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January 18, 2021

Alan Como, AICP
City of Los Angeles, Department of City Planning
221 North Figueroa Street, Suite 1350 Los Angeles, CA 90012
Via E-Mail: alan.como@lacity.org

Re: Berggruen Institute Project, Case No. ENV-2019-4565-EIR

Dear Mr. Como:

The Brentwood Homeowners Association (BHA) represents approximately 4,500 single family homes and condominiums north of San Vicente Blvd to the Santa Monica Mountains, west of the 405, and east of Canyon View Drive. The Berggruen Project would reside in the hills directly north of our members in a Very High Fire Hazard Severity Zone. In fact, the unpaved portion of Canyonback Road connects directly with Kenter Avenue, a street within our boundaries, where 10 homes were destroyed and 15 damaged in the Getty Fire of 2019. Given the close proximity to our members' homes and the number of significant impacts outlined in the Initial Study, we are deeply concerned about the project and its considerable impacts on the residential neighborhoods closest to the Project.

Challenges Associated with the Project's Location

In reviewing this Project, we ask ourselves the following. Why would The Berggruen Institute want to place itself on the top of a mountain in a protected natural habitat for trees and wildlife that can only be reached by car after a two mile drive up a winding road over a former landfill site that emits methane gas in a hillside area that is under constant threat of wildfire¹ and accessed by roads that are beset by some of the worst traffic in the City?

Why would the City allow the original project, construction of 28 homes that complied with the City's General and Specific Plans after an extensive EIR process, be thrown out and replaced with a commercial development with its own set of rules that would bring thousands of guests annually to an area that has no access to public transportation except one bus line (234)?

¹ On December 16, 2020 a brush fire occurred near the entrance to the Project Site near Getty Center Drive. What initially started as two small grass fires along the Getty off ramp of the 405 threatened to move into heavy brush on the west side of 405. NB Sepulveda at Getty and the SB 405 Getty off ramp were closed and 146 firefighters were called in to stop a fast-moving fire that burned three acres in one hour. Source: LAFD tweets. In October 2019, the Getty wildfire burned 745 acres in Brentwood. It started at 1900 N. Sepulveda, right below Serpentine Road. The fire was first reported on October 28, 2019 and was contained on November 5, 2019. Thousands of people were forced to flee pursuant to mandatory evacuation orders, 10 homes were destroyed, and 15 residences were damaged.

And most importantly, why would the City proceed with an EIR of the Project Site in a Very High Fire Hazard Severity Zone when the Department of City Planning has not demonstrated how it will comply with the Los Angeles City Council directives in the Motion (Council File No. 20-1213) relative to evacuation routes in Very High Fire Hazard Severity Zones²?

Unfortunately, the Initial Study does not adequately answer these questions. Therefore, we submit the following comments to ensure the City's EIR will properly consider the Project's significant and long-range impacts in a very challenging and incompatible location.

I. Additional Information Should be Included in the EIR in Order to Fully Analyze and Mitigate Impacts

A. Details of the Proposed Specific Plan Missing from Initial Study

The Project Description in the Initial Study ("IS") is replete with references to a Specific Plan for the Berggruen Institute ("BI") Project that is not included in the IS or Notice of Preparation. Many of the references suggest that a draft of the Specific Plan in fact exists. However, no Specific Plan draft has been disclosed, and therefore the Project Description in the IS is deficient, incomplete, and misleading. Hence, the EIR process is fatally flawed because there is no opportunity to provide comments on what should be included in the EIR regarding the draft Specific Plan that is an integral part of the proposed Project. Even if a complete draft does not exist at this time, the NOP is legally premature until the IS can include a draft Specific Plan and enable comments by affected parties about environmental impacts that should be studied and disclosed as a result of having reviewed the terms of a Specific Plan draft.

