

II. Responses to Comments

II. Responses to Comments

A. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to the written comments received during the comment period for the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. Section II.C, Responses to Comments, provides the City's responses to the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

II. Responses to Comments

B. Matrix of Comments Received on the Draft EIR

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

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	Support	
STATE AND REGIONAL																																
1	Anthony Higgins Assoc. Transportation Planner Caltrans District 7, Division of Planning Miya Edmonson IGR/CEQA Branch Chief Department of Transportation District 7—Office of Regional Planning		x																			x										x

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

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	Support		
2	Alex Campbell Assist. CEQA Project Manager Office of Environmental Health and Safety LAUSD				x										x				x			x											
ORGANIZATIONS																																	
3	Dana Camacho Legal Administrative Assistant Alston & Bird Edward J. Casey Alston & Bird				x		x								x								x										
4	John H. Welborne Angels Flight Railway Foundation Hal Bastian, President Angels Flight Railway Foundation													x																			x

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

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	Support	
5	Michael Shilstone Director of Economic Development Central City Association of Los Angeles Jessica Lall President & CEO Central City Association of Los Angeles		x										x																			x
INDIVIDUALS																																
6	Panda Ware																														x	

II. Responses to Comments

C. Comment Letters

Comment Letter No. 1

Anthony Higgins
Associate Transportation Planner
Caltrans District 7, Division of Planning
100 S. Main St, MS-16
Los Angeles, CA 90012-3712

Miya Edmonson
IGR/CEQA Branch Chief
Department of Transportation
District 7—Office of Regional Planning
100 S. Main St, Ste. 100
Los Angeles, CA 90012-3712

Comment No. 1-1

Please see the attached Caltrans comment letter for the following project:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project would involve a two-tower mixed-use development consisting of: 180 residential for-sale condominium units; 252 residential apartments (including a mix of market rate and affordable units); two hotels with a combined total of 515 guest rooms, restaurants, ballrooms, meeting rooms, and amenities (fitness/spa); and 72,091 square feet of general commercial (retail/restaurant) uses. The proposed uses would be distributed through a series of terraced levels in a podium structure and two towers (Tower A and Tower B) that would be constructed above a three-level subterranean parking garage. The Project would also provide public and private open space areas and would retain the existing on-site Metro Pershing Square Station portal. In all, the Project would result in up to 1,269,150 square feet of floor area with a maximum floor area ratio (FAR) of up to 13:1. Tower A would include 63 floors with a building height of up to 854 feet. Tower B would include 42 floors with a building height of up to 494 feet. Excavation would occur to a depth of approximately 70 feet below ground surface as measured from the elevation of Hill Street adjacent the Project Site.

Response to Comment No. 1-1

This comment accurately summarizes the Project as set forth in Section II, Project Description, of the Draft EIR.

Comment No. 1-2

The nearest State facility to the proposed project is Interstate 110. After reviewing the DEIR, Caltrans has the following comments:

Caltrans acknowledges and supports infill development that provides a mix of land uses which allow a neighborhood to meet their needs for housing, work, and services, like the proposed Project aims to facilitate. Caltrans also applauds the inclusion of bicycle parking and the relatively low number of car parking spaces, as research looking at the relationship between land-use, parking, and transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation.

Response to Comment No. 1-2

The comment indicates that Caltrans supports infill development like the Project, and that Caltrans applauds the proposed bicycle parking and the relatively low number of car parking spaces in the Project, which would encourage transit and active modes of transportation over motor vehicle use. The comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 1-3

Caltrans concurs with the included Freeway Safety Analysis and does not expect project approval to result in a direct adverse impact to the existing State transportation facilities. Additionally, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-LA-2019-03475.

Response to Comment No. 1-3

The comments that Caltrans concurs with the Freeway Safety Analysis included in the Draft EIR and that Caltrans does not expect the Project to result in direct adverse

impacts to State transportation facilities are noted for the record and will be forwarded to the decision-makers for review and consideration.

Regarding the recommendation that large size truck trips be limited to off-site peak commute periods, per Project Design Feature TR-PDF-1 in Section IV.J, Transportation, of the Draft EIR, a Construction Management Plan would be implemented during the Project construction period that, among other things, requires the scheduling of construction activities, including but not limited to associated truck deliveries and haul trips, to reduce the effect on traffic flow on surrounding arterial streets during peak commute hours

Lastly, regarding Caltrans transportation permits for oversized construction vehicles on State highways, such permits would be obtained as applicable.

Comment Letter No. 2

Alex Campbell
Assistant CEQA Project Manager
Office of Environmental Health and Safety
LAUSD
333 S. Beaudry Ave., Fl. 21
Los Angeles, CA 90017-1466

Comment No. 2-1

Presented below are comments submitted on behalf of the Los Angeles Unified School District (LAUSD) regarding the subject project located at 361 S. Hill Street (332–358 S. Olive Street, 351–361 S. Hill Street, 417–425 W. 4th Street). Based on the extent/location of the proposed development, it is our opinion that significant environmental impacts on the surrounding community (air quality, noise, traffic, pedestrian safety) may occur. Due to the fact that Ramon C. Cortines Visual & Performing Arts since the project site is approximately 365 ft from the school. While COVID-19 has caused LAUSD to implement remote learning for the time being, we request that these comments apply when LAUSD clears students to return to campus.

