

**SULLIVAN CANYON PROPERTY OWNER'S ASSOCIATION, INC.
1760 OLD RANCH ROAD
Los Angeles, California 90049**

December 18, 2009

Via email: luciralia.ibarra@lacity.org
Los Angeles Department of City Planning
200 North Spring Street, Room 750
Los Angeles, CA 90012
Attention: Luciralia Ibarra

Re: Bundy Village, Case No. VTT-66732-CN-DB-GB

Dear Deputy Advisory Agency:

The Sullivan Canyon Property Owners Association, Inc. ("SCPOA") represents the Sullivan Canyon community, which is located immediately west of Mandeville Canyon and north of Sunset Boulevard. The above project will impact our community in a variety of ways which ask that you consider when evaluating the project applicant's requests for a tract map approval, zone changes and general plan amendments.

SCPOA and its stakeholders have deep concerns that this very large proposed project will have an extremely negative impact on traffic throughout Brentwood and West Los Angeles. Traffic in this area is already effectively gridlocked from Sunset on the north to the I-10 on the south, and literally gridlocked daily at Bundy and Olympic, the major intersection adjacent to the proposed project. According to the developer's own traffic study, this project will increase car trips through the area by over 20,073 trips per day. Currently, the gridlock on the I-10 freeway forces drivers onto surface streets such as Pico Blvd., Olympic Blvd., and Santa Monica Blvd. These streets become gridlocked as well, which forces drivers to reroute their trips further north onto Wilshire Blvd., Montana Avenue, San Vicente Blvd., and Sunset Blvd., all of which are in Brentwood. Moreover, because Bundy is one of only three north-south street from Sunset Blvd. to the I-10 freeway, traffic flow on that street materially determines whether we can efficiently access the I-10 freeway. It currently can often take up to 1 hour or more to travel the approximate three miles from Sullivan Canyon to either the 405 freeway or I-10 freeway on weekday afternoons. The effect of this to make us virtual prisoners in our neighborhood during these times.

Many who submitted comment letters on the Draft Environmental Impact Report (DEIR) believe that the developer's traffic study understates the traffic impact. We concur with those observations incorporates those comment letters, and all the statements in those letters regarding the inadequacies of the traffic study (including the faulty methodology used by the traffic study) by reference in this letter.

No Action Approving The Developer's Pending Applications Should Be Taken Until It Is Determined That The Proposed Mitigation Measures Can In Fact Be Accomplished And Their Effect Known, Including The Adverse Impacts That Will Remain After Mitigation

4 of the 9 locations that the LADOT lists as capable of being fully mitigated to less than significant involve the I-10. The LADOT states in the DEIR:

“However, it should be noted that the viability of any proposed improvement that involves a portion of the state highway system will require final review and approval by Caltrans; failure to obtain this approval will result in that impact remaining unmitigated.”

Caltrans' comment letter in the DEIR indicates that at the time of its DEIR review, Caltrans did not agree with the traffic mitigations proposed by the developer and it has final authority to accept or reject the proposed improvements. Caltrans has acknowledged that it may not agree to the proposed improvements that relate to the I-10. Additionally, Santa Monica Blvd. and Lincoln Blvd. are State Highways and will also require a permit from Caltrans for any mitigation measures.

It would be premature and unlawful under these circumstances for the City to grant any zone changes, or any other discretionary approvals, for the project until the final traffic mitigations for the project have been provided, reviewed, analyzed, and publically discussed. Ultimately, if the proposed traffic mitigations are not sufficient to offset the impact of the project, the project must be downsized to a level that sufficient mitigations can be proposed and agreed.

Incompatibility of Current Bundy Village FEIR with State, County, and City Guidelines

The EIR for the project is clear that, even if the mitigations proposed in the EIR could be achieved, the project does not meet many objectives and requirements of the City, County, and State of California with respect to transportation and traffic issues.

CEQA

The DEIR states that “Based on analysis contained in the Draft Environmental Impact Report, the proposed project would result in significant and unavoidable environmental impacts with respect to air quality (construction and operational emissions), noise and vibration (construction), and traffic/transportation (operational).” The noise and vibration issues and perhaps some air quality concerns might be mitigated by careful monitoring and control of the developer's construction activities, although none have to our knowledge yet been proposed or imposed. The L. A. Department of Transportation has determined that the proposed project will result in significant traffic impacts at 40 intersections, and that proposed improvements will NOT mitigate identified traffic impacts to a less than significant level at 22 locations plus 3 residential street segments (and 9 more locations in Santa Monica are not addressed). 4 of the 9 locations that DOT lists as capable of being fully mitigated to less than significant involve the I-10 and there is no certainty that Caltrans will agree to these improvements, or that any I-10 improvements will be in place before a date certain..

Moreover, the EIR fails to take into account the worst case scenario when calculating traffic impact from the project.