The Specific Plan references include, but are not limited to:

1. page 7 -- In accordance with the proposed Specific Plan
2. page 13, footnote 11 -- Per the proposed Berggruen Institute Specific Plan
3. page 14, footnote 12 -- Per the proposed Berggruen Institute Specific Plan
4. page 16, footnote a -- Per the proposed Berggruen Institute Specific Plan
5. page 16, footnote b -- which do not fall under the Specific Plan definition of building floor area
6. page 21 -- In accordance with the Specific Plan
7. page 24 -- The Specific Plan also calls for
8. page 27 -- As detailed in the Specific Plan, most events would involve

If the Specific Plan is included in the DEIR, the DEIR should include an analysis of all impacts from the contents of the Specific Plan, particularly the potential for later phase development, even though the process is flawed due to the public not having the opportunity to provide scoping comments.

² This motion was adopted by unanimous vote on November 10, 2020 (Council File No. 20-1213)

B. A Complete Analysis of the Existing Zoning Regulations and Ordinances for the Site Should Be Included

Page 35 of the Initial Study references the governing zoning codes and the need for the Project to undertake a comprehensive tree planting program. The City then proceeds to state that the Project could potentially conflict with existing zoning for agricultural use and that conflict will be addressed with the Berggruen Institute Specific Plan. How will it be addressed in the Specific Plan? Will the Specific Plan merely state an exemption from compliance?

If the answer is to be that whenever the Project is not compliant with existing codes the Project shall write its own is unacceptable to a community that must follow those very rules the Institute has chosen to rewrite. That is why we request that the EIR include all of the existing and applicable codes, policies, regulations and ordinances for each environmental factor and how the project would comply or not before establishing the revised code under the new Specific Plan. The difference between the existing and proposed codes will reveal the impact on the Project's environmental setting and that of its residential neighbors.

In addition, the following questions should be answered:

- Why can't the project comply with City's existing land use regulations and policies?
- What, in the LAMC or LA City Planning rules and regulations, authorizes this Project to throw out the existing rulebook and create their own?
- How can the City evaluate a project's impact when the rubric for that evaluation has not been supplied?

Without this information the impact from the project cannot be properly analyzed.

C. DEIR Must Explain Why the 2006 Certified and Approved EIR Is No Longer Applicable

The DEIR must explain why, at a minimum, each and every mitigation measure in the 2006 DEIR should be included, or not included, in the Berggruen Institute EIR. In addition, the DEIR must explain what mitigation measures are required in addition to the mitigation measures in the 2006 DEIR as a consequence of the more intensive use proposed by the BI Project.

II. More Information is Required to Properly Evaluate the Impact on Traffic from Special Events

1. Explain what is meant on page 27 of the IS by "As detailed in the Specific Plan," That suggests that a draft of the Specific Plan exists that has not been disclosed and therefore the Project Description in the IS is deficient, incomplete, and misleading. Hence, the EIR process is fatally flawed because there is no opportunity to provide scoping comments on the draft Specific Plan that is an integral part of the proposed

Project. Even if a draft does not exist, the NOP is legally premature until the IS can include a draft Specific Plan.

2. Although the number of single events with over 100 attendees during "evening rush hours" is limited, explain the traffic impacts of daily, unlimited, 4 concurrent events, each with 99 attendees, for a total of 396 attendees, every day.
3. Explain the traffic impacts of unlimited Special Events of a potential 99 attendees every weekday during morning rush hours and during evening rush hours.
4. Explain why evening rush hours are defined as 5:00PM - 7:00PM in light of numerous "no parking", "bus only", and CUP conditions that recognize evening rush hours as 3:00PM - 7:00PM.
5. Since the IS describes certain limits on Special Events beginning at 5:00PM, describe the traffic impacts of attendees driving to the BI between 4:00PM - 5:00PM.
6. Explain why evening rush hours are defined as 5:00PM - 7:00PM in light of the traffic back-up trying to access the northbound 405 ramps at Sunset Blvd and Wilshire Blvd between the hours of 3:00PM - 5:00PM.
7. Explain what limitations, if any, are in the Specific Plan on BI applying to amend the Specific Plan to provide for more Special Events and/or more attendees at Special Events.
8. Assuming most all non-BI scholar attendees at Special Events (or a reasonable estimated number) arrive for Special Events by Uber-type vehicles, what are the impacts of the drop-off and pick-up trips (in addition to vehicles driven by attendees) on the 405 ramps at Mulholland Blvd, Sunset Blvd, and Wilshire Blvd.?
9. At all 405 freeway ramps that would be impacted by Project traffic, explain the impacts on the roads intersecting the 405 at those ramp locations, and the major intersections on those roads, such as Sunset/Church, Sunset/Barrington, Sunset/Veteran, Sunset/Westwood.
10. Describe whether all traffic impacts will be studied and disclosed based on normal business and school operations and not during COVID-19.
11. Describe the particular traffic impacts during a fire evacuation order during evening rush hours if the BI is occupied by 400 attendees at Special Events in addition to the BI residents and staff.