Response to Comment No. 2-1

As discussed in the responses to comments below, the air quality, noise, traffic, and pedestrian safety impacts of the Project are fully evaluated in Section IV.A, Air Quality; Section IV.G, Noise; and Section IV.J, Transportation, respectively, of the Draft EIR. As indicated therein, and as discussed further in Responses to Comment Nos. 2-2 through 2-6, below, the Project would not result in significant air quality, noise, traffic or pedestrian safety impacts at any LAUSD schools. The comment states that environmental impacts could occur “based on the extent/location of the proposed development and “due to the fact that Ramon C. Cortines School of Visual and Performing Arts since the project site is approximately 365 feet from the school.” However, the Project Site is located much farther from the referenced school and separated by numerous city blocks, many high rise and institutional buildings, and the 101 Freeway. More specifically, according to LAUSD’s Explore LAUSD’s Schools website (<http://explorelausd.schoolmint.net/school-finder/home>) and Google Earth, the Ramon C. Cortines School at 450 N. Grand Avenue is located approximately 3,300 feet (not 365 feet) northeast of the Project Site on the other side of the 101 Freeway. Thus, the distance to the Project Site referenced in the comment is not accurate. Accordingly, the environmental issues, and recommended conditions, raised in the comment letter are mostly inapplicable to the Project. Nonetheless, the responses below are provided to inform the decision makers, provide a good faith reasoned response to the comments, and incorporate some of LAUSD’s recommendations, as applicable.

Comment No. 2-2**Air Quality**

District students and school staff should be considered sensitive receptors to air pollution impacts. Construction activities for the proposed project would result in short term impacts on ambient air quality in the area resulting from equipment emissions and fugitive dust. To ensure that effective mitigation is applied to reduce construction air pollutant impacts on the schools, we ask that the following language be included as a mitigation measure for air quality impacts

- If the proposed mitigation measures do not reduce air quality impacts to a level of insignificance, the project applicant shall develop new and appropriate measures to effectively mitigate construction related air emissions at the affected schools. Provisions shall be made to allow the school and or designated representative(s) to notify the project applicant when such measures are warranted.

Response to Comment No. 2-2

A comprehensive analysis of the potential air quality impacts of the Project is included in Section IV.A, Air Quality, of the Draft EIR. The analysis is based on the methodologies, guidance and thresholds set forth by the South Coast Air Quality Management District. As indicated therein, the Project would result in construction-regional emissions that would be less than significant with mitigation, less than significant construction-related localized emissions, and less than significant construction-related impacts in terms of exposing adjacent sensitive receptors to substantial pollutant concentrations (both for criteria pollutants and toxic air contaminants [TACs]). In particular, the analysis evaluated sensitive uses that are located adjacent to the Project Site and along the Project's haul routes and found that impacts associated with localized emissions and health risk to adjacent sensitive receptors would be less than significant.

As discussed above, there are no LAUSD schools in close proximity to the Project Site. The closest LAUSD school is located approximately 0.7 mile away from the Project Site and there are several city blocks, numerous buildings, and major freeways (including the 110 Freeway and 101 Freeway) between the Project Site and nearest LAUSD facilities. There are also no LAUSD facilities located along the proposed local haul routes for the Project. Thus, due to the distance of LAUSD schools from the Project Site and the location of the haul routes, significant construction-related air quality impacts at LAUSD schools, including the Ramon C. Cortines School of Visual and Performing Arts, would not occur.

Comment No. 2-3**Noise**

Noise created by construction activities may affect the school in proximity to the proposed project site. These construction activities include grading, earth moving, hauling, and use of heavy equipment. The California Environmental Quality Act requires that such impacts be quantified and eliminated or reduced to a level of insignificance.

LAUSD established maximum allowable noise levels to protect students and staff from noise impacts. These standards were established based on regulations set forth by the California Department of Transportation and the City of Los Angeles. LAUSD's exterior noise standard is 67 dBA Leq and the interior noise standard is 45 dBA Leq. A noise level increase of 3 dBA or more over ambient noise levels is considered significant for existing schools and would require mitigation to achieve levels within 2 dBA of pre-project ambient level. To ensure that effective mitigations are employed to reduce construction related noise impacts on District sites, we ask that the following language be included in the mitigation measures for noise impacts:

If the proposed mitigation measures do not reduce noise impacts to a level of insignificance, the project applicant shall develop new and appropriate measures to effectively mitigate construction related noise at the affected schools. Provisions shall be made to allow the school and or designated representative(s) to notify the project applicant when such measures are warranted.

Response to Comment No. 2-3

As demonstrated above, there are no LAUSD schools in close proximity to the Project Site. In addition, the construction noise impacts of the Project are evaluated in Section IV.G, Noise, of the Draft EIR. As demonstrated therein, construction-related noise from on-site construction activities would be significant only at nearby sensitive receptors, and off-site construction haul route noise levels would be less than significant.

Project construction noise impacts are based in large part upon the proximity of sensitive land uses to a construction site and the proposed construction haul route. Noise attenuates with distance and the presence of intervening structures that break line of sight between the noise source and receptor. The closest LAUSD school is located approximately 0.7 mile from the Project Site and there are several city blocks, numerous buildings, and major freeways (including the 110 Freeway and 101 Freeway) between the Project Site and nearest LAUSD facilities. Accordingly, on-site construction noise would not impact LAUSD schools. Similarly, regarding off-site construction noise, the Project would not create a significant noise impact on LAUSD schools because there are none along the

proposed local haul routes that are not major freeways.¹ Therefore, impacts associated with onsite and offsite noise sources would not significantly impact any LAUSD school..

