

# *A Westside Coalition of Community Associations*

January 12, 2006

*California Country Club  
Homeowners Association*

*Century Westwood Watch*

*Cheviot Hills Homeowners  
Association*

*Manning Area Protection  
Association*

*Overland Avenue Community*

*Residents of Beverly Glen, Inc.*

*Tract 7260 Homeowners  
Association*

*Westwood Gardens Civic  
Association*

*Westwood Homeowners Association*

*Westwood South of Santa Monica  
Blvd. Homeowners Association*

Jonathon Riker  
Dept. of City Planning  
Environmental Review Section  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012

Ref: ENV-2004-6269-EIR

Project Address: 10131 Constellation Boulevard, Century City, 90067

Dear Mr. Riker:

We represent a large area west of Century City (see attached map) and have come together to oppose the 10131 Constellation Blvd. project as proposed in the EIR. We have reviewed the EIR and have extensive comments and concerns. We also note in the first paragraph of the document that the text states that the city is the Lead Agency. Therefore, we will assume that requests for notification sent to the Lead Agency will be honored, no matter to what department they are made, and that the departments will share information regarding notifications and interested parties. We hereby request notification to each of our members of all future actions on this project, including but not limited to, public hearings, haul route hearings, and responses to comments.

Our foremost comment is that this EIR is too flawed and inaccurate to adequately review. The traffic study overstates existing uses, the project does not have the development rights it purports to have, many environmental topics are not addressed in the EIR, and mitigation measures are lacking. We cannot assess whether the impacts of the project have been adequately addressed because they are not accurately stated to begin with. The EIR needs to be corrected and re-issued prior to any further project action or discretionary action by any portion of the Lead Agency.

Notwithstanding the comment above, we have listed our specific comments and concerns below. We reserve the right to add to these comments when corrections to the EIR are presented:

## DEVELOPMENT RIGHTS

Page 5: Please clarify what the covenant and agreement changes are.

Page 11: The project is not consistent with the CCNSP. There is no such term as a "potential replacement trip" in the CCNSP.

Page 11, B-24, and elsewhere: The trips listed are inaccurate for several reasons.

1. Parcel 7 totals reflect an improper transfer of 1141.819 trips from Parcel 9. As stated in the CCNSP, "No Trip may be transferred if it has previously been utilized on or transferred from the transferor site; ... Trips and Transferred Trips which have been transferred, but not utilized on the transferee site may be transferred to ANY OTHER lot within the Specific Plan area." [emphasis added] The improper transfer of trips reduces available trips (stated as 1541,190) by 1141.819 trips, which accounts for 151 units or 31% of the project. Parcel 7 should therefore only be allocated 399.371 trips.
2. The calculation of "potential replacement trips" for the existing uses is inconsistent with the stated existing uses. Specifically, the replacement trips given were derived by applying the drive through bank trip rate to the entire first floor of the bank at 192 trips per 1000 square feet and the remainder of the bank at 14 trips/1000 sf. The drive through is a separate structure. (See Page 4, 61, 79, 96, A-4: The existing uses are described as a bank AND drive-through bank facility, restaurant and nightclub. Page 96 goes further and

says "City National Bank functions in connection with a drive-through banking facility... The drive-through contains an asphalt driveway running from Constellation Boulevard to Avenue of the Stars." This makes it clear that the bank is separate from the drive-through and further identifies the drive-through as the separate structure.) Any replacement trips should be calculated at 14/1000 for the bank, 192/1000 for the actual drive-through building and 45/1000 for the restaurant. This calculation results in

- Drive-Through Bank:  $400 \text{ sf} \times 192/1000 = 76.8$  trips
- Office/Commercial (bank):  $15,250 \text{ sf} \times 14/1000 = 213.50$  trips
- Restaurant per trip chart = 793.485 trips

FOR A TOTAL OF 1083.785 TRIPS

Since the EIR states that 2112.991 replacement trips are available, the improper assumptions regarding replacement trips yields 1029.206 excess trips which account for 136 of the 483 units or 28% of the project. Parcel 8 should only provide 1083.785 trips.

3. Accurate trip calculations therefore only allow the project to use  $399.371 + 1083.785$  trips - a total of 1483.156. The EIR assumes a total allocation of 3,654.181. This is inaccurate and the project does not have the development rights to build as proposed.
4. In addition, it is the intention of the community to challenge the trip usage for the restaurant based on CCNSP section 6 as actual measured uses are less than CATGP trip rates.
5. Please demonstrate that trips were properly accounted for when the restaurant added canopy space and an enclosed dance floor.
6. The so-called "potential replacement trips" associated with parcel 8 show that the restaurant would generate 793.485 trips. This does not match the square footage given in the EIR. Please provide accurate square footages, and revised trip numbers.

Page 118: Objective 3.1.7 There are insufficient developments rights. See comments above for page 11.

Page 118 and 127: Objective 3.2 The project does not reduce trips.

Page 130: Section 3.C.1.g The EIR's traffic study is fatally flawed and does not provide adequate information for the community or elected officials to determine actual project impacts. Please see TRAFFIC section below.

Page 132: Section 3.C.2.a The trips are inaccurate. See comments for page 11.

Page 139: Policy 4.16 The project is not consistent with the CCNSP.

## TRAFFIC

For the reasons stated in the attached report from Art Kassan and Tom Brohard, Traffic Engineers, we believe the EIR overstates existing use traffic and understates project traffic. As a result, the traffic impacts throughout the EIR are inaccurate.

Page 147 and Table 8: It should be noted that each of the 8 north-south streets listed terminates at one end near the project area. This is important because the shortage of through north-south routes in the community burdens the few that exist. Furthermore, many of the intersections identified that show Level of Service C or better are those locations where streets terminate and there is no through traffic. This discussion does not meaningfully show the traffic situation.

page 164: 3<sup>rd</sup> para. "Peak Hour" is unrealistic. The reality is that intersections operate at LOS F at more than 2 hours per day. Also, saying that construction oriented traffic would use major arterials and freeways and therefore result in a less than significant traffic impact during peak commuter periods makes no sense. Peak commuter periods are when the arterials and freeways are busiest (by definition almost).

page 164, (ii) : This discussion of hauling impacts assumes that the existing trip generation is accurate (116 am peak trips and 338 pm peak trips). It posits that since those trips will be removed, the truck hauling trips of 25 per hour (avg) will not have an impact. However, since the traffic counts at the location have demonstrated that the current uses do not generate the peak morning or afternoon trips estimated in the EIR, the addition of 25 trips per hour will, at certain times, result in an increase in peak hour traffic, particularly since these trips are being made by large construction vehicles that occupy significantly more space than a trip generating vehicle. 25+ trips per hour of heavy trucks is extremely disruptive to traffic flow (restricted acceleration and maneuvering).

Page 174: The EIR states that there would be a net decrease in freeway trips in the PM peak. The existing uses do not generate PM peak trips. However, the residents, staff and visitors will.

Page 175: The conclusion is flawed as the project will increase daily traffic.

Table 12, page 169: If the trip numbers change (are accurate) then the project would add to an intersection that is already at LOS F. This should be significant no matter how small the increment.

Page 268: The Air Quality analysis should be redone with revised and validated trip numbers.

### TRANSIT

Page 151 (e) and elsewhere: The discussion of the "Transit Plaza" is inaccurate and misleading. What exists at this location is (1) a bus layover facility that just opened a few months ago and at which LADOT buses are not allowed to stop. It has no route signs, benches, maps, lights, or anything else that make it a Transit Plaza, and (2) two bus stops on Constellation Blvd. that also do not have route maps, schedules, fare information, or any amenities other than the bus stop sign. This location is neither a Transit Plaza nor transit friendly and the project cannot rely on this to mitigate potentially significant impacts. There are also no indications that there are nearby buses on Pico and Santa Monica Bvds. or how to get them.

Page 161 (e): In addition to riders outnumbering busses, an impact would occur to transit riders if they were delayed or the routes disrupted. The continual construction in Century City and on Santa Monica Blvd. is having a long term adverse impact on transit riders.

### HAUL ROUTE

Page 323 (b): This noise discussion assumes one haul route, yet three were mentioned on page 164. Use of the route that follows Pico and Overland to access I-10 passes by several schools and should be analyzed or forbidden. For schools, daytime hours are noise sensitive.

Page 395 (c): The construction impact analysis only addresses the schools that the project would feed in to. It fails to discuss haul route impacts to the schools along Pico and Overland, i.e. Saint Timothy's, Temple Isaiah, Le Lycee, Overland ES, Notre Dame Academy, and Notre Dame ES, not to mention preschools at Palms Park and private preschools. Rancho Park, Palms Park and the Palms-Rancho library would also be affected. Nor are impacts to Beverly Hills HS addressed, which is directly adjacent to the eastern border of Century City.

### LAND USE

Page 106, 114, 116, 120, 129, and elsewhere: The project takes credit for compatibility with surrounding land uses, particularly stressing the pedestrian orientation of Century City and the pedestrian pathways. There is, in fact, no distinguishable pedestrian pathway as shown on Page 106. Yes, there are normal street sidewalks and crossings at intersections and midblock crossings to the shopping center at MGM Plaza and via the bridge over Avenue of the Stars. But there are no obvious paths or connections elsewhere, as implied, and there is no midblock crossing of Constellation Blvd. at the project site as shown. This is, in fact, a location where one can easily observe pedestrians jaywalking, particularly on days when the Farmer's Market is held. Without having seen the diagram in the EIR we would not have known of this "path system." Having tried to walk it, we can state that it does not exist as described. The project should not claim consistency with the pedestrian orientation of Century City, as there is no pedestrian path system or network.

As the CCNSP was adopted in 1981, isn't 25 years long enough for this walkway to have been made a reality? If JMB, a long time property owner in Century City and developer of MGM Plaza, is stretching to take credit for this phantom path system that they could have made a reality, our confidence in promises of future mitigation is very low.

Will the "upgraded landscaping" provide identification, lighting, or amenities for an entire network of paths? When will the developer take responsibility for the entire path system, not just allowing a little land on the side of their parcel be dedicated to this use? When will the developer construct the midblock crossing of Constellation?

Page 118, Objective 3.2: The project claims consistency with this objective by citing the pedestrian paths (phantom - see above) and components of the West Side Bicycle Plan on Santa Monica Blvd. and Avenue of the Stars. The bike plan shows both these streets as being Class II (bike lane). There is NO bike lane on either of these streets. These consistency claims should state whether the consistency is present (it isn't) or with future street improvements (as stated for Santa Monica Blvd.), or just not there (Avenue of the Stars). Even the description on page 143 does not mention a bike lane. The project should not claim that it is "facilitating a reduction in vehicle trips and miles traveled" when all it is doing is not impeding use of these streets.

Page 124, Policy 1-2.1: The project claims consistency with this policy by stating that that the project is served by shuttle buses. Page 151 does not list any shuttle buses, nor did an internet search of transit sites find any that the public can learn about and access. (We understand there is a FOX shuttle available to their employees.)

Page 133, Parking: While the project may exceed code-required parking for residents and guests, the nature of this luxury project strongly suggests that there will be many employees of the project and the residents (maintenance, gardeners, trainers, cleaning staff, household staff, etc.). What factors were used to account for these?

#### PUBLIC SERVICES/INFRASTRUCTURE

The effects on infrastructure should be added to page 5, "Areas of Controversy".

#### Water/Hydrology

The project site clearly collects storm water and runoff, and may, based on the "high" groundwater levels cited in the EIR, also intercept the groundwater table. Although the document addresses the potential impact of dewatering the site and treating the groundwater (if necessary), it does not address the effect of the project potentially contaminating the groundwater or the loss of the groundwater resource.

There is no discussion of where runoff from the parking garage will be directed or how the wastewater from the garage will be treated. As noted in the EIR for Constellation Place (in the discussion of this site as an alternative), "storm water runoff from commercial areas may contain high concentration of heavy metals, coliform bacteria, oxygen demanding substances, and total suspended solids. This impact is potentially significant."

The Initial Study (page B-20) states that groundwater is 75 feet below ground surface (bgs) and therefore the flow will not be affected. However, page 359 of the EIR states that high groundwater levels may be 40 feet bgs so the flow might be affected and this impact has not been analyzed.

Page 358 of the EIR lists the nearby storm drain inlets but fails to mention that none of them are actually adjacent to the property. According to IMap LA, the closest storm drain inlet is located at the corner of Century Park E and Constellation. A storm drain conduit runs directly under the property but it appears that ground water (rain water, hose water, etc.) is directed into the site and collects there. Unless the street grading is right, without a downstream (meaning down street) inlet, water collects and has nowhere to go, except sit there waiting for mosquitoes to breed. What improvements to the storm drain system will be made?

The document does not disclose the presence of an isolated wetland on site. Hydrophytic vegetation is present (cattails and others) and the hydrology is clear. The wetland is supported by both runoff and, potentially, by groundwater (high groundwater levels of 30-40 feet below ground surface and the site is 20-40 feet below street level). This wetland may be connected to other waters by groundwater and contribute to the ecosystem's health by filtering pesticides and other pollutants for downstream waters.

The soils under the site may also be hydric and are described in the Initial Study Checklist (V.L.d) as "fine grained alluvial soils consisting predominately of moderately to highly expansive clay soils."

Under the US Army Corps of Engineers Dredge and Fill permits, the law places the burden of proof squarely on a permit applicant to demonstrate that the destruction of any portion of a wetland is necessary. Where is this proof?

The cumulative impacts of "small" disturbances permitted under the general permits system have been severe in many watersheds, especially in Los Angeles and should be mitigated.

A RWQCB 401 Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) may also be required. The rules and regulations apply to all "Waters of the State", including isolated wetlands and stream channels that may be dry during much of the year, have been modified in the past, look like a depression or drainage ditch, have no riparian corridor, or are on private land.

Mitigation Measure G-1 must include wetland mitigation such as creation, restoration, and preservation.

### *Police and Fire*

Page 375, first sentence: Regarding possible improvements to the water conveyance system that may be required, this sentence should read: Under standard City practices, these improvements would be completed by the LADWP at the cost of the developer and/or building tenants, in accordance..." There is no reason city taxpayers should pay for this.

Residents at the nearby Park Place condominium community report that water pressure is an area of concern requiring further investigation. While capacity in the area may be adequate to support additional development, water pressure and pumping capacity may be inadequate.