12. Compare the traffic impacts of the proposed Project (i) with the traffic impacts of a 50% reduced Project Alternative, and (ii) with the traffic impacts of a No Project Alternative (that assumes the 28 homes currently entitled).
13. Describe the feasibility of requiring busing/shuttles in lieu of some or all private passenger cars for attendees at Special Events. Where would those stops be to have no impact on traffic in the heavily congested area of the 405, Sepulveda, Church and Sunset Blvd.
14. Describe the feasibility of requiring buses to be available for emergency evacuation.
15. Describe the impact on Sepulveda, the 405, Sunset and other arteries when heads of state visit the Institute, requiring special security details and possible street closures.
16. No outside use of the campus should be allowed. Current description of “in association with” is vague and could lead to up to 396 guests on the campus each day from 8am to 11pm. This impact cannot be assessed under these terms.
17. A complete list of proposed events should be provided and studied for impacts on noise and traffic. The following information for each event should be included:
 - # of attendees
 - Time of event
 - Day of the week of event
 - Type of event
18. Analyze the impact on Sepulveda Blvd. of 400 guests arriving for an event at 5:00pm as they wait to enter through the gatehouse at Serpentine Road.

III. DEIR Analysis of Fire Protection Must Identify Wildfire Evacuation Routes to Properly Assess Their Impact

Until the Department of City Planning demonstrates how it will comply with the Los Angeles City Council directives in the Motion relative to evacuation routes in Very High Fire Hazard Severity Zones (“Motion”) adopted by unanimous vote on November 10, 2020 (Council File No. 20-1213), the EIR should be placed on hold.

The Motion directed the Department of City Planning:

1. To report back on the capacity, safety, and viability of existing and potential evacuation routes in Very High Fire Hazard Severity Zones and identify the policies and development standards, including land use and building restrictions, necessary to support those evacuation routes;

2. To amend the General Plan by incorporating the Local Hazard Mitigation Plan and Office of Planning and Research's "Fire Hazard Planning" provisions into the Safety Element concurrent with the ongoing update of the Housing Element;
3. To address State and Local goals for climate adaptation and resilience.

The issues of fire risk and evacuation relative to the Project are not abstract, hypothetical concerns. They are based on a reality evidenced by the experience of the Getty Fire in October 2019. Santa Ana winds always come from the east and blow to the west as did the Getty wildfire that burned 745 acres in Brentwood. The fire was first reported on October 28, 2019 and was contained on November 5, 2019. Ten thousand people were forced to flee pursuant to mandatory evacuation orders, 10 homes were destroyed, and 15 residences were damaged. The cause of the fire was a broken tree branch caused by high winds that hit a power pole. The fire started at 1900 N. Sepulveda, directly below Serpentine Road. In December 2020, a brush fire broke in the same area, near Getty Center Drive, and threatened to spread up the hill toward the Project Site area. Fortunately, firefighters were able to stop the spread before damage was done.

If the EIR proceeds without the information cited above, we request the following be addressed:

- What is the evacuation route in case of fire coming from the East?
- How many people can be evacuated using this route?
- If a 400-person event is taking place, how will that affect evacuation?
- What is the impact on these evacuation routes from the Project at capacity? With only full-time residents, staff and scholars?
- With only one paved road (Serpentine Road) providing access to the site from the East, the DEIR should study and disclose which roads will be used for mandatory evacuation. What is the impact on the residents who live north of Sunset off of Kenter Avenue and Bundy Canyon if these roads are being used to evacuate Berggruen staff and guests as well as residents?
- What is the impact on the evacuation route if a 400- person special event needed to be evacuated to the west through the fire access roads that lead into the Brentwood community?
- How will the proposed landscape plan reduce fire hazards? (p22)
- How will the landscape plan adhere to best fire practices as outlined by LAFD? (p24)
- If the Project removes trees and replaces them, where will they go so as not to become fuel for fires?
- If landscaping is pushed away from the buildings toward hillsides and nearby residences, what is the risk to those neighborhoods? Will that fuel wildfires?
- If the MRCA denies approvals for irrigation or fuel modification or habitat restoration as mentioned on p26 of the IS, will the City grant exceptions to approve the project? Will the BI Specific Plan have the authority to override the MRCA?
- How will the proposed Specific Plan implement strategies to mitigate fire safety threats to neighbors as described on p26?