Comment No. 2-4

Traffic/Transportation

LAUSD's Transportation Branch must be contacted at (213) 580-2950 regarding the potential impact upon existing school bus routes. The Project Manager or designee will have to notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic within nearby school areas. To ensure that effective conditions are employed to reduce construction and operation related transportation impacts on District sites, including the net increase of 1000 or more daily vehicle trips, we ask that the following language be included in the recommended conditions for traffic impacts:

- School buses must have unrestricted access to schools.
- During the construction phase, truck traffic and construction vehicles may not cause traffic delays for our transported students.
- During and after construction changed traffic patterns, lane adjustment, traffic light patterns, and altered bus stops may not affect school buses' on-time performance and passenger safety.
- Construction trucks and other vehicles are required to stop when encountering school buses using red-flashing-lights must-stop-indicators per the California Vehicle Code.
- Contractors must install and maintain appropriate traffic controls (signs and signals) to ensure vehicular safety.
- Contractors must maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing vehicle routes to school may be impacted.

¹ *Construction delivery/haul trucks would travel on approved truck routes between the Project Site and the Harbor Freeway (I-110). Incoming trucks are anticipated to access the Project Site from I-110 via 4th Street (east bound). Outgoing trucks would utilize Hill Street (northbound) to 3rd Street, travel west on 3rd Street onto the I-110 Freeway on-ramp. In addition, concrete trucks could also utilize the local streets between the Project Site and the concrete mixing plant. Incoming concrete trucks would travel north on Alameda Street (from 27th Street) to 7th Street, head west on 7th Street, and then north on Hill Street toward the Project Site. Upon departure, empty concrete trucks would exit the Project site onto Hill Street toward 4th Street, head east on 4th Street to Alameda Street, and continue south on Alameda Street toward 27th Street.*

- Parents dropping off their children must have access to the passenger loading areas.

Response to Comment No. 2-4

As explained above, there are no LAUSD schools in close proximity to the Project Site and use of the proposed haul routes would not create significant traffic or circulation impacts on or near any LAUSD facilities. Neither would the Project create significant traffic impacts as analyzed in the Draft EIR. The closest school to the Project Site is located approximately 0.7 mile away and there are several city blocks, numerous buildings, and major freeways (including the 110 Freeway and 101 Freeway) between the Project Site and nearest LAUSD facilities. The proposed construction haul routes would not pass adjacent to any LAUSD school facilities (including the Ramon C. Cortines School of Visual & Performing Arts) and, thus, would not impede access to any school loading zone.

Nonetheless, as requested by the comment, the Applicant will notify LAUSD's Transportation Branch (213.580.2950) of the expected start and ending dates of construction for any portion of project construction that may affect traffic within school areas. This condition will be added to the updated Construction Management Plan.

Note that, as detailed in Section IV.J, Transportation, of the Draft EIR, pursuant to Project Design Feature TR-PDF-1, a Construction Management Plan would be prepared and submitted to the City for review and approval prior to commencing construction. As set forth in Project Design Feature TR-PDF-1, the Construction Management Plan minimizes the effects of construction and would include, but not be limited to, the following elements, as appropriate:

- Advance, bilingual notification to adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation.
- Prohibition of construction worker and equipment parking on adjacent streets.
- Temporary pedestrian and bicycle traffic controls during all construction activities adjacent to Olive Street, 4th Street, and Hill Street to ensure pedestrian, bicycle and motor vehicle traffic safety on public rights-of-way.
- Provide traffic and sidewalk controls during construction activities adjacent to Angels Flight to ensure pedestrian safety on public rights-of-way and continued public access to Angels Flight rail operations.
- Temporary traffic control during all construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag men).

- Scheduling of construction activities, including but not limited to associated truck deliveries and haul trips, to reduce the effect on traffic flow on surrounding arterial streets during peak commute hours.
- Potential sequencing of construction activity for the Project to reduce the amount of construction-related traffic on arterial streets.
- Containment of construction activity within the Project Site boundaries.
- Coordination of Project construction activities with Angels Flight so as not to substantially impact Angels Flight Operations.

In addition, in response to the comment, and as shown in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR, the updated Construction Management Plan will also include the recommendations from LAUSD that: (1) require construction trucks and vehicles to stop when encountering school buses using red-flashing-lights must-stop-indicators; and (2) require contractors to maintain ongoing communication with LAUSD to forewarn children and parents when existing vehicle routes to school may be impacted. The remainder of the recommended traffic conditions are inapplicable to the Project due to the location of the Project Site in relation to LAUSD facilities.

Comment No. 2-5

Pedestrian Safety

Construction activities that include street closures, the presence of heavy equipment and increased truck trips to haul materials on and off the project site can lead to safety hazards for people walking in the vicinity of the construction site. To ensure that effective conditions are employed to reduce construction and operation related pedestrian safety impacts on District sites, we ask that the following language be included in the recommended conditions for pedestrian safety impacts:

- Contractors must maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing pedestrian routes to school may be impacted.
- Contractors must maintain safe and convenient pedestrian routes to all nearby schools. The District will provide School Pedestrian Route Maps upon your request.
- Contractors must install and maintain appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
- Haul routes are not to pass by any school, except when school is not in session.

- No staging or parking of construction-related vehicles, including worker-transport vehicles, will occur on or adjacent to a school property.
- Funding for crossing guards at the contractor's expense is required when safety of children may be compromised by construction-related activities at impacted school crossings.
- Barriers and/or fencing must be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
- Contractors are required to provide security patrols (at their expense) to minimize trespassing, vandalism, and short-cut attractions.

Response to Comment No. 2-5

The comment states that construction activities including street closures, heavy equipment and increased truck trips from a project site can lead to safety hazards “for people walking in the vicinity of the construction site.” As discussed above, and as demonstrated in the Draft EIR, there are no LAUSD schools in the vicinity of the Project Site that could be directly or indirectly impacted by construction activities.

The comment also recommends certain conditions to “reduce construction and operation related pedestrian safety impacts on District sites.” There are no District sites nearby or in the vicinity of the Project Site. The closest District sites to the Project Site are illustrated in Figure IV.1.3-2, Schools Serving the Project Vicinity, of the Draft EIR, and those schools range in distance from approximately 0.7 mile to 1.3 miles away from the Project Site.