Page 375 (ii): Just because Station 92 is 1.5 miles from the project site does not mean no additional stations or station capacity need be constructed. The density of Century City is increasing. The analysis DOES NOT include the increased daytime population of the area when MGM Plaza and 2000 Avenue of the Stars or this project are at full occupancy. EMS calls can occur whether there are RESIDENTS or COMMUTERS in the buildings. Basing the analysis on census (i.e. resident) data is inadequate.

Page 375 (ii): The sentence "Since both stations have the same staffing and equipment..." does not match Table 36 which states that Station 58 has a paramedic unit while Station 92 does not. Also, just because Station 58 answers more calls than Station 92, does not mean that 92 is able to answer more or that they are inefficient in some way. Other factors such as geography, density, dispatching, and equipment and personnel also factor in. Further, the ability of public safety personnel to reach incidents during peak travel hours is greatly compromised when traffic is gridlocked (and intersections are at Level of Service F). While the station may be located only 1.5 miles from Century City, the travel time can be lengthy.

Table 42 of the Constellation Place EIR notes in regards to fire services that [the Proposed Project] "would increase demand for fire services. Fire protection services in the area are currently considered overburdened." It also states that demand would be the same for Alternative site F (the site of this project). Why does this document state that there would be no effect?

The increase of 2.5 percent in fire district population and 3.3 percent in calls from just one project is a significant usage of fire department response capacity. There is no discussion of first responder capability in the event of a major fire, earthquake, or other disaster.

As shown in Table 38, LAPD is understaffed in the project area and surrounding communities. Adding density will exacerbate this problem and no mitigation or improvement of facilities or resources is offered in compensation for the cumulative effects of development.

Table 42 of the Constellation Place EIR notes in regards to police services that [the Proposed Project] "would have a significant impact on police services". It also states that demand would be the same for Alternative site F (the site of this project). Why does this document state that there would be no effect?

Page 386, 3<sup>rd</sup> para: Just because there is said to be a "less than significant" effect does not mean that cumulative effects (over time) should be ignored. When will that be addressed? Cumulative impacts are incremental effects that are cumulative considerable. [as defined by CEQA]. These impacts to LAPD and LAFD are not being mitigated.

### *Schools*

Page 391 and elsewhere: It is incorrect to say that Westwood Charter ES is operating under capacity. According to the school, they must accept all students in the resident area. The district has predicted an increase of 50 children over the next 5 years, but has no plan for how to house them. Their enrollment is currently at 752, capacity being 775. However, their numbers in primary the last few years have been huge, with an extra class at both K and 1. As those children move up, they have no classroom space to accommodate them. For example, they may need another 2nd grade class next year, and another 4-5 class. There's no classroom space to expand and the yard and facilities are already at capacity as well. Portables have already been installed and staff parking is inadequate, forcing parking in the neighborhood. Therefore, the project will have an adverse impact and no mitigation is proposed.

Page 392: The EIR uses a vacancy rate of 5.5 percent for LAUSD. What is the rate for the census tracts that feed into Westwood Charter, Overland, or other nearby schools? If Westwood Gardens had a 5.5 percent vacancy rate, for example, there would be 34 vacant houses. This is absolutely not the case!

Page 395: It is incorrect to say that haul routes would not pass by any schools. They may not pass by the schools listed but a haul route that uses Pico and Overland to get to I-10 passes by the Temple Isaiah school, St. Timothy's, Le Lycee, Overland ES, Notre Dame ES, and Notre Dame Academy, in addition to a number of preschools. The trucks will have traffic, noise, safety, and air quality impacts at drop off and pick up times as well as during the learning day.

Page 397: Listing PWT schools as a factor in this case does not make sense since the elementary schools nearest the project (Overland, Westwood, and Fairburn) are not part of this program.

Page 398: The payment of fees as mitigation is misleading since there is no guarantee that the money will stay in the local school area or construct facilities at the affected school(s).

Page 399: The proposed use of mitigation measures such as portable classrooms and year round schedules is unacceptable since their use would create a significant impact as defined in the Thresholds of Significance on page 395.

Page 399 and Table 42, page 400: Table 42 has many blanks in it and does not show (as stated) that related projects would generate 2,410 students. There are NO TOTAL figures in Table 42 and no numbers for employee student generation. The complete table needs to be provided and then the opportunity for analysis and comment provided.

### *Parks/Recreation*

Page 407, para. 1: Private golf courses should not be included in the calculation of open space at all and public golf courses provide recreation for a very limited population due to costs to participate. The area surrounding Century City contains an unusually large number of golf courses (Rancho Park, Hillcrest CC, and the Los Angeles CC). However, their presence in the area does not serve the large majority of residents nor does it provide recreational space for children in the community. The evaluation should be done on parks accessible to the general population, in which case, West LA is far short of the goals of the PRP.

Page 408 (c.1) Sidewalks should not be included as landscaped areas in the calculation of the 1.7 acres. These are streetscapes, not recreation spaces. Furthermore, descriptions of the proposals for the corner of Avenue of the Stars and Constellation call for stepped gardens. This sounds like the pedestrian will be faced with concrete walls and less greenery than hardscape.

Page 409 (a) - 410: "The project includes ...1.7 acres of open space for its 980 residents." The 1.7 acres isn't available to the public (one can't park a car to get there, there is no place to throw a ball, and no place for a child to play at the corner of Constellation and Ave. of the Stars!) whereas the project residents can use other parkland. The project is not adding to the usable open space in the area. Furthermore, most of the open space and greenery will not be visible to pedestrians in the area.

Table 43 says total usable open space required = 483 sq. feet. This is the number of units and should be corrected. The loophole of designating the lofts as only 2 habitable rooms seems to be a way of minimizing the open space requirements for the project. A requirement based on square footage would be more meaningful for this type of architecture.

Page 411 (4): More park acreage, actual land purchase and dedication, must be required. Providing 1.7 acres of space not available to area residents and paying the Quimby fees (which should stay to improve local parks such as Rancho Park in Cheviot Hills, but don't) does not provide more park acreage. This mitigation measure only works if land is available and affordable in the area of the project. It would be meaningful mitigation if the project proponent provided park acreage to West LA. Otherwise there is still an adverse impact on the community and the PRP goals are not being met.

Discussion of the Pedestrian Corridor as recreation space is misleading. There is no recognizable walkway or promotion of walking as a recreational activity in Century City. The project should only take credit for this if the entire corridor is improved and usable.

### CUMULATIVE

Cumulative effects are not just effects of this project with other (future) projects. They are also the effects of this project as the latest in a long string of projects that have impacts that are individually limited but now cumulatively considerable: traffic, park land, school capacity, noise, air quality, etc. As defined in the CEQA checklist, "Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with (1) the effects of past projects, (2) the effects of other current projects, and (3) the effects of probable future projects." [emphasis and numbering added] The EIR only addresses the cumulative impacts with probable future projects and therefore is inadequate and incomplete. Many examples are provided below but each section and impact needs to be reviewed and reanalyzed.

Cumulative traffic operational impacts are identified, partly because significant individual impacts may not be mitigated. However, the point is that individual significant impacts will be mitigated but the less than significant ones add up and CUMULATIVELY become significant. What mitigation is proposed to ease the LOS F intersections?

Cumulative impacts to library usage are not addressed. Why is there not a fee paid to the library department or support of the local branches?

How will cumulative impacts to parks ever be mitigated if no land is purchased and preserved? The only affordable land is on the outskirts of the city, not nearby where the impacts are occurring.

What mitigation is proposed for the cumulative construction noise impact stated as significant? When will it be put in place?

There are significant and unmitigated cumulative noise and air quality impacts from the continuous construction that has occurred and continues in Century City, including but not limited to:

1. Constellation Place 2001-2003
2. Santa Monica Transit Parkway 2003-2007 (?)
3. Westfield mall expansion 2005
4. 2000 Avenue of the Stars 2004-2006 (?)
5. Fox Expansion 2004-2006 (?)
6. St. Regis/2055 Avenue of the Stars 2006-2009 (?)
7. this project 2006-2010 (?)

Such a continuous barrage has health impacts as well as quality of life impacts on our community.

Are there cumulative effects on water pressure capacity because of the many projects just built and being built? In the EIR for 2055 Avenue of the Stars, the LA DWP letter seems to imply that DWP looks at needs on a case-by-case basis. A cumulative analysis needs to be done.

Overall, the project and the Lead Agency are not addressing the cumulative impacts on the carrying capacity of the city's infrastructure. West LA has reached the limit due to incremental effects over time that have not been mitigated. Our intersections do not operate, our streets have not been repaved, we have an inadequate supply of parkland, our police and fire response times are increasing, and our city services are decaying.

### TOXICS & HAZARDOUS

The proposed project is located within the boundaries of what the DEIR refers to as the "Beverly Hills Oil Field". The DEIR does not delineate how many active, plugged, and abandoned wells are located within the project boundaries. All wells within or in close proximity to the project boundaries should be accurately plotted on project maps. A draft EIR must contain a statement briefly indicating the reasons why the lead agency determined that various possible significant effects actually were not significant and were not discussed in detail in the EIR. *Public Resource Code* Section 21100(c).

The DEIR repeatedly asserts that "based upon historic aerial photographs, the site was used as a golf course from 1928 to 1935". Please provide evidence showing this site was used for anything other than as an oil production and processing area.

The DEIR admits that the "Project site was used for oil exploration and production from the 1950s to 1991, primarily under the auspices of the Chevron/Texaco Company." Photographs of this site (see below and on exhibits 1 through 3 attached) show clearly this site was used for oil exploration, production, and processing to such an extent that parcel 6 (APN 4319-002-053) of the site was specifically carved out when subdividing the lots. There is no explanation in the DEIR as to why parcel 6 was subdivided in this manner. It appears from photographic evidence that the lot containing the oil production and processing was located here.

Building over or in the proximity of plugged and abandoned wells, pursuant to Department of Conservation, State of California (Department) guidelines, should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current specifications, as set forth in the Department's Division of Oil, Gas, and Geothermal Resources (DOGGR).

Although the DEIR claims that the "Project site has 28 wells that have been properly closed in accordance with current . . . DOGGR standards" (DEIR, IV.F.1.a), it fails to identify: (1) how many wells exist (in other words, 28 may have been "properly closed", but there may exist additional wells that have not been "properly closed"); (2) the location of said wells; (3) how many wells have been abandoned; (4) how many wells have been plugged; (4) the records for the Century City Drill Site as described in footnote 69 of the DEIR as part of the Record; and (5) whether the "Century City Drill Site" is part of or separate to the assertion that the site is within the boundaries of the "Beverly Hills Oil Field". There should be a report and drawing that provides the location of all existing, abandoned, idle, and active oil wells on site, as well as the location and future status of all existing oil wells on site. There should also be a commitment not to construct buildings over any oil wells on the project site and that the project site has been designed to locate structures as far away as possible from existing oil wells. DOGGR must review all of the information prior to project implementation. The City's Department of Planning and Building must require and verify that final building plans have undergone DOGGR review prior to the start of construction.

While page 340 of the DEIR discusses some limited prior remediation activities, there is no discussion as to whether or not the Project owners have conducted any tests in connection with the closure or abandonment of wells at this site, or whether other hazardous materials may have been dumped at the Project site at any time, including, but not limited to the time there were active wells on the subject property. This should be included in an appendix to the EIR. Since this property was previously part of the 20th Century back lot, there is a possibility that this site was used as a dumping ground.

In contrast to what has been asserted in the DEIR, as set forth in the response to the Final Environmental Report to the Project owner's earlier construction at 10250 Constellation Boulevard, this site (which was described in the FEIR as an alternative site), it was reported as to the subject property: "The lot on the northeast corner of Constellation Boulevard and Avenue of the Stars is approximately 5.6 acres in size and is owned by the owners of the project site. The site is located in the Century City North Specific Plan area and within the West Los Angeles Community Plan. It is zoned C2-2-0. The site is currently developed with a bank and a restaurant. Impacts generated by development of the alternative site would be approximately the same as those occurring with the proposed project, although the site has *serious development constraints due to previous use of the site for oil and gas production and the potential for Risk of Upset/Human Health problems.*" [emphasis added.] There is no record that any remedial work was done to the subject property between the date of the FEIR (namely, July 1997; Addendum January 1998) and the date of this DEIR that claims no remedial work need be done. In fact, the Project owner claimed that it would be very difficult to develop this land based upon the significant adverse impacts identified in the FEIR. Please explain what was done since the date of that FEIR and this DEIR that makes the subject site less constrained for development.

The intent of the original master plan for Century City was to not build on the vast majority of the Project site due to the oil drilling and possible severe contamination. Attached as Exhibit 1 is a true and correct copy of a photograph taken in 1963 showing the oil rig on the Project site. Attached as Exhibit 2 is a true and correct copy of a photograph taken in 1966 showing the oil rig and possible processing plant at the Project site. Attached as Exhibit 3 is a true and correct copy of a photograph taken in 1965 showing the oil rig and oil production area at the Project site. Attached as Exhibit 4 is a true and correct copy of a photograph dated 1958 of one view of the model master plan for Century City, specifically showing this site to remain undeveloped. Attached as Exhibit 5 is a true and correct copy of a photograph dated 1958 of a second view of the model master plan for Century City, specifically showing this site was to remain undeveloped. Exhibit 4 shows two areas with the words "oil drilling site", one of which is at the project site.

If it is not possible to avoid building over or in the proximity of plugged and abandoned wells, a requirement to permit said construction should necessitate identifying all wells and plugging or re-plugging the wells to current Division specifications. Also, the State Oil and Gas Supervisor should inspect the subject property and order the re-abandonment of previously plugged and abandoned wells, since construction over or in the proximity of the wells could result in a hazard (Section 3208.1 of the Public Resources Code). Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discover occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

To ensure proper review of building projects, the Division has published an informational packet entitled "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for Review. There is nothing in the DEIR that indicates whether the Project owner has contacted the Division or otherwise provided notice to the Division that the intent is to build on or in close proximity to this contaminated site. There is nothing in the DEIR that indicates what, if any, remedial work has been done by the current owner of the subject property or any prior owner (which information would be revealed and disclosed pursuant to local, state and federal regulations) upon transfer of this property. This property has, in fact, been continuously held by AP Properties Ltd. and its successors in interest since transferred to AP Properties Ltd by AP Ventures, Inc., as successor in merger to Century City, Inc., a Delaware corporation, in 1986. Accordingly, the current owner knew or should have known that the majority of the subject property was not intended to be developed at all due to the contamination from oil excavation at this site. Indeed, nothing in the DEIR shows the subject property and the large pond (or possibly a wetland) located directly over the oil production site. Attached as Exhibits 6, 7, and 8 are true and correct photographs taken on December 26, 2005 showing a large depression in the surface of the Project site, and large deposits of water. There is no indication as to whether this above ground water has been tested for contaminants, or the source of this water at the site.

