

CITY OF LOS ANGELES
PLANNING DEPARTMENT

page 1 of 3

ORIGINAL

MASTER APPEAL FORM

Appellant #1

APPEAL TO THE: Los Angeles City Council

REGARDING CASE NO.: CPC 2005-0041-C4

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. **A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.**

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Name Timothy D. Germann M.D

Mailing Address 15001 MISSION HILLS RD
MISSION HILLS, CA Zip: 91345-1102

Work Phone: () Home Phone: (818) 365-6371

- a) Are you or do you represent the original applicant?
(Circle One) YES ☒ NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES ☒ NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) ☒ SELF OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)

None

REPRESENTATIVE

Name NONE

Mailing Address _____

Zip _____

Work Phone: () Home Phone : ()

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: September 4, 2007

SEP 10 2007
PLANNING & LAND
USE MANAGEMENT

REASONS FOR APPEALING

Are you appealing the entire decision or parts of it?

☒ Entire ☐ Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

see attached sheets

ADDITIONAL INFORMATION

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

I certify that the statements contained in this application are complete and true:

Appellant Trinity J. Hermann MD

OFFICIAL USE ONLY

Receipt No. 269545 Amount \$84 Date 8-30-07

Application Received T. RATH

Application Deemed Complete [Signature]

Copies provided:

☒ Determination

☐ Receipt (original applicant only)

Determination Authority Notified (if necessary)

☒

June 10, 1996

TO: Public Counters
 Zoning Administrators

FROM: Robert Janovici

SUBJECT: **REJECTION OF IMPROPER APPEALS**

The Municipal Code provides that an appeal from a Zoning Administrator's action must "...set" forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the Zoning Administrator".

It has historically been the City's policy to be liberal when viewing appeals and determining whether they met the requisite minimum threshold. However, a review of the requirements seems appropriate at this time. Recently, I dismissed an appeal which by its terms clearly was based upon a personal dispute between two adjoining property owners and having nothing to do with the historic, current or prospective use of the property which was the subject of the original application.

I am requesting that all appeals be reviewed upon submittal in detail to ensure that the prospective appellants indicate clearly how they are personally aggrieved (impacted) by the underlying action and wherein the Zoning Administrator erred or abused discretion. Staff should never write out language for an individual nor give advice as to the possible outcome of an appeal or underlying action. If there is an issue in a particular case as to whether an appeal is properly filled out, contact me directly. If I am unavailable, contact the Administrator who is liaison to the counter.

Persons asking questions about appeals should be advised not to wait until the last minute to do so - in the event they are unexpectedly late due to traffic or other reasons, no exceptions will be made. Likewise, no leeway will be given due to the mail, private delivery service or other source not delivering the appeal on time. As such, prospective appellants should be strongly urged to file the appeals personally.

RJ:Imc

1. I have live across the street from Providence Holy Cross Medical Center (PHCMC) since 1962 and was once a member of the Medical Staff. I have never before opposed any addition or expansion at PHCMC but this expansion is being forced on the Community in an unconscionable way by the Los Angeles Planning Commission. The expansion project needs an **Environmental Impact Report** to be performed
2. I am very aggrieved that my neighbors, all of whom live within 500 feet of Providence Holy Cross Medical Center (PHCMC), were not informed that the Medical Center was Planning an expansion. Ararat Home was not informed until June 21, 2007 after I personally told them about the proposed expansion. **I think that this is illegal.** The North Valley YMCA Day Care Center has never been told about the expansion. Menlo Trust and Arrowtail LLC who own the Holy Cross Nuns Convent next door to me have never been told about the expansion. **I think that is illegal.** The expansion project needs an **Environmental Impact Report** to be performed and everyone should have knowledge of this expansion by PHCMC before PHCMC begins construction. By law everyone should at least be informed of the project. PHCMC should not be granted all the variances