With regard to the haul route and pedestrian route recommendations in the comment, it should be noted that there are no nearby schools and none of the proposed haul routes pass by any school. Review of LAUSD's pedestrian routes does show limited instances where a haul route could bisect an LAUSD-designated pedestrian route. These instances are not in close proximity to the Project Site, and thus haul trucks would be interspersed with existing traffic on the haul route by the time there is any intersection with a pedestrian route. To minimize potential conflicts with pedestrians, and in accordance with Project Design Feature TR-PDF-1, the Project would implement a Construction Management Plan to ensure access, minimize traffic disruptions, and provided for vehicular, bicycle and pedestrian safety during the construction period. In addition, out of an abundance of caution, TR-PDF-1 has been modified to require that contractors maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing pedestrian routes to school may be impacted, as requested by the comment. Refer to Section III, Revisions, Clarifications and

Corrections to the Draft EIR, of this Final EIR. The other suggested conditions are not applicable due to the distance of the Project Site from LAUSD schools and the lack of any schools located in close proximity the Project's haul route.

Comment No. 2-6

The District's charge is to protect the health and safety of students and staff, and the integrity of the learning environment. The comments presented above identify potential environmental impacts related to the proposed project that must be addressed to ensure the welfare of the students. Based on the extent/location of the proposed development, it is our opinion that significant environmental impacts on the surrounding community (air quality, noise, traffic, pedestrian safety) may occur. Due to the fact that Ramon C. Cortines Visual & Performing Arts their teachers and the staff, as well as to assuage the concerns of the parents of these students. However, due to COVID-19 the school is currently closed, and health and safety concerns are minimized. Therefore, the recommended conditions set forth in these comments should be adopted as conditions of project approval to offset environmental impacts on the affected school students and staff when school is in session.

Thank you for your attention to this matter. If you need additional information, please contact me at (323) 286-7377.

Response to Comment No. 2-6

The Commentor states that "based on the extent/location of the proposed development" significant environmental impacts may occur. Note, however, that there are no LAUSD facilities in close proximity to the Project Site, and the statement that Ramon C. Cortines Visual & Performing Arts is 365 feet from the Project Site is inaccurate. As demonstrated in Response to Comment Nos. 2-1 through 2-5 above, the Project would not result in significant air quality, noise, traffic and pedestrian safety impacts to the Ramon C. Cortines School of Visual & Performing Arts or other LAUSD schools, the closest of which is approximately 0.7 mile to the northeast and there are several city blocks, numerous buildings, and major freeways (including the 110 Freeway and 101 Freeway) between the Project Site and nearest LAUSD facilities. The Draft EIR has demonstrated that there are no significant impacts on LAUSD facilities or its teachers, staff, or parents regarding the environmental issues raised in the comment letter. As noted above, LAUSD's Transportation Branch will be notified of the expected start and ending dates of construction for any portion of Project that may affect school areas or pedestrian routes. TR-PDF-1 has been updated to require ongoing communication with LAUSD school administrators to ensure that no LAUSD facility or pedestrian route is significantly impacted.

Comment Letter No. 3

Dana Camacho
Legal Administrative Assistant
Alston & Bird
333 S. Hope St., Ste. 1600
Los Angeles, CA 90071-1410

Edward J. Casey
Alston & Bird
333 S. Hope St., Ste. 1600
Los Angeles, CA 90071-1410

Comment No. 3-1

Attached please find correspondence from Mr. Ed Casey regarding the above-referenced matter.

We are submitting this letter to provide comments on the Draft Environmental Impact Report (“DEIR”) prepared for the Angels Landing Project (the “Project”). This law firm represents the owner of the property located at 336 South Hill Street (“La Cita”) and the operator of the La Cita Bar at that location. The La Cita property is located immediately across Hill Street from the Project site. The La Cita Bar is also located immediately adjacent to the Grand Central Market.

The La Cita Bar is housed in a one-story building that is approximately 123 years old and is made of unreinforced masonry and brick. Since La Cita purchased the bar in 2006, our client has invested a substantial amount of money in making the bar an important part of the downtown community. The La Cita Bar includes an outdoor patio area, which (pre-COVID) is typically frequented by patrons throughout the day and evening and serves a mix of blue and white collar workers during the day, as well as a diverse group of young and older music lovers of all nationalities at night.

We submit this comment letter to raise a number of concerns about the environmental impacts that the Project may cause to La Cita.

Response to Comment No. 3-1

This comment includes introductory comments regarding the characteristics and location of the bar, including its outdoor patio and its building construction materials. It should be noted that the bar is located across Hill Street from the Project Site, and the bar

is adjacent to the loading docks for the Grand Central market and existing surface parking lots. The patio referenced in the comment is located at the rear of the bar (farthest from the Project Site) and is surrounded with perimeter walls and fencing and partially enclosed with awnings. The front of the bar (facing towards the Project Site) is solid and without transparent windows or areas for patrons to congregate. Figure II-1 on page II-18 shows the existing conditions at the bar and its surrounding context. These characteristics of La Cita are relevant to the environmental issues that are addressed in detail in Response to Comment Nos. 3-2 through 3-5 below.