If the Department of Conservation and the Department of Toxic Substances Control (DTSC) were not notified of the plans for this project and given the opportunity to investigate and comment, they should be given such notification. Were site investigations made? State whether the investigations, if any, were overseen by any regulatory agency. Were soil samples collected? If so, what analysis was conducted? Was there an analysis of volatile organic

compounds using the approved analytical method done? Was a Health Risk Assessment completed using current analytical methods? Was the Los Angeles Regional Water Quality Control Board contacted or otherwise notified of this project? Since the RWQCB is the Responsible Agency that has jurisdiction to oversee hazardous substance cleanup, documentation should be provided that RWQCB has agreed to oversee this project. A new site investigation should be conducted and overseen by the appropriate regulatory agency to confirm that the site has been adequately characterized. This should be followed by a Health Risk Assessment (HRA) which should be submitted to a regulatory agency with expertise in risk assessments (i.e. the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment or the DTSC) for review.

The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. Appendix "F" is inadequate. Since Fox Realty or other Fox holdings may have originally owned the subject property, has an investigation of Fox records been conducted? What are the findings? The EIR should identify any known or potentially contaminated sites within the proposed Project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has ever occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state regulations, policies, and laws.

All environmental investigations, sampling and/or remediation should be conducted under a work plan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the report should be clearly summarized in the EIR. Proper investigation, sampling and remedial actions overseen by a regulatory agency should be conducted at the site prior to the new development or any construction. If any property adjacent to the project site is contaminated with hazardous chemicals, and since the proposed project appears to be within 2,000 feet of a contaminated site, then the proposed development may fall within the border zone of a contaminated property. Appropriate precautions should be taken prior to construction.

Will the project construction require soil excavation and soil filling in certain areas? Page 359 indicates that contaminated soil exists. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, will the soil be properly disposed of rather than placing it in another location? Land disposal restrictions may be applicable to these soils. If the project proposes to import soil to backfill the areas excavated, will proper sampling be conducted to make sure that the imported soil is free of contamination? The DEIR is conclusory and does not adequately address contamination of soil from transportation and into the water from storm drainage issue. The hydrogen sulfide could be very toxic if not properly monitored. There is minimal information provided concerning the 1990's - 2000 remediation project, and even then, it conflicts with what was alleged in the project owner's earlier discussion of the subject property in the FEIR to the Constellation Boulevard project. The report does not discuss soil testing from geological evaluation for the project - only past remediation.

Human health and the environment of sensitive receptors must be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

If it is determined that hazardous wastes are, or will be, generated by the proposed operations, will the wastes be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5)?

No construction should take place until a thorough site investigation and HRA have been performed, with oversight and approval by an appropriate regulatory agency. Institutional controls such as deed restrictions will need to be placed on the property prior to its development if soil contamination above levels suitable for unrestricted use is left in place at the site. Remediation and/or institutional controls may also be needed if groundwater is contaminated.

## Where is the Methane Mitigation Plan?

A comprehensive Geologic report covering these issues as well as earthquake and related issues, including all nearby faults, should be made available for review prior to Lead Agency action.

## ERRATA

While these may seem to be minor or typographical in nature, they also indicate a lack of care in the preparation of the document and a lack of familiarity with the project area. Errors in existing conditions do not bode well for the analysis accuracy.

Page 5, 1<sup>st</sup> bullet: Haul Route approval is by LADBS not Planning. (also page 78).

Figure 57, page 405: #8 should be Roxbury Park. # 11 near Cattaraugus Ave. is Reynier Park, and the #11's along Santa Monica Blvd. should be #9.

Page 143: Manning Avenue is NOT a secondary highway south of Pico; it is a collector street. Manning, on almost a block by block basis, has 6 or 7 different designations and the sloppy research and writing creates a misleading impression. How is it designated in the traffic model? Here are the Manning designations (from the Navigate LA website):

1. Local street north of Wilshire
2. Secondary highway between Wilshire & S.M. Blvd.
3. Local Street between S.M. Blvd. and Pico
4. Collector Street between Pico and Ashby
5. Local Street between Ashby and Butterfield
6. Collector Street between Butterfield and Motor
7. Secondary Highway from Motor to National.

Page 143: Overland Avenue between Pico and Santa Monica Blvds. is a collector street (has been for over a year now) and is NOT a major highway. Also, north of Pico, Overland does not have two lanes in each direction plus left turn lanes as stated. It is a narrow residential street with only one lane of traffic each way. It comes to an end at Santa Monica Blvd. South of Pico, Overland remains a residential street and is as described. How is the street listed in the traffic models?

Page 143: Motor Avenue does not provide two lanes in each direction between Pico and Monte Mar. It has only ONE lane in each direction. South of Monte Mar, numerous curb extensions reduce traffic volumes and speeds.

Page 143: The description of Beverly Glen should include that it is a residential street with numerous curves and driveways. Between Pico and Wilshire Blvds. it is two lanes and has limited left turn pockets, not a turn lane. At Wilshire Blvd., Beverly Glen becomes a winding single lane road in each direction to the San Fernando Valley.

Page 144: Patricia Ave. is a residential street and terminates approximately one block north of Olympic Blvd.

Page 158: Data collection date does not exist. August 8, 2004 was a Sunday not a Thursday.

Page 369 and 370: Station 92's area is presumably bounded on the west by the SAN DIEGO freeway, not the Santa Monica, and the station is located WEST of the golf course, not east.

It is inaccurate to say that the site is devoid of vegetation. See Hydrology discussion.

No mention is made of the proposed Beverly Hills condominiums in the related projects list.

Please clarify what project #12 is in the related projects list.

## MITIGATION

Much of the mitigation listed in the EIR is of the nature of "we will follow the law". This is laudable and proper and these should be made conditions of the project but hardly counts as mitigation to reduce the impacts of the project. Please list clearly those measures that are of this type and those that are actually reducing the impacts of the project once they have been accurately assessed.

The MMRP does not include those measures listed in the Initial Study as project conditions. Mitigation measures for potential impacts to archeological and paleontological resources are not stated. All measures need to be listed clearly and comprehensively in the MMRP.

The project's contribution to the West LA TMAP should be clearly identified.

Once the true setting and impacts of the project have been properly identified and reviewed, the Coalition reserves the right to pursue project conditions and mitigations desirable to the community that would address impacts related to traffic, public services, infrastructure, and quality of life. It is clear that existing mechanisms of addressing cumulative impacts (of past, present, and future projects) have not been successful and that project proponents and the City must redress the effects on our community. It is also clear that the goals of existing plans have not been accomplished and that the City and project proponents must make these words become realities before stating that the project is consistent with these planning documents.

## CONCLUSION

In conclusion, the fundamental issue is that a project of this size (consisting of 483 units, 1.3 million square feet, over 980 residents plus housekeepers, trainers, personal assistants, visitors, engineers, gardeners, and management staff, and causing an increase of 1.14 percent of the residential population of West Los Angeles) simply **CANNOT** rationally be expected to generate less peak hour traffic and less daily traffic than a bank which handles 50 cars per day at the drive through facility and 50 visitors and 25 employees per weekday in the bank, a restaurant closed at breakfast and dinner and with only walk in lunch traffic, and a nightclub that has at best 2.5 events per week with most of its business on Friday and Saturday nights. The impacts of developing the largely vacant site of a former oil well and processing site are also not detailed.

The EIR is incomplete, inaccurate, and too flawed to allow decision makers to rely on the information provided or the conclusions presented. We look forward to a comprehensive evaluation of these comments and complete responses and revised analyses.

Sincerely,


***A Westside Coalition of Community Associations***

cc: Councilman Jack Weiss, Council District 5  
822 S Robertson Blvd. #102  
Los Angeles, CA 90035

Mayor Antonio Villaraigosa  
City Hall, 200 N. Spring St.  
Los Angeles, CA 90012

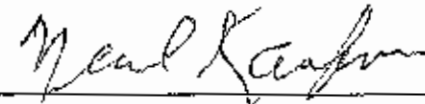
Gail Goldberg, Director of Planning  
City Hall, 200 N. Spring St.  
Los Angeles, CA 90012

Sincerely,

  
Karl Bower

Residents of Beverly Glen, Inc.

California Country Club Homeowners  
Association

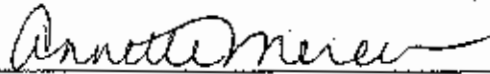
  
Neal Kaplan

Century Westwood Watch


  
Lynn M. Pule  
  
Ann Thelen

Cheviot Hills Homeowners Association

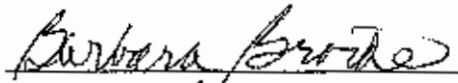
Manning Area Protection Association

  
Annette Menev

Westwood Gardens Civic Association

  
Stuart

Westwood Homeowners Association

  
Barbara Brode

Westwood South of Santa Monica Blvd.  
Homeowners Association

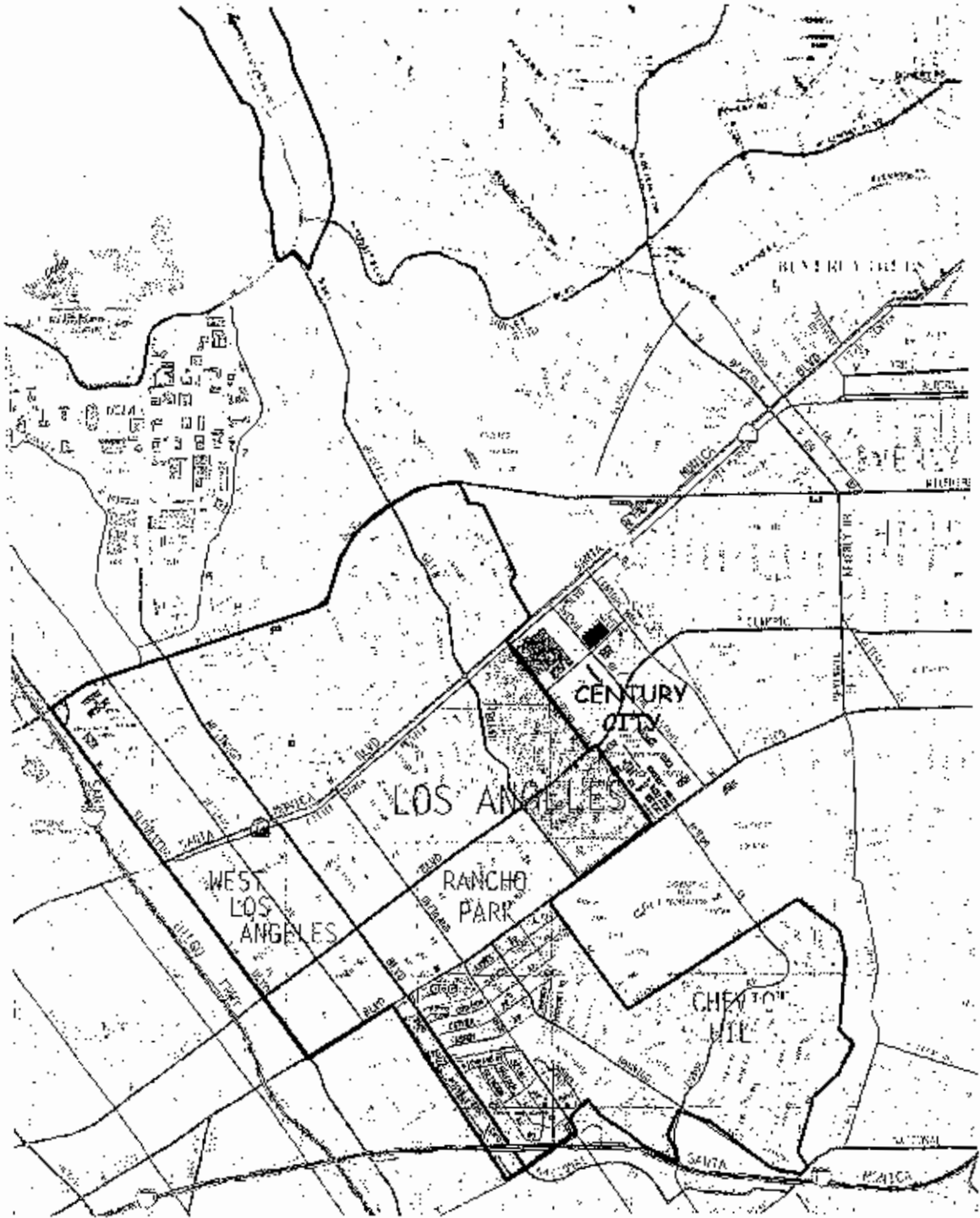
  
J.P.

Tract 7260 Homeowners Association

  
Stan Br

Overland Avenue Community

\_\_\_\_\_



Residents of Beverly Glen, Inc.  
Westwood Homeowners Assoc.  
Tract 7260 Homeowners Assoc.  
Westwood South of Santa Monica Blvd. Homeowners Assoc.  
Cheviot Hills Homeowners Assoc.  
California Country Club Homeowners Assoc.  
Westwood Gardens Civic Assoc.  
Manning Area Protection Assoc.