without the immediate neighbors knowing what they plan. **This is obfuscation.**

3. Indian Hills Road needs desperately to be widened from its present 40 feet, curb to curb, to at least 60 feet. PHCMC has asked for and been granted a variance to build the new expansion within 7 feet of the side walk on Indian Hills Road. This restricts the width of Indian Hills Road to the present 40 feet for ever. Eighteen wheel trucks must access the Loading Dock on the East side of PHCMC from Indian Hills Road completely blocking traffic on Indian Hills Road. The Loading Dock should be accessed by a new access road from Mission Hills Road with a through Road exiting on Indian Hills Road. Thus Eighteen Wheel Trucks would have no effect on the traffic on Indian Hills Road. The present situation is intolerable as Indian Hills Road is the only access for Ararat Home, the YMCA Day Care Center, the Extended Care Center and two large Medical buildings. Traffic at present is very heavy and J-walking is common. The expansion project needs an **Environmental Impact Report** to be performed before starting construction.
4. PHCMC has ask for and been granted by Los Angeles City Planning a variance to build the present expansion to 95 feet in height instead of the present 45 feet limit now required. This completely blocks my view of the San Fernando

Valley and exposes PHCMC to Earthquake damage as occurred in 1971 (Sylmar Earthquake) and in 1994 (Northridge Earthquake). The Mitigated Negative Declaration does not mention the risks involved in building the expansion 95 feet high. The project needs an **Environmental Impact Report** before starting construction

5. Parking is a tremendous problem at PHCMC and should be corrected by the building of a parking structure just north of the present Helicopter Landing Pad. All the parking lots are over full with cars parked habitually in red zones. There will be no room for construction workers to park for the new expansion. The project needs an **Environmental Impact Report** to be done before starting construction. All my neighbors need to know what is going on and why before it is too late.
6. Yes. PHCMC needs to be expanded and urgently so but to proceed in secret without informing anyone immediately impacted by the project is **Illegal** and should not be tolerated. An **Environmental Impact Report** needs to be performed before the project begins and everyone in my neighborhood should know exactly what is being planned and why? An **Environmental Impact Report** should be performed before the project begins. The Los Angeles City Council should at least consider the

immediate impact of the proposed project on my neighborhood.

ORIGINAL

CITY OF LOS ANGELES
PLANNING DEPARTMENT

MASTER APPEAL FORM

Appellant #2

APPEAL TO THE: CITY COUNCIL

REGARDING CASE NO.: CPC-2005-0041-CU / CPC-2005-0042 MND

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

APPELLANT INFORMATION: PLEASE PRINT CLEARLY

Name Theodore Franklin

Mailing Address Weinberg, Roger & Rosenfeld

1001 Marina Village Pkwy., Ste. 200, Alameda CA Zip: 94501

Work Phone: (510) 337-1001 Home Phone: (510) 272-9451

- a) Are you or do you represent the original applicant?
(Circle One) YES ☒ NO
- b) Are you filing to support the original applicant's position?
(Circle One) YES ☒ NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?
(Circle One) SELF ☒ OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)
COMMUNITY ADVOCATES FOR RESPONSIBLE EXPANSION;
NICK KRALL

REPRESENTATIVE

Name _____

Mailing Address _____

_____ Zip _____

Work Phone: () _____ Home Phone: () _____

APPEAL INFORMATION

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

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Final Date to Appeal: _____

SEP 10 2007
PLANNING & LAND
USE MANAGEMENT

DATA ENTERED IN PCTS ON 9/5/07 *JD*

REASONS FOR APPEALING

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☒ Entire ☐ Part

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Attach additional sheets if necessary.

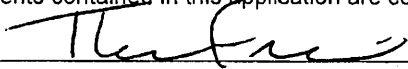
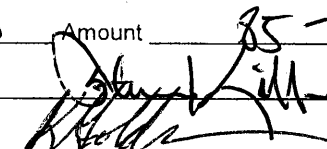
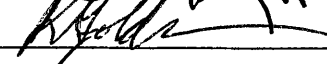
SEE ATTACHED LETTER AND APPENDICES.

