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November 6, 2008

MEPT West Hills, LLC
1215 Fourth Ave, 2400 Financial Center
Seattle, WA 98161

RE: **Notice of no substantial revision for ENV-2006-10437-MND; "Corporate Pointe at West Hills"; 8401-8413 N. Fallbrook Ave; Chatsworth – Porter Ranch**

To whom it may concern,

Pursuant to Section 15073.5 of the State of California CEQA Guidelines, the Department of City Planning (DCP) will not recirculate the Proposed Mitigated Negative Declaration for the Corporate Pointe at West Hills project (ENV-2006-10437-MND), which was previously circulated for a 30-day public comment period ending October 6, 2008 and included submittal to the State Clearinghouse for distribution to relevant State agencies.

Subsequent to the circulation of this Proposed MND, during the public comment period the DCP received numerous public comment letters (see attachment A). To address concerns identified during the public comment period, the DCP required the applicant to contract with consultants to respond to comments received from the public. All documentation, comment letters and responses, have been added to the project's case file and are available for public review. Through examining received public comments and prepared responses, informed by the independent research of DCP staff and coordination with other state and local agencies, the DCP Environmental Staff Advisory Committee determines that no new, previously unrecognized or unmitigated, potentially significant impacts will occur due to the project's implementation. The previously published Proposed MND will be sufficient to mitigate potentially significant impacts in all CEQA impact categories to a less than significant level.

The following outlines the justification for this course of action as stipulated in the CEQA Guidelines:

Section 15073.5(a) of the CEQA Guidelines requires recirculation when a negative declaration (or mitigated negative declaration) "must be substantially revised after public notice of its availability has been previously been given pursuant to Section 15072, but prior to its adoption." Section 15073.5(b) defines "substantial revision" as:

(1) A new unavoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures must be required.

Further, Section 15073.5(c)(4) specifically indicates that recirculation is not required when "New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration."

Section 15073.5(d), with reference to Section 15070, outlines the conditions by which "substantial evidence in light of the whole record" that the project "may have a significant effect on the environment which cannot be mitigated or avoided" may require the preparation of an Environmental Impact Report. In light of all independent initial study research conducted by DCP staff, coordination with state and local agencies of expertise, and review of public comments and responses, the Environmental Staff Advisory Committee of the DCP recommends that a fair argument, based on substantial evidence, in light of the whole record, that the proposed project will have a significant, unmitigable impact in any of the CEQA impact categories has not been established.

As the Proposed MND for the Corporate Pointe at West Hills project has not yet been adopted by the City of Los Angeles, issuance of subsequent environmental documents or addenda to the Proposed MND, as outlined in Sections 15162 and 15164, are not appropriate actions at this time. Therefore, pursuant to Section 15074(b), it is the responsibility of the decisionmaking body to adopt the Proposed MND when making a determination on the requested entitlements for the project. In its entirety, Section 15074(b) reads:

> Prior to approving a project, the decisionmaking body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

With respect to CEQA sections referenced above regarding the recirculation prior to adoption of a proposed MND (Section 15073.5(a), (b), and (c)), the substantial evidence threshold (15073.5(d), and 15074(b), the Environmental Staff Advisory Committee of the DCP defers to the decisionmaking body, particularly in those categories where no specific, empirical threshold of significance exists. For example, several public comments expressed concern regarding the potential aesthetic impacts of the proposed height of up to 100 feet for Building 8405. The City of Los Angeles' L.A. CEQA Thresholds Guide (2006), Section A. Aesthetics and Visual Resources, outlines the methodology by which DCP staff analyze potential impacts in this category, identifying thresholds for determinations of significance. As an example of contrast creating a possible project impact, the CEQA Thresholds Guide offers, "The project's architectural style, building materials, massing, or size would contrast with adjacent development, such that the value or quality of the area is diminished" (Page A.1-5). The CEQA Thresholds Guide continues to offer mitigation measures that may be incorporated into the project to reduce such impacts; applicable mitigation measures have been included in the Proposed MND. Further, Building 8405 will be sufficiently set back from adjacent residential uses to preclude potential shade and shadow impacts. The Environmental Staff Advisory Committee will not comment on considerations for which there is no empirical threshold adopted by the City of Los Angeles (e.g. community character) in its draft recommendation. Such considerations will be left to the decisionmaking body.

As such, no further public commentary regarding potential environmental impacts will be solicited by the Department of City Planning. Public comments will be accepted at future public hearing(s) to be scheduled regarding the parent case, CPC-2007-237-GPA-ZC-CU-SPR, for the General Plan Amendment, Zone Change, Conditional Use, and Site Plan Review entitlements

requested by the applicant. Per CEQA Section 15073.5(c)(4), no recirculation of the Proposed Mitigated Negative Declaration is required. Per the CEQA Sections referenced throughout this document, scheduling of the public hearing for the requested entitlements may proceed.