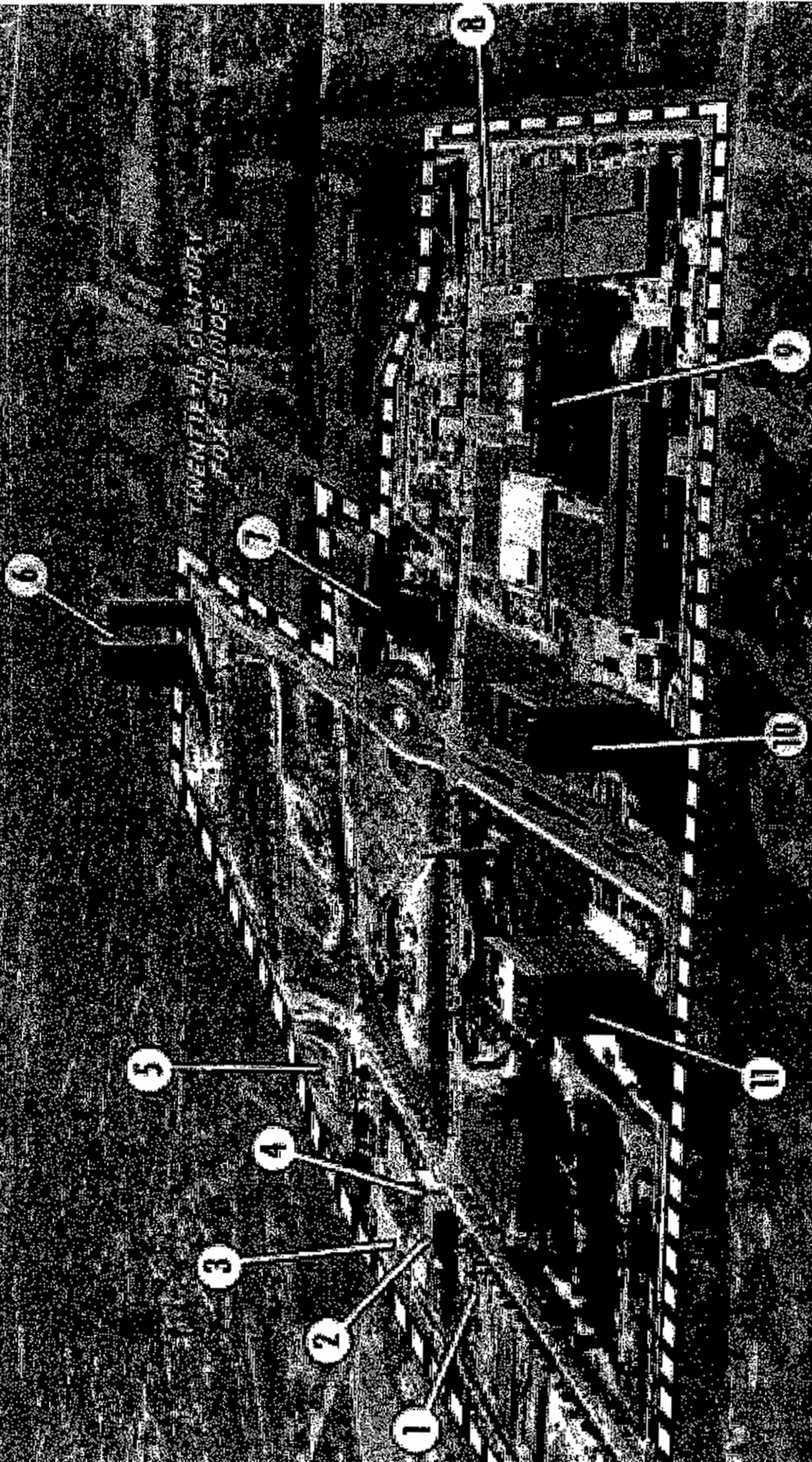
Project Site [REDACTED]  
10131 Constellation Blvd.

**EXHIBIT 1**

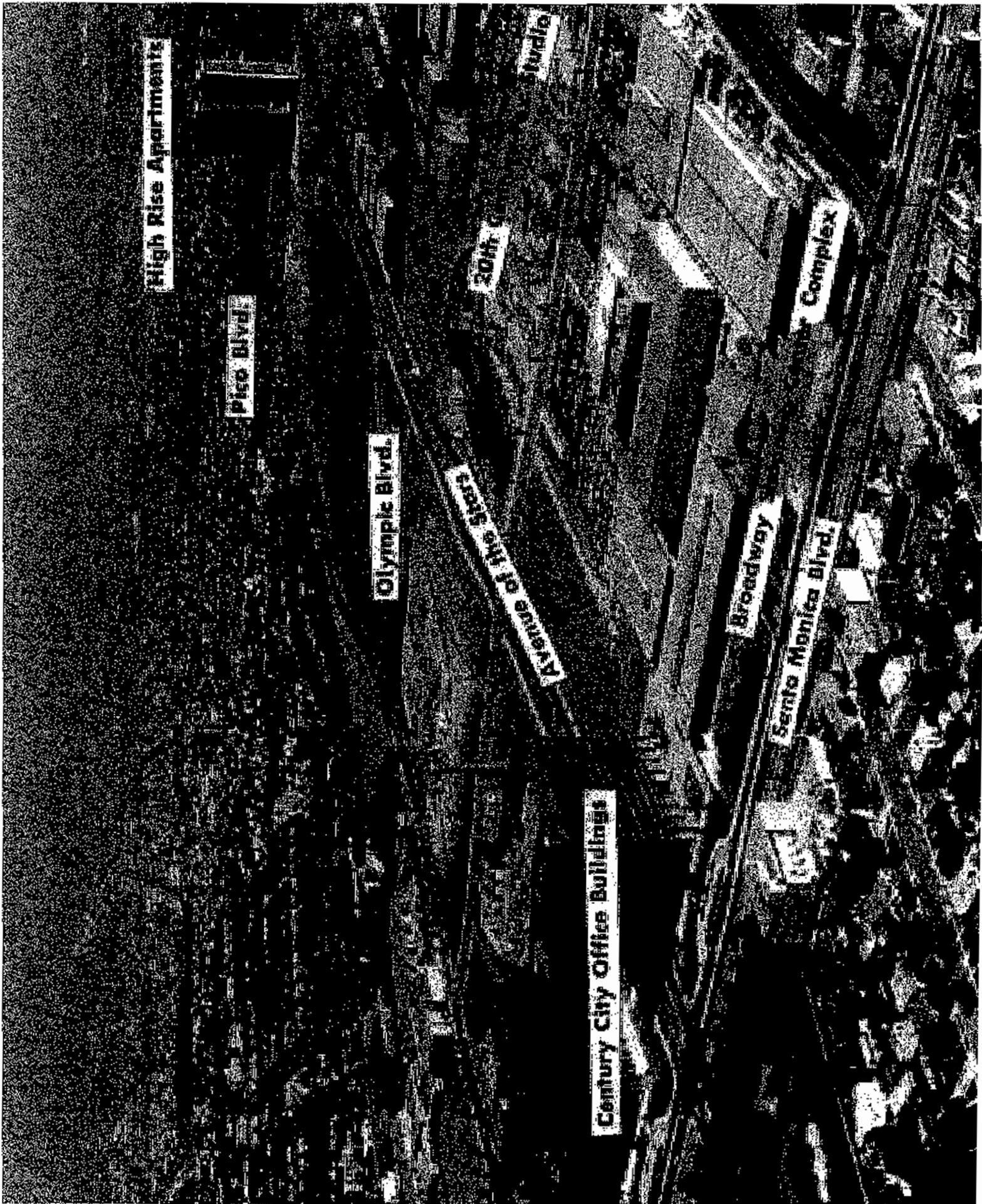


**EXHIBIT 2**

20TH CENTURY  
FOX STUDIOS



**EXHIBIT 3**



High Rise Apartments

Pico Blvd.

Olympic Blvd.

Avenue of the Stars

Century City Office Buildings

Broadway

Santa Monica Blvd.