West Los Angeles Transportation Improvement and Mitigation Program

An objective of WLA TIMP is to

“Prevent Peak Hour Level of Service (LOS) on streets and intersections from reaching an LOS “F”, or, if presently at LOS “F”, prevent a further deterioration in the Level of Service.”

According to Table IV.K-9 and Appendix H of the DEIR (chart labeled Appendix B in the LADOT letter), the project worsens eleven intersections that are currently rated LOS “F”, even **after** the proposed mitigations are taken into account. Forty-four of the 64 intersections that were reviewed in this report show worse traffic in 2011 if the project is implemented, even if all proposed mitigation efforts are in place, and two show worse traffic during one of the two peak periods. Of the 18 intersections that either show no change or show improvement, 13 require agreement and approval by Caltrans, the City of Santa Monica, or both before mitigations can be implemented. The ability to mitigate clearly is uncertain at this time as to these intersections. Only two of the 64 intersections on the list (Centinela & I-10 EB ramp and Ocean Park & Centinela) show improved traffic flow when compared to today’s baseline projections, even if all proposed mitigations could be implemented.

The applicant’s contention that traffic flow through the area should improve if this project proceeds is simply false.

West Los Angeles Community Plan

The Hearing Is Also Premature Because The West Los Angeles Community Plan Is Currently Being Revised

No project of the scope and magnitude of the proposed Bundy Village project should be considered or approved until the West L.A. Community Plan revisions are complete and the project’s consistency with revised plan can be determined.

The proposed project is not consistent with the current West Los Angeles Community Plan as it does not further Policy 16-1.1 due to the significant intersection impacts that cannot be mitigated. The project’s increased residential density is also inconsistent with Policy 1-2.3 of the plan given the existing zoning.

In addition, the current West LA Community Plan has not been updated in ten years. It is necessary to wait until this Community Plan is complete rather than do “spot zoning” for specific areas of the region that may prove to be inconsistent with the Community Plan once it is revised.

Finally, the City of Santa Monica has noted that many of the intersections that would be impacted by this project are in that City, and that the proposed mitigations were not acceptable. Since Santa Monica borders this project, its zoning and community plan regulations should be taken into account as well.

Westside Area Industrial Land Use Survey

The City's May 2006 Westside Area Industrial Land Use Survey designated the parcels covered by the project as an Industrial Mixed Use District. The West Los Angeles Industrial Area Directions dated December 2007 designate this site as one of the

“Areas where industrial zoning should be maintained, i.e., where adopted General Plan, Community Plan, and Redevelopment Plan industrial land use designations should continue to be implemented. Residential uses in these districts are not appropriate.”

The Staff Directions in the West Los Angeles Industrial Area Directions state that Staff should:

“Preserve industrial zoning consistent with West Los Angeles Community Plan; encourage retention of neighborhood industrial services and allow industrial and ancillary commercial uses only. As part of the West Los Angeles Community Plan update, allow a mix of uses with a jobs component along the Olympic Blvd., frontage to provide a transition between industrial and adjacent residential and commercial districts.”

The Westside has a shortage of mixed use and industrial land. This area has served that purpose for many years. Before any changes, are made, a Master Plan done in cooperation with adjacent Santa Monica is needed to project and determine the best future use of this area and its current zoning status. The region seeks to develop “green” and more technology oriented jobs. This site may be the ideal location for such ventures.

Alternatives to the Project

Alternatives exist to scale down the project to a size that would have a much smaller impact on traffic in this area and one for which mitigations are likely to succeed. The applicant has chosen not to consider project alternatives to scale back the size and density of the project. The applicant should not be allowed to proceed with a project that may provide some benefits without regard for the setting in which the project is proposed to be located. This site has severe infrastructure limitations and the fact that there might be tenants for a project available who are willing to pay this developer rent does not mean that the project as proposed should be built. Nor should the window dressing offer to provide limited senior housing (less than 3% of the total project size) or the fact that new medical facilities may satisfy a need, be allowed to excuse the massive adverse impacts this project as presently contemplated will impose upon the community. Indeed, the project as now proposed will not only create a new and significant traffic bottlenecks, it will hinder access for Westside residents and employees to medical facilities such as SM-UCLA Hospital, St. John's Hospital, and Ronald Reagan Medical Center.

Alternative B in the EIR downsized the project by 30% by leaving the footprint of the project roughly unchanged but reducing the height and mass of the buildings. This resulted in a traffic reduction of 40% in the number of trips overall and 36% in peak hours. The EIR states that this alternative would meet the same project objectives as the proposed project but would still result in “unavoidable and significant impacts” in Air Quality, Noise, and Transportation and Traffic. Smaller project sizes should also have been reviewed during the EIR process in order to eliminate the significant impact levels.

