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April 20, 2018

United States Department of Veterans Affairs

Mr. Erik Guterrez

11301 Wilshire Blvd.

Los Angeles, CA 90073

By email to:

Erik.Gutierrez@va.gov

Re: Hearing, April 26, 2018, regarding VA's proposal ("**Proposal**") for an Enhanced-Use Lease ("EUL") initiative that "would include renovation of Building 207 and the development and re-use of other existing buildings and parcels located on the north-side of the GLAHS Campus" located at 11301 Wilshire Blvd, Los Angeles, CA 90073, and hiring a Principal Developer "to finance, design, construct, renovate, operate, and maintain" housing units ("**Project**").

Dear Dept. of Veterans Affairs,

The Brentwood Homeowners Association ("BHA") represents 3,200 single-family homes in the area north and west of the GLAHS campus. The BHA strongly supports the development of the GLAHS campus for permanent supportive housing and supportive services in order to help reduce Veteran homelessness in the Greater Los Angeles area, as long as the development is consistent with the lawful process.

The development must be done in accordance with legally required procedures and process. In this case, the **Proposal** and the **Project** are unlawful because:

1. The Public Hearing Notice is legally deficient, ambiguous, and incomplete.
2. The **Proposal** and the **Project**, and any approval of the **Project**, prior to full NEPA compliance, violates the Los Angeles Homeless Veterans Leasing Act of 2015 ("**Act**"), including specifically Section 2(f)(2) of the **Act**, and violates the requirements of NEPA.

NOTICE DEFICIENT

The **Project** description in the Public Hearing Notice describes the "renovation of Building 207 and the development and re-use of other existing buildings and parcels" on the north campus. There is no description of the "other existing buildings." There is no description of the "parcels."

Attached as Exhibit "A" is a map showing the location of Building 207, and the significant potential for other buildings and parcels that are not identified. The Notice is overly broad and non-specific and, as such, does not afford an opportunity to comment and be heard regarding the impacts of the **Project** on Veterans and the surrounding communities. It is impossible to comment on the **Proposal** or a **Project**

that includes unidentified “other buildings” and other “parcels. Hence, the Notice is legally deficient, ambiguous, incomplete and violates due process.

If the VA disagrees, please explain.

PROJECT VIOLATES (A) ACT, (B) DRAFT MASTER PLAN, (C) VA WEB SITE, AND (D) CEQA/NEPA

(A) Violation of ACT

Section 2(f)(2) of the **Act** states:

“(2) COMPLIANCE OF PARTICULAR LEASES.----No lease may be entered into or renewed under this section unless the lease complies with chapter 33 of title 41, United States Code, and all Federal laws relating to environmental and historic preservation.”

The **Proposal** for the **Project** may not proceed unless and until there has been compliance with “all Federal laws relating to environmental and historical preservation.” An EIS under NEPA must be done for the complete development contemplated by the Draft Master Plan.

If the VA disagrees, please explain.

(B) Violation of Draft Master Plan

Page 179 of the Draft Master Plan attached as Exhibit B says:

“Following the conclusion of the formal master planning process, VA will conduct a robust NEPA analysis process and Section 106 consultation to ensure that environmental information is available to public officials and citizens **before** final decisions regarding the Master Plan are made and **actions taken by VA.**”

Although the Public Hearing Notice states that the **Project** would be consistent with the Draft Master Plan, it is obvious from reading page 179 of the Draft Master Plan attached as Exhibit B that consideration of the proposed **Project** at this time is not consistent with the Draft Master Plan as well as the Act. The NEPA and NHPA process, including a traffic study analysis, must be done to assure transparency and public involvement before any decisions are made in connection with the **Proposal** for the **Project**.

If the VA disagrees, please explain.

(C) Violation of VA Web Site

The proposed **Project** is inconsistent, with the response of the VA in FAQs on the VA web site as recently as in July 2017:

“What is the timing for an Environmental Assessment and Environmental Impact Statement under the requirements of the National Environmental Policy Act?”