Complex

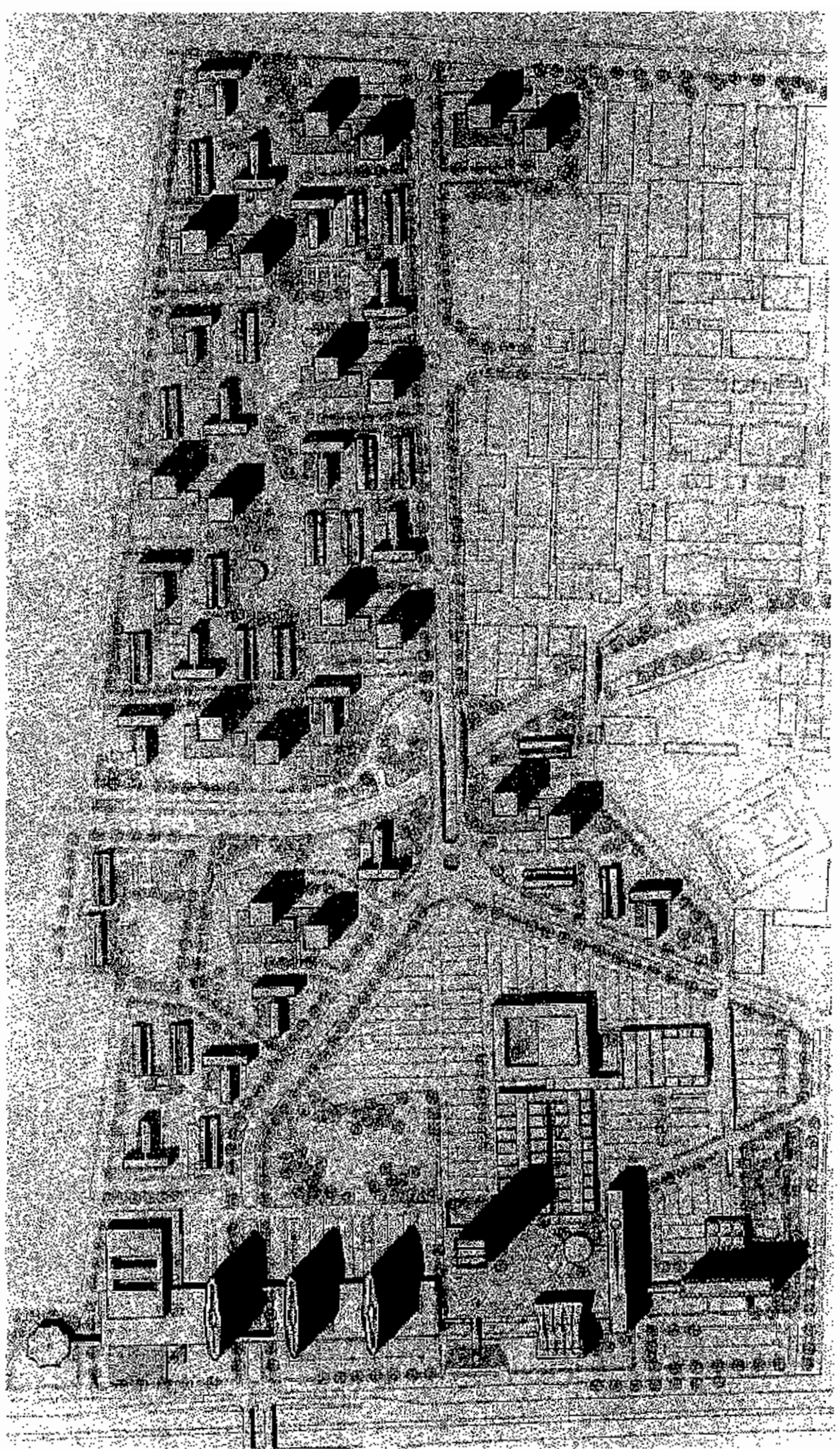
30th St

20th St

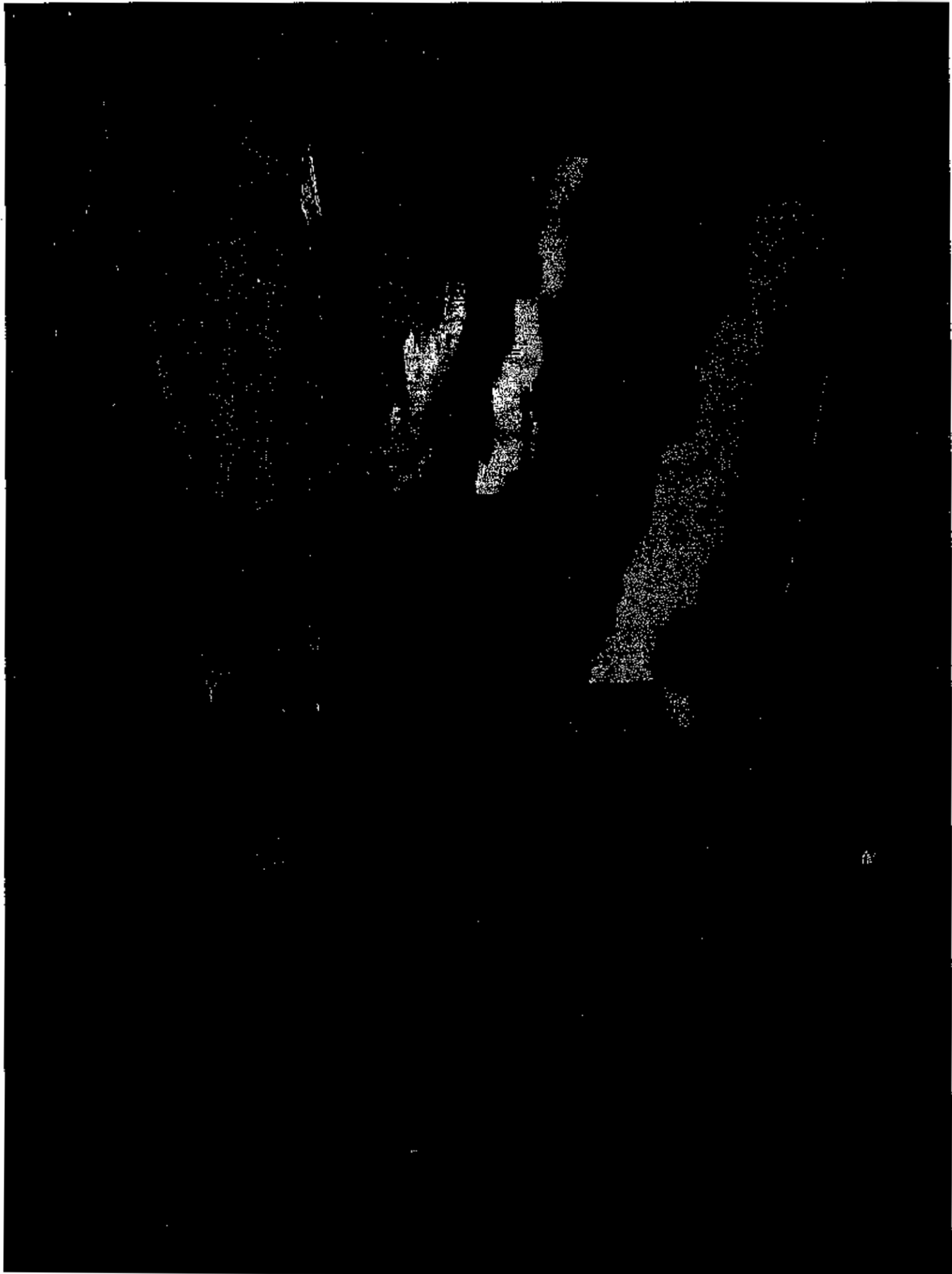
**EXHIBIT 4**



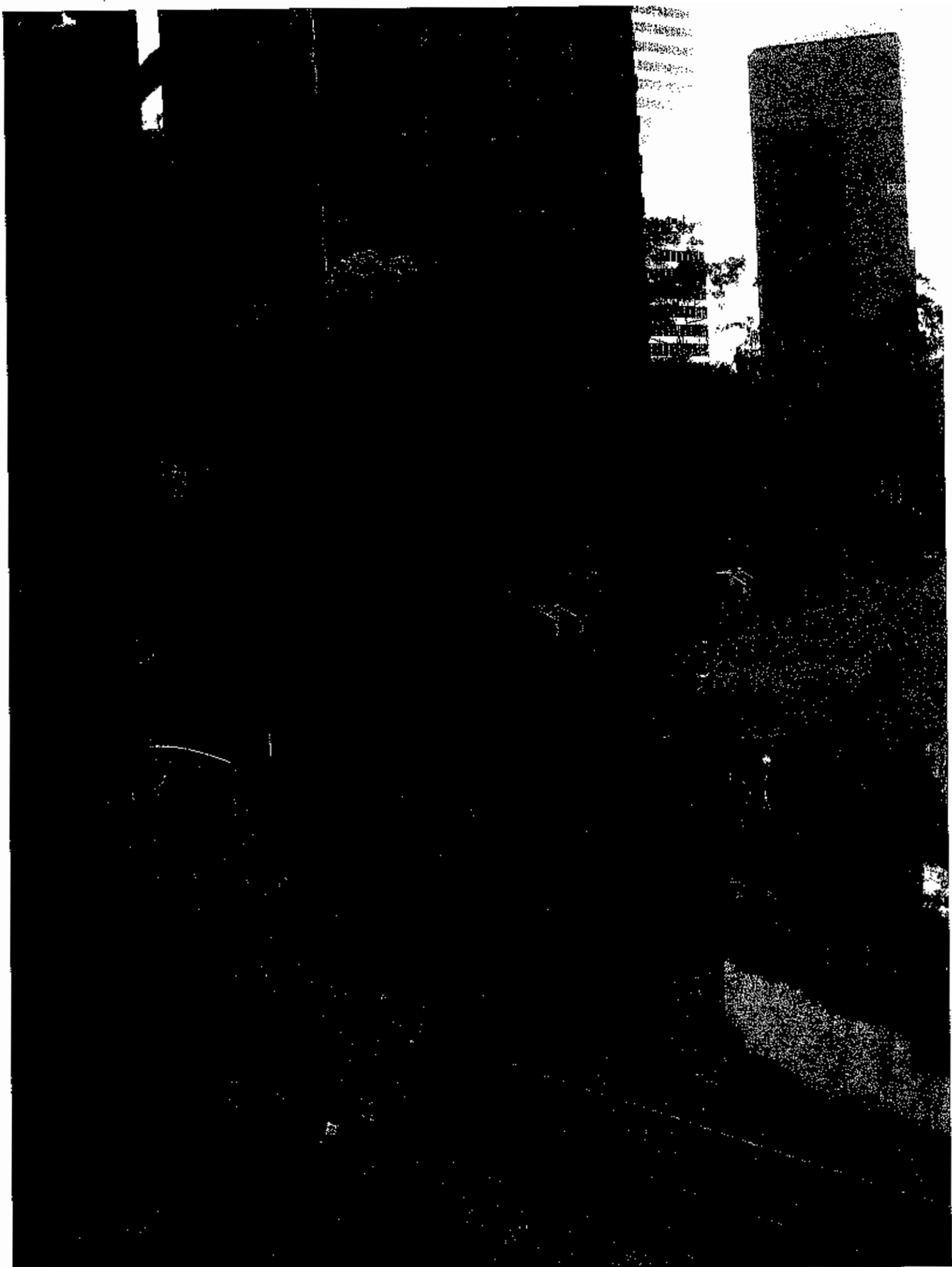
**EXHIBIT 5**



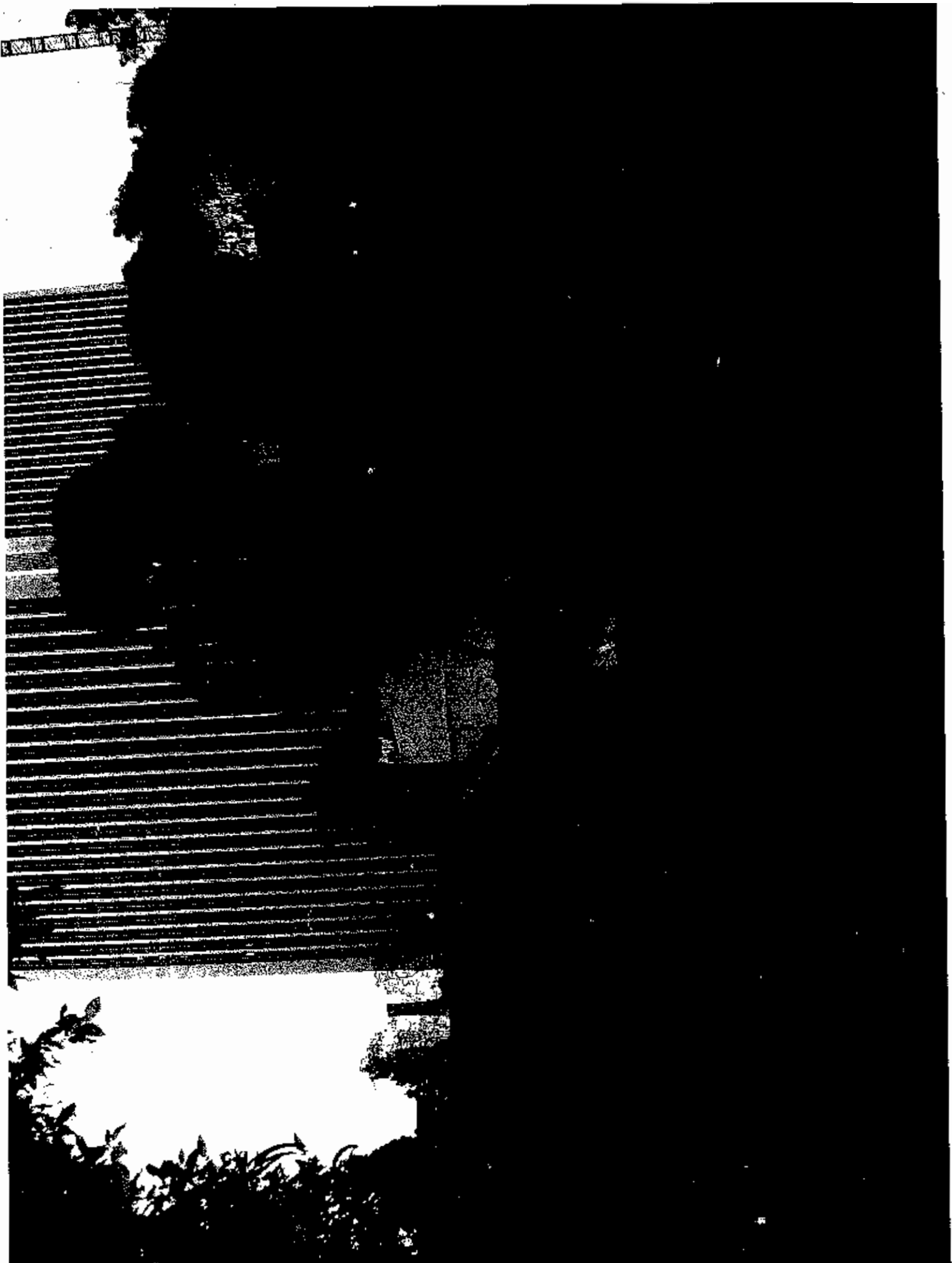
**EXHIBIT 6**



**EXHIBIT 7**



**EXHIBIT 8**



# Tom Brohard and Associates

January 10, 2006

Mr. Mike Eveloff, President  
Tract No. 7260 Association, Inc.  
10342 Dunkirk Avenue  
Los Angeles, California 90025

**SUBJECT: Draft Environmental Impact Report for the Proposed 10131  
Constellation Boulevard Project in Century City – Traffic Comments**

Dear Mr. Eveloff:

As shown on the enclosed resume, I have over 35 years of professional traffic engineering experience, all of which has occurred in Southern California. I have been licensed in California for over 25 years as a Civil Engineer and as a Traffic Engineer. I understand traffic in the Century City area, both from my prior review of the 2000 Avenue of the Stars Project EIR for the Tract No. 7260 Association and from my current assignment for the Westside Neighborhood Council to identify traffic issues associated with area roadways and intersections.

As you requested last June, I reviewed the May 24, 2005 Notice of Preparation (NOP) for the Draft Environmental Impact Report (Draft EIR) for the 10131 Constellation Boulevard Project in Century City in the City of Los Angeles. A number of questions regarding the traffic study for this project were posed in my June 15, 2005 letter to you, and it was enclosed with your response to the NOP.

On December 20, 2005, we walked the area together and obtained information regarding the operations of the existing uses on the project site. We also met with representatives of the project to gain a better understanding of how they addressed my questions during their traffic study for the project. I understood they were to provide the trip generation data derived from actual traffic counts at driveways serving the existing uses on the project site as well as at other similar residential buildings nearby. This information has not been received from them.

As you requested, I have reviewed the traffic portions of the Draft EIR for 10131 Constellation Boulevard. Of primary concern is the approach taken in the Draft EIR to calculate net new trips for the proposed project. Their faulty approach mirrors the skewed methodology used in the EIR for the 2000 Avenue of the Stars Project directly across Constellation Boulevard. As before, trip forecasts for the proposed project are significantly understated and trip forecasts for the existing uses are dramatically overstated. The conclusion that 483 luxury condominiums will generate less vehicle traffic than the existing uses (in reality a "walk in" bank with separate drive through lanes and a "walk in" restaurant) does not reflect what actually occurs at the project site. This faulty conclusion cannot be sustained.

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Phone (760) 398-8885 Fax (760) 398-8897  
Email [tbrohard@earthlink.net](mailto:tbrohard@earthlink.net)

**Mr. Mike Eveloff**

**10131 Constellation Boulevard Project Draft EIR – Traffic Comments**

**January 10, 2006**

The entire traffic analysis is fatally flawed as it builds upon the conclusion that fewer vehicle trips will result from two 47 story and one 12 story residential towers. Trip generation forecasts from the flawed traffic analysis are also carried throughout other portions of the Draft EIR including the noise and air quality sections. Each of these other sections of the Draft EIR is incorrect as they rely on the incorrect trip generation forecasts contained in the traffic study.

There are many errors associated with the forecast of net new trips in the Draft EIR for the proposed 10131 Constellation Boulevard Project. Trip generation forecasts are erroneous as they significantly understate trips from the proposed project and dramatically overstate trips from the existing uses as follows:

- 1) Trips for the Proposed Project Are Significantly Understated – The proposed luxury project consists of units with numerous upscale amenities. The majority of the project consists of larger units. Larger, more expensive units generate more than the average number of vehicle trips. The Institute of Transportation Engineers, ITE, has published trip generation data for three categories of condominiums and townhouses, and the Draft EIR used the lowest average trip rates. Higher trip rates associated with units with upscale amenities must be used to properly forecast trips for this luxury project. With its improper and inaccurate approach, many daily and peak hour trips have been omitted from the analysis in the Draft EIR as discussed in detail below.
  - a) Project Has Luxury Units With Upscale Amenities – Page 3 of the October 6, 2004 Environmental Assessment for the proposed project shows the price range of the units ranging from about \$500,000 to \$2,000,000. Over the last year, housing prices have continued to rise dramatically in the Los Angeles area. According to the December 16, 2005 Los Angeles Times, year over year gains from November 2004 to November 2005 were 19.5 percent in Los Angeles County. This equates to a current price range of \$600,000 to \$2,400,000 for the units in the proposed project.

The site plan, Figure 4 on Page 65 of the Draft EIR, depicts valet drop off areas at each of the three residential towers. A large pool, two spas, and a recreation area are shown on the ground level of the site plan, with residential amenities in a single story connecting the two 47 story towers. Reflecting ponds and lush landscaping are also depicted on the site plan.

Figure 5 on Page 67 of the Draft EIR depicts the ground floor plan. Facilities shown under each 47 story tower include a fitness center, card room, library, kitchen, three activity rooms, a sunrise/hillside room, mail room, and office for the valet and concierge.

Figures 6 and 7 on Pages 68 and 69 of the Draft EIR depict the floor plans for floors 4 through 47 in both towers. From Table 1 on Page 66 of the

Draft EIR, there are 340 units on these floors out of the total of 483 units. Each of these units contain luxury features such as seating for at least eight people in the living room, seating for eight in the separate dining rooms, library/media rooms, and his/hers closets and bathroom facilities.