Comment No. 3-2

Construction Noise and Vibration

Based on the analysis included in the DEIR, the Project would result in significant and unavoidable noise and vibration impacts (specifically, on-site construction noise, and both on- and off-site construction vibration). Further, the Project would also result in significant and unavoidable cumulative noise and vibration impacts [sic] Consequently, La Cita is concerned that these significant construction impacts will adversely affect La Cita's customers in its outdoor patio area. Those customers are sensitive receptors and it is unclear if the DEIR analysis has properly accounted for the impact on those customers and sensitive receptors. Further, La Cita questions whether sufficient analysis has been performed to determine if the Project's significant construction vibration impacts will damage the structural integrity of La Cita's building, which is 123 years old. It is critical that the DEIR expand the scope of its studies to evaluate these impacts and to develop a more robust construction mitigation program and not defer the formulation of such measures to the building permit phase.

Response to Comment No. 3-2

The comment claims that customers at the La Cita Bar outdoor patio are sensitive receptors and could be significantly impacted by construction noise impacts. Commercial customers in outdoor restaurant/bar areas are not considered sensitive noise receptors according to either the City's 2006 CEQA Thresholds Guide or the City's Noise Element in the General Plan.² Furthermore, La Cita's outdoor patio area is located behind (east) of the La Cita building, which would help shield the patio area from Project construction noise (including both on- and off-site construction noise). It should be noted that the Draft EIR did analyze potential impacts to receptor location R3, which is located in the parking lot

² *City of Los Angeles, L.A. 2006 CEQA Thresholds Guide, Section I, Noise, p. I.1-3. Noise-sensitive uses include residences, transient lodgings, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks. See also, Noise Element, City of Los Angeles General Plan, Chapter IV, p. 4-1.*

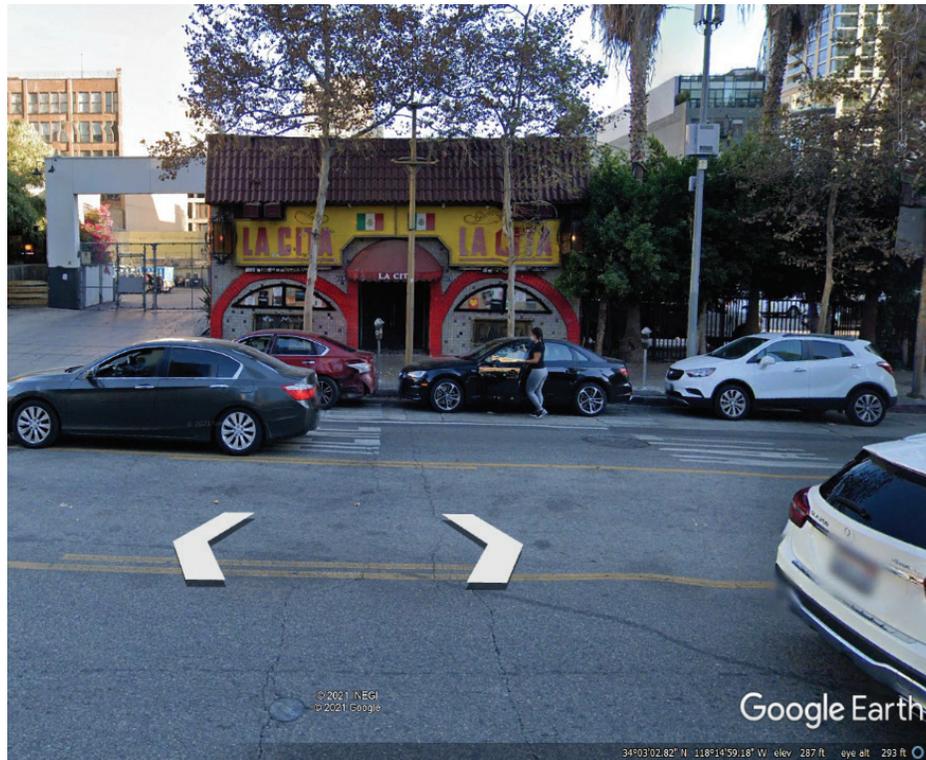
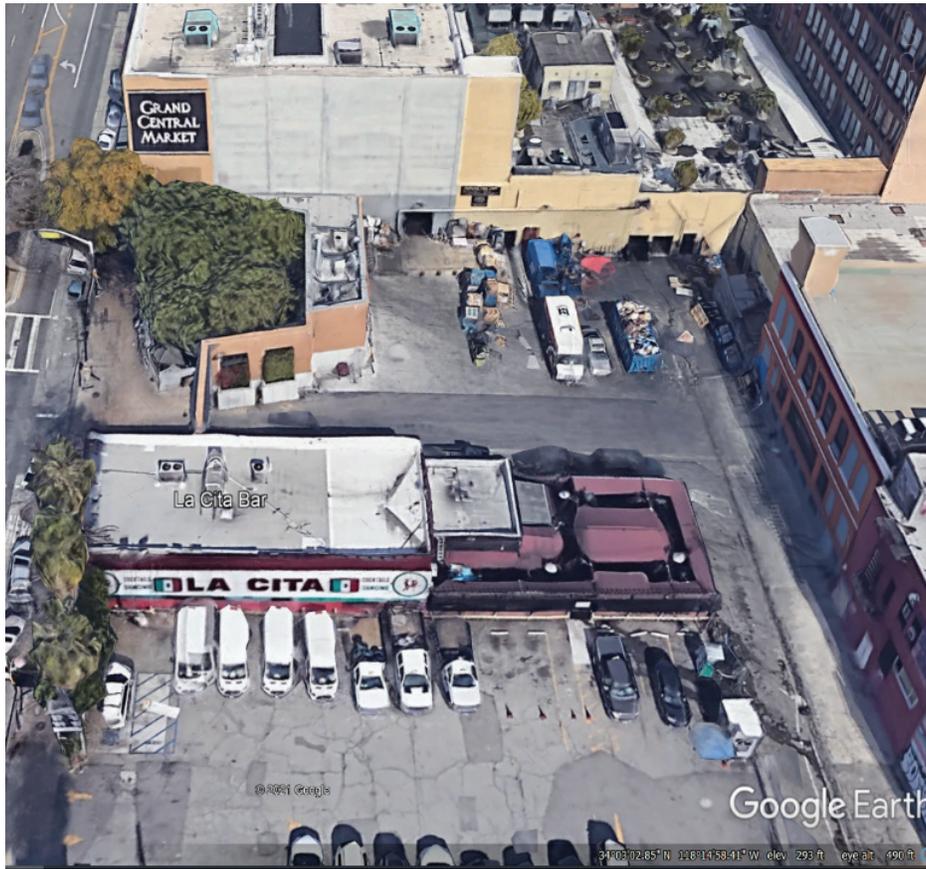