VA has previously completed a traffic study and an Environmental Assessment (EA) for Building 209. Building 209, which contains 55 housing units, was renovated in 2014, prior to the drafting of the framework Draft Master Plan, and is currently operational as a compensated work therapy/transitional residence. On December 20, 2016, VA issued a Request for Proposals (RFP) seeking entities interesting in entering into an EUL with VA for Building 209, to provide approximately 55 units of permanent supportive housing for Veterans. The RFP closed on January 4, 2017. VA's current goal is to select an awardee before the end of January 2017. **Prior to moving forward with any additional development after Building 209, VA plans to complete** further environmental, historic, utilities, and traffic due diligence. VA plans to undertake a Programmatic Environmental Impact Statement (PEIS) for the framework Draft Master Plan of the West Los Angeles Campus." (emphasis added)

As unbelievable as it may be, between July 2017 and today, the VA removed the underlined words from their answer to the FAQs on their web site! Attached as Exhibit C is the archived web page before the VA decided to try to avoid the proper NEPA process.

It required 95 pages to prepare the Final Environmental Assessment, dated May 10, 2012, for only Building 209. The **Proposal** for the **Project** noticed for hearing on April 26, 2018, may not be considered unless and until there has been compliance with NEPA and NHPA, not only for Building 207 but for all development contemplated by the Master Plan. Merely holding off lease execution does not comply with NEPA because all environmental, historic, utilities, and traffic due diligence, including alternatives and mitigation, must be done for the total development contemplated by the Final Master Plan before any action whatsoever is taken in connection with Building 207 or any other part of the total contemplated development. Likewise, hiring a Principal Developer "to finance, design, construct, renovate, operate, and maintain" properties, as stated in the Notice, would be unlawful unless and until there has been compliance with NEPA and NHPA.

If the VA disagrees, please explain.

(D) Violation of CEQA/NEPA

The proposed **Project** constitutes piecemealing the EIS, and is contrary to the intent of NEPA to inform decisionmakers and the public regarding federal actions and the impacts of those actions on the environment. Precommitments, or even conditional agreements subject to future CEQA compliance, are unlawful according to the Supreme Court decision in Save Tara v. City of West Hollywood. In other words, it would be unlawful to enter into an EUL, or hire a Principal Developer to "finance, design, construct, renovate, operate, and maintain" housing units, that is conditioned on future compliance with applicable laws. The purpose of laws such as NEPA and NHPA is to afford the public and decision-makers with the analysis before any decision is made.

Cumulative impacts of the entire contemplated development, including traffic impacts, must be analyzed and reviewed in order to determine possible alternatives and conditions that would mitigate adverse impacts. The Dec 2015 Executive

Summary of a traffic study that has been discarded and buried by the VA said: "No feasible physical mitigation measures could be identified for the 12 off-site intersections that would be significantly impacted by Project traffic."

"Upon Project completion, approximately 4,859 to 5,136 parking spaces would be needed site-wide, far exceeding the existing site-wide parking supply of 3,905 spaces."

CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. Piecemealing is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies.

In connection with a joint CEQA/NEPA document, CEQA requires that "the whole of the action" be analyzed. Similarly, NEPA has an antisegmentation policy, requiring that the proposed action under NEPA include federal connected actions (Section 1508.25 (a)). Entering into an EUL, or hiring a Principal Developer to finance, design, construct, renovate, operate, and maintain" housing units, would violate applicable laws if approved prior to NEPA compliance.

If the VA disagrees, please explain.

CONCLUSION

The BHA repeats its support of the appropriate development of the WestLA VA campus for permanent supportive housing and supportive services in order to help reduce Veteran homelessness. But neither the VA nor we may ignore the legal requirements. The Draft Master Plan is dated January 28, 2016, and the Act authorizing EULs was passed later that year in 2016, and it is inexcusable that, in April 2018, the VA has no Master Plan, and not even a draft of documents required by NEPA and NHPA. There is nothing beyond the Notice of Intent to Prepare a PEIS, dated May 19, 2017. Under these circumstances, it is unconscionable that the VA is proceeding, prematurely, with its **Proposal** for the **Project** described in the Notice of Hearing scheduled for April 26, 2018.

In view of the above deficiencies and legal violations, we request that, at the April 26 Hearing, the VA address the points raised in this letter.

