impacts.

The current proposal for a green project with a smaller drugstore, two small retail spaces and 20 apartment homes has been designed with the aid of community input and is consistent with the city's land use regulations. The new landmark design by renowned architect Lorcan O'Herlihy is complimentary to the surrounding buildings and will help to make this a true gateway for West Hollywood. Knowing parking is always an issue in West Hollywood, the developer will even provide enough parking on the property for both tenants and residents to avoid a further parking shortage in the immediate neighborhood. The benefits of this project are many, including temporary construction jobs and permanent jobs. And thanks to the diligence on the part of the developer's team, the negative impacts are negligible, if any.

I hope the City of West Hollywood will support this project – the result of a collaborative effort between the developer, community, and Planning Division – for the southwest corner of Santa Monica Blvd. and Crescent Heights Blvd.

Respectfully yours,


Erik E. Barker
7715 Lexington Avenue
West Hollywood

Jennifer Alkire

From: Shawn Barnett [grasshoppa@hotmail.com]
Sent: Monday, June 20, 2011 3:13 PM
To: Jennifer Alkire
Subject: Don't build on crescent heights!

Follow Up Flag: Follow up
Flag Status: Red

Hi, I live on 8061 romaine street and am against any walmart/cvc/walgreens expansion stores on santa monica blvd/crescent heights. The traffic will clog up even more @ that intersection and will create chance for additional accidents @ an already dangerouse street. Please don't allow the approval of the building.

Thank u for taking the time in reading this.
Best,
Shawn (310)666-3051
Best,
Shawn
(Sent on-the-go, please excuse brevity or any typo)

LAW OFFICES OF
SONGSTAD & RANDALL LLP
2201 DUPONT DRIVE, SUITE 100
IRVINE, CALIFORNIA 92612
TELEPHONE (949) 757-1600
FACSIMILE (949) 757-1613

VIA CERTIFIED MAIL,
FACSIMILE (323-848-6575) &
E-MAIL (JALKIRE@WEHO.ORG)

May 9, 2011

City of West Hollywood
Attn: Jennifer Alkire, Associate Planner
Community Development Department
8300 Santa Monica Boulevard
West Hollywood, CA 90069

Re: Proposed SMB20 Project EIR
SMB20 Project (Walgreens Mixed Use)
8100-8120 Santa Monica Boulevard & 1051-1057 Crescent Heights Boulevard
APN 5529-019-027, 029, 030, 033
City of West Hollywood, California

Dear Ms. Alkire:

The following comments are submitted on behalf of Fritz B. Hoelscher, Trustee, the owner of 1045 and 1047 N. Crescent Heights Blvd. and the La Ventana Apartments, located at 1031 N. Crescent Heights Blvd. in the City of West Hollywood, California ("City"). The comments are provided with respect to the Draft Environmental Impact Report prepared by Impact Sciences, Inc., dated March 2011 (the "DEIR").

On May 1, 2008, the City circulated an initial study for the mixed used project as it was originally conceived. Comments were submitted on the inadequacy of that Initial Study and related environmental documentation and assessment, including written comments dated May 30, 2008. After that time, the Project sponsor and applicant revised certain elements of the previously proposed project and, in December 2009, the City issued a new Notice of Preparation of a Draft EIR ("NOP"), and noticed and held one Scoping Meeting (on December 16, 2009) for the 8120 Santa Monica Blvd. mixed-use project as revised and currently proposed (the "Project").

The City then prepared and distributed a revised Initial Study for the revised Project ("Initial Study" or "IS"). The new Initial Study appropriately concluded that an environmental

May 9, 2011

Page 2

impact report (“EIR”) was necessary to assess the significant adverse environmental impacts of the Project. The DEIR was issued and the comment period ends on May 9, 2011. This letter provides comments on the Project and the DEIR. These comments supplement all comments that our client has previously submitted to the City with respect to the Project. DEIR Volume II – Appendices 1.0 – 4.5 includes copies of correspondence providing comments submitted on behalf of Mr. Hoelscher by this office in connection with the Project (dated May 30, 2008 and January 4, 2010, respectively).

We note and appreciate that a number of the concerns set forth in our earlier comments (including the absence of analysis related to the Project’s baseline conditions) have been addressed in the DEIR and in changes to the Project reflected therein.

We appreciate that the City has determined that it should impose the mitigation measures and conditions on the proposed Project, as revised, to address potentially significant adverse impacts (as summarized in Table 2.0-2). It is assumed, at a minimum, that the City will include in the final EIR mechanisms that will be sufficient to assure enforcement of required mitigation measures.

With respect to the DEIR we submit the following comments:

Project Design

We appreciate that the Project Applicant has refined the southern portion of the proposed Project to provide greater consistency with residential uses south of the Project site. The prior Project design included multiple-story residential uses along the southern edge. The current Project proposal reduces the massing on the southern edge to a single-story component with a 25-foot height limit accommodating two residential units. The currently proposed single-story southern edge provides massing and scale similar to the residential property adjacent the proposed Project. We believe the improved Project design will soften the concerns previously noted regarding Project massing, size, and scale.

Traffic, Circulation, and Parking

We appreciate that the Project Applicant and the City have refined components of the Project Description including the elimination of widening Crescent Heights Boulevard to accommodate a northbound left-turn lane at Santa Monica Boulevard. As noted in prior comments, we feel that a widening of Crescent Heights Boulevard to accommodate northbound left-turn vehicular traffic and the associated loss of on-street parking supply would have a

May 9, 2011

Page 3

profoundly detrimental effect to the community residents, businesses, and other stakeholders. With the elimination of excess Crescent Heights Boulevard roadway widening, increased landscaping is proposed by the Applicant, allowing improved buffer space between vehicular traffic and pedestrian areas. With improved infrastructure supportive of non-motorized travel, a walkable and livable Crescent Heights Boulevard will better support pedestrian activity.

Based on review of the DEIR the only roadway improvement proposed in the vicinity of the Crescent Heights Boulevard/Santa Monica Boulevard intersection is a 10-foot wide roadway dedication to accommodate a southbound deceleration lane for entry to the Project site along Crescent Heights Boulevard (4.11-77). The elimination of excess widening of Crescent Heights Boulevard and minimal improvements to accommodate entry into the Project site addresses comments previously submitted on prior versions of the proposed Project. As noted, we appreciate that the Project Applicant has incorporated aesthetic improvements including the walkway and street trees (4.1-23; Figure 4.1-7) on the eastern side of the Project site to create a pedestrian-friendly environment and to increase landscaping in the Project vicinity.

We appreciate the prohibition of the eastbound left-turn during the weekday evening peak period (3:00 p.m. to 7:00 p.m.), and believe the proposed site access management accounts for current traffic circulation on Crescent Heights Boulevard. We recommend the eastbound left-turn restriction be maintained in perpetuity and the restriction be enforceable by the City staff through occupancy permits or other mechanisms. It is noted that Figure 4.11-8 doesn't appear to add to 100 percent, and may require errata to address apparent typographical errors.

Aesthetics

The City sign standards are discussed on page 4.1-14. It is assumed that signs constructed on-site would be required to be in compliance the City Sign Ordinance and applicable Design Guidelines. We request that the discussion of signage be expanded in this portion of the EIR to clarify if large-format or high intensity illuminated signage is proposed at the Project site with particular concern regarding that portion of the Project fronting the southern boundary towards the adjacent residential area. The sign standards provide that "(s)ign lighting shall not be of an intensity or brightness that will create a nuisance for residential properties in a direct line of sight to the sign." We request that the EIR analysis include a statement that no illuminated signs will be located on the south side of the Project facing residential properties.

Figure 4.1-7 (Viewpoint 3: Looking North Along Crescent Heights Boulevard) provides a helpful visual showing the eastern side of the proposed building and associated street trees. An additional visual simulation from Crescent Heights Boulevard facing northwest would be helpful to understand the Project's visual character from the adjacent southerly residential properties.

May 9, 2011

Page 4

We had commented to the effect that the IS discussion was inadequate to explain how truck traffic and loading associated with the proposed intensive commercial use at the site would be consistent with the residential character of the neighborhood immediately adjacent to the site including the area of the site proposed for a loading zone off of Havenhurst Drive. Large truck traffic, which may engage in loading operations early in the morning or late in the evening could have a negative visual impact and result in increased noise in key residential time periods, lead to further congestion and impact ingress and egress for neighboring properties. We recommend the preparation of visual simulation from Havenhurst Drive facing northeast in order to understand the visual characteristics of the proposed loading zone from adjacent southerly residential properties.

Noise

The currently proposed Project site plan includes a 5-foot setback along the southerly edge that was not included in the 2008 site plan. This increased setback will help reduce noise and conflicts with the adjacent residential property.

We appreciate the proposed Project site plan revisions and the limited activity related to adjacent properties south of the Project site. Since at-grade parking is proposed adjacent to the southern Project site edge, we recommend the Project include measures to minimize noise and illumination intrusion (including such intrusion related to automobile headlights) on adjacent residential properties. We recommend clarification if the Project proposes a masonry wall combined with a green screen on the southern Project boundary to reduce noise impacts.

Truck traffic is discussed on page 4.8-42. The EIR and its mitigation measures should identify the frequency of high decibel emitting trucks and equipment to minimize the likelihood of higher frequency noise emissions during Project construction and operations by confirming delivery locations and schedules on-site, as well as location of trash areas or compactors on-site in relation to adjacent residential properties. We further recommend that the EIR document the current and proposed truck and trash schedule and the frequency of truck deliveries per day.

The analysis provides a qualitative discussion of the noise impacts related to truck deliveries (page 4.8-43). The analysis identifies that noise impacts related to this activity would be similar to existing conditions. Since the current site is primarily vacant or underutilized, we recommend clarification of the baseline noise conditions regarding current on-site activity.

All operational noise impacts are anticipated to be less than significant. However, the noise analysis relies upon a "10-foot tall green screen" to attenuate noise. We recommend

May 9, 2011

Page 5

additional data be provided to document the 10-foot-tall green screen attenuation factors, such as material, density, manufacturer specifications, literature citations, etc.. Based on our understanding a typical green screen includes a density of 0.66 pounds/square foot, but density of 4.00 pounds/square foot would be required to adequately attenuate noise. Additionally, as noted, we request clarification if the green screen is combined with a masonry wall or proposed in lieu of a masonry wall. Revision to the Noise Contour figures provided in Section 4.8 and potential impacts may be required.

A drive-through facility does not appear to be incorporated as part of the Project. To the extent such a facility were to be so incorporated further analysis would be required to determine the noise effect generated by such a facility and the mitigations required to render such noise less than significant.

We appreciate the opportunity to comment on the DEIR, and urge the City to carefully review the Mitigation Monitoring Program to ensure all Project site designs and mitigation measures required in the EIR be incorporated and maintained to minimize impacts to the environment.

We reserve the right to further comment on and/or challenge the Project should there be a change in the Project Description from that set forth in the DEIR or should the City fail to assure that the changes in the Project now reflected in the DEIR are mandated as enforceable Project design requirements, mitigation measures, and/or other conditions of Project development, or should the City fail to diligently enforce such requirements, measures or conditions.

If you wish to discuss the foregoing comments or the proposed Project please feel free to contact me at the indicated telephone number or by email (tcarlyle@sr-firm.com).

Very truly yours,



Timothy D. Carlyle
of SONGSTAD & RANDALL LLP

Jennifer Alkire

From: Louis Eafalla [leafalla@gmail.com]
Sent: Tuesday, July 05, 2011 8:51 AM
To: Jennifer Alkire
Subject: Walgreens

Follow Up Flag: Follow up
Flag Status: Red

Dear Jennifer,

I am writing to express my opposition to the proposed Walgreens project at the corner of Santa Monica And Crescent Heights.

I have lived on Havenhurst Drive for almost 13 years. Since then, I have watched this quaint neighborhood change in so many ways. Large scale million dollar condos on virtually every block, eliminating fair priced housing for so many and making parking nearly impossible some evenings. Small business after small business has disappeared from the neighborhood. Traffic is horrific...Santa Monica gridlocked at various times throughout the day and evening hours.

To put a Walgreens on that corner will only worsen the already less than perfect current conditions. If its possible, traffic will be even worse if this project is approved and, what's left for all small business in the plaza will be gone, completely eliminating what was once a striving service orientated small business plaza.

I hope everyone involved with the approval of this project will prevent this oversized, unnecessary project from ever happening.

I hope my comments will be reviewed and considered.

Sincerely,
Louis Eafalla
1267 N. Havenhurst Drive
West Hollywood CA 90046

Sent from my iPhone

626 Wilshire Boulevard, Suite 550
Los Angeles, California 90017
Tel: (213) 629-5300
Fax: (213) 629-1212
www.trumanelliott.com

TRUMAN & ELLIOTT LLP

May 6, 2011

VIA EMAIL & U.S. MAIL

Ms. Jennifer Alkire
Associate Planner
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069

Re: 8120 Santa Monica Boulevard/SMB20 Project

Dear Ms. Alkire:

On behalf of our client, Pacific Development Partners, LLC, the applicant for the SMB20 Project, we thank City staff and the City's consultant, Impact Sciences, for their diligent work on this exciting project. We also share the following comments regarding the Draft Environmental Impact Report (DEIR) for the SMB20 Project released by the City on March 24, 2011.

In general, we fully support the DEIR's analysis. We note, however, certain assumptions in the Traffic Impact Analysis prepared by KOA Associates for the SMB20 Project are quite conservative and therefore overstate the potential impacts of the project. While the Traffic Impact Analysis showed no significant impacts to any intersections or street segments studied, the methodology to determine trip generation rates is conservative as it compares geographically dissimilar locations to the SMB20 Project with greater trip generation rates and includes drug store locations that operate 24 hour per day and contain drive-thru service, both of which are not proposed for the SMB20 Project.

Below is a summary of the trip generation methodology and results for the SMB20 Project Traffic Impact Analysis.

- KOA's trip generation estimate for the SMB20 Project was based on empirical traffic counts collected at six existing drug stores located in the greater Los Angeles area.
- The trip generation study included three sites located in a suburban setting and three sites located in an urban setting. All three suburban sites contained a pharmacy with drive-thru service. The characteristics and store sizes of the sites surveyed along with the SMB20 Project are summarized in the table below.

TRUMAN & ELLIOTT LLP

Ms. Jennifer Alkire
 City of West Hollywood
 May 6, 2011
 Page 2 of 4

Trip Generation Study: Site Characteristics					
Locations	Setting	Size (SF)	Drive-Thru?	Trip Generation Rates (Trips per KSF)	
				Daily	PM
Walgreens: Southeast Corner of Pioneer Blvd & Artesia Blvd, Artesia, CA	Suburban	15,083	Yes	238.15	18.56
Walgreens: Southwest Corner of Greenleaf Blvd & Whittier Blvd, Whittier, CA	Suburban	14,908	Yes	133.82	11.27
Walgreens: Northwest Corner of Vermont Ave & 6th St, Los Angeles, CA	Suburban	15,525	Yes	218.87	13.66
CVS Pharmacy: Northeast Corner of La Cienega Blvd & Santa Monica Blvd, West Hollywood, CA	Urban	17,779	No	79.19	6.97
Rite Aid: Northeast Corner of 24th St & Pico Blvd, Santa Monica, CA	Urban	17,350	No	63.98	4.96
Rite Aid: Northeast Corner of Canon Dr & Dayton Way, Beverly Hills, CA	Urban	24,553	No	123.98	10.30
Proposed Walgreens: Southwest Corner of Santa Monica Blvd & Crescent Heights Blvd	Urban	13,276	No	138.28	10.68

- As shown in the above table, the three suburban sites with drive-thru service generate more vehicle trips on a per square foot basis than the three urban sites.
- On average, the three new sites located in an urban setting generate approximately 50 percent fewer daily trips and 30 percent fewer peak hour trips compared to the three suburban sites as shown in the table below. These results demonstrate urban mixed-use areas with bicycle and pedestrian friendly amenities and access to transit result in fewer vehicle-trips than traditional suburban settings.

303071_2.doc

Ms. Jennifer Alkire
 City of West Hollywood
 May 6, 2011
 Page 3 of 4

Trip Generation Rate Comparison Suburban vs. Urban Sites			
Average Vehicle-Trip Generation Rates			
Time Period	Suburban	Urban	% Difference
Daily	197.40	93.19	-52.8%
AM Peak Hour	7.38	4.83	-34.5%
Midday	12.06	8.17	-32.2%
PM	14.50	10.17	-29.8%

- The Traffic Impact Analysis applied the weighted average of the six sites. The trip generation table below summarizes the number of trips generated by the three urban compared to the weighted average of all six sites. The urban sites generated approximately 30 percent fewer trips on a daily basis and 5 to 10 percent fewer trips during peak hours compared to the average rates of the six sites used in the Traffic Impact Analysis. Consequently, the results of the Traffic Impact Analysis are quite conservative and overstate the potential impacts of the SMB20 Project.

Trip Generation Rate Comparison Project Trip Generation vs. Urban Sites			
Average Vehicle-Trip Generation Rates			
Time Period	Proposed Project (6-site Avg.)	Urban	% Difference
Daily	138.28	93.19	-32.6%
AM Peak Hour	5.28	4.83	-8.5%
Midday	8.75	8.17	-6.6%
PM	10.68	10.17	-4.7%

Because average daily traffic counts in the DEIR are highest during weekdays, we have prepared the enclosed Trip Generation Rate Comparison based upon the average of the three urban locations used in the Traffic Impact Analysis to create a Weekday Project Trip Generation Estimate table which indicates a more realistic amount of traffic that would be generated by the SMB20 Project. As demonstrated, the trip generation for the SMB20 Project would be approximately 50% less than indicated in the Traffic Impact Analysis.

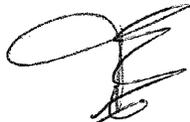
303071_2.doc

TRUMAN & ELLIOTT LLP

Ms. Jennifer Alkire
City of West Hollywood
May 6, 2011
Page 4 of 4

Once again, we appreciate your continued diligence and cooperation on the SMB20 Project and look forward to creating a project that will benefit the City of West Hollywood for decades to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Elliott", with a large, stylized initial "T" and "E".

Todd Elliott
for TRUMAN & ELLIOTT LLP

Enclosure

303071_2.doc

Trip Generation estimates for Max sf Walgreens (no food service)
Based on KOA trip rates

Land Use	Size	ITE Code	Average Weekda	Weekday (Tuesday / Wednesday / Thursday)																
				AM Peak Hour		Midday Peak Hour		PM Peak Hour												
				In	Out	In	Out	In	Out											
Trip Generation Rates																				
Specialty Retail [a]	- sf	814	44.32	60%	40%	1.33	48%	52%	6.84	44%	56%	2.71								
Fast Food Restaurant [b]	- sf	933	716.00	49%	51%	59.75	52%	48%	63.50	52%	48%	13.00								
Apartment [c]	- sf	220	6.72	20%	80%	0.51	29%	71%	0.55	65%	35%	0.62								
Walgreens [d]	- sf	-	93.19	54%	46%	4.83	51%	49%	8.17	49%	51%	10.17								
Proposed Project																				
Walgreens	13,276 ksf	-	1,237	35	29	64	55	53	108	70	69	135								
Specialty Retail	2,138 ksf	814	95	2	1	3	7	8	15	3	3	6								
Apartments	20 du	220	134	2	8	10	3	8	11	8	4	12								
Sub-total			1,466	39	38	77	65	69	134	81	76	153								
Pass-by Credit [10%]																				
Walgreens & Specialty Retail	-	-	(133)	4	3	6	6	5	11	7	7	14								
Internal/Transit/Pedestrian Reduction [5%]																				
Walgreens & Specialty Retail	-	-	(67)	2	1	3	3	3	5	4	3	7								
Project Trip Generation w/o Existing Credit																				
			1,266	33	34	68	57	61	118	71	66	133								
Existing Use [trip credit]																				
Tasty Donuts	900 sf	933	(644)	26	28	54	30	27	57	6	6	12								
Top Hat Cleaners	2550 sf	814	(113)	2	1	3	8	9	17	3	4	7								
Sub-total			(757)	28	29	57	38	36	74	9	10	19								
Net Total Trip Generation			509	5	5	11	19	25	44	62	56	114								

Source: Institute of Transportation Engineers "Trip Generation - 7th Edition". (Unless otherwise indicated).