- b) Majority of Proposed Project Consists of Larger Units – Table 1 on Page 66 of the Draft EIR provides a breakdown of the residential units in the proposed project. Of the 483 units, there are 95 two story lofts, 164 two bedroom units, 190 three bedroom units, and 6 four bedroom units. Only 48 units in the proposed project, less than 10 percent, are studio units.
- c) Larger, Expensive Units Generate More Than "Average" Vehicle Trips – Transportation professionals have long recognized that dwelling units that are larger and more expensive generate more vehicle trips than dwelling units that are smaller and less expensive. Residents of larger, more expensive units have more disposable income which leads to a variety of additional services, each of which generates additional vehicle trips. For the luxury units in the proposed project, such services will likely include housekeepers, trainers, personal assistants, and others. Units with two residents will likely have two vehicles, together with numerous visitors and guests. The upscale project will require additional staffing overall including gardeners, building maintenance and management staff, valet attendants, concierges, and others to serve the residents and their guests.
- d) Trip Generation Data From ITE - The Institute of Transportation Engineers (ITE) Trip Generation, 7<sup>th</sup> Edition publication contains data from over 4,250 trip generation studies. The publication provides trip generation data for many different land uses including four separate categories of condominiums and townhouses. Three of the condominium/townhouse land uses most applicable to the proposed project, together with their associated trip rates reported by ITE, are as follows:
  - i) Residential Condominium/Townhouse (Land Use Code 230) – This general category includes both low rise and high rise buildings. Daily trip rates average 5.86 trips per dwelling unit, with a range up to 11.79 trips per dwelling unit reported. Weekday AM peak hour trips average 0.44 trips per dwelling unit, with a range up to 1.61 trips per dwelling unit reported. Weekday PM peak hour rates average 0.52 trips per dwelling unit, with a range up to 1.24 trips per dwelling unit reported.
  - ii) High Rise Residential Condominium/Townhouse (Land Use Code 232) – This category includes only high rise buildings of three or more stories. Daily trip rates average 4.18 trips per dwelling unit, with a range up to 4.93 trips per dwelling unit reported. Weekday AM peak hour trips average 0.34 trips per dwelling unit, with a range up to 0.48

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**10131 Constellation Boulevard Project Draft EIR – Traffic Comments**  
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trips per dwelling unit reported. Weekday PM peak hour rates average 0.38 trips per dwelling unit, with a range up to 0.49 trips per dwelling unit reported.

- iii) Luxury Condominium/Townhouse (Land Use Code 233) – This category includes "...units in buildings with luxury facilities or services." While average daily rates are not reported for this land use, weekday AM peak hour trips average 0.56 trips per dwelling unit, with a range up to 0.62 trips per dwelling unit reported. Weekday PM peak hour rates average 0.55 trips per dwelling unit, with a range up to 0.63 trips per dwelling unit reported.
- e) Draft EIR Used the Lowest Average Trip Rates – Average trip rates for high rise residential condominiums and townhouses published by ITE for Land Use Code 232 were used to forecast trips for the proposed project. These averages are the lowest of the three different categories reported by ITE. For the proposed project with 483 units, the Draft EIR used these average trip rates to forecast trips in Table 11 on Page 168 as follows:

<u>Trip Category</u>	<u>Trip Rate</u>	<u>Total Trips</u>
Daily Trips	4.18 trips/unit	2,019 daily trips
AM Peak Hour	0.34 trips/unit	164 AM peak trips
PM Peak Hour	0.38 trips/unit	184 PM peak trips

- f) Higher Condominium/Townhouse Trip Rates Should Be Used - The most appropriate and relevant data from ITE for the proposed project is found in Land Use Code 233 for Luxury Condominiums and Townhouses. Using the average peak hour trip rates from this land use category together with the average daily trip rates from the general Residential Condominium and Townhouse Land Use Code 230 (since ITE does not publish daily trip rates for luxury units) indicates the project would generate trips as follows:

<u>Trip Category</u>	<u>Trip Rate</u>	<u>Total Trips</u>
Daily Trips	5.86 trips/unit	2,830 daily trips
AM Peak Hour	0.56 trips/unit	270 AM peak trips
PM Peak Hour	0.55 trips/unit	266 PM peak trips

- g) Higher Than Average Trip Rates Should Be Considered - The proposed project, with amenities unmatched by others, will very likely generate trips at greater than the average rates shown above. It is reasonably foreseeable that the proposed project could generate trips at the highest peak hour trip rates for luxury units and at the highest general daily trip rate for condominiums and townhouses published by ITE as follows:

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<u>Trip Category</u>	<u>Trip Rate</u>	<u>Total Trips</u>
Daily Trips	11.79 trips/unit	5,695 daily trips
AM Peak Hour	0.62 trips/unit	300 AM peak trips
PM Peak Hour	0.63 trips/unit	304 PM peak trips

- h) Trips for the Proposed Project Are Significantly Understated – The Draft EIR has significantly understated daily and peak hour trips that will be generated by the 10131 Constellation Boulevard Project. Using trip rates associated with luxury condominiums and townhouses indicates the Draft EIR has understated and omitted the following trips from its analysis:

<u>Source</u>	<u>Daily Trips</u>	<u>AM Peak Trips</u>	<u>PM Peak Trips</u>
Draft EIR	2,019	164	184
This Report	2,830	270	268
Understated Trips	811	106	82

Assuming the proposed project would generate trips at the highest rates reported by ITE indicates the Draft EIR has understated and omitted the following trips from its analysis:

<u>Source</u>	<u>Daily Trips</u>	<u>AM Peak Trips</u>	<u>PM Peak Trips</u>
Draft EIR	2,019	164	184
This Report	5,695	300	304
Understated Trips	3,676	136	120

- 2) Trip Forecasts for the Existing Uses Are Dramatically Overstated – The Draft EIR has significantly overstated trips from the existing uses on the site that will be removed with construction of the project as discussed in detail below. The characteristics of the existing bank are markedly different from the theoretical drive in bank assumed in the Draft EIR. The building containing the bank and related offices was overestimated by 3,000 square feet in the Draft EIR. From traffic counts taken at the bank driveways on a Friday, generally the busiest banking day of the week, and on a Tuesday, the bank actually generates significantly fewer daily and peak hour trips than the theoretical calculations. The Draft EIR also inflated daily trips from the Century Club. Daily and peak hour trips for the existing uses have been dramatically overstated as discussed below.

- a) Characteristics of the Existing Bank - City National Bank occupies a portion of the project site at Avenue of the Stars and Constellation Boulevard. There is a small surface parking lot reserved for bank customers and employees on the north side of the building. The lot is monitored by an attendant and contains 32 striped parking spaces. The lot is accessed by a single driveway on Avenue of the Stars. The bank also supports a separate and distinct drive through consisting of two drive in

**Mr. Mike Eveloff**

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lanes accessed by an entrance driveway on Constellation Boulevard and an exit driveway on Avenue of the Stars. There are no ATM machines on the outside of the building or in the drive in lanes.

Operating hours inside the bank are from 9 AM to 4 PM Mondays through Thursdays, and on Fridays from 9 AM to 6 PM. The two drive in lanes operate from 8:30 AM to 5:00 PM Mondays through Thursdays and from 8:30 AM to 6:00 PM on Fridays. When the bank is closed at other times, chains with locks secure each of the three driveways.

On December 20, 2005, we spoke with the attendant from Quality Parking Services, Inc., who has served this branch of City National Bank for many years. The attendant reported that 25 spaces in the parking lot are used for employee parking, leaving seven parking spaces for customers. He reported only 40 to 50 daily customers, mostly senior citizens, who drive to the bank, park in the lot, validate their parking tickets inside the bank, give him the validated ticket, and then exit the parking lot.

The parking attendant indicated the vast majority of bank customers walk to and from nearby buildings in Century City. He also stated the two story building is occupied entirely by City National Bank employees. While some operating units have been relocated to other office space from time to time, the parking attendant stated the entire building is now fully occupied.

From the posted operating hours at City National Bank, it is reasonably foreseeable to expect that the existing bank generates very few vehicle trips. Comments made by the parking attendant at City National Bank on December 20, 2005 support this conclusion. Traffic counts last month at the bank driveways confirmed this conclusion as described below.

- b) Existing Bank Generates Very Few Vehicle Trips – Stopping of vehicles is prohibited at all times on Avenue of the Stars and on Constellation Boulevard adjacent to City National Bank. Therefore, all vehicle trips associated with the bank travel over the three bank driveways to reach the off street parking lot just north of the building or to use the drive in lanes.

To determine the number of existing vehicle trips generated by City National Bank, traffic counts were made at the three bank driveways by Wiltec, a professional vehicle counting company. The traffic volumes at each driveway were recorded by Wiltec every 15 minutes during peak traffic hours from 7 to 9 AM and between 4 and 6 PM. These counts were made on Friday, December 16, 2005, and on Tuesday, December 20, 2005 during the peak shopping period immediately before the recent holidays. A copy of these counts is enclosed, with the total number of trips summarized and then averaged in the following table.

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Facility	AM Peak Trips		PM Peak Trips	
	Friday	Tuesday	Friday	Tuesday
Parking lot	14	10	20	10
Drive in lanes	2	2	10	20
Total trips	16	12	30	30

Average Peak Hour  
Trips for Both Days                      14    30

From the traffic count data above, the number of daily trips generated by the existing bank can also be estimated. With peak hour trips generally representing 10 percent of daily trips (a 'rule of thumb' commonly used by transportation engineering professionals), the existing bank would likely generate about 300 daily vehicle trips.

From the comments made by the parking attendant and our visit to the site, the number of daily trips generated by the existing bank can also be estimated. With 25 employees parking in the bank parking lot, about 50 daily employee trips occur. With 50 customers parking in the lot each day, 100 daily trips occur at the parking lot from customers driving to and then walking in to the bank. With 75 customers using the drive in facility each day, 150 daily trips are generated. Adding employee trips and customer trips confirms the existing bank generates about 300 daily trips.

- c) Draft EIR Used ITE Rates For Drive In Bank -- To forecast trips for the existing bank, the Draft EIR used the average trip rates for drive in banks published by ITE for Land Use Code 912. ITE describes this land use by stating "Drive in banks provide banking facilities for motorists who conduct financial transactions from their vehicles; many also serve patrons who walk into the building. The drive in lanes may or may not provide automatic teller machines."

Measurements made in the field of the building square footage disclosed the retail bank contains about 3,990 square feet of space for customers on the first floor. The building was also found to contain a private banking area for preferred customers on the first floor of about 2,020 square feet, bank offices and lobby on the first and second floors totaling about 4,740 square feet, and an employee lunch room on the second floor of about 2,170 square feet. In total, the two story building housing City National Bank actually contains about 12,920 square feet of bank and office space.

Table 11 on Page 168 of the Draft EIR calculates trips for the bank and office space totaling 15,850 square feet, nearly 3,000 square feet higher than was measured for the building in the field. The use of values for

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square footage of retail bank and for offices that are higher than what actually exists inflates the number of trips from the existing building.

ITE identifies the average trip rates per 1,000 square feet for drive in banks as 246.49 for daily trips, 12.34 for AM peak hour trips, and 45.74 for PM peak hour trips. Applying these values to the 9,150 square feet of floor area reported in the Draft EIR resulted in trip forecasts for the bank of 2,255 daily trips, 113 AM peak hour trips, and 399 PM peak hour trips.

Table 11 on Page 168 of the Draft EIR reduced the trip generation forecasts for the bank by 20 percent in daily trips and during both peak hours to account for pass by trips. Reductions for pass by trips are accepted for retail uses as some trips are already on the adjacent streets and drivers "passing by" choose to stop at the particular location while on their way to another destination. Typically, pass by reductions are usually applied only during the PM peak hour as motorists have more free time to take short side trips on their way home from work rather than in the AM peak hour when they are on a definite schedule. The net effect of the "across the board" pass by reduction very slightly reduces the Draft EIR theoretical estimate of trips for this bank, but it does not adequately or properly compensate for the gross overestimation of forecast trips.

- d) Draft EIR Erroneously Added Trips for Office Space on the Site – Table 11 on Page 168 of the Draft EIR indicates there is 6,700 square feet of existing office space on the site. Trips for this office space were forecast using ITE average trip rates for General Office Buildings, Land Use Code 710, for daily and AM peak hour trips. The PM peak hour trip rate in the Draft EIR of 2.84 trips per 1,000 square feet significantly exceeds the ITE published PM peak hour trip rate of 1.49 trips per 1,000 square feet, apparently in error.

Comments made by the parking attendant to us on December 20, 2005 indicate City National Bank occupies the entire existing building at the northeast corner of Avenue of the Stars and Constellation Boulevard. As discussed earlier, the Draft EIR erroneously added even more trips to the existing land uses by overestimating the size of the building housing the bank and office space by 3,000 square feet.

The Draft EIR added 74 daily trips, 10 AM peak hour trips, and 19 PM peak hour trips for 6,700 square feet of general office space to Table 11 on Page 168. Adding trips for office space beyond what was measured in the field further distorts the faulty comparison of trips generated by existing uses against those for the proposed project.

- e) Draft EIR Inflates Daily Trips from the Century Club – Table 11 on Page 168 of the Draft EIR calculates daily trips for the Century Club by using ITE trip rates for Quality Restaurants, Land Use Code 931. According to the description published by ITE, "This land use consists of high quality, full service eating establishments with turnover rates usually of at least one hour or longer. Quality restaurants generally do not serve breakfast; some serve lunch; all serve dinner. This type of restaurant usually requires reservations and is generally not part of a chain."

During our site visit on December 20, 2005, we spoke with the Director of Special Events at the Century Club. She indicated there are 16 employees who arrive between 8 and 10 AM and depart between 4 and 6 PM. Assuming arriving and departing trips are evenly spread across two hours, eight employee trips occur in both the AM and in the PM peak hours.

The Director of Special Events indicated the restaurant is closed for breakfast and nearly all customers walk in for lunch between 11:30 AM and 3 PM. For dinner on Fridays and Saturdays from 8 PM to 11:30 PM, the vast majority of their business involves catering of events held at other locations together with a few walk ins. She stated lunches and dinners on site generate nominal vehicle trips. Special events have been held in the evenings an average of 2.5 times a week over the last few years. These special events typically begin at 7 PM and are attended by 150 to 800 people, resulting in a range of 70 to 320 cars generated per special event.

From the descriptions provided by the Director of Special Events at the Century Club, there are eight AM and eight PM peak hour trips. About 300 weekday daily trips are estimated for the Century Club including employee trips, lunch, Friday dinner, daily catering, and a daily average of 180 trips for 2.5 special events a week. In sharp contrast, the Draft EIR erroneously forecast 1,777 daily trips for the daily weekday activities at this restaurant.