- How will a managed defensible space benefit neighbors off site? How do we know it will work? Any strategies should be proven and tested, not just proposed.
- While resources will be put in place to help fight fire, what strategies are being developed to evacuate the project site at capacity? How will the operational use of the facilities impact the LAFD and choices it makes to protect the residences as well as the institutions?
- What would cause the LAFD to require a helicopter pad? The DEIR should include the LAFD report and assessment requiring this pad and its use should be exclusively for LAFD, not BI use.
- The Institute may generate additional traffic in the vicinity which could affect emergency responses. (p49) How will the Specific Plan require adequate emergency access and compliance with LAFD access requirements? What will that access do to neighboring streets? Residences? Will it divert essential emergency resources away from the residents?

IV. The EIR Must Comprehensively Address All of The Project's Potentially Significant Environmental Impacts

The Initial Study Checklist identifies 19 (out of the 21³) environmental factors that would have a potential significant impact; therefore, the EIR must be detailed in its analysis of these impacts. In addition to the responses to the questions within the Study, we ask that the following concerns be addressed.

Land Use and Planning

A more accurate project description is required to adequately assess the impacts from the Project at this location. The Initial Study inaccurately describes the environmental setting of the Project Site and is misleading in its Project Description. P13 states the location would be situated near the City's institutional corridor yet goes on to describe on p53 parklands, vacant land and residential uses north, east, south and west of the Project Site. Three institutions off of Sepulveda Blvd does not constitute an "institutional" corridor. The schools cited are miles away on Mulholland Drive. By framing the area as an institutional corridor, the Initial Study appears to be using its Project Description to justify its choice of location. This is a mischaracterization of an area where the majority of the environment is mountains. In fact, p8 of the Initial Study states under Existing Conditions, that "the Project Site is generally undeveloped." The more accurate description is that the "Project Site itself is comprised primarily of undeveloped land."

The Study goes on to state that all of these "surrounding uses represent distinct land uses and properties with their own clear physical, cultural and planning identities." What is meant by this statement and what is the evidence for this statement? Do any of those institutions have their own specific plan? Do all of them operate under the City of LA Planning's codes and regulations? What they

³ It is interesting to note that the two factors it does not have a significant impact on are not applicable (Cultural Resources and Mineral Resources).

do provide, which the Berggruen Institute does not, is a community benefit. Members of the community can send their children to the schools, visit the museums and attend services at the houses of worship.

As noted above in our comments about the Specific Plan, we cannot comment on whether “the permitted uses under the proposed Specific Plan are consistent with the types of educational, institutional and residential uses already present in the surrounding area”(p53) because we do not know what those uses are. But given the limited information provided, we cannot see the similarities between Leo Baeck Temple and the Institute, or Curtis School and the Institute or the Skirball Museum and the Institute. It is painting with a broad brush to compare the Project that sits within 447 acres of open space with a school off a major boulevard.

Given the references to uses and standards in the proposed Specific Plan, we ask

- What would the Specific Plan design standards be that will “reflect the Project Site’s unique identity, while acting as a bridge between, and ensuring compatibility with, these neighboring uses.” p53
- What is the justification “to amend the General Plan to establish the BI Specific Plan and clarify the Brentwood-Pacific Palisades Community Plan Footnote 14 by expressly indicating how the BI Specific Plan is consistent with the Minimum Residential, Very Low I Residential, Public Facilities, and Open Space land use designations?
- If the site is part of this institutional corridor it identifies, why would the LAFD need a helicopter pad to access it during an emergency? No other institution has that or is required to have it. Why does the LAFD need this pad? Is it because of the increase in structures and the attendant increase of use in a remote location in a very high fire zone?
- What will determine if the Project is consistent with the LAMC since in the paragraph above, the Project is asking for amendments and zoning changes and plan overrides of current plans? (p54 paragraph XIb)