Sincerely,

Raymond Klein

Raymond Klein, President
Brentwood Homeowners Association

Cc: Meghan Flanz
James M. Sullivan

EXHIBIT A

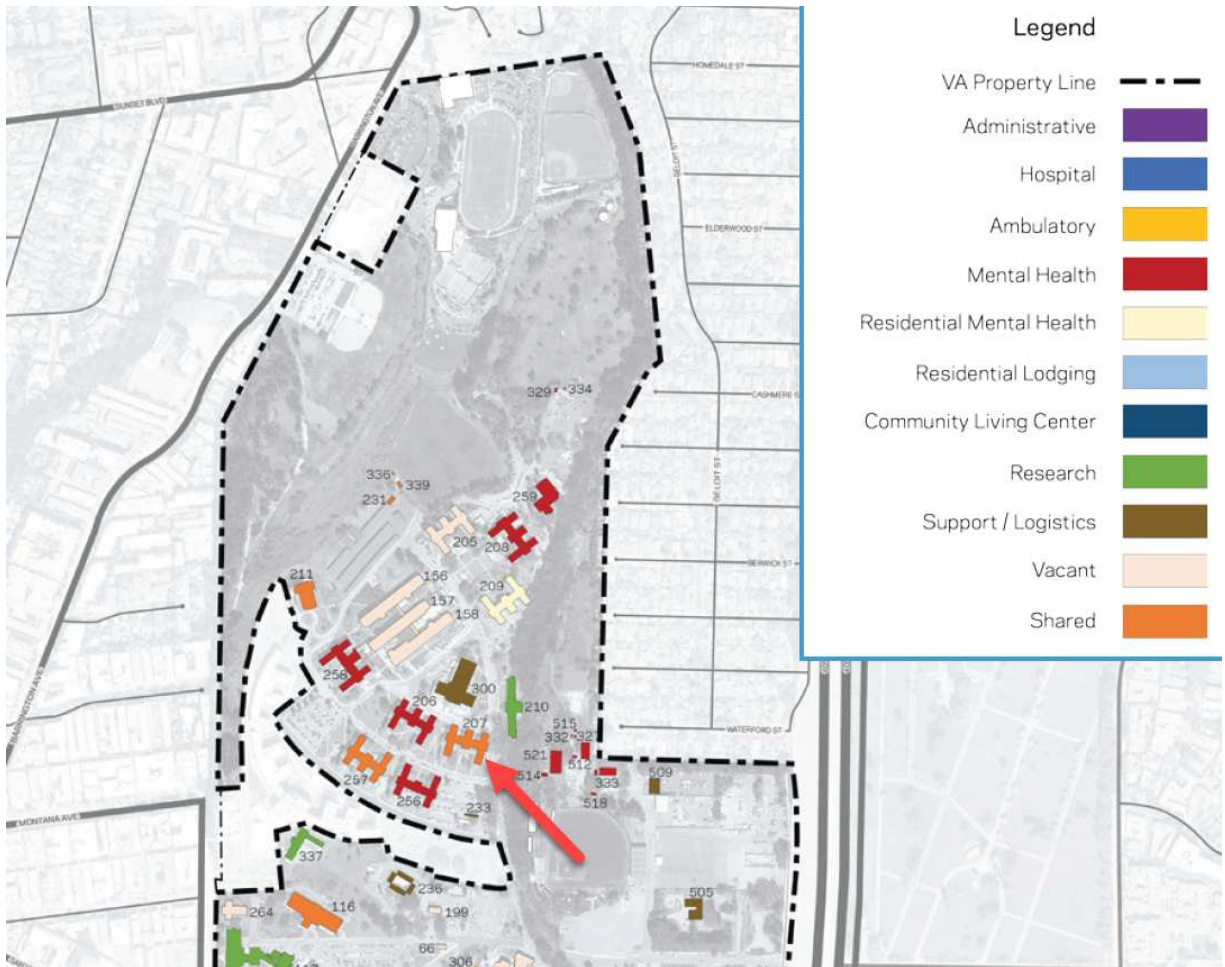


EXHIBIT B

D5. The Master Plan

Pending NEPA and Historic Due Diligence

As a Federal agency, VA is required by the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) to identify and consider the potential impacts of its actions and decisions on the environment and historic properties, while providing for public consideration and input. The adoption and implementation of a master plan is such an action for which NEPA analysis and consultation pursuant to Section 106 of the NHPA will be required.