- f) Trips for the Existing Uses Are Dramatically Overstated – The Draft EIR has dramatically overstated daily and peak hour trips that are being generated by existing uses that will be removed by the 10131 Constellation Boulevard Project. Using the information and data above, the existing uses on the site actually generate the following weekday trips:

<u>Land Use</u>	<u>Daily Trips</u>	<u>AM Peak Trips</u>	<u>PM Peak Trips</u>
Bank/Bank Offices	300	14	30
Restaurant	300	8	8
Total Trips	600	22	38

Comparing our findings to the trips forecast in the Draft EIR disclosed trips for the existing uses have been dramatically overstated as follows:

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Source	Daily Trips	AM Peak Trips	PM Peak Trips
Draft EIR	3,655	116	338
This Report	600	22	38
Overstated Trips	3,055	94	300

- 3) Net New Trips for the Project Are Grossly Distorted in the Draft EIR – The Draft EIR indicates the proposed project at 10131 Constellation Boulevard will generate fewer trips than the existing uses on the site. The values shown in Table 11 on Page 168 of the Draft EIR are then carried forward throughout the traffic analysis and used extensively in other sections of the Draft EIR involving noise and air quality.

The Draft EIR has significantly understated the number of trips that will occur from the proposed project. The luxury condominiums in this upscale project will generate trips at higher rates than used in the Draft EIR. Trips that have been understated in the Draft EIR are as follows:

Source	Daily Trips	AM Peak Trips	PM Peak Trips
Draft EIR	2,019	164	184
This Report	2,830	270	266
Understated Trips	811	106	82

The Draft EIR has dramatically overstated the number of trips that occur from the existing uses on the project site. Based on measured data and reports by on-site personnel, the bank and the restaurant actually generate significantly fewer trips than have been theoretically estimated in the Draft EIR. Trips that have been overstated in the Draft EIR are as follows:

Source	Daily Trips	AM Peak Trips	PM Peak Trips
Draft EIR	3,655	116	338
This Report	600	22	38
Overstated Trips	3,055	94	300

While the Draft EIR concludes the proposed project will reduce trips for the site, the proposed project will generate more "net trips" than the existing uses as follows:

Source	Daily Trips	AM Peak Trips	PM Peak Trips
Net Trips Stated in Draft EIR	(1,636)	48	(154)
Trips Understated for Project	811	106	82
Trips Overstated for Existing Uses	3,055	94	300
Actual Net Trips	2,230	248	228

- **Rather than a decrease of 1,636 daily trips, the proposed project will generate 2,230 daily trips more than the existing uses.**

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- Rather than an increase of only 48 AM peak hour trips, the proposed project will generate 248 AM peak hour trips more than the existing uses.
- Rather than a decrease of 154 PM peak hour trips, the proposed project will generate an additional 228 PM peak hour trips more than the existing uses.

The Draft EIR forecast trips for the proposed project using the lowest average published trip rates rather than higher trip rates associated with luxury units. The Draft EIR evaluated the existing bank and restaurant using theoretical trip generation rates rather than actual traffic counts. This combination grossly overstates the reduction in trips associated with removal of the present uses and does not appropriately assess the traffic impacts of the proposed project as a new generator of traffic. The approach taken in the traffic study is contrary to good traffic engineering practice and does not provide an accurate baseline from which to evaluate the traffic impacts of the proposed project.

When the trip generation and assignments for the proposed project are revised, there will be significant traffic impacts on the arterial street segments and intersections as well as on the adjacent freeways. All of the practical traffic mitigation measures including localized intersection widening and installation of the ATSAC and ATCS systems will be constructed as conditions of projects already approved. Barring a huge infusion of funds for extensive improvements such as people movers and associated parking structures, it does not appear that the proposed project's traffic impacts can be mitigated with typical traffic engineering solutions. However, should such mitigation be possible, then fair share cost estimates together with an implementation schedule are needed.

The Draft EIR does not properly address the traffic impacts that will result from the 10131 Constellation Boulevard Project. Significant additional work is needed to properly forecast the traffic volumes, to assess the traffic impacts, and to develop mitigation measures for the impacted streets and freeways in the area.

The opportunity to provide these traffic comments on the Draft EIR for the 10131 Constellation Boulevard Project is appreciated. If you should need any other information or clarification, please call at your convenience.

Respectfully submitted,

Tom Brohard and Associates

*Tom Brohard*  
Tom Brohard, PE  
Principal



## DRIVEWAY COUNT SUMMARY

**CLIENT:** WESTWOOD SOUTH OF SANTA MONICA BLVD HOMEOWNERS' ASSOCIATION  
**PROJECT:** AVENUE OF THE STARS  
**DATE:** FRIDAY DECEMBER 16TH, 2005  
**PERIOD:** 7:00 AM TO 9:00 AM AND 4:00 PM TO 6:00 PM  
**LOCATION:** N/S: AVENUE OF THE STARS  
 E/W: CONSTELLATION BLVD  
 DRIVEWAY #1

PERIOD COUNTS			
PERIOD	DRWAY #1		TOTAL
	IN	OUT	
7:00-8:00	2	3	5
8:00-9:00	2	0	2
4:00-5:00	1	0	1
5:00-6:00	0	0	0
6:00-7:00	5	2	7
7:00-8:00	1	0	1
8:00-9:00	3	1	4
9:00-10:00	2	0	2
<b>TOTAL</b>	<b>16</b>	<b>6</b>	<b>22</b>
HOURLY TOTALS			
TIME	IN	OUT	TOTAL
7:00-8:00	5	3	8
8:00-9:00	8	2	10
4:00-5:00	7	2	9
5:00-6:00	9	3	12
6:00-7:00	11	3	14

PERIOD COUNTS			
PERIOD	DRWAY #1		TOTAL
	IN	OUT	
7:00-8:00	2	0	2
8:00-9:00	4	2	6
4:00-5:00	3	4	7
5:00-6:00	3	3	6
6:00-7:00	1	0	1
7:00-8:00	2	3	5
8:00-9:00	3	6	9
9:00-10:00	1	1	2
<b>TOTAL</b>	<b>19</b>	<b>19</b>	<b>38</b>
HOURLY TOTALS			
TIME	IN	OUT	TOTAL
7:00-8:00	12	9	21
8:00-9:00	11	9	20
4:00-5:00	9	10	19
5:00-6:00	9	12	21
6:00-7:00	7	10	17

# WILTEC

Phone: (826) 564-1944 Fax: (826) 564-0989

## DRIVEWAY COUNT SUMMARY

CLIENT: WESTWOOD SOUTH OF SANTA MONICA BLVD HOMEOWNERS' ASSOCIATION  
 PROJECT: AVENUE OF THE STARS  
 DATE: TUESDAY, DECEMBER 20TH, 2005  
 PERIOD: 7:00 AM TO 9:00 AM AND 4:00 PM TO 6:00 PM  
 LOCATION: N/S: AVENUE OF THE STARS  
 E/W: CONSTELLATION BLVD  
 DRIVEWAY #1

PERIOD	DRIVEWAY #1		TOTAL
	IN	OUT	
7:00-7:15	0	0	0
7:15-7:30	1	0	1
7:30-7:45	2	0	2
7:45-8:00	2	0	2
8:00-8:15	2	0	2
8:15-8:30	3	0	3
8:30-8:45	1	0	1
8:45-9:00	3	1	4
<b>TOTAL</b>	<b>14</b>	<b>1</b>	<b>15</b>

HOUR TOTALS			
TIME	IN	OUT	TOTAL
7:00-8:00	6	0	6
8:00-9:00	7	0	7
4:00-5:00	9	0	9
5:00-6:00	8	0	8
<b>TOTAL</b>	<b>30</b>	<b>0</b>	<b>30</b>

PERIOD	DRIVEWAY #2		TOTAL
	IN	OUT	
7:00-7:15	3	3	0
7:15-7:30	0	1	-1
7:30-7:45	0	3	-3
7:45-8:00	0	0	0
8:00-8:15	1	3	-2
8:15-8:30	0	0	0
8:30-8:45	1	6	-5
8:45-9:00	2	1	1
<b>TOTAL</b>	<b>7</b>	<b>17</b>	<b>-10</b>

HOUR TOTALS			
TIME	IN	OUT	TOTAL
7:00-8:00	3	7	-4
8:00-9:00	1	7	-6
4:00-5:00	1	6	-5
5:00-6:00	2	8	-6
<b>TOTAL</b>	<b>7</b>	<b>28</b>	<b>-21</b>

## DRIVEWAY COUNT SUMMARY

CLIENT: WESTWOOD SOUTH OF SANTA MONICA BLVD HOMEOWNERS' ASSOCIATION  
 PROJECT: AVENUE OF THE STARS  
 DATE: FRIDAY DECEMBER 16TH, 2006  
 PERIOD: 7:00 AM TO 9:00 AM AND 4:00 PM TO 8:00 PM  
 LOCATION: AVENUE OF THE STARS  
 CONSTELLATION BLVD  
 DRIVEWAYS 2 & 3

PERIOD	DRIVEWAY 2		TOTAL	DRIVEWAY 3		TOTAL
	IN	OUT		IN	OUT	
7:00-7:30	0	0	0	0	0	0
7:30-8:00	0	0	0	0	0	0
8:00-8:30	0	0	0	0	0	0
8:30-9:00	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

### HOUR TOTALS

TIME	IN	OUT	TOTAL	IN	OUT	TOTAL
7:00-8:00	0	0	0	0	0	0
8:00-9:00	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

PERIOD	DRIVEWAY 2		TOTAL	DRIVEWAY 3		TOTAL
	IN	OUT		IN	OUT	
4:00-4:30	0	0	0	0	0	0
4:30-5:00	0	1	1	1	0	1
5:00-5:30	0	2	2	2	0	2
5:30-6:00	0	1	1	1	0	1
6:00-6:30	0	0	0	0	0	0
6:30-7:00	0	2	2	2	0	2
TOTAL	0	6	6	6	0	6

### HOUR TOTALS

TIME	IN	OUT	TOTAL	IN	OUT	TOTAL
4:00-5:00	0	4	4	4	0	4
5:00-6:00	0	5	5	5	0	5
6:00-7:00	0	4	4	4	0	4
TOTAL	0	13	13	13	0	13

## DRIVEWAY COUNT SUMMARY

CLIENT: WESTWOOD SOUTH OF SANTA MONICA BLVD HOMEOWNERS' ASSOCIATION  
 PROJECT: AVENUE OF THE STARS  
 DATE: TUESDAY, DECEMBER 20, 2005  
 PERIOD: 7:00 AM TO 9:00 AM AND 4:00 PM TO 6:00 PM  
 LOCATION: AVENUE OF THE STARS  
 CONSTELLATION BLVD  
 DRIVEWAYS 2 & 3

PERIOD	DW 2 IN	DW 2 OUT	TOTAL	DW 3 IN	DW 3 OUT	TOTAL
7:00-7:30	0	0	0	0	0	0
7:30-8:00	0	0	0	0	0	0
8:00-8:30	0	0	0	0	0	0
8:30-9:00	0	0	0	0	0	0
4:00-4:30	0	1	1	1	0	1
4:30-5:00	0	0	0	0	0	0
5:00-5:30	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>

TIME	IN	OUT	TOTAL	IN	OUT	TOTAL
7:00-7:30	0	0	0	0	0	0
7:30-8:00	0	0	0	0	0	0
8:00-8:30	0	1	1	1	0	1
8:30-9:00	0	1	1	1	0	1
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>

PERIOD	DW 2 IN	DW 2 OUT	TOTAL	DW 3 IN	DW 3 OUT	TOTAL
7:00-7:30	0	2	2	3	0	3
7:30-8:00	0	3	3	3	0	3
8:00-8:30	0	1	1	2	0	2
8:30-9:00	0	4	4	2	0	2
4:00-4:30	0	1	1	1	0	1
4:30-5:00	0	0	0	0	0	0
5:00-5:30	0	0	0	0	0	0
5:30-6:00	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>0</b>	<b>11</b>

TIME	IN	OUT	TOTAL	IN	OUT	TOTAL
7:00-7:30	0	10	10	10	0	10
7:30-8:00	0	9	9	8	0	8
8:00-8:30	0	8	8	6	0	6
8:30-9:00	0	5	5	3	0	3
4:00-4:30	0	1	1	1	0	1

## Tom Brohard, PE

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**Licenses:** 1976 / Professional Engineer / California – Civil, No. 24577  
1977 / Professional Engineer / California – Traffic, No. 724

**Education:** BS / Civil Engineering / Duke University / 1969

**Experience:** 35 Years

**Memberships:** Institute of Transportation Engineers - Member  
Orange County Traffic Engineers Council - Chair 1979-1980  
American Public Works Association - Member

**Expertise:** Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California. Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various projects across the state.

Tom has extensive experience in providing transportation planning and traffic engineering services across Southern California. From 1972 through 1978, he conducted all traffic engineering investigations in the Second Supervisorial District in Los Angeles County. He has served as City Traffic Engineer/Transportation Manager/Engineer as follows:

- o Bellflower ..... 1997 - 1998
- o Bell Gardens ..... 1982 - 1995
- o Huntington Beach..... 1998 - 2004
- o Indio..... 2005 - present
- o Lawndale..... 1973 - 1978
- o Los Alamitos ..... 1981 - 1982
- o Oceanside..... 1981 - 1982
- o Paramount ..... 1982 - 1988
- o Rancho Palos Verdes ..... 1973 - 1978
- o Rolling Hills ..... 1973 - 1978, 1985 - 1993
- o Rolling Hills Estates ..... 1973 - 1978, 1984 - 1991
- o San Fernando..... 2003 - present
- o San Marcos..... 1981
- o Santa Ana ..... 1978 - 1981
- o Westlake Village..... 1983 - 1994

While serving Huntington Beach, Tom oversaw a staff of 20 including traffic engineers and transportation planners, traffic signal and street lighting personnel, and the signing, striping, and marking crews. He secured \$3.5 million in grant funding, managed the initial West Orange County Rail Feasibility Study, and recently oversaw the consultant selection for the City's Traffic Model and Circulation Element Update.