The Project Description states that the Project will preserve open space and recreational trails. Again, this is inaccurate. If the Project is not built, open space will be preserved through existing agreements and easements. Trails, with identifiable names, will continue to be available for recreational use. It is incorrect to state that the Project would provide trails and recreational opportunities since they already exist. The DEIR must address the impact on the existing easements and covenants within the Project Site and the justification for changing or altering them to suit the needs of the Project.

The following questions must be answered in the DEIR:

- How will the 3.3-million-gallon water tank operated by LADWP on land adjacent to Ridge II be affected by the project? (p11)
- What will the impact be on the landfill gas destruction protocols in place, namely the flare for excess gas? Is there any danger to the site and its guests from this activity? (p11)

- What is the impact of extending a paved road over this landfill?
- 19,270 sq ft of covered seating and circulation areas, which would be part of the design of the Institute Building, are not included in the total square feet. What is the rationale for not including them in the total? (p14) What impact would a potential fire have on these structures? How many people would use these areas? What activities would take place? What are the noise and aesthetic impacts?
- The impacts from the additional structures such as storage areas, eating areas, and temporary construction uses must be included in the DEIR analysis.
- Recreational facilities for use by the scholars will operate 24 hours per day (indoor) and 6:00am to 10:00pm for outdoor. How will the scholars access these facilities? What noise mitigation measures will be adopted to limit noise from access and use at night, on weekends, and in the early morning hours?
- What are the hours of operation for the Institute?
- Who will the Berggruen Institute serve? What is the benefit(s) to the community given the private nature of the Project? Who or what is its constituency?
- Under what circumstances will the emergency gated access points be used?

The DEIR must include detailed plans for future development in order to study its impact.

The Specific Plan will allow for future growth (p28) by permitting additional square footage in offices, meeting rooms and other related facilities within the Institute Building in addition to 45,000 square feet of new building for a total of 63,000 additional square feet. Since this expansion is planned and included in the Initial Study, the DEIR must study and disclose the impact on operational use:

- Will more events be planned?
- Will more staff be needed?
- Will hours of operation need to be extended?
- Will additional recreational facilities be added (pools, tennis courts, etc.)
- Will programming be increased?
- What is the impact from the Project fully built?
- All environmental factors must be analyzed with this increase in developed land and increased use.

Noise Impacts

Noise impacts must be thoroughly analyzed and observed. The significance of noise impacts depends on their environmental setting. The current environment is one of relative quiet. We ask the following:

- Will noise from activities be significant?
- The construction and use of construction equipment including trucks, vehicles and other heavy machinery will substantially increase the noise levels throughout the construction phase. How will BI screen or otherwise buffer neighbors from the noise that will result from the construction?
- What buffering and landscape screening should surround the proposed BI to dampen noise from its operations?
- What materials should be used in the construction of the proposed new facilities to maximize noise dampening?

- What restrictions on hours of operation should be placed on the new facilities particularly during nights and weekends to limit the additional noise that will be created by the operation of the new facilities and use of an outdoor pool as well as other recreational facilities?
- What will the noise impact be from 301 cars exiting the garage?
- Recreational facilities for use by the scholars will operate 24 hours per day (indoor) and 6:00am to 10:00pm for outdoor. How will the scholars access these facilities? What noise mitigation measures will be adopted to limit noise from access and use at night, on weekends, and in the early morning hours?

Transportation/Traffic

Please explain why all traffic studies for the EIR (including on the 405, Sepulveda Blvd, Sunset Blvd, Wilshire Blvd, and Mulholland Drive) should not recognize that "rush hours" should include extended hours, such as the recently approved hours by LADOT for Ventura Blvd. of 6:00AM - 10:00AM and 3:30PM - 7:00PM (see sign below), which will more accurately reflect the gridlock that will return sometime in 2021 when people start returning to work and school post-COVID-19.