Figure II-1
La Cita Bar Images

near the La Cita Bar. This parking lot, like the La Cita Bar, is not considered a sensitive receptor in baseline conditions. To be conservative, however, the Draft EIR analyzed potential noise impacts at receptor R3 because that parking lot may be developed into a residential building according to the list of related projects in the area. Hence, the Draft EIR determined that if the R3 parking lot became an occupied residential building before or during construction of the Project, then on-site Project construction activities could create a temporary significant impact on those residential sensitive receptors. Accordingly, the Draft EIR included Project Design Features NOI-PDF-1 (regarding noise muffling on construction equipment) and NOI-PDF-4 (prohibiting impact pile driving systems), and Mitigation Measure NOI-MM-1 regarding noise shielding for existing residential sensitive receptor locations to reduce construction noise impacts. The Draft EIR concluded, in Table IV.G-20, that even with PDFs and mitigation, temporary noise impacts during construction would remain significant and unavoidable. This analysis is conservative and fully informs the public and the decision makers of potential impacts to sensitive receptors in the vicinity per the corresponding significance criteria applied in the Draft EIR. Therefore, the Draft EIR has adequately analyzed noise impacts pursuant to the applicable thresholds of significance, and no further analysis is warranted.

The comment questions whether sufficient analysis has been done to determine whether construction vibration would damage the structural integrity of the La Cita building. The Draft EIR does include a comprehensive vibration analysis in Section IV.G, Noise, of the Draft EIR, which included evaluation of potential vibration impacts on the La Cita Bar building, which is identified in Table IV.G-21 in the Draft EIR, as a “Single Story Commercial Building to the East” of the Project Site. As provided in the Draft EIR (pages IV.G-44 and IV.G-45), the short-term construction activities at the Project Site would generate an estimated 0.013 peak particle velocity (PPV) at the La Cita Bar building due to on-site construction activities and 0.022 PPV at the La Cita Bar building due to off-site construction activities (e.g., construction traffic). Each of these would be well below the 0.2 PPV significance threshold for building damage, and below the PPV significance threshold for building damage to historical buildings (e.g., 0.12 PPV for historic buildings). Per the FTA, ground-borne vibration is a concern almost exclusively inside the buildings and is not an issue for outdoor areas.³ Moreover, a vibration analysis for human annoyance was performed by AES to evaluate the potential impacts for the patrons at the La Cita’s outdoor patio area. The vibration levels at the La Cita’s outdoor patio area, due to the Project’s on-site construction equipment and off-site construction traffic, would be approximately 62 VdB (due on-site construction equipment) and 54 VdB (due to off-site construction traffic), which would be below the perceptible threshold of 65 VdB as identified

³ *Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018, pp. 117 and 118.*

in Table IV.G-5 on page IV.G-12 of the Draft EIR.⁴ Therefore, the Draft EIR did perform adequate analysis of vibration impacts and no additional analysis or mitigation is required.

Comment No. 3-3

Construction Air Quality

The quality of the air at La Cita's outdoor patio area may also be adversely affected by the construction of the Project. Debris and dust particles during such construction could infect the air at La Cita's patio area and potentially cause a significant effect on the health of its customers and employees. Again, it is not clear if the DEIR examined the impact to those sensitive receptors.

Response to Comment No. 3-3

The comment claims that the customers and employees of the La Cita Bar are sensitive receptors that could be significantly impacted by air quality impacts from the Project. Note, however, that neither the City's 2006 CEQA Thresholds Guide nor the South Coast Air Quality Management District (SCAQMD) define commercial customers in indoor or outdoor areas at restaurants or bars as sensitive air receptors.⁵ Thus, CEQA does not require the Draft EIR to analyze air quality impacts on the La Cita Bar as a sensitive receptor. However, for informational purposes, and a good faith response to the comment, note that the air quality impacts of the Project are evaluated in Section IV.A, Air Quality, of the Draft EIR. As indicated therein, Project construction-related air quality impacts would be less than significant with mitigation for regional emissions and less than significant for localized emissions. In addition, note that analysis in Section IV.A, Air Quality, of the Draft EIR did evaluate potential impacts to defined sensitive receptors that are closer to the Project Site than the outdoor patio area of La Cita Bar, and concluded that those impacts would be less than significant. Thus, potential impacts to users of the outdoor patio area of La Cita (even if they were defined as sensitive receptors, which as noted above, they are not) would also be less than significant due to proximity to the Project Site.⁶ Therefore, the

⁴ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018, p. 113.

⁵ City of Los Angeles, *L.A. 2006 CEQA Thresholds Guide, Section B, Air Quality, p. B.1-4. Air quality sensitive uses include residences, schools, childcare centers, hospitals, parks, or similar uses. SCAQMD defines sensitive receptors as residences, schools, playgrounds, childcare centers, athletic facilities, hospitals, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.*

⁶ *By comparison, the closest sensitive receptors are the residential towers located approximately 75 feet north of the Project Site and the Metro 417 mid-rise apartment building approximately 75 feet south of the Project Site, versus the outdoor patio area of the La Cita Bar which is located approximately 175 feet east of the Project Site.*

Draft EIR adequately analyzed construction-related air quality impacts and no additional analysis or mitigation is required.