Notes:

[a] AM peak hour trip generation rate obtained from SANDAG Trip Generators, May 2003. Midday peak hour rates are based on ITE's AM Peak Hour of Generator rates.

[b] Midday peak hour rates are based on ITE's AM Peak Hour of Generator rates.

[c] Midday peak hour rates are based on ITE's AM Peak Hour of Generator rates.

[d] Trip Generation based on driveway counts conducted at other Walgreens, CVS Pharmacy and Rite Aid locations (6) by KOA Corporation, April 2007 and February 2010.

Jennifer Alkire

From: Kim [kferna832@aol.com]
Sent: Tuesday, June 21, 2011 3:22 PM
To: Jennifer Alkire
Subject: Stop Walgreens
Follow Up Flag: Follow up
Flag Status: Red

Please stop the Walgreens development, West Hollywood does not need another pharmacy, esp. not at that intersection increasing noise, traffic, and congestion.

West Hollywood Resident,
Kim Fernandez

7/13/2011

Elena Goldenberg
1050 N. Edinburgh #102
West Hollywood, CA 90046



Dear Ms. Alkire,

I support the project that Walgreens proposed for our neighborhood and the environmental impact report. I live very close to this location and was at the first neighborhood meeting about 5 years ago to support the project. I liked that Walgreens was going to build affordable apartments for our senior citizens. West Hollywood has a large senior citizen population and this was very important. I also liked that they were going to build a store so close to my condominium so I could be able to walk there.

Many of my neighbors were worried that the project was too big and would cause too much traffic in the area. They also did not like the design. Since then, I have seen Walgreens make many major changes to have these neighbors support the project. They made the pharmacy smaller, they added small shops, and they reduced the apartments. They also brought a new design and added nice landscaping to match the small parks across the street. I am glad to see that they respect our opinions.

The project now has a much smaller pharmacy compared to the CVS and Rite Aid. There are only 20 apartments but they have the affordable apartments for senior citizens. Because the project is about half of what it was 5 years ago, because it will have all the parking it needs, and because the driveways are designed with the planning department's help to avoid interrupting traffic, it will not cause any traffic for our neighborhood.

It is nice that Walgreens wants to be a good neighbor, and I hope they start to build soon. I ask that the city please approve this project.

Thank you,


Elena Goldenberg

Jennifer Alkire

From: dennisgrant@gmail.com on behalf of Dennis Grant [dpgrant@att.net]
Sent: Thursday, June 30, 2011 11:58 PM
To: Jennifer Alkire; Jennifer Alkire
Subject: Walgreens feedback
Follow Up Flag: Follow up
Flag Status: Red

Jennifer, as a resident of West Hollywood, I'm happy to provide my input and to express my personal concerns on the proposed Walgreens project and the Draft Environmental Impact Report. This project, dominated by a large chain drug store, will create a dead pedestrian zone along a vibrant stretch of Santa Monica Boulevard, contrary to the City's General Plan goals. I have several other concerns outlined below.

First, I do want to thank you for your availability to answer questions and provide information. I'm grateful to the developers and their representatives for meeting with us and explaining the changes to the project. And I also want to say that I think the architect on this project is very talented. Unfortunately, I think this is the wrong project in the wrong place.

ENVIRONMENTAL CONCERNS

- I feel like the DEIR does not sufficiently address the problem with toxic chemicals under the site. It also does not address the chemical spill from across the street to the east and how the big picture/total toxic chemical problem will be dealt with.
- It is unfair to ask citizens to weigh in on the project and Draft EIR until the Water Board provides its comments, and perhaps those comments being addressed by the EIR. The process and sequencing seems off and unfair.

TRAFFIC

- As someone who lives on Havenhurst Drive, I am extremely concerned about increased traffic. The plans 'say' that traffic can only enter or exit the project on Havenhurst from/to the north and there will be 'pork chops' to enforce this. This is not a reasonable solution. Immediately across the street from the project there is a 'pork chop' and signs saying no right turn, yet dozens of cars turn right every day.
- There simply is not room on Havenhurst for the large delivery semis, trash and other trucks to pass. The developer has a diagram to show how there is space on Havenhurst, and you said it's been studied and it's fine. But it simply is not. The only way to make it work would be to lose four or more metered parking spaces on Havenhurst, not a good solution. It is frustrating to hear 'experts' say it is not an issue, because it is. I wish the City and the developer would at least acknowledge the problem and that they are OK with it, not that it is not a problem. It makes me wonder...if someone visible to the untrained eye is not covered in the EIR, where else might the report be inaccurate? In traffic counts? Regarding the toxic chemicals?
- I understand the need for the exit on Santa Monica Blvd, but that is going to cause eastbound traffic on Santa Monica to back up even further, and then there are the cars who will try to turn left out of the complex onto Santa Monica, completing blocking the east bound lanes.
- It is inconceivable to me that is is 'acceptable' for northbound traffic on Crescent Heights to turn left into the project without a turn lane. That intersection has major traffic, and is bad enough that

7/13/2011

left turns are not allowed from 3 - 7 pm, yet now just 1/5 of the block south traffic will be blocked by cars turning left into the complex.

- I'm concerned whether the traffic reports studied sufficient impacted intersections, and whether it sufficiently addressed the collective impact of all the projects planned along SM Blvd.

NOISE-SAFETY-INFRASTRUCTURE

- I am concerned about the amount of noise this project will cause in the neighborhood - both during construction and during operation.
- I'm also concerned about increased safety issues, especially with the panhandling and drug selling reputations outside businesses like big chain drug stores. Think about what it is like outside CVS and Rite Aid pharmacies in the neighborhood.
- I'm also concerned whether the EIR has sufficiently addressed water, sewer and other infrastructure issues, particularly the collective drain on infrastructure facilities of all the projects proposed in Weho, especially along Santa Monica Blvd.

SIZE/MASSING/DESIGN/MIXED USE

- This project feels way too large for the site and for the neighborhood. It's frustrating that the City of West Hollywood is the cause of this, by insisting this be turned into a mixed-use development.
- Previously the massing was spread out across the whole project. Now the massing is heavily concentrated towards the neighborhood...it's all on the low density residential area of Havenhurst Drive. There is now only one story on the busy corner of Santa Monica Blvd and Crescent Heights. It is interesting that all the massing has disappeared from the section of the project overlooking the property of a politically connected apartment-condo owner who has hired expensive lawyers and consultants. Is that what is required to get somewhere?
- Why orient the residential over the neighborhood, destroying the privacy of the neighborhood. If the concept here is building residential along the bustling SM Blvd., why not have all the units face SM Blvd.?
- While I hate to see a big chain drug store replace a dozen local businesses, if this mix is to be built it seems more logical to put the big drug store at the commercial intersection of SMB and Crescent Heights and put the small retail at the corner of SMB and Crescent Heights.
- I feel the kind of mixed-use development the City is encouraged is flawed and uncreative. Before Walgreens bought the shopping center, gutted it and gave us the eyesore we have today, it was pretty 'mixed' - 12 to 15 different neighborhood serving, varied businesses. Now the block will become much more 'dead' with 90% of the ground floor occupied by a giant drug store.
- I'm concerned about how the building will shade the local coffee shop and restaurant across the street on Crescent Heights.
- There are large 'green screens' on the top of the building, which could potentially be nice, but effectively increase the height of the project, especially from the viewpoint of the neighborhood.
- I think the architect does great work, but I hate how this project feels 'closed'. It's not inviting from the street level. (If it was going to be a mixed -use project, I wish it would be more like the new project at the corner of Fairfax and Waring in LA...a series of cute shops, coffee places, gyms, with outdoor seating and a strong orientation to the sidewalk and walkers.)
- I'm concerned with the lack of illustrations that show what this development would look like from eye level with the other buildings in the neighborhood included. This thing is HUGE, and I don't think its size is being fairly and accurately represented to the community.

ALTERNATIVES

- For what it is worth, my preference would be for the existing structure to be renovated with local

7/13/2011

- businesses - and perhaps a second story added with offices or homes.
- If the current plans are to proceed I feel like the following are important:
 - The upper stories should all be placed along a single row along the front of the building along Santa Monica Blvd, with the residences oriented towards the boulevard. And regardless, the massing should not be 'weighted' towards Havenhurst, the residential street.
 - Walgreens should be placed at SMB and Crescent Heights, and the small retail placed at the Havenhurst corner.
 - Havenhurst Drive should be blocked off immediately south the of public parking lot that runs between Havenhurst and La Jolla, similar to the design further west by Starbucks and Trader Joes.
 - Loading and trash removal should be indoors or underground to prevent excess noise in the neighborhood.

Thank you for the opportunity to express my concerns.

Best regards,
Dennis Grant

7/13/2011

Jennifer Alkire

From: Graciela Iparraguirre [gtiparraguirre@yahoo.com]
Sent: Monday, July 11, 2011 6:28 PM
To: Jennifer Alkire
Cc: gtiparraguirre@yahoo.com
Subject: Fw: Project SMB20 - Walgreens/Residential Proposed Development
Follow Up Flag: Follow up
Flag Status: Red

Dear Ms. Alkire:

I strongly oppose the proposed Walgreens mixed use project at the corner of Santa Monica Blvd. and Crescent Heights Blvd.

After cities in the New Jersey/New York area, West Hollywood is the third city in population density in the whole nation, closely after Cudahy and Huntington Park, all in California. This is quite a feat for a tiny 1.88 square mile city. Obviously, we do not need any more population and then there is plenty of low-density cities in the rest of the country.

Our City does not need to build any more housing. It needs to protect the existing stock of rent-controlled units, instead of encouraging and helping developers to demolish them in order to build multi-unit apartments.

West Hollywood has only four conservation districts. Right adjacent to the proposed project, is the beautiful Conservation Overlay District of Laurel Park. The projected monstrosity, which would be located on higher ground than the rest of Laurel Park, would tower high above the neighbourhood, overshadowing it, constituting an eyesore, diminishing the financial value of properties and the aesthetic value of our precious, charming area.

The proposed project is completely incompatible with the look of Laurel Park and would ruin the character and cohesiveness of the neighbourhood.

The lot is a toxic waste site. It used to accommodate a gas station, and later a cleaners. Apparently, the City chose to ignore the history of occupancy of the site and the effects of and clean-up needs of the toxic chemicals at and adjacent to the site.

Only after the neighbours brought up these problems, did the City acknowledge them. This concerns me greatly; this matter needs to be thoroughly evaluated and properly dealt with.

In the City's uncalled for push to develop more and more, and to build bigger projects, small business are faced with rent increases they cannot afford and keep closing down, leaving rows of stores that remain empty for months/years and new condos that are not being rented/bought.

Now these small businesses will be displaced and replaced by a big-box store, of which kind we have already several in the city, and we have no real need for.

Santa Monica Blvd. and Crescent Heights Blvd. are already high-volume, congested roads, and

7/13/2011

this mixed-use project would have a strong negative impact on local traffic and on the cumulative area and through-traffic situation. This project would add delivery trucks, semis and thousands of cars because of the store and the apartments, which would be maneuvering into and out of the already heavy traffic, increasing traffic volume, slowing flow and increasing travel times.

Havenhurst Drive, which is a narrow street, would be overwhelmed by the increased traffic and the access by residents would be affected by the traffic overflowing into side streets. The worsening of traffic, including on Havenhurst Dr., Santa Monica Blvd. and Crescent Heights Blvd., would also constitute a public safety hazard, as it could delay and hinder the access into the neighbourhood of emergency and law enforcement personnel.

The proposed commercial/residential project, with its customers, apartment residents and visitors, cars, delivery trucks and semis unloading, idling, etc., would bring daily, increased noise, bright lighting, parking problems and other nuisances to our quiet neighbourhood.

I oppose this mixed-use project. I feel that the neighbourhood would be better served by having the shopping mall restored, reopened and occupied by (ground level only) small businesses.

Sincerely,

Graciela Iparraguirre
La Jolla Neighbourhood Watch Captain

1033 1/2 N. La Jolla Ave.
West Hollywood, CA 90046

(323) 654-1249

7/13/2011

Jennifer Alkire

From: Mo Jo [freemefromg@gmail.com]

Sent: Sunday, July 10, 2011 5:28 PM

To: Jennifer Alkire

Subject: Wagreens, in weho?

Follow Up Flag: Follow up

Flag Status: Red

Really? Really? REALLY?

Bad move Jen.

Maurice Jordan
West Hollywood, CA 90046

PS: Can't tell you how badly this would kill what weho is all about. Just plain kill it.

7/13/2011

VICTORIA JANE JOYCE
1000 Palm Drive #2
West Hollywood, CA 90069



June 23, 2011

City Planner Jennifer Alkire
City of West Hollywood
8300 Santa Monica Bl., 2nd Flr.
West Hollywood CA 90069

Dear Ms. Alkire:

As a years long West Hollywood resident and former Historic Preservation Commissioner, I am writing to express my support for the proposed mixed-use project known as SMB20. The corner of Santa Monica and Crescent Heights is a key gateway for our city, especially for the thousands of Angelinos commuting between the Valley and the L.A. Basin each day. The project designed by Lorcan O’Herlihy will go a long way in preserving West Hollywood as a destination city with world-class architecture, adding to the many historical landmarks that we already have throughout our wonderful community.

From a community perspective, I am pleased that this project not only complies with the Zoning Ordinance but goes above and beyond what the community would like to see. Not only does it incorporate a green building design, abundant landscaping, a car sharing service, and bike rentals for sustainability, but it offers affordable apartments for our seniors (a generous 20% of the apartments) as well as pedestrian-friendly storefronts to help our urban village maintain its walkable atmosphere. As a community, these are features we have encouraged for two and a half decades. While other developers have often refused to incorporate them into their projects, Walgreens has volunteered them. I also applaud Walgreens for making numerous changes in response to community input.

It’s my pleasure to support this well-thought-out project and welcome Walgreens to our community. I hope the city will approve the project.

Sincerely,


Victoria Jane Joyce

Jennifer Alkire

From: Martin Kanarek [martinkanarek@gmail.com]
Sent: Friday, June 24, 2011 3:31 PM
To: Jennifer Alkire; wehoneighbors@yahoo.com
Subject: Re: Public Comment: SMB20 Project - Walgreen's at Santa Monica Blvd. and Crescent Heights
Follow Up Flag: Follow up
Flag Status: Red

Dear Ms. Alkire:

I oppose the mixed use development proposed for the corner of Santa Monica Blvd. and Crescent Heights. I moved into West Hollywood approximately four years ago and I'm proud to call this little city home. It is for the following reasons that I will continue to fight the Walgreen's Project.

Traffic Congestion

This one is kind of a no-brainer. Traffic is already bad. This project makes it much worse.

If you don't believe me, take a look for yourself. Stand on the corner of Santa Monica Blvd. and Crescent Heights between 4 p.m. at 7:30 p.m. on any given night. Better yet, try to pick up your dry cleaning at the Four Seasons Dry Cleaner at any hour.

Crescents Heights south of Santa Monica is a bottle neck that can not accommodate anymore traffic. This problem is aggravated by the decline slope of southbound Crescent Heights. Due to this slope, southbound vehicles are often going too fast to merge before Crescent turns into a one lane street. And yet, there will surely be an expansive entrance and exit for the Walgreen's at this very bottleneck.

These are the current problems at this intersection. A 35,975 square foot mixed-use development will only make these problems much worse. A project of this size will grind the already slow moving traffic of Santa Monica Blvd. into a parking lot. But, when traffic is flowing, this project will cause vehicle collisions, as fast moving southbound vehicles desperately trying to merge into one lane of travel now avoid one more obstacle -- traffic into and out of Walgreen's.

In essence, Santa Monica is already pretty slow, let's not go out of our way to make it worse.

Land Use And Planning

This development is a misuse of the limited land available to the city. "Big Box" retailers surround this intersection. CVS half a mile to the West. Rite Aid 3/4 of a mile to the North. Target a mile to the East. Another Big Box retailer in between other Big Box retailers is not why many of us moved to West Hollywood, and fails to provide our city with any benefit. Benefit free planning and a quadruplicate "Big Box" does not make sense.

I appreciate your time, and look forward to your response.

Sincerely,

Martin Kanarek
919 N. Harper Ave. Apt. 18
West Hollywood, CA 90046

7/13/2011

Jennifer Alkire

From: william kroger [wskroger@gmail.com]
Sent: Tuesday, June 21, 2011 7:15 PM
To: Jennifer Alkire
Subject: Walgreens
Follow Up Flag: Follow up
Flag Status: Red

We are very concerned about the problems and issues this store will bring to our neighborhood. We live down the street from the proposed site and know without a doubt that: the traffic will increase to a point where it will be impossible to get in and out of our neighborhood in any timely manner.

Already, the corner of Crescent Heights and Santa Monica are so congested that it is absurd to even think about a new drug store and apartment complex on that corner.

The traffic down Havenhurst will increase and it is already being used way too much by traffic avoiding Crescent Heights, too many cars speed down our street and we can not even let our children play in the front of our house.

The traffic by delivery trucks coming and going will just be horrible.

The noise from the construction that we will have to deal with and the excavating of the ground and toxic waste may be harmful.

What happened to returning to mom and pop type stores, this is just so against what we need, we don't need another drugstore when we have so many within a one mile radius of the site.

As an example of what they will do for our community, just look at the condition of the site since they have owned it. They ran the stores out of the location and it is a complete eyesore. If this is what they are doing for our community, what is next?

There are already so many vacant stores on Santa Monica and so many small stores fighting for the ever evaporating dollar that this will surely put more people out of business.

Please don't let this happen, we love this city, we enjoy living here. It will make it horrible, we don't need another large complex.

--

William S. Kroger
Kroger Law Group
8888 Olympic Boulevard
Beverly Hills, CA 90212
(323) 655-5700
(310) 276-0563 Fax
<http://www.laattorney.com>

7/13/2011

The Kroger Family
835. North Kilkea Dr
Los Angeles, CA 900465

Juky 5, 2010

Jennifer Alkire
West Hollywood City Hall
323 848 6487
jnoel@weho.org
8300 Santa Monica Blvd
West Hollywood, CA 90069



Dear Jennifer,

We oppose the proposed Walgreens mixed-use development proposed for the corner of Santa Monica Blvd and Crescent Heights. I am concerned with the increased traffic, noise and congestion this project will bring, and question whether there is sufficient infrastructure to support this project. This will bring increased traffic into the neighborhood, as well as semis and other delivery trucks onto residential Havenhurst and Kilkea Drive. I'm also concerned about additional traffic on Crescent Heights, which is already very congested, particularly with vehicles being allowed to make left turns out of the project onto Crescent Heights.