The use of construction equipment including trucks, vehicles and other machinery as well as the transportation of workers will substantially increase traffic and parking issues in a heavily congested area. What will be done to reduce traffic from this activity during peak hours?

In addition to the impact of construction traffic, what effect will operation of the new facilities have on already overburdened streets? What restrictions should be imposed to mitigate and minimize any potential adverse effects on traffic and parking? For traffic and transportation impacts to truly be measured and analyzed completely, the study area should include not only the immediate area around the Institute, but also major streets south of the Project Site, Sunset Boulevard, Wilshire Boulevard and San Vicente Boulevard. With thousands of guests coming year-round from all over Los Angeles, the traffic study area should be broad enough to capture all of the significant impacts on traffic from the project and the Institute's operations.

What will be done to ensure WAZE does not direct drivers into the hills above Sunset to access roads that are not open to the public but still appear on maps?

Councilmember Mike Bonin has acknowledged that Brentwood traffic is some of the worst in the City. While the cause is debatable, the reality is that from 3:00pm to 7:00pm streets in our area are gridlocked as cars make their way to the 405 or the canyons that lead from the westside into the San Fernando Valley. One minor incident on the 405 can create a standstill of cars on Olympic Blvd., Wilshire Blvd, Sunset Blvd, and Sepulveda Blvd. Therefore, the DEIR must include in its traffic study the following roads and intersections south of the Project Site:

- Sepulveda Blvd and Church Lane
- Sepulveda Blvd and Montana
- Sepulveda Blvd and Wilshire
- Sepulveda Blvd and Santa Monica Blvd.
- Sepulveda Blvd and Olympic Blvd.
- Sunset Blvd and Church Lane
- Sunset Blvd and Barrington Ave
- Sunset Blvd and Kenter Ave
- NB405 offramps from 10 interchange to Skirball/Mulholland Drive

What is the effect of improving the Canyonback Trail to Kenter? Will it increase pedestrian traffic looking for trails? Will cars exit this way in case of emergency? Or for operational use?

Aesthetics

The Brentwood-Pacific Palisades Community Plan designates a number of scenic roadways in the Project area. The Research Institute could be visible within scenic vistas of natural resources. Analysis to determine Project's potential impacts on scenic vistas should address the following issues and concerns:

- What will be done to buffer the construction site from view of neighboring residences?
- What noise buffers and landscape screening will be used to shield the buildings from the surrounding neighbors after construction?
- Will all lighting be shielded from residences?
- Will the building material for the buildings produce glare on nearby residences?

Analysis to address whether the Project would conflict with applicable zoning and other regulations governing scenic quality should include the following:

- Impact of institute building twice the height of houses?
- Impact of buildings that are 10 to 12 x the size of currently zoned houses
- Impact of placing commercial use in a residential area?
- Impact of introducing activities in a protected wildlife area and natural habitat

Air Quality

The Initial Study acknowledges the project's construction and operation would contribute significant air pollutants in an area that currently cannot attain federal and state air quality standards. (p37) What is the point of standards if they are not followed? What is the justification for allowing an impact from a project that could be located someplace else where it would not harm residences?

The potential impact on Mission Canyon No. 8 Landfill must be comprehensively studied since it poses risks not just with uncontrolled odors, but fire hazard as well. (p37)

Biological Resources

In its September 23, 2020 report, Connect SoCal, Southern California Association of Governments recognizes the importance of our biological resources: "As our communities continue to expand, vital habitat lands face severe development pressure. The diverse natural and agricultural landscapes of Southern California are a valuable asset to the region and its residents. The region's desert, mountain and coastal habitats have some of the highest concentrations of native plant and animal species on the planet." According to the IS, the Project would have a substantially adverse effect on wildlife and the natural habitat. It would be in direct conflict with existing policies to protect these resources. Given the fragility of these resources, the City should not accept mitigating these impacts but eliminating them entirely. The EIR must not only analyze how the project will affect this undisturbed area but also how it can eliminate the impact because reduction is not enough. The protection of biological resources through conservation and policies set forth in the General Plan Conservation Element, should not be evaluated but rather followed. No deviation should be allowed.