Comment No. 3-4

Historic Resources

La Cita's building is 122 years old and could be eligible for designation as a significant historic resource. However, the DEIR does not evaluate whether the La Cita Bar building is an historic resource and if so, would the Project's significant construction vibration impacts damage the structural integrity of La Cita's building.

Response to Comment No. 3-4

The comment states that the Draft EIR does not evaluate whether the La Cita Bar is a historical resource and claims the building could be eligible for historic resource designation. The Draft EIR evaluated historical resources impacts associated with the Project in Section IV.B, Cultural Resources, and Appendix E, Historical Resources Technical Report, of the Draft EIR. As indicated in Figure IV.B-1 in Section IV.B, Cultural Resources, and in Table 1, Properties in the Study Area, in the Historical Resources Technical Report, of the Draft EIR, the La Cita Bar building is not a designated historical resource. Moreover, a review of the City's Survey LA website, Central Community Plan Area portion (https://planning.lacity.org/odocument/4aa951ed-4e2a-4685-a0be-aec304212bab/CentralCity_IndividualResources.pdf) confirms that the La Cita Bar is not considered a historic resource. In addition, the City of Los Angeles Zone Information and Map Access System (ZIMAS) Parcel Profile Report for La Cita (336 South Hill Street) indicates that historic preservation review is not required for La Cita.⁷ Therefore, the Draft EIR was not required to analyze impacts to La Cita Bar as a historical resource. Also refer to Response to Comment No. 3-2 regarding the Project's vibration impacts, which confirms that the Project would not have significant vibration impacts on the structural integrity of the La Cita Bar even applying the most stringent vibration threshold of significance.

Comment No. 3-5

Construction Traffic

Finally, we raise concerns over construction traffic and the effect on road and sidewalk closures. Maintain [sic] viable and walkable access to the La Cita Bar is of utmost importance to our client.

⁷ *City of Los Angeles, Zone Information and Map Access System Parcel Profile Report for 336 S. Hill Street, March 8, 2021.*

We appreciate the opportunity to provide comment on the DEIR.

Response to Comment No. 3-5

The transportation impacts of the Project, including those during Project construction, are evaluated in Section IV.J, Transportation, and Appendix J, Transportation Assessment, of the Draft EIR. As indicated therein, with implementation of Project Design Feature TR-PDF-1, the Project would result in less than significant construction traffic impacts, including those related to access to adjacent properties during the construction period. Pursuant to Project Design Feature TR-PDF-1 in Section IV.J, Transportation of the Draft EIR a City-approved Construction Management Plan would be implemented during the Project construction period to, among other things, maintain the free flow of vehicular and pedestrian traffic and ensure continued vehicular and pedestrian access to adjacent off-site properties during the construction period. Furthermore, as indicated under Threshold (d) in Section IV.J, travel lanes would be maintained in each direction on all streets around the Project Site throughout the construction period. This includes along South Hill Street. The construction plans for the Project do not include sidewalk or street frontage closures adjacent to La Cita Bar. Therefore, adequate vehicular and pedestrian access to the La Cita Bar would be maintained during Project construction.

Comment Letter No. 4

John H. Welborne
Angels Flight Railway Foundation
California Plaza, Los Angeles
P.O. Box 712345
Los Angeles, CA 90071-7345

Hal Bastian
President
Angels Flight Railway Foundation
California Plaza, Los Angeles
P.O. Box 712345
Los Angeles, CA 90071-7345

Comment No. 4-1

I attach a letter from the Angels Flight® Railway Foundation indicating that the Foundation, the immediate next-door neighbor to the project, supports the Angels Landing project and urges the City to approve it.

Please “Reply” as soon as possible to confirm that you have received this letter for the DEiR [sic] file.

The Angels Flight® Railway Foundation (“AF”) will be next-door neighbor to the project (the “Project”) proposed by Angels Landing Partners, LLC (“AL”) if the City of Los Angeles sells to AL the former CRA property south of the property now owned by AF and occupied by the historic Angels Flight® Railway. AF is a California nonprofit corporation charged with stewardship of the Railway for the benefit of the community. AF also is effectuating the legacy of the City of Los Angeles’s official 1981 bicentennial committee, the Los Angeles 200 Committee, whose monument and time capsule are to be incorporated as part of the overall California Plaza development, near the top of Angels Flight®.

For several years, representatives of AL and AF have discussed items of mutual concern relating to the adjacency of their properties, future construction upon them, future operation of them, and similar matters. AF also has reviewed the Draft Environmental Impact Report (DEIR) prepared for the Project. Please consider the following comments in your and other City decision-makers’ ensuing environmental and other reviews for the Project.

Response to Comment No. 4-1

This is an introductory comment that does not raise specific environmental issues. It is noted for the record that the Angels Flight Railway Foundation supports the Project. More specific comments are provided and responded to below.

Comment No. 4-2

Community Benefits. AF is very pleased that AL will provide certain community benefits that address matters of community concern, including relocating the official Los Angeles Bicentennial Monument to a new, permanent location on the Upper Plaza level of the Project, overlooking Angels Flight®. In addition, AL will provide the community benefit of an *Angels Flight® Museum and Store* on the Lower Plaza level of the AL property, overlooking the Angels Flight® right-of-way, to fulfill the original California Plaza master plan requirement for a local history museum (and subject to final negotiations and AL's review of AF's viable business plan for museum and store operations). Finally, and also as contemplated in the master plan for California Plaza, AL has agreed to *improve pedestrian linkage* by modifying slightly the Project's Upper Plaza design to better connect our two properties near the location of the Angels Flight® Station House. Also, AL's proposed design for the Project improves public pedestrian linkages up and down Bunker Hill and between the Project and the Railway at various elevations and is respectful of vistas of the Railway from multiple points on and around the Project.