**Tom Brohard and Associates**

Selected significant accomplishments during the last four years include the following:

- ❖ Conducted Traffic Impact Analyses for the Sacred Heart Church and School Master Plan in the City of Palm Desert including presentations to community residents and testimony at Public Hearings before the City Council (3/2005 to 7/2005)
- ❖ Prepared preliminary critique of the Draft EIR and traffic study for the Prewett Ranch Project in the City of Brentwood for Adams Broadwell Joseph & Cardozo (7/2005)
- ❖ Prepared critique of the Mitigated Negative Declaration and Traffic Impact Analysis for the Providence Center Specific Plan in the City of Fullerton for Shute, Mihaly, & Weinberger (6/2005 to 7/2005)
- ❖ Prepared critique of the traffic and circulation sections of the Draft Subsequent EIR of the County of Ventura Focused General Plan Update and prepared rebuttal to responses for Shute, Mihaly, & Weinberger and the Community of Somis (12/2004 to 1/2005; 6/2005)
- ❖ Prepared response to Initial Study and Notice of Preparation of a Draft EIR for 483 condominiums proposed in three high rise towers in Century City in the City of Los Angeles for Tract No. 7260 Association (6/2005)
- ❖ Prepared critique of the traffic and parking impacts identified in the Draft EIR and Traffic Impact Analysis for the Long Beach Memorial Medical Center Expansion in the City of Long Beach for Weinberg, Roger & Rosenfeld (2/2005 to 5/2005)
- ❖ Prepared critique of the Draft EIR and traffic study for the Villages at Fairfield Project in the City of Fairfield for Adams Broadwell Joseph & Cardozo (4/2005 to 5/2005)
- ❖ Prepared critique of the traffic, circulation, and parking impacts identified in the Traffic Impact Analysis for Los Angeles Unified School District Valley High School #5 in the City of San Fernando (4/2005)
- ❖ Prepared critique of the transportation, circulation, and parking impacts identified in the Draft EIR and the Final EIR for the Wood Street Project in the City of Oakland for the East Bay Community Law Center (3/2005)
- ❖ Conducted City wide engineering and traffic surveys confirming enforceable speed limits on 31 street segments for the City of San Fernando (1/2005 to 3/2005)
- ❖ Prepared critiques of the traffic impacts identified in the Draft EIR and in the Revised Draft EIR for the Central Larkspur Specific Plan in the City of Larkspur and prepared responses to comments in the Final EIR for Shute, Mihaly, & Weinberger (7/2002 to 8/2002, 12/2003 to 2/2004, and 1/2005 to 3/2005)

- ❖ Checked plans for traffic signal installations and modifications as well as signing and striping revisions for various projects for Engineering Resources of Southern California and the Cities of Hemet and Palm Springs (12/2003 to 3/2005)
- ❖ Prepared critique of the Initial Study and traffic study prepared for the Hidden Canyon (Greenfield) Quarry Use Permit and Reclamation Plan in Monterey County for Weinberg, Roger & Rosenfeld (2/2005)
- ❖ Prepared critiques of the traffic impacts identified in the Los Angeles International Airport Master Plan Draft EIS/EIR for Alternatives A, B, and C and in the Supplement Draft EIS/EIR for Alternative D, prepared responses to comments in the Final EIS/EIR, and reviewed Addendum #3 for Shute, Mihaly, & Weinberger and the City of El Segundo (2/2001 to 7/2001, 7/2003 to 10/2003, 11/2004, and 12/2004)
- ❖ Prepared critique of the Traffic Study for the 450-460 North Palm Drive Senior Housing Residential Project in the City of Beverly Hills for Luna & Glushon (11/2004)
- ❖ Prepared critique of the Draft EIR and traffic study and provided testimony at a public hearing regarding the West Los Angeles College Facilities Master Plan in Los Angeles County for Culver Crest Neighborhood Association (10/2004 to 12/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact analysis as well as subsequent rebuttal to responses to these comments in the Final EIR for The Ranch Plan in the County of Orange for the Endangered Habitats League (6/2004 to 7/2004 and 10/2004)
- ❖ Prepared preliminary critique of the Draft EIR and traffic study for the Chandler Ranch Specific Plan Project in the City of Paso Robles for Adams Broadwell Joseph & Cardozo (9/2004)
- ❖ Prepared critique of the Draft EIR and traffic report associated with the Magnolia Park Project in the City of Oakley for Adams Broadwell Joseph & Cardozo (9/2004)
- ❖ Prepared critique of the traffic impacts identified in the Recirculated Draft EIR and traffic study for the McKean Road Sports Complex in Santa Clara County for Shute, Mihaly, & Weinberger (9/2004)
- ❖ Prepared critique of the Environmental Assessment for Robie Ranch Reclamation Project in Calaveras County for Weinberg, Roger & Rosenfeld (9/2004)
- ❖ Provided expert assistance to residents in the City of La Mirada during settlement negotiations regarding litigation involving the Big T Residential Development Project in the City of Buena Park (6/2004 to 9/2004)
- ❖ Prepared critique of the traffic impacts identified in the Recirculated Draft EIR and the associated traffic study for the Lake Jennings Ralph's Shopping Center in San Diego County for SOFAR and Shute, Mihaly, & Weinberger (8/2004)

- ❖ Reviewed Traffic Impact Study prepared for the San Fernando Corridors Specific Plan for the City of San Fernando (7/2004 to 8/2004)
- ❖ Prepared critique of the Negative Declaration for the Brisbane Recycling Project in the City of Brisbane for Weinberg, Roger & Rosenfeld (6/2004)
- ❖ Reviewed various alternative alignments for the extension of Lexington Drive from Cerritos Avenue to Katella Avenue, a proposed secondary highway, for the City of Los Alamitos; provided expert assistance to the City of Los Alamitos during settlement negotiations regarding litigation of the proposed Cottonwood Christian Center Project in the City of Cypress (4/2004 to 6/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact study for the Jaxon Enterprises Mine and Reclamation Expansion Project in the County of Merced for Weinberg, Roger & Rosenfeld (5/2004)
- ❖ Prepared critique of the Environmental Secondary Study for the Santa Fe Parcel 6 Mixed Use Project in the City of San Diego for Adams Broadwell Joseph & Cardozo (4/2004 to 5/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact analysis for the for the San Mateo Rail Corridor Plan & Bay Meadows Specific Plan Amendment in the City of San Mateo for Adams Broadwell Joseph & Cardozo (3/2004 to 5/2004)
- ❖ Reviewed the Edinger Corridor Specific Plan Traffic Analysis for the proposed redevelopment and intensification of adjacent land uses for the City of Huntington Beach (12/2003, 4/2004, and 5/2004)
- ❖ Conducted the Traffic Impact Study of the San Fernando Regional Pool Facility Project and the associated street improvements for the City of San Fernando (3/2004 to 4/2004)
- ❖ Prepared critique of the Initial Study/Mitigated Negative Declaration and the associated traffic study for the Pixar Headquarters Expansion in the City of Emeryville for Shute, Mihaly, & Weinberger (3/2004 to 4/2004)
- ❖ Prepared critique of the Draft EIR and the associated traffic impact analysis for the Lower Lagoon Valley Specific Plan in the City of Vacaville for Adams Broadwell Joseph & Cardozo (3/2004 to 4/2004)
- ❖ Conducted the Traffic Study of Two Parking Alternatives for the City of San Dimas to provide on street parking to complement potential retail/residential development on the east side of San Dimas Avenue north of Arrow Highway (12/2003 to 4/2004)
- ❖ Prepared trip generation calculations for various retail and "Big Box" stores in conjunction with a March 2004 ballot measure in Contra Costa County for Mark R. Wolfe & Associates (1/2004 to 2/2004)

- ❖ Prepared critique of the Initial Study/Mitigated Negative Declaration and the associated transportation impact analysis for the S&S Farms and Hancock Property Residential Development Plan in the City of Brentwood for Adams Broadwell Joseph & Cardozo (2/2004)
- ❖ Prepared critiques of the traffic impacts identified in the Mitigated Negative Declarations as well as subsequent rebuttal to responses to these comments for the Bayfront Live Work Project in the City of Hercules for Adams Broadwell Joseph & Cardozo (4/2003, 10/2003, and 2/2004)
- ❖ Conducted the City Wide Traffic Calming Study of Residential Streets in the City of San Fernando including development of traffic calming guidelines and specific recommendations addressing over 70 "Hot Spots" throughout the City including monthly presentations at Transportation & Safety Commission meetings and a presentation of the Final Report to the City Council (5/2003 to 1/2004)
- ❖ Prepared critique of the Initial Study/Mitigated Negative Declaration and the associated transportation analysis for the Cottonwood Christian Center in the City of Cypress for the City of Los Alamitos (1/2004)
- ❖ Prepared critique of the Recirculated Draft EIR and the associated transportation analysis for the Sand Creek Specific Plan in the City of Antioch for Adams Broadwell Joseph & Cardozo (1/2004)
- ❖ Prepared critique of the Initial Study and the associated traffic impact studies for the West Dublin Transit Village in the City of Dublin for Adams Broadwell Joseph & Cardozo (11/2003 to 1/2004)
- ❖ Prepared critiques of the Initial Study and the Recirculated Initial Study/General Plan Amendment and Rezoning for the Jack Parker Trucking Site in the City of San Pablo for Adams Broadwell Joseph & Cardozo (9/2003 and 11/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and rebuttal to responses to comments in the Final EIR for the proposed Wal-Mart in the City of Fremont for Mark R. Wolfe & Associates (7/2002 to 10/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR, rebuttal to responses in the Final EIR, and testimony at a public hearing regarding the Alpine Village Shopping Center in San Diego County for Shute, Mihaly, & Weinberger (6/2002 to 10/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR, rebuttal to responses in the Final EIR, testimony at public hearings, and assistance during settlement negotiations regarding the 2000 Avenue of the Stars Project in Century City in the City of Los Angeles for Tract No. 7260 Association (9/2002 to 10/2003)

- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Glen Lorna Ranch Project in the City of Gilroy for Adams Broadwell Joseph & Cardozo (9/2003)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study and the Traffic Impact Analysis for the Ryder Homes Project in the City of Oakley for Adams Broadwell Joseph & Cardozo (9/2003)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study and the Traffic Impact Analysis for the Ravenswood Residential Project in Contra Costa County for Adams Broadwell Joseph & Cardozo (8/2003 to 9/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft Subsequent EIR for the proposed Boronda Crossing Commercial Project in the City of Salinas for Mark R. Wolfe & Associates (8/2002 to 9/2003)
- ❖ Prepared four grant applications to Caltrans for \$1,115,000 of Hazard Elimination Safety funding to modify traffic signals and to upgrade regulatory, warning, and street name signs in the City of Santa Ana (3/2003 to 8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and the Traffic Impact Analysis for the Bluerock Business Center Project in the City of Antioch for Adams Broadwell Joseph & Cardozo (8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Clark Road Residential Project in the City of Richmond for Adams Broadwell Joseph & Cardozo (8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Initial Study and the Traffic Impact Analysis for the Sky Ranch Residential Project in the City of Antioch for Adams Broadwell Joseph & Cardozo (7/2003 to 8/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Cal Poly Student Housing North Project in the City of San Luis Obispo for Adams Broadwell Joseph & Cardozo (7/2003)
- ❖ Prepared critique of the traffic impacts identified in the Final EIR for the Lake Jennings Ralph's Shopping Center in San Diego County for SOFAR and Shute, Mihaly, & Weinberger (3/2003 to 7/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Cypress Grove Residential Project in the City of Oakley for Adams Broadwell Joseph & Cardozo (6/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the McKean Road Sports Complex in Santa Clara County for Shute, Mihaly, & Weinberger (5/2003)

- ❖ Prepared grant application to Caltrans for \$448,000 of Safe Route to School funding to upgrade all school signs at 68 public and private schools in the City of Santa Ana (3/2003 to 5/2003)
- ❖ Prepared critique of the traffic impacts identified in the Traffic Impact Analysis for the Blossom Valley Middle School for the Dunbar Lane Task Force in San Diego County (4/2003 to 5/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR and the Traffic Impact Analysis for the Bettencourt Ranch Aggregate Mining Project in Merced County for Weinberg, Roger & Rosenfeld (4/2003)
- ❖ Conducted a complete review of the General Plan Circulation Element for the City of Huntington Beach including comparisons to the Orange County Transportation Authority's Master Plan of Arterial Streets and drafted a Request for Proposal to update the City's Circulation Element (8/2002 to 4/2003)
- ❖ Prepared critique of the traffic impacts identified in the Traffic Impact Analysis for the proposed Wal-Mart in the City of Gilroy for Mark R. Wolfe & Associates (2/2003 to 3/2003)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for the Waterfront/Downtown Mixed Use Project in the City of Vallejo for Adams Broadwell Joseph & Cardozo (2/2003)
- ❖ Provided expert witness evaluation of the traffic impacts caused by simultaneous construction of various Alameda Corridor Transportation Authority projects for Sullivan, Workman, & Dee (12/2002 to 2/2003)
- ❖ Conducted 12 training sessions in Urban Street Design Fundamentals for the Engineering Department staff in the City of Torrance (4/2001 to 4/2002 and 10/2002 to 12/2002)
- ❖ Prepared critique of the traffic impacts identified in the Transportation Impact Study for the Western Research Campus in the City of Richmond in Contra Costa County for Adams Broadwell Joseph & Cardozo (11/2002)
- ❖ Evaluated Conditions of Approval for the proposed intersection of Mulholland Highway and Hazel Nut Court in Los Angeles County and provided testimony to the Board of Supervisors for Seminole Springs Mobile Home Park (11/2002)
- ❖ Reviewed the Traffic Impact Analysis prepared for the Pacific City Project for the City of Huntington Beach (9/2002)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR for North Yorba Linda Estates in the City of Yorba Linda for Shute, Mihaly, and Weinberger (9/2002)

- ❖ Conducted the Hacienda Road Traffic Calming Study and presented the final report at locally televised meetings of the Traffic Committee and the City Council in the City of La Habra Heights (10/2001 to 9/2002)
- ❖ Prepared critique of the traffic impacts identified in Initial Studies with Traffic Impact Analyses for three residential subdivisions in the City of Pittsburg for Adams Broadwell Joseph & Cardozo (8/2002)
- ❖ Conducted the City Wide Traffic Safety Study and presented the final report at meetings of the Traffic Committee and the City Council in the City of Rolling Hills Estates (4/2001 to 5/2002)
- ❖ Prepared critique of the traffic impacts identified in the Draft EIR, rebuttal to responses, and testimony at a public hearing regarding extensions of Corona and Valley View Avenues in the City of Norco for C. Robert Ferguson (1/2002 to 4/2002)
- ❖ Prepared critique of the traffic impacts identified in the Draft Initial Study and Environmental Assessment, rebuttal to responses, and testimony at public hearings before the Ventura County Board of Supervisors regarding intersection improvements proposed by Caltrans at State Route 118/State Route 34 in Ventura County for the Community of Somis (12/2000 to 10/2001)