Geology and Soils

The EIR should analyze what can be done to ensure that the removal of dirt and soil will not cause soil shifting that could undermine or weaken the foundations of nearby existing buildings and increase the risks of lateral spreading, subsidence, liquefaction or collapse. In addition, given that the Project Site is located within an area governed by the Baseline Hillside Ordinance, careful analysis should be given to how the displacement of dirt and soil may affect drainage on the site as well as neighboring communities whether through erosion, removal of topsoil or otherwise. In addition, what, if any, effect will the new buildings have on drainage and runoff?

The EIR should analyze what impacts liquefaction, found on the project site, could have during an earthquake not just on the Project but the residences residing adjacent to and below the site.

- Where would runoff from the Project Site accumulate?
- Are there any plans for detention basins?
- Where would storm drains be located and how will it connect with City services?
- Would sewer pump stations be installed? Where?
- How will the institute connect to internet, technological resources?
- What will DWP need to do to upgrade current lines to accommodate the Institute's needs?

Hazards and Hazardous Materials

The Project Site is located in an area that is surrounded by open space that is a fire hazard due to the drought. Dry conditions in the surrounding hillsides make it vulnerable to fires. What steps will the Berggruen Institute take to limit the fire hazard from dangerous tools and flammable substances such as paint and fuels? What steps will be taken to limit the exposure to the Mission Canyon Landfill No 8 to asbestos-containing materials and/or lead based paint that could create a hazard. P 47

The DEIR must take an extensive look at the methane existing at the landfill site to determine the risk associated with construction and operation of the project. (We request a copy of the Phase I Environmental Assessment by Wheeler done in 2017 referred to in the IS). The Mission Canyon No. 8 Landfill is a known site with hazardous materials. Serpentine Road traverses directly over it. Further study must be included that addresses the potential impact of emissions from cars and construction vehicles and potential fire hazard from landscape tools.

How will Berggruen protect against any spills or leaks of hazardous materials that might be transported from the site during construction including contaminated soil that might be removed during construction?

Hydrology and Water Quality

As part of its analysis regarding possible stormwater pollution sources and drainage, the EIR should analyze whether construction will alter existing water flows or cause water to flow onto neighboring properties in greater volume than current flows. In addition, will the water use during construction result in contamination of groundwater beneath the project site or nearby properties? In addition, while activities of the project have the potential to cause erosion and convey pollutants into municipal storm drains, the EIR should also analyze whether water used during construction can seep into the soil of adjacent properties potentially undermining foundations or otherwise creating the risk of structural weakening.

V. Given the Potentially Significant Impacts in Every Environmental Factor, the EIR Must Analyze Viable Alternatives

CEQA Guidelines Section 15126.6(a) states: "An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives." The CEQA Guidelines emphasize that the selection of Project alternatives be based primarily on the ability to reduce significant impacts relative to the proposed Project, "even if these alternatives would impede to some degree the attainment of the Project objectives or would be more costly." The CEQA Guidelines further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are analyzed.

In selecting Project alternatives for analysis, potential alternatives should be feasible. CEQA Guidelines Section 15126.6(f)(1) states that: "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, ... and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site."

Given the challenges of the existing site and the undeniable number of significant impacts, we request that the EIR follow the above guidelines and genuinely consider alternatives to the Project. Alternatives considered, in addition to the required analysis of No Project and alternative locations, should include the following:

- Limits on the number of attendees, time, and day of week for all events (e.g. events with 50 guests or more not allowed between the hours of 7am to 9am and 3:00pm to 7:00pm)
- Prohibition of single occupancy vehicles allowed to access the site, only shuttles or vans with pick up locations in various parts of the City
- No future expansion and its effect on public service resources
- Off-site parking garage with shuttle service
- Locations closer to transit hubs with public transportation options
- Project Site that is compatible with existing zoning codes and land use policies

Thank you for the opportunity to comment upon the scope of the proposed Environmental Impact Report for the Berggruen Institute Project and for your consideration of the foregoing. We ask that you add our organization to the distribution list for all notices or documents related to this Project.

Sincerely,



Kathleen Flanagan
BHA Board President

cc: Councilmember Mike Bonin, CD-11
Krista Kline, Deputy Chief of Staff, CD-11