The DOT also raised the potential to downsize the project, as noted in its letter listed as Appendix 1 of the FEIR:

“In response to the findings of the traffic study and the number of impacts that could not be fully mitigated, DOT, as standard practice, discussed downscaling the project as a possible means to reduce the traffic impacts of the project to below significant levels. However, the applicant indicated that the scope of the project is required due to the sizable demand for additional medical services on the Westside of Los Angeles, particularly medical services adjacent to affordable and senior housing.”

Stating that “the scope of the project is required due to the sizable demand” is, in effect, merely stating that the developer does not want to downsize because it can make more money from a larger project.

The developer has not provided a study or other backup or any other credible evidence to explain its assertion of “the sizable demand for additional medical services on the Westside of Los Angeles” In fact, a comment letter submitted by the project adjacent Siddha Yoga Meditation Center states that there are 15 existing hospital type facilities located in the area.

The SCPOA agrees with the comment letter submitted by the Mar Vista Community Council that

“Even if it were a proven fact that there is a sizable demand for additional medical services on the Westside of Los Angeles (and the MVCC has seen no study showing this to be the case), this would still not justify the negative traffic impacts that will be felt by all of the communities surrounding this development, and would not justify the negative impact on the quality-of-life of all of the residents of the surrounding communities.”

Furthermore, an alternative scenario that downsizes the project further than Alternative B to enable traffic reduction to be decreased to a level below significant after mitigations are implemented is needed.

The retail space currently included in the project far exceeds the daily needs of project residents, making it an independent destination that will independently create unnecessary significant adverse traffic impacts.

Objections to Traffic Analysis Provided by Hirsch/Green

We agree with comment letters on the DEIR from groups such as West Los Angeles Neighborhood Council (WLANC), the Mar Vista Community Council, the City of Santa Monica, and Kilroy Realty Corporation that the traffic analysis appears to have used flawed assumptions in order to make its estimates, and that these assumptions appear to consistently understate the current traffic flow in the area and the negative traffic impact of the project. The SCPOA also notes that LADOT's information in the Appendix to the EIR is identical to that of the developer, which suggests that LADOT did not make any independent assessment of the developer's assumptions but simply and without explanation or justification accepted the assumptions put forth by the developer.

Given that so many groups have commented negatively on the traffic assumptions used in the EIR, with no credible response given by the developer or its consultant, the SCPOA submits that prior to approval of the project the traffic data used in the EIR must be compared with traffic data for other projects using the same intersections, and the traffic analysis must be adjusted if the baseline data is found to be significantly different from that of other EIRs in the study area.

The SCPOA questions whether sufficient money has been set aside by the developer to implement all of the proposed mitigations, as no estimate of the cost of these mitigations has been provided. If the intent is that the developer will only pay for a portion of these mitigation efforts, we would like to know where the remaining funds will come from as clearly neither the City of Los Angeles nor the State of California can currently fund additional traffic improvement projects. The funding source for mitigations must be identified and the funding set aside prior to the project start.

The SCPOA questions whether the proposed widening of the I-10 entrance ramps at Bundy will mitigate the traffic in the region. How will sending more cars onto a freeway that isn't moving improve traffic flow? The applicant suggests that HOV lanes may improve traffic flow. But there are no HOV lanes on the I-10 in the West L.A. area nor are any currently contemplated. While HOV lanes are being constructed on the I-405, the applicant offers no data demonstrating that those HOV lanes will improve traffic flow on the I-10.

In the initial NOP, WLANC had suggested that the study area should go to Sunset Blvd, which the SCPOA agrees should have been the case. The EIR includes an analysis of only four intersections in Brentwood: San Vicente & Montana & Westgate; San Vicente & Barrington; Wilshire & Bundy; and Wilshire & Barrington. Because Sunset was not included and the number of intersections studied was very limited (even San Vicente & Bundy was omitted), the SCPOA believes that the EIR significantly understates the traffic impact on Brentwood.

The SCPOA, like many other community organizations oppose a reduced side setback to zero as proposed for at least one area of this project. The requirement for side setbacks is an important factor in creating livable communities. The waiving of side, front and/or rear setbacks sets dangerous precedents. This project consists of a number of large parcels. The mere fact that the developer is seeking a zero side setback demonstrates to us the fact that his project is attempting to overbuild on the property with little regard to anything other than his opportunity to generate

rentable space/income. Project design should respect setback requirements and no exception in this case should be granted.

Conclusion

There are as many questions raised as answered by the DEIR and the FEIR. Until those questions have answered and the public given a reason able opportunity to review, analyze and comment upon them, the City should not proceed with any discretionary approvals as to the Bundy Village project. The impacts of this project as proposed will be enormous and long term. The City should not allow short term considerations drive its decisions concerning this project.

Yours sincerely,

Patricia Choate
President

cc: Councilman Bill Rosendahl
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