ADDITIONAL INFORMATION

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- Original applicants must pay mailing fees to BTC and submit copy of receipt.
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- **Seven copies and the original appeal are required.**

I certify that the statements contained in this application are complete and true:

Appellant

**OFFICIAL USE ONLY**Receipt No. 267260 Amount 85 - Date 9/4/07Application Received Application Deemed Complete  9/4/07

Copies provided:

☒ Determination☒ Receipt (original applicant only)

Determination Authority Notified (if necessary)



June 10, 1996

TO: Public Counters
Zoning Administrators

FROM: Robert Janovici

SUBJECT: **REJECTION OF IMPROPER APPEALS**

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RJ:Imc

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
VINCENT A. HARRINGTON, JR.
W. DANIEL BOONE
BLYTHE MICKELSON
BARRY E. HINKLE
JAMES RUTKOWSKI
SANDRA RAE BENSON
CHRISTIAN L. RAISNER
JAMES J. WESSER
THEODORE FRANKLIN
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA **
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
J. FELIX DE LA TORRE
KRISTINA L. HILLMAN ***
ANDREA LAIACONA
EMILY P. RICH

WEINBERG, ROGER & ROSENFELD

A PROFESSIONAL CORPORATION

1001 Marina Village Parkway, Suite 200
Alameda, CA 94501-1091
TELEPHONE 510.337.1001
FAX 510.337.1023

LORI K. AQUINO **
ANNE I. YEN
NICOLE M. PHILLIPS
BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENCER
LINELLE S. MOGADO
MANJARI CHAWLA
KRISTINA M. ZINNEN
JANNAH V. MANANSALA
MANUEL A. BOIGUES ****

PATRICIA M. GATES, Of Counsel
ROBERTA D. PERKINS, Of Counsel

* Also admitted in Arizona
** Admitted in Hawaii
*** Also admitted in Nevada
**** Also admitted in Illinois

September 4, 2007

VIA HAND DELIVERY

Los Angeles City Council
c/o Planning Department
201 N. Figueroa Street, Fourth Floor
Los Angeles, California

Re: Appeal of Notice of Determination re Providence Holy Cross Medical Center; CPC 2005-0041 CU; ENV 2005-0042-MND, 15031 Rinaldi Street

Dear City Council Members:

Community Advocates for Responsible Expansion at Providence Holy Cross ("CARE") appeals the action of the Los Angeles City Planning Commission at its meeting on July 26, 2007 to approve a Conditional Use Permit, approve Conditional Use modifications from the Municipal Code to permit a maximum building height of 97 feet and a setback of 7 feet from Indian Hills Road, adopt the Mitigated Negative Declaration, and make Findings pursuant to the application for expansion of Providence Holy Cross Medical Center ("the Project").

CARE is a coalition of community groups, neighborhood councils, and neighbors concerned about the environmental and land use impacts that the 136-bed, 97-foot tall, 119,570 sq ft expansion will create for the community surrounding Providence Holy Cross Medical Center, and includes Nick Krall, who has submitted previous comments on this Project. CARE does not oppose the expansion of Providence Holy Cross Hospital, but it does insist that such expansion must be carried out in a way that deals responsibly with the environmental and land use concerns of the community.

Despite pleas from numerous community groups, neighborhood councils, community activists and neighbors for the City to require a Environmental Impact Report, the City decided two years ago to circumvent the full review of an EIR. In 2005, the City prepared a woefully inadequate Mitigated Negative Declaration ("MND") that was riddled with inconsistencies and included inadequate analyses of virtually every area of environmental concern. Under the State Public Resources Code, a negative declaration is supposed to be a written statement that *briefly* explains why a project will not have a significant environmental impact and therefore will not require an EIR. Pub. Resources Code, § 21064.

The history of the past two years has been a series of attempts to patch up the most egregious shortcomings of the MND. Unfortunately, the City has never given serious consideration to community demands for an EIR and has now produced a third version of its "initial" study. The

Final Initial Study/MND is anything but brief, consisting of two volumes and a total of nearly 600 pages, a sure tipoff that this is not the type of document the Legislature had in mind when it authorized agencies to waive the requirement of an EIR if an *initial* study revealed no possibility that a project would have a significant effect on the environment.