Twelve or more small, local-serving businesses have been displaced for a big box chain drug store. West Hollywood has ample chain and independent drug stores. This does not seem like a very creative development for The Creative City.

I am also concerned about the toxic chemicals underground at the site, as well as the chemicals underground originating just east of Crescent Heights Blvd. I'm concerned that the City of West Hollywood take a close look at ALL chemical spills in the area to make sure there is a comprehensive, safe clean up plan in place. It disturbs me that these problems were not disclosed until discovered by neighbors.

The factors of traffic, pollution, pedestrian safety, road repairs, noise, safety of our children, turning a corner that is loved as a meeting place into a massive-over-built-commercial-creation with only profits in mind is not what we need in West Hollywood.

Sincerely

A handwritten signature in black ink, appearing to be "JKF".

The Kroger Family



TERRY LEFTGOFF & ASSOCIATES
Environmental Consulting ♦ Government & Public Relations

SENT VIA EMAIL

May 9, 2011

City of West Hollywood
Jennifer Alkire, Associate Planner
Community Development Department

RE: DEIR Proposed SMB20 Project (Walgreens)

Dear Ms. Alkire:

I am writing on behalf of WeHo Neighbors, a group of concerned residents who live adjacent to the proposed project.

Given the complexity of the DEIR and the proposed project, I am submitting the following comments and am requesting an extension of the comment period. WeHo Neighbors wish to reserve the ability, as the most directly affected neighbors, to submit comments after an important oversight has been rectified. Please find attached, Preliminary Comments so that in the event additional time is not granted, some of WeHo Neighbors initial concerns will be on the record. I will address some broader issues that have come to light.

FAILURE TO NOTICE STATE LEAD AGENCY

I have learned that a critical state regulatory agency did not receive legally required notice of the DEIR's availability and has been denied the opportunity to review and comment on the DEIR for a project within its primary jurisdictional authority as Lead Agency.

This is not the first time this project has had notice and process irregularities. And as it appears to be a pattern, it begs for a broader systemic review.

PRIOR FAILURE TO DISCLOSE TOXICS AT PROJECT SITE - AN ATTEMPT TO MANIPULATE THE PROCESS THAT ALMOST SUCCEEDED

In a strikingly flagrant abuse, the project developer previously failed to disclose toxic contamination on the project site - 3 separate registered SLIC sites with an extensive history of active state enforcement actions. Instead the developer withheld this information, which would trigger the requirement for an EIR, and convinced the city to prepare a Mitigated Negative Declaration, falsely stating there was no significant unmitigatable environmental impact associated with the project.

According to extensive public record, the project developer and land owner knew for many years about the existence of the toxic contamination. We would hope they did not deliberately

514 Huntley Drive ♦ West Hollywood CA 90048 ♦ (310) 659-1068
Email: EcoRelations@aol.com

withhold this information from the city in order to manipulate the process in favor of a desired outcome. But we are left with little feasible alternate explanation.

It was only through my diligent professional efforts on behalf of concerned members of WeHo Neighbors that the presence of toxic contamination at the project site was discovered and brought to the city's attention. It is this discovery that subsequently required the preparation of this DEIR.

Had I not personally conducted research and uncovered this information, the city would have likely approved a project based upon what appears to have been fraudulent material misrepresentations.

Since this situation was exposed, there appears to have been no consequence or penalty and the DEIR lacks a description of the troubled part of this portion of the project's background. It is reiterated here for the record.

A PATTERN OF PROCESS PROBLEMS

In fact, the history of this project has been plagued by a pattern of process short cuts and abuses that have had the effect of squelching public participation, limiting access to information, and manipulating the process.

In previously submitted written comments, we documented extensive noticing irregularities and problems (MND Comments dated 5-29-08, DEIR Scoping Comments dated 1-4-10). These comments are attached for the record. (Many of the MND comments are still applicable to the project, particularly those relating to toxics, hazards, geology, traffic, and access issues.)

THE LATEST LAPSE

Today, we learn of another serious lapse - the failure to provide notice of the DEIR to the California Regional Water Quality Control Board (hereinafter referred to as RWQCB) for review as required by state CEQA statute. It is a particularly egregious oversight.

And again, the discovery of this lapse was made through my diligent professional efforts on behalf of my clients.

Clearly, something is seriously amiss when the city and its EIR contractor fail to provide notice of the DEIR to the very agency that is the reason this EIR is required.

It appears the city and the EIR contractor neglected to designate the RWQCB as a Responsible and Trustee Agency as required pursuant to CEQA. It is not unusual for one agency to qualify for both designations and it is required when, as here, a state agency has responsibility for carrying out or approving the project and also has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California. The RWQCB has primary jurisdictional authority over the site's toxic contamination

and is the trustee for the state's underground water resource. Which makes it all the more perplexing the city would have left this agency out of the loop.

I note that within the DEIR's section entitled, 'Regulatory Setting, State Regulations', the RWQCB regulation is not listed, although its actions are mentioned elsewhere in the document. The DEIR does not contain a list of Responsible and Trustee Agencies. Nor does it contain a list of Interested Parties.

COMPREHENSIVE PROCESS REVIEW URGED

We believe these repeated oversights require a comprehensive review of the city's operating process and procedure to ensure compliance with CEQA statutes governing such activities. One mistake might be an oversight; such repeated material oversights would appear to form a pattern. It simply does not pass the smell test.

ADDITIONAL COMMENT PERIOD REQUESTED

It is my understanding the RWQCB has requested a full 45 day comment period so it may exercise its legal duty and statutory authority to review the DEIR. Additionally, I understand the RWQCB is reserving the right to request additional time beyond the minimum 45 day period due to this project's complexity.

We join them and support their request. My clients, as the most directly affected neighbors, would like to do the same. Given the projects complexity it is clear we will require additional time to fully comment.

Inasmuch as the RWQCB is the lead agency on toxic soil remediation that already contaminates groundwater and is intertwined with the proposed project, we believe their review and comment are critical to a complete understanding of project environmental impacts. It is my understanding a Revised Clean up Plan has been prepared and is pending review and has not been approved by the RWQCB. This plan, once final and approved, along with the Soil Management Plan forms the basis of a significant part of the proposed project description. Together, they are critical to understanding the true environmental impact of the project.

Of particular significance is the complicated and unique multi-agency and multi-jurisdictional structure upon which the proposed project relies. There needs to be a full description of this structure and each authority. Without a full description, we believe the DEIR is flawed and we are prevented from being able to review and comment on it.

Further, the DEIR appears to only consider one small slice of what must occur once ground is disturbed at the project site where 3 separate toxic sites have hit groundwater and are thought to commingle. The DEIR only evaluates the environmental impacts of shallow soil disturbance. We believe it must also include deep soil disturbance anticipated as part of the remediation as it is required and is an integral part of the project. The environmental impacts of any reasonably anticipated remediation itself must be described and quantified.

The DEIR acknowledges the interplay between the relative scope of the proposed project and the deep soil remediation in its description of alternatives but it does not then include the scope or environmental impacts within the analysis. It is unclear what the extent of the excavation will be; the method of storage, staging and transport; and whether deep soil remediation would be required were it not for the proposed project. Either way, the DEIR should disclose, describe and address all portions of the project that would create significant project related environmental impacts.

CITY TOXICS SPECIALIST NEEDED

On a related note, the proposed project has highlighted a serious deficiency in the city's planning organization, a deficiency that was exploited in this instance by a dishonest developer. It is a deficiency in working knowledge and information about toxic contamination locations throughout the city. To address this deficiency, I renew my request that the city retain and/or designate a member of staff as a specialist and/or liaison on toxics to the RWQCB.

Indeed, West Hollywood's commercial corridors are riddled with toxic sites, many of them active enforcement cases spanning many decades that have the potential to or have already contaminated the regions valuable groundwater resources. It should be routine best practice to consult local historical and enforcement records as part of any development review process. But, as planning staff has revealed in this case and the developer was able to make abundantly clear, no such best practice has been adopted or put into practice at the city. We urge you to consider doing so. At a minimum, a designated specialist on staff will be able to maintain up to date knowledge about the location of area toxics and remain in regular communication with staff at the RWQCB. Without such information, the residents, businesses and visitors of the city are put at risk as these sites are blindly developed and disturbed through routine project development approvals.

Thank you for the opportunity to comment.

Sincerely,

TERRY LEFTGOFF
On behalf of
WEHO NEIGHBORS

Attachments: Preliminary Comments DEIR
Comments Mitigated Negative Declaration (MND) dated 5-29-08
Comments DEIR Scoping dated 1-4-10

cc: Honorable Mayor and Members, West Hollywood City Council
Steve Rowe, California Regional Water Quality Control Board
WeHo Neighbors

WeHo Neighbors
ROUGH PRELIMINARY COMMENTS
DEIR SMB20 Proposed Project (Walgreens)
AKA 8120 Santa Monica Blvd.

- Are they condos or apartments? The planner when we talked to her late last year she said she thought they were condos. Allegra told Marco they are apartments
- Under opening summary paragraph most of the impacts cited occur during construction and do not take into account “other” impacts (traffic, shading, parking, toxic chemical ongoing issues, noise as it relates to the operations of the retail and apartment operations, ongoing hydrology issues, etc). Can we not
- Page 1.0-1 (2.0) They refer to the application being deemed complete in January 2007 but the developer missed several deadlines and the plans changed considerably. At what point/for what reasons do they have to file a new application?
- Under section 1.0-4 it states that copies of the EIR findings were sent to all parties who indicated interest...this did not in fact happen. The RWQCB, a Responsible and Trustee Agency, did not receive copies of the findings, notice or an opportunity to review and comment. We likewise did not receive copies of findings.
- General comment: Why is the residential portion built such that patios face south towards then neighborhood vs facing Santa Monica Blvd? Shouldn't this be mitigated by having residential units (if approved) face Santa Monica and with most massing towards Santa Monica?
- General comment: It states that views aren't impacted however residential views from the south including 1046/1044 Havenhurst do have views of the mountains towards the north which would be completely obscured should a second and third floor be constructed.
- (2.0) They say the developer and City agreed an EIR is needed...like they made a proactive decision. This is not really telling the full story and is gilding the lily. The document should provide an accurate accounting of how the City initially concluded it did NOT need an EIR and only after we discovered the information on the multiple commingled toxic contamination and protested did the EIR happen. Please correct the record

- EXISTENCE OF NEIGHBORHOOD CONSERVATION OVERLAY ZONE: Exec Summary 2.0-1, Setting and elsewhere when they describe the neighborhood there is little note of the fact the adjacent neighborhood abutting the project to the south is in a conservation overlay district. What impacts will the project have that will visually dominate and overwhelm this neighborhood. Likewise, what policies exist to protect the neighborhood? How is this project consistent or in opposition to these policy objectives? We believe that architecturally the proposed project is not compatible with and will have a detrimental effect on the existing residential neighborhood within this zone.
- 2.0-2 first reference to Sky Park. What is the purpose/benefit of this, as they say it's only for use of commercial tenant customers. 85% of the space is a drug store.
- RESPONSE TO PROJECT OBJECTIVES
- Provide a modern, high-quality design that complements surrounding uses and contributes to a sense of community identity.
 - Design does not at all complement surrounding neighborhood but rather conflicts and will overwhelm the adjacent residential neighborhood which is a designated Neighborhood Conservation Overlay Zone (see prior comment)
- Enhance pedestrian activity along Santa Monica Boulevard by providing street-level, streetfacing retail along Santa Monica Boulevard.
 - The block along SMB will be mostly a dead pedestrian block since ¾ of SM Blvd is an enclosed Walgreens with a single pedestrian entry; the rest are windows intended to be blocked by displays. There will be room for 1 or 2 small shops at the NE corner. This does very little to enhance pedestrian activity. Rather it reduces pedestrian activity compared to the existing conditions as they existed prior to the retail tenants being evicted. At that time the mall generated quite a bit of neighborhood pedestrian activity since the tenants were primarily neighborhood services and restaurants.
- Remove remaining tetrachloroethylene (PCE)-contaminated soil from the surface to 20 to 25 feet below ground surface at the Project site.
 - This appears arbitrary and intended to only shed a positive light on the proposed project. What about the contamination that exists below 25 feet? I don't see an objective to also coordinate with deep soil remediation activities to protect this development and the neighborhood
- Provide sufficient on-site parking for patrons, employees and residents, and provide housing and retail near alternative means of transportation.
- Increase the City's rental housing stock for low- and moderate-income renters.
 - Yet they have decreased the low income housing, and it appears according to the planner that these could be condos
- Provide for the economic well-being of the surrounding community by providing a range of

- housing types and retail uses.
 - Not really, especially since 85 plus percent of retail is taken by a pharmacy when there is already an excessive supply serving the area. This project considerably decreases the range of retail. Currently the small center can house 15 or so businesses...small neighborhood serving ones. The proposed project will house one big box drug store, and perhaps 1 or 2 smaller retail spaces, leading to a net reduction in the mix of retail uses.
- · Create a consistent pattern of development and uses along Santa Monica Boulevard that serve...
 - Huh???? This would be the very first project of its kind along this stretch of SMB. What is 'consistent' about that?
- Project residents and the surrounding community by redeveloping an underutilized and blighted site.
 - Blighted because of the intentional years-long neglect of the site's owner, Walgreens. The project developers should not be rewarded for deliberately neglecting this property so as to render it blighted. What penalty is there for developers who utilize such a deliberate 'neglectful blight' strategy in order to attempt to manipulate the process?
- · Foster the City's fiscal health by, among other things, providing for commercial and retail
- activities with the potential to generate substantial sales and property tax revenue.
- · Construct a facility with sufficient space for a drug store to allow operational efficiency and
- adequate distribution of goods to consumers within the West Hollywood area.
 - As stated many times before, there are plenty of drug stores in Weho
- · Use the existing labor pool living in the West Hollywood area.

This is an empty statement without proof of a plan or legal ability to do discriminate in employment based upon where one lives
- · Assist in meeting the circulation needs of the surrounding community by providing the City with improvements to the intersection of Crescent Heights Boulevard and Santa Monica Boulevard.
 - How? This project can be expected to choke this intersection lowering its traffic rating and interrupting a major cross mountain regional access route.
- · Include a private "SkyParke" above the corner retail space at Santa Monica and Crescent Heights Boulevards to provide an iconic visual feature at a key intersection in the City.
 - See previous comment

- Exec Summary Mitigation Measure – MM-4.5.1 – no reference to chemicals from neighboring site that are thought to commingle on the project site
Exec Summary Mitigation Measure – MM-4.5.2 – no reference to how to mitigate for neighboring houses to the south
- Under page 2.0-5 it states the project would not result in any unavoidable significant impacts. We disagree for many reasons.
- Page 2.0-6 lists several mitigations relating to a construction liaison. We would request an on-site liaison that supervises whenever there is activity ongoing and can ensure trucks are not idling needlessly. We would also like construction hours limited so as not to disturb residents sleep and those who work at home.
- What mitigation and who provides and pays for the daily clean-up of all dust/soil particles that land on our property immediately to the south of the construction site (our cars will be covered in dust, our houses will be covered in dust)? Some of this dust may be contaminated. Who will monitor to ensure it isn't?
- What mitigations will the "applicant" be prepared to provide should the construction result in loss of income at 1044/1046 Havenhurst due to tenant losses because of the noise and dust and lack of sufficient parking?
- On page 2.0-11 it discusses soil contamination going down 25 feet and that the mitigation is to remove it...what about the contamination below that depth? Also it states in this report that contamination levels have dropped since the original contamination study was done but is this to a SAFE level? How does this relate to relative rainfall totals and groundwater patterns? Does it have to be disclosed to potential renters of the residential and whoever rents the retail spaces (other than Walgreens)?
- On page 2.0-12 it states a 10 foot tall noise barrier to be constructed to the south of the property. Given the first adjacent home that abuts the proposed project site is two stories tall why can't this noise barrier wall be taller? Say 20 feet? Also there is no noise barrier along the Western perimeter so wouldn't this be to the detriment of the retail operations immediately across the street? Who wants to sit and have coffee or eat at Marco's patio when there is dust/noise directly across the street?
- Page 2.0-14 discusses traffic circulation during construction and creation of alternate walk ways etc...what about the parking that is currently used in the existing alley way which is currently used by a tenant to access his

unit? What access will be provided to this unit? This parking has been accessible for at least the past 10 years.

- Page 2.0-15 Alternative number 1 doesn't take into account that leasing of the space would allow for MORE Mom & Pop shops which the neighborhood group have repeatedly stated is more desirable.
- Page 2.0-15 Alternative number 3 lessens the overall height of the building and would be highly preferred to the options that include mixed use residential. It would also minimize the traffic impacts though not sure it would mitigate them completely as much of our concerns regarding traffic is how would semi tractor trailers enter and exit the building. Especially if the exit is on Havenhurst, how the hell do they plan to turn a semi-tractor trailer out of the alley way behind the site onto tiny narrow Havenhurst? This seems ludicrous.
- 2.0-16 Alternative uses – Commercial only alternative is the environmentally superior option. Given how little the population of Weho has increased in the last decade according to recent census figures, is the trade off worth it to add housing to the project? Is there truly a housing shortage in Weho?
- 3.0.5 – It states there are two commercial businesses on the site. There is a third – the barber shop, and Equality California also has an office – a fourth active tenant
- 3.0.5 – in surrounding uses and elsewhere, they don't really effectively communicate or evaluate the impacts to the low density and heights on Havenhurst. Only at the very end of the block is there an apartment building. The rest of the block is single family/duplexes. It is why there is a Neighborhood Conservation Overlay zone.
- Page 3.0-8 we assert the project should keep it's residential spaces with the R3 and R4 zones of the project. It states because the size of property is under 60,000 square feet, so what is the requirement for properties under 60,000 square feet?
- On the architectural renderings the massing towards the neighborhood to the south is clearly larger on the west side of the project and repeatedly the neighborhood association (Weho Neighbors) and other interested parties requested that the massing should be towards Santa Monica Boulevard to minimize the impact (noise, shading, views) to the existing homes immediately south of the project.
- 3.0.8 – it talks about the project is two parts because it does not qualify as a mixed use project that spans commercial and residential. This sounds

fishy to a layman. Is it in fact one project or two? Why do the developers keep identifying the project as 'mixed use' if it isn't. What bonuses are the developers claiming or surrendering?

- In the new designs ALL the massing has been moved to the western part of the project overlooking Havenhurst Drive, a conservation overlay district. Now everything overlooking the busier Crescent Heights is one story. This is backwards, increases impact on the sensitive area, decreases impacts on the least sensitive area.
- The landscape towers have stubbornly not been shortened. The ones overlooking SM Blvd run perpendicular to it. But the one overlooking Havenhurst runs east-west, so that the project feels even taller from the perspective of the neighborhood. Please remove or reduce them. They will tower over the neighborhood and contribute to undermining the value of the Neighborhood Conservation Overlay zone.
- Page 3.0-15 clearly states that there is minimal common or open space (1600 square foot when compared to over 35000 sq ft of retail/residential space). The comments shared during scoping meeting and various meetings with the developer and neighborhood group point to the interest of the neighborhood residents to be strongly in favor of greater space for pedestrian and recreational activities. Additionally this space should be easy to access by locating it at street level so it has practical access and function, not in a SkyParke located (and perhaps hidden) away from most customers of the retail establishments.
- 3.0.16 – extensive work and description has been provided to talk about how the project mixes with and transitions to the neighborhood on Crescent Heights. No care (or description) is provided for the transition to the neighborhood on Havenhurst which is the subject of the Neighborhood Conservation Overlay.
- Confused by the elevations...it looks like there are things on the 2nd and 3rd levels on the east side of the complex, but the description says it's one story
- 3.0.23 – first paragraph – interesting concessions being sought. Also, this is a phased project? That is the first I've heard of that. What are the phases? What are the conditions and impacts of phasing?
-

(especially if no subterranean parking and no residential)? This reduction would eliminate most of the concerns cited in this EIR that have minimal to significant impact! Clearly there are environmentally superior alternatives but they don't seem to take them seriously.