Concurrent with the master planning process, VA began assessing its compliance strategy with NEPA and the NHPA to ensure the greatest level of transparency and public involvement. Following the conclusion of the formal master planning process, VA will conduct a robust NEPA analysis process and Section 106 consultation to ensure that environmental information is available to public officials and citizens before final decisions regarding the Master Plan are made and actions taken by VA.

VA anticipates that the Final Master Plan will serve as the "Proposed Action." Input from the public and the consulting parties as part of the NEPA process and Section 106 consultation will further contribute to the master planning process and the development of the Final Master Plan. This process and the requirements of the NHPA are discussed in more detail in Section F1. Historic Preservation.

EXHIBIT C

Master Plan to Revitalize West LA Campus - VA Greater Los Angeles Healthcare System

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(http://www.va.gov/record/vaio/pfp) x

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10 captures (WEB/20170429090539/HTTP://WWW.LOSANGELES.VA.GOV/MASTERPLAN/INDEX.ASP) SEARCH (https://web.archive.org/web/20170429090539/http://www.va.gov/)

9 Aug 2016 - 9 Jul 2017 About this capture



U.S. Department of Veterans Affairs

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VA (https://web.archive.org/web/20170429090539/http://www.va.gov/) » Health Care
(https://web.archive.org/web/20170429090539/http://www.va.gov/health) » VA Greater Los Angeles Healthcare System
(/web/20170429090539/https://www.losangeles.va.gov/index.asp) » Master Plan to Revitalize West LA Campus

VA Greater Los Angeles Healthcare System

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Master Plan to Revitalize West LA Campus



New Updated FAQs

Revitalization

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Master Plan to Revitalize West LA Campus - VA Greater Los Angeles Healthcare System

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Partnerships (https://web.archive.org/web/20170429090539/https://www.losangeles.va.gov/masterplan/inde...)

News (https://web.archive.org/web/20170429090539/https://www.losangeles.va.gov/masterplan/inde...)

Homelessness (https://web.archive.org/web/20170429090539/https://www.losangeles.va.gov/masterplan/inde...)

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About this capture

Master Plan Docs

FAQs

Frequently Asked Questions

With the September 2016 enactment of the West Los Angeles Leasing Act of 2016 (Public Law 114-226), the contemplated enhanced use leases (EULs) at West Los Angeles Campus will enable VA to provide permanent supportive housing and related services to Veterans, notably those within the chronically homeless, severely disabled, aging, and female populations. Consistent with the framework Master Plan, these projects will significantly improve the quality of life for such Veterans, and provide them with wrap around services and more convenient access to healthcare on the campus. It will also support the Department's goal to end Veteran homelessness nationwide, including in Los Angeles which has one of the largest homeless Veteran population in the country. This important initiative is also consistent with the original intention of the campus: to be a Home for Veterans.

For convenience, below are VA's responses to frequently asked questions (FAQ).

What is the timing for an Environmental Assessment and Environmental Impact Statement under the requirements of the National Environmental Policy Act?

VA has previously completed a traffic study and an Environmental Assessment (EA) for Building 209. Building 209, which contains 55 housing units, was renovated in 2014, prior to the drafting of the framework Draft Master Plan, and is currently operational as a compensated work therapy/transitional residence. On December 20, 2016, VA issued a Request for Proposals (RFP) seeking entities interested in entering into an EUL with VA for Building 209, to provide approximately 55 units of permanent supportive housing for Veterans. The RFP closed on January 4, 2017. VA's current goal is to select an awardee before the end of January 2017. Prior to moving forward with any additional development after Building 209, VA plans to complete further environmental, historic, utilities, and traffic due diligence. VA plans to undertake a Programmatic Environmental Impact Statement (PEIS) for the framework Draft Master Plan of the West Los Angeles Campus. As noted at the EUL public hearing, VA anticipates holding additional public meetings, to continue to keep Veterans, community partners, our neighbors, and others stakeholders informed and to receive invaluable feedback.

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