Response to Comment No. 4-2

This comment regarding the community benefits of the Project does not raise specific environmental topics requiring response. The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-3

Common Boundary and Miscellaneous Matters. AF believes that a few minor design modifications to the Project possibly are needed along the common boundary line, and discussions are continuing between AF and AL on such matters, including fencing at the common boundary. Also, AF will remain in discussion with AL, as the Project design evolves, concerning matters of mutual concern such as signage, coordination of security, landscaping adjacent to each other's property, and support from, and coordination with, AF for the construction of AL's Project.

Therefore, based on the above and the ongoing coordination between AF and AL, we support the Angels Landing project and urge the City to approve it.

Response to Comment No. 4-3

These comments regarding future discussions between the Applicant and Angels Landing regarding fencing, signage and landscaping and support for the Project do not raise specific issues related to the environmental analysis in the Draft EIR. These comments are noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 5

Michael Shilstone
Director of Economic Development
Central City Association of Los Angeles
626 Wilshire Blvd., Ste. 850
Los Angeles, CA 90017-2938

Jessica Lall
President & CEO
Central City Association of Los Angeles
626 Wilshire Blvd., Ste. 850
Los Angeles, CA 90017-2938

Comment No. 5-1

Please find attached a letter of support from our organization regarding the Angels Landing Project (ENV-2018-3273-EIR). Thank you for your consideration.

Established in 1924, Central City Association (CCA) is committed to advancing policies and projects that enhance Downtown Los Angeles' vibrancy and increase investment in the region. We are a membership organization representing over 300 members that have played a leading role in transforming Downtown Los Angeles and our city by building over 17,000 units of new housing, and more than 6.6 million square feet of office and retail space and 3,600 hotel rooms that have resulted in hundreds of thousands of jobs and tax revenue dollars to the City.¹ CCA supports projects that bring more housing units online in DTLA to enable people to live near where they work, provide new hospitality and employment options in our city center and create unique and compelling places, and we're pleased to offer our support for the Angels Landing project with that in mind.

Angels Landing Partners, LLC will develop an iconic 1.3 million square foot, two-tower, mixed-use development consisting of 180 for-sale condominiums, 252 apartments (including affordable units), two hotels with a total of 515 guest rooms, restaurants, ballrooms, meeting rooms, and amenities, and more than 70,000 square feet of general commercial uses. The project will also create over 56,000 square feet of new open space with its Angels Plaza, Angels Terrace, and Upper Cal Plaza terrace.

It will serve as a capstone for Bunker Hill and connect it to the Historic Core community with a series of functional pedestrian linkages, as well as dramatically improve the context around, and experience using, the historic Angels Flight funicular. Importantly, the project integrates an existing Los Angeles County Metropolitan Transportation Authority portal and

thereby advances the region's transportation goals. This integration aligns with our desire for more workers and visitors to utilize public transportation to access downtown—it is a true transit-oriented development.

This project will be an asset for DTLA. It has the ability to stimulate direct and indirect economic investment in the City, which is critical in the wake of COVID-19. Projects like Angels Landing demonstrate DTLA's resiliency and are vital to help its economy recovery. Moreover, the project will create thousands of new construction jobs and hundreds of new permanent jobs that help workers in the City and region regain employment opportunities.

Finally, the project advances equity by its workforce hiring commitments. The project endeavors to have 30 percent minority workforce, employ skilled labor unions, and integrate local and women-owned business. CCA applauds this commitment to racial and gender inclusion, especially on a project of this scale.

CCA supports Angels Landing wholeheartedly and looks forward to the City's approval of this exciting and important project. Please include this letter in the administrative record for the project. Thank you for your consideration.

¹ <https://www.ccala.org/what-we-do/member-development-projects/>

Response to Comment No. 5-1

It is noted for the record that the Central City Association supports the Project. The other comments regarding pedestrian linkages, improving the site and context, integration with public transit, job creation, and workforce hiring commitments, do not raise specific environmental issues requiring response. These comments are noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment Letter No. 6

Panda Ware
ozypandias010101@gmail.com

Comment No. 6-1

Peebles bid at Angels Landing is a fraud and is the result of bidding misrepresentations and graft.

See the attached audited financial statements. Peebles is massively overextended and does not have financial assets to begin either project.

Attached is relevant due diligence to Don Peebles bid at Angel's Landing. Of central importance is Peebles audited statement of net worth. Peebles does not have the financial capacity to oversee the project at Angel's Landing, and as such, makes reference to a Forbes article to establish his assets. Attached is the most recent audited financial statement showing Peebles' net worth at slightly more than \$20,000,000.

Peebles has not completed any substantial projects at a profit since these documents, and as such, his net worth is approximately the same.

Peebles failed to disclose bankruptcies, lawsuits, and bid disqualifications. Peebles has a long track record of fraudulent bidding, where he leverages the RFP with no expectation of meeting his proposal representations.

The lack of meaningful candor and non-disclosure of relevant adverse actions, combined with Peebles financial inability to complete the project at Angel's Landing, represents a massive fraud perpetrated on LA taxpayers.

Sent out to all CA gov today.

Response to Comment No. 6-1

These comments and the attachments do not raise significant environmental issues regarding the analysis in the Draft EIR. As such, no response is required pursuant to CEQA. These comments are noted for the record and will be forwarded to the decision-makers for review and consideration.