- Page 4.1-3 states that the neighbors south of the construction site do not have views of the Hollywood Hills. This is FALSE and can be proven with pictures. The project will completely block views of the Hollywood Hills which is a valuable feature for community identity, property values and quality of life.
- Page 4.1-4 Lighting: significant lighting changes could/will occur given the addition of a second and third story residential unit. Where lighting can be controlled within the retail space there are no restrictions on how much light or in what direction the light faces with respect to each individual apartment. Thus the overall lighting impact to those neighbors immediately south of the project could be huge!
- Page 4.1-9 discusses state highways, etc...
- Page 2.1-9 states buildings should be constructed to be compatible with current styles/esthetics of the surrounding business/residential neighborhood. We believe the "modernist" style of this building and it's "massing" violates the guidelines. The residential neighborhood has an aesthetic of an older Spanish style architecture for the duplexes which make up the majority of the area. Some of the apartment buildings may have been modern for the era they were constructed but are not as massive as this project, especially those buildings south of the project site.
- Page 4.1-11 discussed use of trees along the sidewalks to maintain the cities distinctive style. How many trees are proposed? Just the minimum? It seems that most of this project site is dedicated to retail and residential space with only 1600 sq ft dedicated to open space most of which is on the second and third floors of the building!
- Page 4.1-15: Open space is much greater at the current site than the proposed and that lighting will definitely be a concern. Shading, especially to the businesses located directly West of the project will be a problem. These businesses (Marco's, Grindhouse Café) will lose morning light and potentially experience shade given the height of the new construction. The sky may be completely obstructed as they look eastward. This would be a major concern for their customers who want to sit outside.
- Page 4.1-17: Glare associated with the aluminum construction effects used on the building. Glare may be an issue for multiple neighbors on all sides of the building.

- Page 4.1-18: Again, it states residents immediately south of the proposed site do not have views of the Hollywood hills and we DO!
- Page 4.1-20: States that the architectural style is similar to that of buildings three blocks to the EAST...so it skips right over how it compares to the immediate surrounding area! Looks like cherry picking to get a desired conclusion.
- Page 4.1-23: They stress how much the landscaping helps the visual enhancement yet most of the landscaping is not at ground level but at heights above 40ft! How is this eye catching? The most attractive landscape that currently exists along Santa Monica Boulevard is at or near ground level. Where is there any green space in the project?
- Page 4.1-24: Again, with respect to lighting, most of the comments focus on lighting within retail and open areas of the building, how will they maintain lighting standards for residents of the building such that neighbors to the south of the building are not exposed 24/7 to significant increases in lighting?
- Page 4.1-27: Does mention glare associated with certain building materials and states that this may affect neighbors on all sides!
- Page 4.1-25: The below statement is of concern especially for neighbors to the south. It states earlier in this section that southern neighbors are the most affected by this issue:

As shown in Table 4.2-10, construction of the Project would generate on-site emissions in excess of the site-specific localized significance thresholds for PM10. Demolition and excavation/grading activities would exceed the LST Thresholds during construction. Operation of the Project would not generate on-site emissions in excess of the site-specific localized significance thresholds for NOX, CO or PM2.5. Therefore, based on this assessment, without implementation of mitigation measures, the localized impacts for PM10 would be significant during construction of the Project.

- In general Air Quality and Climate Change section: The exposure to potentially toxic gases is an enormous health concern, especially for neighbors and business patrons immediately close to the construction site.
- Under the Cultural Resources section It's important to note that when Walgreens purchased the current site it included the lot where the residence on the southwest now sits. Walgreens sold that residence to a

private individual who in turn sold it to the current owners. Walgreens did not disclose the significance of the proposed project.

- Page 4.3-14 states:
There are no scenic properties of significance along the block. This is patently false.
Properties along this block are significant and are designated part of a Neighborhood Conservation Overlay zone immediately south of Santa Monica Boulevard. This is because they reflect a valued significant aesthetic character and neighborhood worthy of special preservation. The impacts of this massive proposed building that will overwhelm the neighborhood cannot be overstated. The impacts must be honestly described as it will affect light, shade, traffic, and will have an impact on the character of the immediate neighborhood.
- Geology and Soils: We have questions that relate to whether this EIR and mitigations address the cumulative affect of the toxic issues in and around the project area.
- Hazards and hazardous materials, page 4.5-2: Richfield Gas Company is mentioned but we have been informed that the gas containers located under ground may not have been properly capped or disposed of. The DEIR makes no mention of even the likelihood of this being the case. Yet there is considerable historical memory that there were several errors made when the Richfield Gas Company closed down. It was not compliant with modern standards and this may affect the toxicity of the site.
- Page 4.5-3: We have a number of concerns relating to the need for a complete remediation that includes deep contaminated soils.
- 4.7.9 – This project asks for a mixed use bonus, but is it truly a mixed use bonus since it doesn't qualify for one – and is thus it has two different parts. They've also asked for a 15 to 5 foot setback concession. We object to that concession of public visual and physical space.
- 4.8 Noise – what about noise from events, parties, gatherings from Sky Parke
- 4.9-1 Interesting chart. Is there a housing shortage? Weho's anticipated housing increase is greater than its expected population increase through 2035. How is this possible in the real world?
- 4.11.1 – on the intersections studied, they went to Melrose Blvd to the south (4 blocks) but only went 2 blocks north to Fountain.

- We believe there are a number of problems with the traffic studies that mask true traffic issues and conditions. There are not enough intersections at the right times of day to get a real assessment of traffic. Willoughby should also be studied.
- 4.11.8 – first intersection not identified fully (Crescent Heights & ____), but all major C.H. intersections are E or F!
- 4.11-17 – thresholds of significance – we question sufficient emergency vehicle access to the site from Havenhurst
- 4.11-20 – This is not a representative sample of drug stores. Whittier? Really? How is that remotely similar to West Hollywood. Why is the Rite Aid at Sunset and Fairfax left off?
- 4.11-34 – that traffic on Havenhurst will increase only by 60 cars a day. seems ridiculously low
- Table 4.11-8 is a great illustration of how bad traffic is going to get even without this project – look at how many more Fs there are!
- 4.11-58 – Impact analysis – it says no increase in traffic. Really? This is simply not reality based. How is it a massive development like this will generate no increase in traffic? Is this of the school that the more development the less traffic there will be because it is imaginary?
- Table 4.11-23 we believe these % increases in traffic are unrealistic and too low!
- 4.11-78 – we remain concerned about fire and emergency trucks being able to make turns
- 4.12-1 – we are concerned about the cumulative impact of all these projects that are planned and whether this EIR (and the City overall) are adequately looking at required infrastructure. Does this project meet the General Plan goals, objectives and policy as outlined on 4.12.1-8 and 9? We think not.
- 4.12.3-4 existing solid waste generation – does not factor in two tenants operating at site – barber shop/spray tanning facilities and offices of Equality California
- 4.12.3-7 – concern about alley and waste collection devices being located so close to an existing residence. We are concerned about smell, noise and the alley blocked during collection
- 6.0-3 they estimate 22 full time and 10 part time employees expected from the development. How does it compare to the previous uses of the center? We believe there will be FEWER jobs with this project than with the old center.
- 7.0.1 Shade . This is crap. “Adjacent land uses to the west, north, and east are commercial uses that are not considered shade-sensitive” There

are two neighborhood friendly and pedestrian encouraging cafes immediately to the west of the project that will have significant shade impacts, including outdoor seating areas. Plus, how might this create shade impacts on a public park, Matthew Shepard Park?

- 7.0-8 it says it doesn't contain recreational facilities. What about the new Sky Parke feature? There is no study or discussion of it. For instance, what sort of noise impacts might it have, e.g. from residents or other groups having parties or events there?
- Section 8 – it's interesting that Commercial only is the best alternative...so only pressure from some inside the City's that Walgreens add housing is causing the biggest problem. Countering this is the census that says that Weho's population growth is very low and will remain constant and stable.
- Appendix 4.5 is interesting analysis around soil issues (pg 397 of pdf)
- Page 527 of appendix – We remain concerned about continuing health and cancer risks from the contamination without a full remediation. We question whether the required soil barrier is a better alternative to remediating the site to bring cancer risks to acceptable levels! Holy cow!



TERRY LEFTGOFF & ASSOCIATES
Environmental Consulting ♦ Government & Public Relations

**WeHo Neighbors
COMMENTS**

**Walgreens Project
MITIGATED NEGATIVE DECLARATION
AKA 8120 Santa Monica Blvd. Mixed-Use Project**

May 29, 2008

NOTICE & COMMENT PERIOD

We are very concerned about the scope, timeliness and haphazard piecemeal nature of material information provided during the noticed comment period. Our comments document findings supporting the preparation of a draft EIR under CEQA. In the alternative we note substantial notice and document circulation defect issues and request the City re-notice and circulate the MND again with complete supporting documentation for a review and comment period of no less than 20 days in compliance with CEQA. Due to the complexity of the project and the nature of the issues we identify herein we believe a longer more extensive review and comment period is warranted.

We believe recirculation is necessary for the following series of reasons. When the notice of the MND comment period was first circulated we experienced difficulty obtaining a copy of the MND. City staff inserted a demand that interested parties submit special requests to the City Clerk. This would appear to erect an unacceptable burden to common public record access and have a chilling effect on ordinary public review of MND documents. We believe this restriction is contrary to the intent of the public record availability requirements of CEQA.

Although individual members of our group immediately requested copies of the MND and supporting documents, we nonetheless were unable to obtain them until days into the beginning of the comment period. At that time, we noticed what was represented as an MND was actually an Initial Study and assorted documents. There was nothing identifying the document or its assorted attachments as an MND. We believe this confuses, obscures and does not meet circulation, review, and comment requirements.

We immediately noticed there was a systematic failure to describe existing conditions and environmental settings or to provide measurements of these conditions that run throughout the provided documents. Of particular concern was our observation there were a number of missing material documents. For example, there was no plan, description or diagram of the basement level so it

514 Huntley Drive ♦ West Hollywood CA 90048 ♦ (310) 659-1068
Email: EcoRelations@aol.com

was impossible to know the extent of excavation contemplated or comment on what impacts, if any, would be created.

There was no way to glean from the project description that the proposal was to excavate 2 subterranean levels or what the dimensions, construction or operational impacts would be. The required Lighting, Signage, Parking, Loading and Preliminary Landscape Plans were completely missing from the MND and therefore the public and decision-makers were unable to review or comment on them.

We note that among the plans provided, they were not drawn in a scale that would allow for contextual understanding of the projects compatibility with the adjacent neighborhood. For example elevations do not show the height of the proposed project relative to adjacent buildings. Turning radius maps drawn to demonstrate the turning radius required for projected truck turns do not show the scale, centerlines or lane boundaries of the streets where these turns will begin and end. So it is impossible to assess whether, as we assert, large truck turning radii cannot be accommodated on narrow Havenhurst, or whether, as we also assert, the turning radius on Crescent Heights would necessarily force trucks into oncoming traffic and would therefore be dangerous and unrealistic. Additionally, the project entrances and exits are not shown in relation to nearby public alleys, driveways and intersections with which we anticipate a number of significant conflicts.

We were informed by City staff the developer had been slow to provide the missing information. Subsequently, some of us received some missing portions on Monday May 19. Others identified to the City as individual Interested Parties have not received any supplemental information at all. This can best be described as haphazard, piecemeal and incomplete disclosure. We believe the omissions have been material and have not satisfied requirements to make the information available during the entire review period as required by CEQA statutory public review and comment procedures. The public would be allowed at best only 14 days for review and comment from May 19 when some missing information was made partly available to June 2 the new extended comment deadline; at worst only 1 day until the original comment period was set to expire.

Additionally, when the first comment period was extended none of us were so timely notified. At the time we received the supplemental materials from the City on May 19 we were not informed of the extended comment period and no new notices were sent to our members or consultants as required for Interested Parties. Instead, we had to make active discovery to independently learn of the new date. In fact, the public notice on the City website was not changed until May 22, 2 days after the first comment period had already expired. The new notice, posted May 22, showed a new extended comment deadline of June 2. This

notice period appears inadequate as it only provided an 11 day comment period from posting to close of comment.

On the grounds just stated we believe the comment period has failed to comply with CEQA. Consequently we reserve the right to supplement our comments before any scheduled Public Hearing(s) and during any subsequent comment period.

AESTHETICS:

While the Initial Study indicates there would be 'Less Than Significant Impact' upon Aesthetics, we disagree. It appears the aesthetics from the south have not been adequately evaluated and considered nor the aesthetics along this portion of the Santa Monica Boulevard corridor.

Section 1 a-c of the Initial Study states: The proposed two- to four-story mixed-use development is generally consistent with the size and scale of other mixed-use developments in the area and is consistent with the allowable height and density within the corresponding CC and R3A zones. (Emphasis added)

This statement is not correct and can be considered misleading. If the latest plans are correct, with which we cannot be sure, the proposed project consists of 2 stories below ground, 3 and 4 stories above ground with large landscape derricks that bring the total tallest height of the structure to between 61-70 feet. It will have the visual equivalent of a 4-5 story building depending on vantage point. There are no 4 or 5 story developments adjacent to or in the immediate vicinity. In fact, the existing adjacent commercial neighborhood is 1 and 2 stories. The residential neighborhood to the south is a mix of 1 and 2 stories with a maximum of 2 stories on the west with a mix of buildings on the east.

There are no mixed use developments adjacent to or within the immediate vicinity. This 4 story structure would be the first and would constitute a dramatic change of character in this neighborhood. Additionally, the western portion of the residential neighborhood bordering the project site to the south has a conservation overlay designation. A project of this imposing scale and mass will visually overwhelm and by definition alter and adversely affect the character of the neighborhood within the conservation overlay zone. These comments are cross referenced in the LAND USE AND PLANNING section.

As such it is inconsistent with the existing neighborhood and character of the immediate area. As this inaccurate assertion forms the basis of the conclusion that there would be 'Less Than Significant Impact', the conclusion is equally inaccurate.

We question if the location and screening of the loading zone is adequate to minimize visual and aesthetic impacts to the neighboring residential area. We discuss the implications of this arrangement later in the NOISE section.

III AIR QUALITY

The Initial Study completely fails to account for the impacts of the excavation, removal and transport of potentially many tons of contaminated toxic soils required as a consequence of the project's disturbance and intrusion into a contaminated soil zone. These impacts have not been included or disclosed as part of this application.

There are two overlapping and commingling toxic contamination zones that underlay the project site. These toxic contamination zones involve documented levels of PCE and possibly other organic and inorganic substances in groundwater and within subsurface soils and soil gases. An understanding of the extent and magnitude of a comprehensive remediation work plan that is a necessary part of the proposed project is required to accurately estimate air quality impacts. As no mention is made of these plans, the Initial Study is deficient in its duty and cannot describe and assess reasonably foreseeable air quality impacts.

Additionally although the Initial Study is silent about the matter, it is well known that a gas station and multiple auto repair businesses operated at the project site during a period before modern disposal and monitoring techniques were adopted. It is reasonable to anticipate the discovery of one or more antiquated abandoned Underground Storage Tanks, associated pipelines and disposal pits. The discovery and handling of these materials will serve to compound air quality impacts. We discuss this issue further in the HAZARD AND HAZARDOUS MATERIALS section.

The absence of such data renders the Initial Study's modeling and estimates invalid and inaccurate by what may be many magnitudes of order. A complete description and disclosure of the impacts from such a major operation that is necessary as part of the proposed project is required to satisfy the requirements of an Initial Study as required by CEQA. We believe only the completion of a full EIR will adequately satisfy the requirement to understand such complex issues and to then accurately reasonably determine and describe their effects on sensitive receptors, assess the extent and nature of objectionable odors, estimate impacts upon air quality plans, the potential for contributing to air quality violations, and their effects on ambient air quality standards and attainment goals.

We believe this omission is very serious. The cleanup program will likely include geophysical and chemical surveying, notification, specific approved removal

procedures and time schedules, special handling and clean-up procedures, staging, storage, and disposal at a licensed landfill facility. The cumulative effect of the truck, excavation and transport emissions from such a remediation program that will be necessary as part of the project's proposed 2 level subterranean excavation would likely push the air quality impacts well beyond the South Coast Air Quality Management District (SCAQMD) Thresholds of Significance. In turn, this would trigger a mandatory requirement for the preparation of an EIR. But we don't really know because the Initial Study is completely silent on the matter.

We are particularly concerned about sensitive receptors due to the proximity of the contaminants to nearby residents; in fact it appears some of the contaminants have seeped below residential property. Nowhere in the record do we find documentation that the project proponents disclosed or otherwise notified the affected public about such potential health hazards.

Additionally, the accepted standards for excavation, handling and transport of such toxic materials appears to be directly contrary to and would environmentally counterweight a number of construction related mitigation conditions contemplated within the Initial Study rendering them ineffective.

Project Air Quality impacts can only be estimated once the contamination is fully described and the scope of the subsequent remediation plan is disclosed and its impacts assessed. But the relative environmental impacts of differing alternatives can only be fully evaluated with the preparation of an EIR; such evaluation should include the relative merits of leaving the toxic soil zone undisturbed as balanced against the full effects of disturbing this toxic soil zone accompanied by a cleanup of this magnitude. Please refer to the HAZARD AND HAZARDOUS MATERIALS and the GEOLOGY AND SOILS sections for a more detailed discussion of the contamination issues.

Additionally the AIR QUALITY conclusions are based upon assumptions made in the TRANSPORTATION AND TRAFFIC section. We believe some critical pieces of the data are missing or flawed which would also have the effect of increasing emissions and favorably skewing determinations made within this section. Please refer to the TRANSPORTATION AND TRAFFIC section for a discussion of significant defects in traffic measurement techniques.

VI. GEOLOGY AND SOILS

We believe the Initial Study has failed to fully consider the extent of the excavation that will likely be required as a consequence of the project's disturbance and intrusion into a contaminated soil zone. It will likely be much larger than the MND anticipates. A much larger excavation than that described in the project description would likely lead to potential adverse seismic effects.

Without a detailed delineation and thoughtful consideration of the real magnitude and dimension of the excavation related to the toxic soil removal it isn't possible to reasonably assess the projects potential to expose adjacent people or structures to potential adverse effects including risk from seismic related ground shaking including liquefaction or seismic wave amplification. Given maps of the toxic plume show the plume underlying the project site and extending under surrounding residential property, there is a grave possibility a proper remediation plan may include excavating the entire plume. But we don't know since there is no discussion or indication in the Initial Study.

We believe that excavating and replacing so much native soil so close to existing residential properties presents risks that need to be evaluated thoroughly by seismic and structural engineers and geologists. This has lead to a failure to consider prudent construction and structural engineering mitigations in the Initial Study that would address such risks. We believe the proper statutory approach to evaluating such technical hazards is through an EIR.