Sincerely,

for

S. Gail Goldberg
Director
Department of City Planning

Hadar Plafkin
City Planner
HP:TB

Attachment A

ENV-2006-10437-MND, "Corporate Pointe at West Hills"

Public Comments Received:

- Letter from Robert J. Brostoff to City of Los Angeles, City Planning Department, Los Angeles, dated September 7, 2008;
- Letter from A.M. Uzemeck, Chairman, Neighborhood Preservation Committee, to Los Angeles City Planning Department, Los Angeles, dated September 9, 2008 (multiple copies received);
- Letter from A.M. Uzemeck, Chairman, Neighborhood Preservation Committee, to Los Angeles City Planning Department, Los Angeles, dated September 9, 2008 (same date but different letter);
- E-mail correspondence from Christine L. Rowe to Hadar Plafkin, dated September 11, 2008;
- Letter from Alexander & Agnes Wasserman to Hadar Plafkin, Los Angeles City, City Planning Department, Los Angeles, dated September 12, 2008;
- Mitigated Negative Declaration, Comments by Christina Walsh (Cleanuprocketdyne.org) with contributions from William Preston Bowling (ACMELA.ORG), to Hadar Plafkin, Robert Duenas, and Tanner Blackman, Office of the City Planning, City of Los Angeles, dated September 13, 2008;
- Letter from Charlene Rothstein, Zoning and Planning Committee, to Hadar Plafkin and Tanner Blackman, dated September 15, 2008;
- Letter from William Preston Bowling, Aerospace Cancer Museum of Education to Mr. Robert Duenas, Senior City Planner, City of Los Angeles regarding the "MND for the zone change request and redevelopment impacts of the proposed Trammell Crow Corporate Pointe at West Hills project," dated September 17, 2008;
- Petition regarding the "major rezoning and development project planned for the Corporate Pointe/DeVry property at Fallbrook Avenue and Roscoe Boulevard," received September 18, 2008;
- Letter from Robert Brostoff to Los Angeles City Planning Department, Attn: Hadar Plafkin, Los Angeles, dated September 21, 2008;
- Letter from Amir Majidian to Tanner Blackman, dated September 24, 2008;
- Letter from Eileen Tashnek to Tanner Blackman, dated September 24, 2008;
- Letter from Jim Brown to Tanner Blackman, dated September 24, 2008;
- Letter from Jana Weber to Hadar Plafkin, dated September 25, 2008;
- Letter from David Singleton, Program Analyst, to Darlene Navarette, City of Los Angeles Office of City Planning, Los Angeles, dated September 29, 2008;
- Letter from Margery Brown, Stakeholder, to Hadar Plafkin and others, City of Los Angeles Office of City Planning, Los Angeles, Los Angeles, dated October 1, 2008;
- E-mail correspondence from Christine Walsh, Co-founder/Director, Aerospace Cancer Museum of Education, dated October 2, 2008; and
- Letter from Christine L. Rowe to Hadar Plafkin, EIR Department, City Planning, Los Angeles, dated October 6, 2008.

Agency Comments Received:

- Letter from the Native American Heritage Commission to Darlene Navarrete, City of Los Angeles City Planning Department, Los Angeles, regarding "SCH#2008091004; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Zone Change and CUP for the Manufacturing Facility, ENV-2006-10437-MND; located on Fallbrook Avenue; City of Los Angeles; Los Angeles County, California," dated September 29, 2008; and
- Letter from Elmer Alvarez, IGR/CEQA Branch Chief, State of California Department of Transportation, to Tanner Blackman, dated October 6, 2008.

Applicant's Contracted Responses to Comments:

- Letter from Dave Crawford, President/Principal Biologist, Compliance Biology, Inc., to Hadar Plafkin and Tanner Blackman, City of Los Angeles, Planning Department, Los Angeles, dated October 10, 2008;
- Letter from Carol L. Serlin, PG, CPG, Principal, Environ, and Rebekah J. Wale, Senior Manager, Environ, to Hadar Plafkin and Tanner Blackman, regarding "Response to Environmental Concerns Raised by Neighbors during Review of the Mitigated Negative Declaration (File No. ENV-2006-10437-MND) MEPT, Former Raytheon Facility, Chatsworth, California," dated October 15, 2008; and
- Letter from George Rhyner, Senior Transportation Engineer, Crain & Associates, to Hadar Plafking and Tanner Blackman, regarding "Response to Caltrans' Comment Letter Dated October 6, 2008 Concerning the Corporate Pointe West Hills Development," dated October 20, 2008.