HAZARD AND HAZARDOUS MATERIALS

Section 15064(d) states: "In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." The section goes on to state, "A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction..."

The Initial Study fails to meet this requirement and is deficient in its omission, and lack of consideration of the project's construction-related disturbance and intrusion into a contaminated soil zone which is a direct physical change in the environment as defined by Section 15064(d)(1). The failure to include, disclose and fully describe such toxic health hazards is a material omission in the Initial Study.

As previously noted in the earlier referenced AIR QUALITY section, there are two overlapping toxic contamination zones that underlay the project site affecting subsurface soil, soil gases and groundwater. These toxic contamination zones involve documented levels of PCE and possibly other organic and inorganic substances in groundwater and within subsurface soils and soil gases.

We attribute this information to several documents as follows.

Terry Leftgoff & Associates Environmental Consulting
WeHo Neighbors Comments
Walgreens Project Mitigated Negative Declaration May 29, 2008

Page 6

We note the PCE contamination is reported in several studies conducted by California Environmental and Rincon Consultants. Please refer to the attached Exhibits:

1. PCE Concentration Map by Rincon Consultants approximate date 2007
2. PCE Isoconcentration Contour Map by California Environmental dated January 2001

Concentrations of PCE and Volatile Organic Compounds were reported as recently as March 5, 2008. (See Soil Gas Re-Sampling Assessment Report by Rincon Consultants March 5, 2008, RWQCB File SLIC 897, and RWQCB File SLIC 1200).

Further a "PCE plume" along with "an intrusion of an overlapping plume of petroleum hydrocarbons and BTEX" is described following a site investigation at the same site (Global Environmental & Engineering Management July 16, 2002).

We note the State GeoTracker database reports PCE groundwater contamination (RWQCB File SLIC 1200) unabated as of the date of these comments. It should be noted this location is adjacent to, shares the same groundwater system and is upslope of the proposed Walgreen's project site. Both sites are within the active regulatory and enforcement jurisdiction of the Regional Water Quality Control Board (RWQCB). Yet this information is not reflected within the HAZARD AND HAZARDOUS MATERIALS section.

The Initial Study completely fails to account for the environmental impacts of a project that may initiate 'direct physical changes' including the requirement to disturb, excavate, remove and transport potentially many tons of contaminated toxic soils. Additional direct physical changes include increased dust, noise, air pollution and heavy truck traffic as these toxic spoils would likely be required to be transported to an approved hazardous waste facility hundreds of miles away. For the reasons just enumerated, we believe we have documented information that requires a clear finding of significance under the meaning of Section VII (a) and (b). Additionally, the project site is within one-quarter mile of an existing school, located between Laurel and Edinburgh (N-S) and between Romaine and Willoughby (E-W). The disturbance of a hazardous toxic field located less than a quarter mile from at least one school requires a clear finding of significance under the meaning of Section VII (c).

The project proposes to excavate a large, two-level underground parking garage which will cause the excavation to intrude and disturb the contamination zone which would necessitate a complex handling and remediation program. It can be expected and is reasonably foreseeable that, were it not for this proposed project, these soils would remain safely undisturbed and contained. It is possible

the contamination, if left undisturbed, may be acceptably resolved by natural attenuation.

Alternately, it is possible that once disturbed the entire field may require excavation, including that portion of the field that appears to extend under surrounding residential properties, as well as under Crescent Heights Boulevard and on the commercial property immediately east of Crescent Heights Boulevard south of Santa Monica. We simply don't know because the Initial Study is silent about it.

WeHo Neighbors is a group of residents and businesspeople who live and work in the immediate vicinity of the proposed project. We are particularly concerned about underground toxics that may extend under adjacent residential properties and whose disturbance may directly impact upon our health and livelihoods. We are further concerned that Walgreen's and Pacific Development Partners, it appears, did not fully disclose this to the City of West Hollywood and was not forthcoming about the many documents prepared during the past several years regarding toxic conditions on their property.

We found through independent diligent discovery a Proposed Soil Excavation Work Plan dated December 2006 by Rincon Consultants. We note neither this report nor its conclusions are incorporated nor referenced in the Initial Study or the MND and would appear to be outside the scope of the public record considered by the Lead Agency thus far. The proposed soil excavation plan assumes the Walgreens project as proposed will be approved causing the two level subsurface parking garage to be excavated into the contaminated soil zone. However no analysis has been conducted to evaluate the relative advisability or environmental impacts of such a plan or of other obvious alternatives that include, among others, leaving the subsurface elements of the site undisturbed. We believe this is a serious oversight that can only be remedied through a thorough environmental review consistent with CEQA.

The relative environmental impacts of such varied scenarios and all reasonable alternatives need to be fully explored and evaluated in full accordance with CEQA mandates prior to project approval and prior to the initiation of construction. It is for this reason we believe an EIR must be prepared for this project. Only an EIR will allow the public and decision makers the full information needed and statutorily demanded to evaluate, consider and identify the scenario with the least environmental impacts and risks and greatest benefit. In the absence of this information, the public and decision makers are completely in the dark and, we believe, it would violate both the intent and explicit requirements of CEQA.

According to the Governor's Office of Planning and Research, "A thorough, referenced initial study is a crucial part of the record supporting the Lead

Agency's determination to prepare a mitigated Negative Declaration." We believe the undisclosed information about the toxic soil conditions and any proposed excavation plans materially deprives and renders the record inadequate. Although we note the RWQCB and the State GeoTracker database are listed within the Reference Section of the Initial Study, the toxic soil contamination information and the proposed soil excavation plan were somehow overlooked.

We assert the omitted information is sufficient to satisfy the substantial evidence definition as provided by Section 21080.

Rather, we believe the record we have discovered clearly indicates the need for preparation of a full EIR review and analysis and is sufficient to meet the requirement within Section 15064 of the CEQA Guidelines that state, "If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR."

We note the Lead Agency is obligated to independently consider the full body of public record and may not cherry pick or restrict its review to only favorable records. Further, inasmuch as this overlooked information constitutes substantial evidence, it is directly contrary to certification requirements for a MND (Section 21064.5) by precluding the required finding that "There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." (Sections 21064.5 and 21080(c)).

Additionally it is well known that a gas station and multiple auto repair businesses have operated on various locations at the project site from the early part of the 20th century until approximately 1960, a period before modern disposal and monitoring techniques were adopted. It is reasonable to anticipate the potential discovery of one or more antiquated disposal pits, abandoned Underground Storage Tanks and associated pipelines. We are also aware that an auto manufacturer (Kaiser-Darrin) operated near the project site further compounding the potential for additional toxic discoveries.

For purposes of these comments, 'PCE contamination' means the pollution or contamination of the groundwater, soil or damage or threat by a release of perchloroethylene, also known as PCE or tetracholoroethylene, and/or any chemicals related in any way to perchloroethylene including, but not limited to, TCE, DCE and vinyl chloride.

For purposes of these comments, 'toxic contamination' means the contamination or pollution of the soil, groundwater, water, atmosphere, air, environment, structure, or any damage or threat by a release of fumes, acids, alkalis, chemicals, liquids, gases, waste materials, any smoke, vapors, soot, irritants,

contaminants or pollutants of any type including, but not limited to: (a) any substance defined as a 'hazardous substance,' 'hazardous material,' 'hazardous water,' or 'waste' in Sections 25115, 25117, 25120.2, 25122.7, 25316, and 25501, et seq, of the California Health and Safety Code; (b) any substance defined or designated as a 'hazardous substance' pursuant to Sections 101(14) and 102(a) of CERCLA, 42 U.S.C. SS9601(14) and 9602(a); any 'pollutant or contaminant' under Section 104(a)(1) of CERCLA, 42 U.S.C. S9604(a)(1); (d) any substance defined as 'hazardous waste' in Section 6903(5) of RCRA, 42 U.S.C. S6901, et seq; (e) any substance defined as 'petroleum' in Section 6991(8) of RCRA; (f) any chemical substance or mixture found by the Administrator of the United States Environmental Protection Agency to present an unreasonable risk of injury to health or the environment pursuant to the Toxic Substances Control Act, 15 U.S.C. S2601 et seq; (g) any substance designated or considered to be a hazardous substance, hazardous material, hazardous waste, waste, pollutant or contaminant under any federal, state, or local law, statute, rule, regulation, or judicial decision that relates to, amends, or is a successor to any of the foregoing statutes, rules, regulations, or cases, or that defines any of the foregoing terms.

LAND USE AND PLANNING

Throughout the City's documents there is a remarkable omission of analysis, discussion or reference of prevailing local or regional planning policies, documents and goals including but not limited to the City's General Plan, Zoning Text, adopted elements, and Vision 2020 documents. This failure to analyze, reference or discuss such adopted policies and goals deprives the public and decision-makers of the ability to ascertain whether the project is or is not consistent with such goals. We believe that simply checking a box claiming the project, whatever the project really encompasses, is consistent fails to provide the public record necessary or sufficient with which to base such a determination.

Late revisions to the project have eliminated the additional local street level retail that would allow for the accommodation of local business use that would be consistent with the prevailing zoning. As mentioned earlier in our comments, we are concerned about the developers' apparent decision to renege on a commitment made to the community to allocate space for locally owned, neighborhood serving small retail businesses.

Without the smaller retail businesses in the corner, we feel this key commercial block will become unfriendly to pedestrians contrary to city zoning requirements. As proposed, the only public activity is a mid-block entrance to Walgreen's. All other features are limited to the private activities of the residents of the 28 apartments. Should the retail businesses remain out of the plan, we believe the enclosed lobby at the northeast corner would serve a better public pedestrian

use as an outside exterior area that would also help provide a visual buffer and soften the scale and mass of the building on a prominent corner.

We are concerned about the reduced setbacks of such a massive building on such a prominent corner. By so thoroughly dominating this corner and this stretch of our community the building will create negative impacts upon the streetscape and on the pedestrian feel and look of this stretch of Santa Monica Boulevard. Many of the City's planning documents embody goals that embrace the concept of an 'urban village' with pedestrian oriented amenities. This stretch of Santa Monica Boulevard currently succeeds at these goals. Unfortunately such a massive closed off building will deal it a reversal and be contrary to these stated goals.

As noted earlier, the western portion of the residential neighborhood bordering the project site to the south has a conservation overlay designation. A 4 story structure as proposed (5 stories in height when including the massive landscape towers) would be the first in the immediate vicinity and would overwhelm and constitute a dramatic change of character in this neighborhood. A project of this imposing scale and mass will by definition alter and adversely affect the character of the neighborhood within the conservation overlay zone. We believe there needs to be a full evaluation of the impacts such a huge imposing project will have on this conservation zone.

Additionally such a large building creates a clear and obvious growth inducing impact by setting a development precedent along an otherwise low-rise human scale stretch of Santa Monica Boulevard. These comments are cross referenced for the AESTHETICS section.

Given the City's current housing policies and goals we are particularly concerned about the potential for these apartments, some of which are advertised as low to moderate income in order to qualify for a number of special bonuses, being converted into another set of high priced condos. It appears to us to be a likely outcome. What is the City proposing to do to ensure the apartments remain as rental units and are not, once granted density and height bonuses, surreptitiously converted into condos. The developer would have gotten benefit of bonuses not available to others similarly situated.

NOISE

We believe the Initial Study is deficient as it fails to contemplate or assess the direct and indirect impacts associated with the reasonably foreseeable magnitude and scope of this excavation. The machinery and increased time necessary to undertake such an extensive program will cause dramatic unanticipated increases in potential excavation and transport related groundbourne vibration and noise. Since the project site is within close proximity to residences and a residential neighborhood and properties, a substantial

temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project would make the impact significant and require further study and mitigation. This is another example of material data simply missing from consideration within the Initial Study. We believe the noise impacts associated with such a gargantuan excavation operation are sufficient to warrant an EIR.

The MND fails to mitigate any of these anticipated impacts. In accordance with our previous comments within the HAZARD AND HAZARDOUS MATERIALS section, we believe the program and its impacts must be fully described and fully assessed. As part of this assessment, mitigations regulating the time and decibel level of trucks and other machinery must be evaluated and developed to mitigate the increase in noise and vibration.

We question if the location of the loading zone area is situated to adequately minimize the adverse noise impacts upon neighboring residential areas. Rather, it appears to be situated directly opposite and aligned with a small residence in such a way that can reasonably be expected to maximize noise impacts. The proposed project loading zone in question was placed immediately adjacent to the two-story residence at 1044-1046 Havenhurst Drive. In addition to the localized noise impact on this residence, noise will likely bounce and amplify between the 2 story residence and the project such that it will reverberate into the surrounding residential neighborhood.

We are also concerned about noise created by the potential ability of project residents to access their rooftops and create noise disturbances. It is somewhat unclear from the project plans what exactly is proposed for the roof level and whether rooftop decks are envisioned or could be built. We would request that rooftop decks be discouraged and noise generating activities be focused within the interior of the building.

TRANSPORTATION AND TRAFFIC

We question whether any street parking will be lost due to the proposed project. We also question when residents of the project host social functions, where will guests park? The project does not appear to provide for guest parking in a neighborhood with pre-existing onstreet parking stress. Won't guests require parking?

We note the following inadequacies in the Traffic Study that we believe have lead to a failure to adequately estimate and mitigate project impacts to below significant levels. In some instances, as noted, project impacts are significant with or without the proposed mitigations.

The Initial Study states, "Traffic impacts created by the project are calculated by comparing future ambient growth with related projects conditions to future ambient growth with related projects and project conditions.." The logic of this statement was lost on us and appears to make no sense.

There is a complete failure to consider the impact to public alleys that parallel SM Blvd and the project site that traffic commonly relies upon as a cut-through alternative when adjacent streets are clogged.

The Initial Study states: "The proposed project does not include any new streets roads or alleys..." This is not correct. The project proposes to create a new through alley behind the project between Havenhurst and Crescent Heights where currently there is none (what exists is a dead end alley that is blocked off, only used for parking and is not open to through traffic). There is no analysis of how this alley will affect already impacted streets and intersections particularly Havenhurst, Santa Monica Boulevard, and Crescent Heights. The new alley will become a cut-through where there currently isn't one. This is confused further by March 2008 correspondence relating to right and left turn restrictions from Havenhurst into the project referenced later in this section. Please note we also refer to this alley later in our comments.

The circulation plan envisions merging alley traffic with traffic exiting from the subterranean parking level. Traffic egressing from the underground garage will need to accelerate to get uphill to street level. Both would then be allowed to cross the other's lane of progress and turn in opposite directions. We believe this is dangerous and ill-advised and creates a potentially significant impact as described in item XV (d).

Traffic measurements and projections were made for peak weekdays that included Tuesday, Wednesday and Thursday and only late evening Friday. Traffic measurements and projections are completely missing for the busiest peak commuter traffic times Monday and Friday during morning and evening rush hours. Owing to the regional draw of popular area nightlife, particularly along Santa Monica Boulevard and the Sunset Strip, the study fails to recognize what those of us who live and work in the area know well from personal observation, that there are 3 separate peak traffic periods on Fridays: morning and evening rush hour plus nighttime. Friday's evening rush hour can often be worse than other weekdays.

The study failed to study or consider impacts to the closest major east-west alternative street located to the north, Sunset Boulevard. This is a well known and highly important area roadway. It is oft-designated significant by numerous area regional transportation plans. We note the study measured traffic at Melrose, the closest major east west alternate roadway located 4 blocks to the south, but not Sunset which is the closest major east-west alternate located 3

blocks to the north. This defies logic. The failure to study impacts of this project on Sunset Boulevard is a serious material oversight. Inasmuch as this gap in information has formed the basis of and shaped the study's conclusions, they are flawed.

On a related matter, the study also failed to study or consider project related impacts to a variety of intersections along Sunset Boulevard. One such intersection that can be reasonably expected to be one of the most heavily impacted by the project is the intersection of Sunset and Crescent Heights.

The Traffic Study failed to measure or evaluate a number of key intersections that can be predicted to be impacted by the project: Havenhurst and Romaine, Havenhurst and Willoughby, LaJolla and Romaine, and Romaine and Willoughby.

The Traffic Study measured the roadway segment of Havenhurst but only measured south of the very busy exit to the public parking lot and alley just to the north.

We take issue with one of the core methodologies used in the Traffic Study. The Traffic Study indicates it did not utilize traffic data from other Walgreens closest to West Hollywood but instead utilized traffic data from 3 other locations that are quite dissimilar to West Hollywood (Whittier, Artesia and 6th near Vermont in the Koreatown area of Los Angeles.) The report indicates that one required criterion was for only Walgreens that operated 24 hours a day. This is puzzling. According to the project description and multiple representations by project representatives, the proposed Walgreens is to have limited business hours and will NOT operate 24 hours a day. If the project description is true, this traffic data is seriously distorted and has presented flawed traffic projections for the proposed project.

What guarantees do we have this Walgreens will not later seek to convert to one that operates 24 hours?

By utilizing data only from Walgreens that are open 24 hours to estimate traffic for a proposed store that is to be open limited hours, it presents factually inaccurate, overly optimistic data since the traffic patterns and impacts are artificially diffused over a more extended period of time. Conversely, if the traffic for a 24-hour store were compressed into the limited business hours of the proposed project, the projections would be more realistic and the anticipated traffic impacts would be far more severe. This would push a number of critical intersections into 'F' ratings and require findings of significance that we believe would require a more thorough environmental analysis. We believe this is a fatal flaw in the Traffic Study. Consequently, the conclusions are overly rosy and they mask the true level of significance of the impact relied upon within the Initial Study.

This defect is compounded and highlighted by the Traffic Study's trip generation estimates for the proposed project.

This becomes all the more important because only a small increase in calculated Delay or V/C will require a finding of significant impact for this intersection according to Table 10 (Intersection Impacts Summary). We note the following for the record:

As we previously note, traffic measurements and projections were made for peak weekdays that included Tuesday, Wednesday and Thursday and only late evening Friday. Traffic measurements and projections are completely missing for the busiest peak commuter traffic times Monday and Friday during morning and evening rush hours. This omission is made significant by Table 2 of the Traffic Study (Existing 2007 Level of Service Summary) indicates the existing condition of the intersection of Santa Monica Boulevard and Crescent Heights, the corner where the proposed project is located, currently has Levels of Service (LOS) rating of "F" during weekday PM Peak times.

The study defines an "F" rating as: "FAILURE, backups from nearby intersections or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths."

We believe that if the study had included Monday and Friday PM Peak times it would likewise reflect the same 'F' rating or worse, if there were such a rating. But we don't know because the Initial Study is silent on these existing conditions. Therefore the public and decision-makers are left without necessary information sufficient to judge whether impacts from the project are significant. What happens to our community livability when our intersections go beyond an "F" rating? What is the cumulative effect of so many "F" ratings on West Hollywood?

LOS ratings for this intersection during 'Weekday AM and Midday Peak times carry a rating of 'D' which is described as 'the lowest acceptable operating condition' with times of substantial delays.

Table 8 (Future 2009 With Project Level of Service Summary) of the Traffic Study indicates this one intersection will deteriorate to the point that Midday Peak will slip from 'D' to 'F' and AM Peak will slip from 'D' to 'E'.

Table 10 (Intersection Impacts Summary) shows how a small increase in calculated Delay or V/C will require a finding of significant impact for this intersection. We believe this increase is masked in the flawed methodology that has resulted in understated traffic estimates.

Our own firsthand experience and observation about the intersection of northbound Crescent Heights and Santa Monica Boulevard indicates typically severe queuing through multiple signals. A proposed mitigation measure contemplates allowing project traffic to turn left northbound on heavily congested Crescent Heights, compounding this already congested intersection. It would exacerbate an already impacted street and create significant navigational hazards at an impacted intersection.

At best, we believe this mitigation will cause an already congested intersection to suffer significant additional impacts and navigational obstacles. In addition, due to the nature of the queuing at the intersection, it is likely to cause significant disruption of southbound traffic flow as cars turning left across traffic can be expected to get stuck mid-turn. We believe the only way to safely mitigate this specific impact is to add signalization mid-block synchronized with the intersection. But such a mitigation measure would do nothing to reduce total project traffic impacts on the intersection.

Encouraging traffic to cross such a busy street would also set the stage for a serious safety hazard and accidents. This appears to us to be ludicrous. We believe this is dangerous and ill-advised and creates a potentially significant impact as described in item XV (d).

The difficulty of turning left from the project across congested Crescent Heights will be such that it is sufficient to deter the practical use of this mitigation and renders it ineffective. Thus the stated goal of the mitigation to shift and thereby reduce impacts on Havenhurst will not occur. Like water, traffic finds the path of least resistance through other neighborhood streets. It is reasonable to predict that traffic seeking to go westbound on Santa Monica, frustrated by the prospect of crossing busy Crescent Heights and traveling in an inconvenient circle, will simply zip straight across Havenhurst through the public alley, turn right on La Jolla, to turn left westbound at a signal onto Santa Monica. Yet the study about this prospect is woefully inadequate and does not sufficiently assess this probability. We believe this would cause a significant traffic impact along this route as described in item XV (d).

In addition, allowing left turns out of the project onto Crescent Heights causes great safety concerns for people in vehicles and pedestrians walking along Crescent Heights. When traffic is less heavy, southbound/downhill traffic moves very quickly, and there are many right turns from Santa Monica onto southbound Crescent Heights. Exiting and turning left will cause many more accidents and near accidents.

While project proponent correspondence with the City indicates that left turns will be prohibited from Havenhurst into the project, the Initial Study and project plans show no such restriction. In fact, according to Figure 18, project trip generation,

34% of project traffic is projected to enter via Havenhurst. Further we note that according to March 2008 correspondence the City and the applicant agreed to restrict both right and left turns into the project from Havenhurst. If this correspondence is correct, then it would necessitate a revision to the traffic analysis since it would reroute and relocate a significant portion of the project traffic to other streets.

It appears an effort has been made to prevent left turns from exiting the project onto Havenhurst featuring a no left turn sign and a curb cut curved to the right. This is inadequate and, faced with the difficulty and inconvenience of the alternative, easily defeated. We know this from direct experience and note this approach is similar to the techniques used at the public parking lot directly across the street from the project in an attempt to keep exiting vehicles from turning south onto Havenhurst. Faced with such obvious inconvenience, it has become commonplace for many vehicles to defeat the strategy and turn right anyway.

In addition, the traffic report did not study this busy parking lot or the busy alley immediately north of the parking lot that runs between LaJolla and Havenhurst Drive. Both generate considerable traffic, including frequent U-turns from the

parking lot into the alley at all hours of the day/night. Faced with the prohibition on left turns from Havenhurst to westbound Santa Monica, it is likely this alley will become the primary route for vehicles leaving the development to access Santa Monica Blvd. Traffic can again be expected to cut westbound through the alley, turn right on LaJolla where there is a signal at the intersection with Santa Monica. Yet there is no analysis or study about this predictable shifting of significant impacts from one street to another. We believe this would contribute to a significant traffic impact along this route as described in item XV (d).

We noted earlier in our comments the turning radius maps that were drawn to demonstrate the turning radius required for projected truck turns do not show the scale, centerlines or lane boundaries of the streets where these turns will begin and end. The developer previously made representations to the community they would restrict truck size at the project to smaller scale delivery and trash trucks. It appears from the numerous references in the Initial Study that Walgreens and the developer are renegeing on this commitment.

Due to turning radius and shear size the use of large trucks (e.g. typical semi delivery trucks) cannot be accommodated on narrow Havenhurst. The street is so narrow that a large semi will block the lane of oncoming traffic, particularly if there is queuing to enter the loading zone. Likewise the turning radius required for large trucks on Crescent Heights would force trucks into oncoming traffic and would therefore create a dangerous situation and impede traffic flow.

Even trucks that are 39 and 41 feet long (as identified in the project plans) exceed the length of the existing left turn lane from westbound Santa Monica Boulevard onto southbound Havenhurst and will impede access to the local neighborhood. Further, this truck traffic will cause a significant back up on Santa Monica Boulevard and impede traffic regionally. This turn lane is physically limited by the length of the opposing left turn lane leading from eastbound Santa Monica Boulevard to northbound Crescent Heights.

Smaller trucks must make 6-8 point turns to enter or leave the alleyway, heading north on Havenhurst Drive. This street in particular, which was originally designed in the 1920's, cannot accommodate the size of typical modern trucks and sustain traffic without better mitigation strategies that includes restricting truck size, hours and designating specific approach routes.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

For all the reasons stated above, including the failure to mitigate significant hazard, air quality, and traffic impacts we believe the project has environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly and requires a finding of significance under item (c).

GENERAL COMMENTS

We are concerned about the absence of space allocated for locally owned, neighborhood serving small retail businesses, which the developer has repeatedly committed to the community. We believe any retail square footage reduction required to stay within traffic limits should come from the Walgreen's store, not from the promised small businesses.

Without the smaller retail businesses in the corner, we feel the block becomes very unfriendly to pedestrians and not pedestrian-oriented. As proposed, the only public activity is a mid-block entrance to Walgreen's. All other features are limited to the residents of the 28 apartments. Should the retail businesses remain off the plan, we believe the enclosed lobby at the northeast corner would serve a better public pedestrian use as an outside exterior area. This would also help provide a visual buffer and soften the scale and mass of the building on a prominent and important corner.

We also have concerns about the appearance and design of the store from the street. It appears from the plans the windows may be blocked, which would contribute to the feeling of a 'dead zone' on the block. This is not how it was described in community meetings by representatives of Walgreens and the developer. An open design, feel and appearance from the street would be more in keeping with the City's stated streetscape goals and would help keep what may be a very pedestrian unfriendly block from being completely 'dead.'

We have grave concerns about the need, safety and appearance of the massive landscape derricks. Since they appear to be intended to cover the a/c compressors, it would seem they are a part of the building and must be considered when calculating the building height. We would request they be dramatically reduced in size and scale. We are also concerned about maintenance of the rooftop landscaping. What access has been provided for maintenance and watering systems? What provisions are there to ensure this landscaping will survive and not become an eyesore and a hazard?

We see no reference or compliance with the City's urban art requirement. How is this project complying with this requirement?



TERRY LEFTGOFF & ASSOCIATES
Environmental Consulting ♦ Government & Public Relations

January 4, 2010

SENT VIA EMAIL

TO: Francisco Contreras AICP
Senior Planner
City of West Hollywood Community Development Department

FROM: Terry Leftgoff
On Behalf of WeHo Neighbors

RE: WALGREENS DEIR SCOPING COMMENTS
(SMB20 MIXED USE PROJECT)
AKA 8120 Santa Monica Blvd. Mixed-Use Project

We request the following be assessed and evaluated within the scope of the EIR preparation:

- a. Aesthetics and Visual Resources including views and shadow generation affecting each zone, orientation, angle, view shed and corridors south, north, east, west, and from prominent public spaces including the Matthew Sheppard Park
- b. Air Quality
- c. Geology and Soils
- d. Seismology
- e. Land Use and Planning
- f. Consistency with General Plan and other local and regional planning documents and goals
- g. Hydrology
- h. Transportation
- i. Circulation including pedestrian, vehicular, and emergency access both local and regional
- j. Traffic
- k. Noise
- l. Wind generating impacts
- m. Hazards and Hazardous Materials including any and all toxic and hazardous materials (including PCE, Volatile Organic Chemicals, Petroleum Hydrocarbons, BTEX, among others), all relevant remediation and disposal alternatives and impacts both direct and indirect including a variety of methods including excavation, removal, and natural attenuation.

514 Huntley Drive ♦ West Hollywood CA 90048 ♦ (310) 659-1068
Email: EcoRelations@aol.com

- n. Public Services including water, power, schools
- o. Cultural Resources
- p. Population, Housing and Employment
- q. Cumulative Impacts including incremental and cumulative
- r. Neighborhood compatibility within each zone and affecting each adjacent zone and zoning designation including without limitation the Neighborhood Conservation Overlay Zone

Additionally, we request the Alternatives section include: no project, a modified project that rehabilitates the existing shopping center within the existing footprint, a modified project with only a single story and no housing, a modified project that incorporates local small retail uses, and project access from SMB and no access from Havenhurst

General Comments

We were rather surprised to find no prepared materials at the Scoping Meeting held December 16, 2009. There was no Initial Study, revised Environmental Assessment, or other project documents available for review. We requested copies of the presentation slides that formed the only basis of project information at the meeting. For the record, we did not receive them.

Additionally, we requested along with other interested members of the public that the comment deadline be extended given the comment period straddled the holidays, a period of reduced access to City Hall. This request was declined.

Although I should be listed as an interested party for this project, I have to date received no public notice. I'd like to renew my request to be added to the list of interested parties for noticing and other project related information.

Sincerely,

TERRY LEFTGOFF
On behalf of
WEHO NEIGHBORS

Terry Leftgoff & Associates Environmental Consulting
WeHo Neighbors Comments
Walgreens Project DEIR Scoping January 4, 2010

Page 2



TERRY LEFTGOFF & ASSOCIATES
Environmental Consulting ♦ Government & Public Relations

SENT VIA EMAIL

July 11, 2011

City of West Hollywood
Jennifer Alkire, Associate Planner
Community Development Department

RE: DEIR Proposed SMB20 Project (Walgreens)

Dear Ms. Alkire:

I am writing on behalf of WeHo Neighbors, a group of concerned residents who live and work adjacent to the proposed project.

This correspondence is supplemental to comments dated May 9, 2011 with associated attachments.

We remain concerned about the absence of detailed information about the anticipated and/or required toxic remediation program at the site. The failure to fully describe the details of this program and to incorporate it into the project description render us unable to comment. Further, the DEIR fails completely in its duty to identify, describe and quantify the potential environmental impacts of this and various remediation programs. Inasmuch as this information is absent, the public cannot know, understand or comment on it.

California Public Resources Code Section § 21001.1. states, "The Legislature further finds and declares that it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration under this division as that of private projects required to be approved by public agencies."

We and other members of the public need time to review and digest the input from the California Regional Water Quality Control Board (hereinafter referred to as RWQCB), a Responsible Agency and Trustee Agency. It is not unusual for one agency to qualify for both designations and it is required when, as here, a state agency has responsibility for carrying out or approving the project and also has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California. The RWQCB has primary jurisdictional authority over the site's toxic contamination and is the trustee for the state's underground water resource. This makes it all the more important to be able to receive and digest their input.

It is our belief the DEIR should be withdrawn pending revision in order to: a. incorporate this information; b. a comprehensive environmental analysis of the work plan is conducted and

514 Huntley Drive ♦ West Hollywood CA 90048 ♦ (310) 659-1068
Email: EcoRelations@aol.com

prepared; and, c. the environmental impacts are described with alternate scenarios. We request the DEIR then be re-circulated.

Additionally, the DEIR asserts there will only be shallow soil remediation and pretends that deep soil remediation, if required, would magically not be part of the project. Why? Because it would unfavorably alter the outcome? Please describe both scenarios and the actual environmental impacts of these scenarios.

ADDITIONAL COMMENT PERIOD REQUESTED

We previously asked to reserve the right to request additional time beyond the minimum 45 day period due to this project's complexity. We hereby renew that request.

My clients, as the most directly affected neighbors, would like to do the same. Given the projects complexity it is clear we will require additional time to fully comment.

Inasmuch as the RWQCB is the lead agency on toxic soil remediation that already contaminates groundwater and is intertwined with the proposed project, we believe their review and comment are critical to a complete understanding of project environmental impacts. It is my understanding a Revised Cleanup Plan has been prepared and is pending review and has not been approved by the RWQCB. This plan, once final and approved, along with the Soil Management Plan forms the basis of a significant part of the proposed project description. Together, they are critical to understanding the true environmental impact of the project.

Of particular significance is the complicated and unique multi-agency and multi-jurisdictional structure upon which the proposed project relies. There needs to be a full description of this structure and each authority. Without a full description, we believe the DEIR is flawed and we are prevented from being able to review and comment on it.

Further, the DEIR appears to only consider one small slice of what must occur once ground is disturbed at the project site where several separate toxic sites have hit groundwater and are thought to commingle. The DEIR only evaluates the environmental impacts of shallow soil disturbance. We believe it must also include deep soil disturbance anticipated as part of the remediation as it is required and is an integral part of the project. The environmental impacts of any reasonably anticipated remediation itself must be described and quantified. The DEIR acknowledges the interplay between the relative scope of the proposed project and the deep soil remediation in its description of alternatives but it does not then include the scope or environmental impacts within the analysis. It is unclear what the extent of the excavation will be; the method of storage, staging and transport; and whether deep soil remediation would be required were it not for the proposed project. Either way, the DEIR should disclose, describe and address all portions of the project that would create significant project related environmental impacts.

PLANNING

Speculative Citation of Unapproved Codes Rather Than Adopted Codes

It is interesting to note the DEIR relies upon and goes into some depth into describing draft General Plan policies that have not been adopted that, nonetheless, would have benefits for the project. In fact, the proposed project appears to rely upon these unapproved draft policies for its hoped for compliance. CEQA does not allow for wishful thinking. The unapproved draft is presently undergoing rigorous scrutiny and likely revision. Reliance upon an unapproved General Plan is pure speculation and violates CEQA requirements to consider 'adopted General Plan and related documents'.

The Project Description (3.0) section (d) Land Use Designation and Zoning states, "The General Plan designates the northern portion of the Project site (33,854 square feet) as C2.1(A), which generally permits a variety of commercial uses."

Unfortunately this zoning designation, C2.1(A), does not exist. Later it says the zoning designation is CC which is the existing approved zoning code.

Later the DEIR states, "The City's proposed General Plan would revise the land use designation for this site to CC2, which would permit a variety of commercial uses including the Project's uses. The CC2 designation would permit a maximum 2.0 Floor Area Ratio (FAR) and a 45-foot height limit."

Unfortunately this zoning designation, CC2, does not exist. The property is zoned and is controlled by the prevailing approved zoning, CC which permits 1.5 FAR and a 35 foot height limit which this project appears to violate.

The DEIR states, "The density and height limitations under the Draft 2035 General Plan for Santa Monica Boulevard are similar to the existing General Plan, allowing for a wide variety of neighborhood-serving commercial uses."

This statement is misleading and false. There are distinct differences between the existing General Plan and the unapproved draft currently undergoing debate. If the unapproved draft in its present configuration is adopted, which is doubtful, there would be a change in designation of that commercial property from CC to CC2, where height and FAR would increase by 10 ft. and .5 FAR, respectively. Please describe the existing zoning conditions and how this project adheres or violates those requirements. Please enumerate what specific sections of the DEIR rely upon the faulty unapproved zoning cited and list corrections to discussion, analysis and conclusions.

Please incorporate and describe the actual prevailing zoning policies for each project alternative. Please describe what alternative project is most consistent with these policies and the specifics of how this will occur.

Please describe what bonuses the project relies upon, if any. How is it the proposed project utilizes a density of 2.0 FAR when the existing approved zoning provides for 1.5 FAR? How is it this developer is anticipating such a density bonus?

While the DEIR engages in some hopeful speculation, concurrently, it does not describe the dramatic change in political climate in the city which makes this speculation unlikely to come true. In the last election, the electorate signaled a strong rebuke. This will be one of the first major projects to come before the city since the election realigned priorities. We believe it would be inappropriate to speculate, however, it seems the DEIR does just that by engaging in speculative wishful thinking in the projects favor.

Failure to Cite Adopted Vision 2020 Document

There is no mention in the DEIR of the city's adopted Vision 2020 document and planning goals. Please elaborate on how and in which specific sections of the DEIR this omission has affected analysis, presumptions, discussion and conclusions about adverse impacts and has affected consistency with adopted city planning policy goals and objectives. Please enumerate relevant sections of the Vision 2020 document. Also please elaborate on how and in which specific sections of the DEIR, analysis, discussion and conclusions should be amended to comment on adverse impacts and consistency with this adopted city planning document. Please provide analysis, reference and discussion about how the project is or is not consistent with such goals. Please incorporate and describe these policies for each project alternative. Please describe what alternative project is most consistent with these policies and the specifics of how this will occur. Please incorporate this into the document and also itemize this in a separate chart.

Failure to Recognize Neighborhood Conservation Overlay Zone Designation

Strikingly the DEIR fails to note that the R1A area immediately to the south and west of the proposed project is a designated Neighborhood Conservation Overlay zone. Please elaborate on how and in which specific sections of the DEIR this omission has affected analysis, discussion and conclusions about adverse impacts and has affected consistency with adopted city planning policy goals and objectives. Also please elaborate on how and in which specific sections of the DEIR, with this zone duly corrected, the presence of this zone affects analysis, discussion and conclusions about adverse impacts and consistency with adopted city planning policy goals and objectives. Please provide analysis, reference and discussion about how the project is or is not consistent with such goals. Please incorporate this into the document and also itemize this in a separate chart.

Given it appears the DEIR neglected to recognize this special zoning designation, what impact will the proposed project have upon the zone immediately adjacent and in the larger neighborhood vicinity. Please incorporate and describe these conditions for each project alternative. Please describe what alternative project best preserves the integrity of the Neighborhood Conservation Overlay zone and the specifics of how this will occur? Alternately, please describe short and long term impacts to this zone by proximity to the

proposed project were the project built out as proposed. Please describe impacts including but not limited to land values, views, solar/shading, noise, traffic, quality of life, neighborhood cohesion, architectural and visual compatibility, among other factors.

A project of this imposing scale and mass located on a slope will visually overwhelm and by definition alter and adversely affect the character of the neighborhood within the conservation overlay zone. As such the proposed project is inconsistent with the existing neighborhood and character of the adjacent residential neighborhood to the south and west. We believe there needs to be a full evaluation of the impacts such a huge imposing project will have on this conservation zone. Please describe all such impacts negative, neutral and positive, if any.

How does this fulfill the stated goal of the proposed project to “complement surrounding uses?” What impact will the proposed project have visually upon the character and integrity of the neighborhood to the south looking north. What impact will the proposed project have upon the small quaint home immediately to the south that it will practically envelop and surround on 2 sides?

Contrary to the stated city objective which is repeated verbatim by the proposed project description, building such a monolithic building designed for primarily vehicular access with a single street level pedestrian entrance creates a dead pedestrian block and does not ‘enhance pedestrian activity along Santa Monica Boulevard’. Saying it does not make it so; please provide factual documentation to back up such a claim. We also have concerns about the appearance and design of the store from the street. It appears from the plans the windows may be blocked, which would contribute to the feeling of a ‘dead zone’ on the block.

It would appear this key commercial block will become unfriendly to pedestrians contrary to city zoning requirements. As proposed, the only public activity is a mid-block entrance to Walgreen’s and possibly the 2 small retail shops. All other features are limited to the private activities of the residents of the 28 apartments. Please provide elevations and visual simulations that include the realistic perspective and scale from the existing residential neighborhood to the south.

We are concerned about the reduced setbacks of such a massive building on such a prominent corner. By so thoroughly dominating this corner and this stretch of our community the building will create negative impacts upon the streetscape and on the pedestrian feel and look of this stretch of Santa Monica Boulevard. Many of the City’s planning documents embody goals that embrace the concept of an ‘urban village’ with pedestrian oriented amenities. This stretch of Santa Monica Boulevard currently succeeds at these goals by attracting vibrant commerce and pedestrian activity. Such a massive closed off building will deal it a reversal and be contrary to these stated goals. Please describe each of these goals and how they will be impacted.

This stretch of storefronts along the south side of Santa Monica Boulevard in the immediate vicinity of the proposed project location consists entirely of small single story commercial

shops. A 3 story structure as proposed jutting out on a prominent corner sitting on a slope punctuated by the visually jarring landscape derricks would be the first in the immediate vicinity.

Additionally such a large building creates a clear and obvious growth inducing impact by setting a development precedent along an otherwise single story stretch of Santa Monica Boulevard.

Given the City's current housing policies and goals we are particularly concerned about the potential for these apartments, some of which are advertised as low to moderate income in order to qualify for a number of special bonuses, being converted into another set of high priced condos. It appears to us to be a likely outcome. What is the City proposing to do to ensure the apartments remain as rental units and are not, once granted density and height bonuses, surreptitiously converted into condos. The developer would have gotten benefit of bonuses not available to others similarly situated.

TRAFFIC AND CIRCULATION

We note the following inadequacies in the Traffic Study that we believe have lead to a failure to adequately estimate and mitigate project impacts to below significant levels. In some instances, as noted, project impacts are significant with or without the proposed mitigations.

There is a complete failure to consider the impact to public alleys that parallel Santa Monica Boulevard that traffic commonly relies upon as a cut-through alternative when adjacent streets and intersections are clogged.

The project proposes to create a new through access through the proposed project between Havenhurst and Crescent Heights where currently there is none (what exists is a dead end alley that is blocked off, only used for parking and is not open to through traffic). Please provide analysis of how this new access cut through will affect already impacted streets and intersections particularly Havenhurst, Santa Monica Boulevard, and Crescent Heights.

The new access will become a cut-through where there currently isn't one. This is confused further by March 2008 correspondence relating to right and left turn restrictions from Havenhurst into the project referenced later in this section. Please note we also refer to this alley later in our comments.

Traffic measurements and projections were made for peak weekdays that included Tuesday, Wednesday and Thursday and only late evening Friday. Please include traffic measurements and projections for the busiest peak commuter traffic times Monday and Friday during morning and evening rush hours. Owing to the regional draw of popular area nightlife, particularly along Santa Monica Boulevard and the Sunset Strip, the study needs to quantify what those of us who live and work in the area know well from personal observation, that there are 3 separate peak traffic periods on Fridays: morning and evening rush hour plus nighttime. Friday's evening rush hour can often be worse than other weekdays.

Please study impacts to the closest major east-west alternative street located to the north, Sunset Boulevard. This is a well known and highly important area roadway. It is oft-designated significant by numerous area regional transportation plans. We note the study measured traffic at Melrose, the closest major east west alternate roadway located 4 blocks to the south, but not Sunset which is the closest major east-west alternate located 3 blocks to the north. The failure to study impacts of this project on Sunset Boulevard is a serious material oversight. Inasmuch as this gap in information has formed the basis of and shaped the study's conclusions, they are flawed.

On a related matter, the study also failed to study or consider project related impacts to a variety of intersections along Sunset Boulevard. One such intersection that can be reasonably expected to be one of the most heavily impacted by the project is the intersection of Sunset and Crescent Heights.

The Traffic Study failed to measure or evaluate a number of key intersections that can be predicted to be impacted by the project: Havenhurst and Romaine, Havenhurst and Willoughby, LaJolla and Romaine, and Romaine and Willoughby.

The Traffic Study measured the roadway segment of Havenhurst but only measured south of the very busy exit to the public parking lot and alley just to the north.

We take issue with one of the core methodologies used in the Traffic Study. The Traffic Study indicates it did not utilize traffic data from other Walgreens closest to West Hollywood but instead utilized traffic data from 3 other locations that are quite dissimilar to West Hollywood (Whittier, Artesia and 6th near Vermont in the Koreatown area of Los Angeles.) The report indicates that one required criterion was for only Walgreens that operated 24 hours a day. This is puzzling. According to the project description and multiple representations by project representatives, the proposed Walgreens is to have limited business hours and will NOT operate 24 hours a day. If the project description is true, this traffic data is seriously diluted and has presented flawed traffic projections for the proposed project.

What guarantees do we have this Walgreens will not later seek to convert to one that operates 24 hours?

By utilizing data only from Walgreens that are open 24 hours to estimate traffic for a proposed store that is to be open limited hours, it presents factually inaccurate, overly optimistic data since the traffic patterns and impacts are artificially diffused over a more extended period of time. Conversely, if the traffic for a 24-hour store were compressed into the limited business hours of the proposed project, the projections would be more realistic and the anticipated traffic impacts would be far more severe. This would push a number of critical intersections into 'F' ratings and require findings of significance that we believe would require a more thorough environmental analysis. We believe this is a fatal flaw in the Traffic Study.

This problem is compounded and highlighted by the Traffic Study's trip generation estimates for the proposed project.

This becomes all the more important because only a small increase in calculated Delay or V/C will require a finding of significant impact for this intersection according to the Intersection Impacts Summary. We note the following for the record:

As we previously note, traffic measurements and projections were made for peak weekdays that included Tuesday, Wednesday and Thursday and only late evening Friday. Traffic measurements and projections are completely missing for the busiest peak commuter traffic times Monday and Friday during morning and evening rush hours. This omission is made significant by Existing 2007 Level of Service Summary indicates the existing condition of the intersection of Santa Monica Boulevard and Crescent Heights, the corner where the proposed project is located, currently has Levels of Service (LOS) rating of "F" during weekday PM Peak times.

The study defines an "F" rating as: "FAILURE, backups from nearby intersections or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths."

Please include Monday and Friday PM Peak times. Without this information the public and decision-makers are left without necessary information sufficient to judge whether impacts from the project are significant. What happens to our community livability when our intersections go beyond an "F" rating? What is the cumulative effect of so many "F" ratings on West Hollywood?

LOS ratings for this intersection during 'Weekday AM and Midday Peak times carry a rating of 'D' which is described as 'the lowest acceptable operating condition' with times of substantial delays.

The Project Level of Service Summary indicates this one intersection will deteriorate to the point that Midday Peak will slip from 'D' to 'F' and AM Peak will slip from 'D' to 'E'.

The Intersection Impacts Summary shows how a small increase in calculated Delay or V/C will require a finding of significant impact for this intersection. We believe this increase is masked in the flawed methodology that has resulted in understated traffic estimates.

Our own firsthand experience and observation about the intersection of northbound Crescent Heights and Santa Monica Boulevard indicates typically severe queuing through multiple signals. A proposed mitigation measure contemplates allowing project traffic to turn left northbound on heavily congested Crescent Heights, compounding this already congested

intersection. It would exacerbate an already impacted street and create significant navigational hazards at an impacted intersection.

At best, we believe this mitigation will cause an already congested intersection to suffer significant additional impacts and navigational obstacles. In addition, due to the nature of the queuing at the intersection, it is likely to cause significant disruption of southbound traffic flow as cars turning left across traffic can be expected to get stuck mid-turn. We believe the only way to safely mitigate this specific impact is to add signalization mid-block synchronized with the intersection. But such a mitigation measure would do nothing to reduce total project traffic impacts on the intersection.

Encouraging traffic to cross such a busy street would also set the stage for a serious safety hazard and accidents. Please describe the effects of this scenario and include accident projections with both injury, non injury and fatalities.

The difficulty of turning left from the project across congested Crescent Heights will be such that it is sufficient to deter the practical use of this mitigation and renders it ineffective. Thus the stated goal of the mitigation to shift and thereby reduce impacts on Havenhurst will not occur. Like water, traffic finds the path of least resistance through other neighborhood streets. It is reasonable to predict that traffic seeking to go westbound on Santa Monica, frustrated by the prospect of crossing busy Crescent Heights and traveling in an inconvenient circle, will simply zip straight across Havenhurst through the public alley, turn right on La Jolla, to turn left westbound at a signal onto Santa Monica. Please study this probability and incorporate this data into the DEIR.

In addition, allowing left turns out of the project onto Crescent Heights causes great safety concerns for people in vehicles and pedestrians walking along Crescent Heights. When traffic is less heavy, southbound/downhill traffic moves very quickly, and there are many right turns from Santa Monica onto southbound Crescent Heights. Please quantify how exiting and turning left will cause accidents and near accidents.

While project proponent correspondence with the City indicates that left turns will be prohibited from Havenhurst into the project, the DEIR and project plans show no such restriction. 34% of project traffic is projected to enter via Havenhurst. Further we note that according to March 2008 correspondence the City and the applicant agreed to restrict both right and left turns into the project from Havenhurst. If this correspondence is correct, then it would necessitate a revision to the traffic analysis since it would reroute and relocate a significant portion of the project traffic to other streets.

It appears an effort has been made to prevent left turns from exiting the project onto Havenhurst featuring a no left turn sign and a curb cut curved to the right. We believe this is inadequate and, faced with the difficulty and inconvenience of the alternative, easily defeated. We know this from direct experience and note this approach is similar to the techniques used

at the public parking lot directly across the street from the project in an attempt to keep exiting vehicles from turning south onto Havenhurst. Faced with such obvious

inconvenience, it has become commonplace for many vehicles to defeat the strategy and turn right anyway. Please study this feature for its efficacy.

In addition, the traffic report did not study this busy parking lot or the busy alley immediately north of the parking lot that runs between LaJolla and Havenhurst Drive. Both generate considerable traffic, including frequent U-turns from the parking lot into the alley at all hours of the day/night. Faced with the prohibition on left turns from Havenhurst to westbound Santa Monica, it is likely this alley will become the primary route for vehicles leaving the development to access Santa Monica Blvd. Traffic can be expected to cut westbound through the alley, turn right on LaJolla where there is a signal at the intersection with Santa Monica. Please provide an analysis of this predictable shifting of significant impacts from one street to another.

We noted earlier in our comments the turning radius maps that were drawn to demonstrate the turning radius required for projected truck turns do not show the scale, centerlines or lane boundaries of the streets where these turns will begin and end. The developer previously made representations to the community they would restrict truck size at the project to smaller scale delivery and trash trucks. It appears from the numerous references in the DEIR that Walgreens and the developer are renegeing on this commitment.

Due to turning radius and shear size the use of large trucks (e.g. typical semi delivery trucks) cannot be accommodated on narrow Havenhurst. The street is so narrow that a large semi will block the lane of oncoming traffic, particularly if there is queuing to enter the loading zone. Likewise the turning radius required for large trucks on Crescent Heights would force trucks into oncoming traffic and would therefore create a dangerous situation and impede traffic flow.

Even trucks that are 39 and 41 feet long (as previously identified in the project plans) exceed the length of the existing left turn lane from westbound Santa Monica Boulevard onto southbound Havenhurst and will impede access to the local neighborhood. Further, this truck traffic will cause a significant back up on Santa Monica Boulevard and impede traffic regionally. This turn lane is physically limited by the length of the opposing left turn lane leading from eastbound Santa Monica Boulevard to northbound Crescent Heights.

Smaller trucks must make 6-8 point turns to enter or leave the alleyway, heading north on Havenhurst Drive. This street in particular, which was originally designed in the 1920's, cannot accommodate the size of typical modern trucks and sustain traffic without better mitigation strategies that includes restricting truck size, hours and designating specific approach routes. Please analyze and elaborate on these conditions.

GENERAL COMMENTS

Rewriting Project History

2.0 Project Background. Please correct the statement, "Due to concerns regarding possible soil contamination from the on-site dry cleaners and former on-site gas station, as well as possible groundwater contamination from an off-site dry cleaner, the City and Applicant determined an Environmental Impact Report (EIR) should be prepared for the Project."

This is a factually untrue statement.

An applicant makes no determination about the preparation of an EIR. This is, by statute, entrusted to the Lead Agency acting in compliance with state CEQA statutes and guidelines. In this situation this statement is particularly misleading. The applicant, in fact, appears to have deliberately withheld information about toxic contaminants at the proposed project site in order to evade the statutory EIR requirement and manipulate the process. It was not until, that is, I, as a representative of WeHo Neighbors, independently discovered and made public disclosure of known toxics at the site (Hazard and Hazardous Materials Section, Comment Letter, Mitigated Negative Declaration, WeHo Neighbors dated 5-29-2008).

§ Section 15064 of the CEQA Guidelines state, "If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, **the agency shall prepare a draft EIR.**" (highlighting added)

It is factually inaccurate and is disingenuous to attribute the preparation of this EIR to 'concerns regarding possible soil contamination...' As specifically enumerated in CEQA, this is a mandatory finding of significance that requires the preparation of an EIR. It has nothing to do with unspecified discretionary 'concerns' and is, in fact, mandated by state statute.

Why is this important? Because it goes to the appearance of continuing process bias.

California Public Resources Code Section § 21005 (a) states, "The Legislature finds and declares that it is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division, **may constitute a prejudicial abuse of discretion** within the meaning of Sections § 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." (highlighting added)

It appears the city and the city's EIR consultants are attempting to rewrite history in favor of a favored applicant that has committed a fraud upon the city and the process.

Please correct the record and fully describe the actual history of this project so the public record is factually accurate and not editorialized to omit or downplay fraudulent activity of the applicant.

Incorporating the MND File by Reference

For purposes of a complete public record as required, I hereby incorporate the entirety of the Mitigated Negative Declaration record by reference as part of this DEIR record and request it be made available to the public pursuant to Public Resources Code Section § 15150.

Sales Tax Revenue Claims

The DEIR makes unsubstantiated claims about the proposed project increasing sales tax receipts for the city. Please provide complete documentation upon which this claim is based. In an area like West Hollywood that has an oversaturation of well established pharmacies, it would appear there would be no net change in sales tax revenue. Rather the sales tax revenue would merely be redistributed by predated on and splintering the customer base of established pharmacies, many of which are independently owned and operated. What is the projected economic and social impact of siphoning sales from these independently owned pharmacies, in effect undermining them, whose owners actively support local business, culture and charitable causes compared to the practice of Walgreens which has a checkered history of such activity? At what point will these well established pharmacies suffer failure due to an over-diluted customer base?

Another Alternative

Please evaluate preserving the existing strip mall structure with no housing while including a small satellite Walgreens located within the existing strip mall that is given a facelift and other storefronts leased to local pedestrian friendly shops.

Thank you for the opportunity to comment.

Sincerely,

TERRY LEFTGOFF
On behalf of
WEHO NEIGHBORS

cc: Steve Rowe, California Regional Water Quality Control Board
WeHo Neighbors

Jennifer Alkire

From: Michael Duong [Michael.Duong@fox.com]
Sent: Monday, May 09, 2011 7:36 PM
To: Jennifer Alkire
Cc: rustydawg@sbcglobal.net
Subject: Additional Comments: Walgreen's Draft EIR and Comments
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Crescent Hts & S.M. to 1 Lane.jpg; Crescent Hts & S.M. Cityscape.jpg; Havenhurst & S.M. Walker's View.jpg

City of West Hollywood
Jennifer Alkire, Associate Planner
Community Development Department
RE: DEIR SMB20 - Walgreens Project
Ms. Alkire:

Attached please find comments below from Sheila Light foot on the DEIR for the proposed SMB20 project (Walgreens). Thank you,
Mike

-----Original Message-----

From: SL [mailto:rustydawg@sbcglobal.net]
Sent: Friday, May 06, 2011 10:52 AM
To: Michael Duong
Subject: Re: Walgreen's Draft EIR and Comments

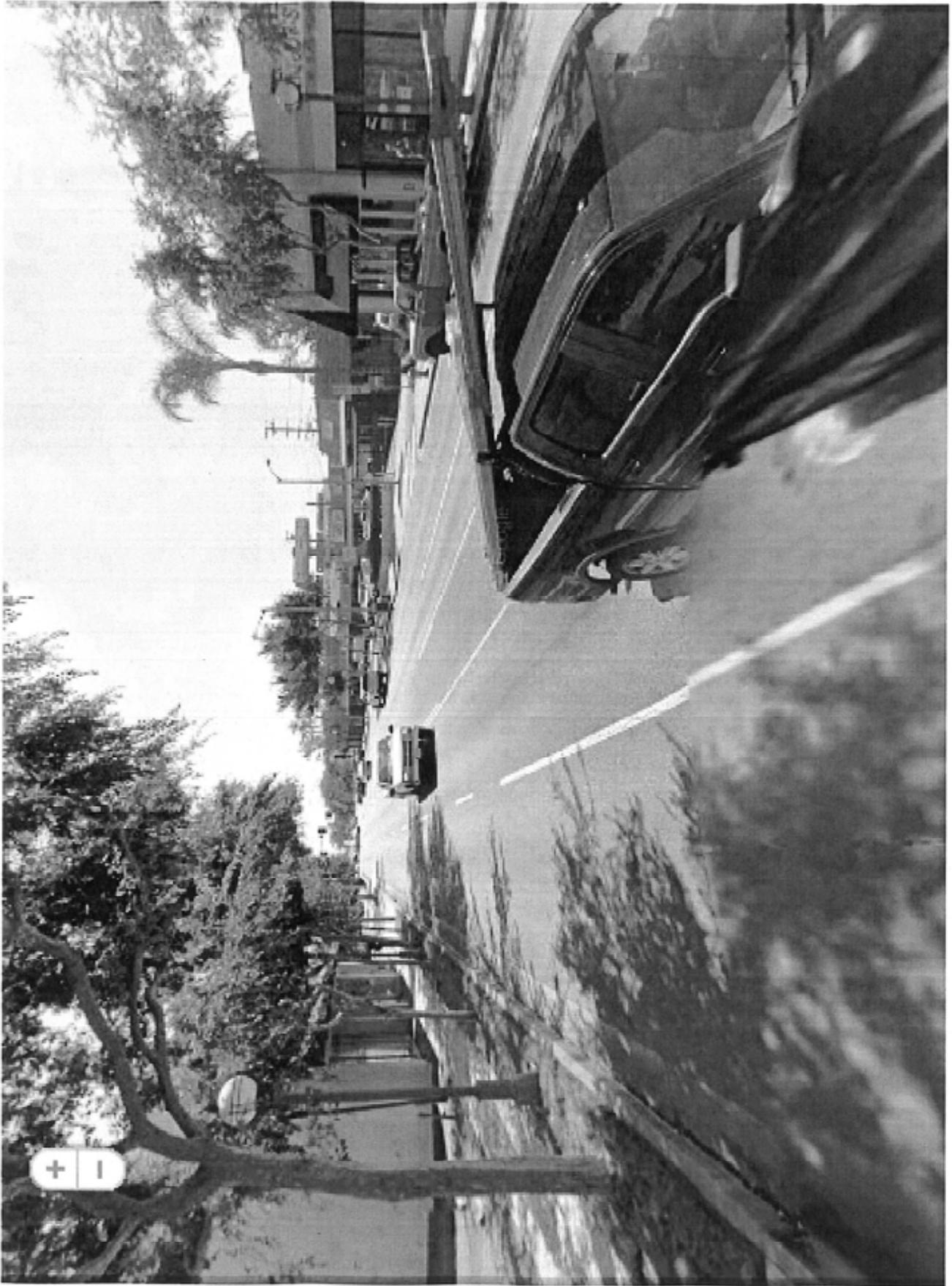
Sheila Lightfoot
1220 Havenhurst Drive, #12
West Hollywood, CA

My comments:

1. Why was there was no notification to nearby affected neighbors? I live just above Norton on Havenhurst so this is my immediate walking neighborhood. If notifications were sent about the last meeting at Plummer Park, I don't believe they were sent to all neighbors who have a significant interest in this project.
2. The traffic report suggests the intersection is already significantly over taxed. Cars pulling out of the Walgreen's onto eastbound Santa Monica just before the Crescent Hts intersection AND onto southbound Crescent Hts just south of the S.M. intersection where traffic funnels from 2 lanes to 1 would both bring traffic to total gridlock. It would also be extremely hazardous with exiting cars entering traffic southbound on Crescent Hts at the point where 2 lanes are already funneled into 1 (see the google pictures).
3. The city's general policies appear to be maintaining the existing aesthetics of the neighborhood. This project does not fit the neighborhood in any way... style, height, bulk, pedestrian friendly. As it's designed, it would be a jarring, unfriendly, modern structure that blocks out the sky in an otherwise cohesive and pedestrian streetscape (see the google pictures).
4. The height and density of the included residential units will be a tremendous neighborhood nuisance to residents south of the project.
>From my experience with a new 4 story condo topped with a huge portico entrance to the rooftop adjacent to my apartment, not only does it block out the sky, but with all old growth trees removed and minimum setbacks, there is no sound buffer. At night, the sound carries to the point of being nearly unbearable... even when there are no parties.

5/10/2011





Jennifer Alkire

From: RJJlipnick@aol.com
Sent: Thursday, June 23, 2011 5:53 PM
To: Jennifer Alkire
Subject: Walgreens
Follow Up Flag: Follow up
Flag Status: Red

I am a owner and resident of a property on Havenhurst Drive.
I am very concerned and OPPOSED to the Walgreen's Project.
Not only am I concerned about the Toxic Conditions that having this building constructed will cause, I am also concerned about the traffic that it is going to create in my neighborhood.
We do not need another Drug Store or Chain Box Store on Santa Monica Blvd.
We don't need 20 plus residential units built.
We don't need more cars and trucks driving up and down the narrow street Havenhurst Drive.
Lastly, a Walgreen's at this location will RUIN THE INTEGRITY OF THIS NEIGHBORHOOD!

Randy Lipnick
914 Havenhurst Drive
West Hollywood, CA 90046

7/13/2011

Jennifer Alkire

From: Kaye McKlaine [kayemac88@ymail.com]
Sent: Wednesday, June 22, 2011 2:50 PM
To: Jennifer Alkire
Subject: Stop Walgreens!!!!
Follow Up Flag: Follow up
Flag Status: Red

Please STOP Walgreens from coming to West Hollywood. One of the things I love the most about living in WeHo is that you have this wonderful, safe, community feel within a big city. We have a Rite-Aid on the corner of Fairfax/Sunset, a Target on Santa Monica Blvd./La Brea and a CVS on the corner of Santa Monica/LaCienegia. Isn't that enough? (sorry for street misspell- horrible speller!)

We do not need a Walgreen to take away from the small businesses or bring in additional traffic.

STOP WALGREENS!!! Thank you.

Kaye McKlaine

7/13/2011

From: Lauren Meister [lauren@meister4weho.com]
Sent: Tuesday, May 10, 2011 1:51 PM
To: Jennifer Alkire
Cc: John D'Amico
Subject: 8120 SMB DEIR

Follow Up Flag: Follow up
Flag Status: Red
 Jennifer,

Quick question -- in the 8120 SMB DEIR, under Project Description (3.0), section (d) Land Use Designation and Zoning, it states that the commercial portion of the property is designated C2.1(A), and later it says it is CC -- but I can't find the maximum allowable height limit and FAR (i.e., the existing zoning) for C2.1(A) or CC in that section.

Height and FAR is cited for CC2 (45 ft., 2.0 FAR) -- but CC2 is based on the "new General Plan." The "new General Plan" (or GP update) has not been approved by City Council and as far as we know, the zoning is still CC.

It also states, "The density and height limitations under the Draft 2035 General Plan for Santa Monica Boulevard are similar to the existing General Plan, allowing for a wide variety of neighborhood-serving commercial uses."

However, this is misleading, because, if the "new General Plan" were to be approved, the designation of that commercial property would change from CC to CC2, where height and FAR increase by 10 ft. and .5 FAR, respectively. And, if the new General Plan is not approved, the project is not in line with the current designation of CC.

So, I just want to confirm, that the existing zoning of the commercial portion of the site is CC -- with an allowable FAR of 1.5 and a maximum height of 35 ft. Is that correct?

Thanks,
 Lauren

d. Land Use Designations and Zoning

Land use in the City of West Hollywood is governed by the City's General Plan and Zoning Ordinance (Title 19 of the West Hollywood Municipal Code).

The General Plan designates the northern portion of the Project site (33,854 square feet) as C2.1(A), which generally permits a variety of commercial uses. The southern portion of the Project site (6,556 square feet) is designated R3-A, which permits multi-family residential uses.

The City is in the process of adopting a new General Plan. While the Applicant is processing an application for a vesting tentative tract map, which was deemed substantially complete on January 17, 2007, the land use designations for the site may change during the entitlement processing for the Project. The City's proposed General Plan would revise the land use designation for this site to CC2, which would permit a variety of commercial uses including the Project's uses. The CC2 designation would permit a maximum 2.0 Floor Area Ratio (FAR) and a 45-foot height limit.

The majority of the Project site, approximately 33,854 square feet, is zoned CC (Commercial, Community). The remaining 6,556 square feet, located in the southeastern portion of the site, is zoned

R3A-PK (Residential Multi-Family Medium Density with Parking Overlay). Mixed commercial/residential uses are permitted in these zones.

The City's Municipal Code separates mixed-use projects into two categories, those that span both residential and commercial zoning districts and those that are wholly within commercial zones. Projects that span both residential and commercial zones require a minimum project site area of 60,000 square feet and must place the residential uses in the areas of the site located in R3 and R4 zones. The Project would not qualify as a mixed-use project that spans both residential and commercial zoning districts because the site is only approximately 40,410 square feet.

Lauren

Lauren Meister

lauren@meister4weho.com

Phone: 310.659.3379; Fax: 310.659.3380

<http://www.meister4weho.com>

Snail Mail:

PO Box 691786

West Hollywood, CA 90069

The information in this e-mail is confidential and may be legally privileged. It is intended solely for the addressee and access to this e-mail by anyone else is unauthorized. If you have received it in error, please contact Lauren Meister immediately (email lauren@meister4weho.com or phone 1.310.659.3379). Thank you.

Please consider the environment before printing this e-mail.

June 25, 2011

Jennifer Alkire
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, CA 90069-6216



Dear Ms. Alkire:

I am writing today as a longtime West Hollywood resident to express my support for the Walgreens and residential development at Crescent Heights and Santa Monica Boulevards. I live within walking distance at Norton and Harper Avenues and have been familiar with this site for many years.

The heyday of strip malls is behind us, and it would serve our neighborhood well to see this site redeveloped with our community's needs in mind. I believe this is precisely what the proposed development will accomplish. Since a project was first proposed for this site, the developer has held numerous neighborhood meetings and made countless changes in response to the input they have received. When they were asked to reduce the overall size of the project, they did so, dropping the size of the Walgreens as well as the number of apartments from 44 to 28 and finally to 20. When the community asked for a more complimentary design to match the surrounding businesses, they worked with our Urban Designer and hired a new architect and landscape architect to redesign the whole project. And as we as a city started to focus on sustainability, the developer proposed to build a green building with rental bikes and flex cars.

We now have an opportunity to see this location finally come alive with a neighborhood-serving drugstore, apartment homes, and two other retail stores. I believe this development can only enhance our neighborhood as well as bring much-needed jobs to West Hollywood, and I would urge the city to support it.

Sincerely,

A handwritten signature in black ink that reads "Neill Murchison". The signature is fluid and cursive.

Neill Murchison
8262 Norton Av. #108
West Hollywood, CA 90046

Helga Oswald

1026 Havenhurst Drive • West Hollywood, CA 90046
p: 323-822-2850 • f: 323-822-2851
e: helgaoswald@aol.com

City of West Hollywood
Community Development Department
8300 Santa Monica Boulevard
West Hollywood, CA 90069



PROJECT 8120 SANTA MONICA BOULEVARD - DEIR

To Whom It May Concern:

Dear Ms./Sir:

As resident and homeowner living on Havenhurst Drive for almost nine years, I would like to comment on the proposed project on 8100-8120 Santa Monica Boulevard. While I do agree that the site in question is in dire need of redevelopment, I object to the project as planned for the following reasons:

The area is already oversaturated with drug store chains, as there are two Rite Aid stores, two CVS stores and a Target store with pharmacy within a one-mile radius, and an additional CVS and three Rite Aid stores within a two-mile radius. As can be observed at other store locations of drug store chains like Walgreens and some of those mentioned above, they contribute to, rather than counteract, the seediness of their surroundings, not in the least due to the nature of the products they are selling. A more upscale architecture, as is currently planned, will only serve as window dressing and not prevent the neighborhood's downgrading by the presence of a Walgreens chain in the long run.

The effects of architecture and urban planning on a neighborhood are very obvious in the example of the parking lot adjacent to the alley ("Vaseline Alley") on the south side of the 8200 block of Santa Monica Boulevard. It serves, as I am sure City officials are aware of, as a pickup location for some members of the gay community to not only solicit, but subsequently perform, sex; evidence of which can frequently be found on the front lawn in the morning, especially after weekends. The west facade in the current design will not counteract this problem but rather contribute to an even more anonymous environment with the markings of urban wasteland – a forty-foot windowless wall and a parking structure entrance. If anything, this side should be as open and accessible to pedestrians as the north facade along Santa Monica Boulevard if it is meant to serve the surrounding community.

Of major concern is the impact a project of that scale would have on traffic, especially on Havenhurst Drive, which is too narrow, as it is, for two cars to pass each other without one of them pulling to the side. I noticed that drivers use Havenhurst Drive to cut through to Santa Monica Boulevard going north or Melrose Avenue going south in order to avoid backed up traffic on Crescent Heights Boulevard during rush hour. In the long run, the additional traffic that would be generated by the planned project could only be offset by a well-connected subway line. Increasing density by adding a retail space of that size without significant changes to the infrastructure would create an unacceptable burden to the surrounding neighborhood.

Sincerely,

Helga Oswald

Jennifer Alkire

From: jimmy palmieri [lachejjim@roadrunner.com]
Sent: Tuesday, July 05, 2011 10:01 AM
To: Jennifer Alkire
Subject: WALGREENS
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

Dear Jennifer,

I oppose the proposed Walgreens mixed-use development proposed for the corner of Santa Monica Blvd and Crescent Heights. I am concerned with the increased traffic, noise and congestion this project will bring, and question whether there is sufficient infrastructure to support this project. This will bring increased traffic into the neighborhood, as well as semis and other delivery trucks onto residential Havenhurst Drive. I'm also concerned about additional traffic on Crescent Heights, which is already very congested, particularly with vehicles being allowed to make left turns out of the project onto Crescent Heights.

Twelve or more small, local-serving businesses have been displaced for a big box chain drug store West Hollywood has ample chain and independent drug stores. This does not seem like a very creative development for The Creative City.

I am also concerned about the toxic chemicals underground at the site, as well as the chemicals underground originating just east of Crescent Heights Blvd. I'm concerned that the City of West Hollywood take a close look at ALL chemical spills in the area to make sure there is a comprehensive, safe clean up plan in place. It disturbs me that these problems were not disclosed until discovered by neighbors.

Jimmy Palmieri

920 n Kings Road

West Hollywood CA 90069

7/13/2011

Jennifer Alkire

From: Arthur Scotti [arthur.scotti@gmail.com]
Sent: Sunday, June 19, 2011 3:05 PM
To: Jennifer Alkire
Subject: Fwd: Walgreens
Follow Up Flag: Follow up
Flag Status: Red
Dear Jennifer Alkire,

We do NOT need this store, or the new apartments, in our neighborhood. CVS and Rite-Aid and independents already serve our community very well.

We do NOT need the increased traffic. That intersection of Santa Monica and Crescent Heights needs left turn signals, NOT more cars turning!

We do NOT need the increased noise--the police already fail to ticket the illegally loud motorcycles.

We do NOT need more parking issues--there is already too little parking on the streets for all of us locals.

I will NOT patronize it if you do allow it.

Art Scotti
8130 Norton Ave.
WEHO
90046

7/13/2011

Jennifer Alkire

From: Arthur Scotti [arthur.scotti@gmail.com]
Sent: Wednesday, July 06, 2011 5:17 PM
To: Jennifer Alkire
Subject: Walgreens
Follow Up Flag: Follow up
Flag Status: Red

Dear Jennifer,

I am writing to protest the destruction of another WEHO block and the building of yet another drug store. I moved here over a year ago because this neighborhood (Norton Ave./Havenhurst) is walkable and convenient. This will NOT make it a better place:

1. There will be a dead zone pedestrian-wise because of the large store front. I thought we were supposed to have a pedestrian-friendly city.
2. There used to be a gas station and auto repair shop there. What will this do in regards to putting the underlying oil and gas into our soil/water? And the fact that the developers withheld crucial toxics information in an attempt to defraud the city should be a huge mark against them.
3. This will ADD 22 housing units to an area with none right now! We already have too much traffic for too little parking. We also have a glut of apartments right now according to the last census-- population has gone DOWN in WEHO and we have a 10% apartment vacancy rate. WE DO NOT NEED TO BUILD MORE UNITS TO ADD MORE PEOPLE AND CARS HERE!!! Add in the guests visiting the new residents vying for our on-street parking and it is totally unacceptable.
4. Santa Monica and Crescent Heights already has huge traffic problems since there are NO left turn signals, or even left turn lanes in most directions, for all the cars. We do NOT need more cars turning in and out of a large store at that location therefore making the traffic, and the drivers' tempers, worse yet.
5. Honking is already a problem. Do we need the increased noise that both the construction AND the final product will bring?
6. Do we need the increase in drug deals that such a site brings? It will become a Craigslist locale.
7. We do NOT need another big chain to take customers away from our local mom and pops. I always frequent our small local independents when there is an alternative to the chains so I can keep more of my money at work here in our city.
8. The aluminum siding will probably create a glare that will make the already difficult commute even worse for the drivers at various times of the day.
9. Will they sell liquor? I hope not. It will bring more undesirables AND undercut the nearby liquor store that has already undergone so many hardships in an effort to survive.
10. Will it be open 24 hours? We do NOT need that kind of operation competing with the other 24-hour food places open in the area. NOR do we need the customers that kind of place attracts at all times of the day and night, nor more night-long noise!

7/13/2011

I moved here in part because I thought West Hollywood was a renters' city, a place that protects the interests of those of us who have sold our homes and who now want the convenience of city services and city living. This project so near to my home will be a blight on an already overly-congested area. Certainly we in The Creative City can do better. And we've already signaled our desire for change in the last city council election--we do not want developers' cash and influence in city hall overriding the residents' best interests! There is a limit and we have reached it. This project must be stopped as it is currently configured, and it should not go forward unless drastically modified.

Arthur Scotti
8130 Norton Ave.
Apt. 11
WEHO

7/13/2011

Jennifer Alkire

From: cgsull1310@aol.com
Sent: Tuesday, July 05, 2011 8:54 AM
To: Jennifer Alkire
Follow Up Flag: Follow up
Flag Status: Red
July 5th, 2011

Jennifer Alkire
West Hollywood City Hall
323 848 6487
jnoel@weho.org
8300 Santa Monica Blvd
West Hollywood, CA 90069

Dear Jennifer,

I oppose the proposed Walgreens mixed-use development proposed for the corner of Santa Monica Blvd and Crescent Heights. I am concerned with the increased traffic, noise and congestion this project will bring, and question whether there is sufficient infrastructure to support this project. This will bring increased traffic into the neighborhood, as well as semis and other delivery trucks onto residential Havenhurst Drive. I'm also concerned about additional traffic on Crescent Heights, which is already very congested, particularly with vehicles being allowed to make left turns out of the project onto Crescent Heights.

Twelve or more small, local-serving businesses have been displaced for a big box chain drug store. West Hollywood has ample chain and independent drug stores. This does not seem like a very creative development for The Creative City.

I am also concerned about the toxic chemicals underground at the site, as well as the chemicals underground originating just east of Crescent Heights Blvd. I'm concerned that the City of West Hollywood take a close look at ALL chemical spills in the area to make sure there is a comprehensive, safe clean up plan in place. It disturbs me that these problems were not disclosed until discovered by neighbors.

All n' all this is a ridiculous project...only you, the Weho government and Walgreens have anything to benefit!! A travesty to the social climate of West Hollywood and it's neighborhood feel.

Regards,

Catherine Sullivan
1008 N. La Jolla Ave.
WH, Ca. 90046

7/13/2011

Jennifer Alkire

From: Michelle Teramatsu [michelle.teramatsu@gmail.com]
Sent: Friday, June 24, 2011 9:36 AM
To: Jennifer Alkire
Subject: Walgreens - please read

Follow Up Flag: Follow up
Flag Status: Red

Hi Jennifer,

My name is Michelle and I just moved into the neighborhood just recently with my husband from New York. We love the area and are looking forward to raising our child here (I'm due in Aug!)

I have recently heard about the new Walgreen's development and have some concerns with the changes that will inevitably happen. Not just with construction, traffic, and parking (which are big concerns for me because I don't have a parking space), but more with regards to what big chains do to smaller businesses. Not only does it create unfair competition for local businesses but it also takes away the charm and individuality of the neighborhood. I hope the city will consider an alternative that will both benefit the city but also preserve the individuality of the area. Coming from New York, I know the benefit neighborhoods have from unique stores run by individuals that create a sense of community and make you feel like you are living in a neighborhood not just a big, impersonal place. Think about the way you feel when you go to Walgreen's versus going to a smaller store run by a person not a corporation? I do believe it will make this area less desirable to live in.

I hope you will consider my comments and please feel free to email or call me.

Best,
Michelle Teramatsu and family
1013 Havenhurst Dr.
917 319 9026

Jennifer Alkire

From: Rita Weingourt [rweingourt@sbcglobal.net]
Sent: Friday, June 17, 2011 8:19 AM
To: Jennifer Alkire
Subject: Walgreens proposal
Follow Up Flag: Follow up
Flag Status: Red

I am writing to voice my concerns about the proposed building of a big box store on the small mall on the corner of Santa Monica Bl and Havenhurst Drive. While the current site has become an eyesore there is no reason to rush to build something that, ultimately, will not benefit the neighborhood nor, I believe, benefit Walgreens.

The result of the planned building will be: increased traffic and noise and increased congestion in the already congested area. The mall should be used to provide small niche stores, a way of keeping the small town feel of West Hollywood. A big box chain will destroy the smaller businesses and irreparably change the personality of the area.

Also, I am aware that there are toxic chemicals buried under the site. I have heard nothing definite about Walgreens plans to deal with the potential danger.

Rita Weingourt

7/13/2011