The City's stubborn insistence on reviewing this substantial project without an EIR has placed a major burden on the community to hire experts and come forward with evidence of potential significant environmental impacts ignored by the City. The Applicant has spent generously to address specific problems identified by the public while leaving other, equally problematic areas of the environmental documents uncorrected. After Nick Krall's expert, Tom Brohard, a traffic engineer, pointed out the inadequacy of the traffic analysis presented in the MND (see attachment to Sept. 21, 2005 Perlmutter letter), the City requested a traffic study ("the Traffic Study"), subsequently prepared by Katz, Okitsu and Associates and submitted to the city in mid-2006. According to the Traffic Study, the City's original conclusion that the Project would not have any significant impact on transportation and circulation was plainly wrong; in particular, the report concluded that, "[b]ased on LADOT's criteria for significant impacts, the proposed project is expected to create *significant* traffic impacts at the intersection of Laurel Canyon Blvd and Rinaldi Street during the AM peak hour." Final IS/MND, Appendix C, Traffic Report at p. 28 (emphasis added). In fact, the Traffic Study revealed an increase in the volume-to-capacity ratio at this key intersection *more than four times greater* than the amount deemed significant by Katz, Okitsu.

In March 2007, without releasing any new environmental documents other than the Traffic Study and a brief review of the Traffic Study by the Los Angeles Department of Transportation, the City attempted to obtain Planning Commission approval of the Project, failing to heed warnings that CEQA required recirculation of the Initial Study and MND and other complaints about the quality of the environmental analysis in such areas as air quality and land use. The disclosure of the significant impact at the intersection of Laurel Canyon and Rinaldi only a week before the Planning Commission hearing on March 22 revealed not only the slipshod quality of the Initial Study, but the City's less than wholehearted commitment to the public review process under CEQA. On the day of the hearing, the City, apparently recognizing the unlawful nature of proceeding without recirculation in light of the newly disclosed potentially significant impact, pulled approval of the Project from the Planning Commission's agenda.

Nonetheless, the City did not turn over a new page and order an EIR. Instead, in record time, the City prepared a voluminous new Draft Initial Study/MND which it released for public comment only two months later. The new draft included, for the first time, an air quality study, responding to previously unanswered criticisms by Schuyler Fishman, Nick Krall's air quality consultant, that the 2005 Initial Study had no basis for its conclusion that the air quality impacts of the Project would be insignificant. Although the new Draft IS contained hundreds of pages, it also contained serious flaws, some of which had been thoroughly addressed by earlier public comments and some of which were new. Comments showed that the City had impermissibly credited the Project with mitigation of its own effects on traffic by allowing Providence to finance traffic-reduction measures that were already planned by the City. Other comments exposed numerous flaws in the new air quality study. Less than a week before the rescheduled

Planning Commission hearing to approve the Project, and without any opportunity for expert review, the City played bait-and-switch by substituting a different mitigation plan for traffic impacts, releasing a substantially revised air quality study, and publishing a parking study for the first time. Thus, the Final IS/MND, approved by the Planning Commission, varied in significant ways from the Draft IS/MND subjected to public review.

The problem with this late, piecemeal correction of the flawed Draft IS/MND is that, after over two years of adamantly avoiding the EIR and publication of three versions of a so-called "initial" study, the City still does not have a valid, publicly reviewed environmental document that can withstand legal scrutiny. Instead, it has a hodge-podge of partial fixes intended to evade proper environmental review, most recently by being disclosed to the public after the public comment period closed. As the history of this Project's own review process has revealed, only the concerted efforts of the community to digest, dissect, and question environmental documents has kept the City from approving a deeply flawed MND. The release of the Final IS/MND only days before the final hearing by the Planning Commission reflects institutional disregard of the need for public input where public input has already clearly proved its worth.

As will be discussed thoroughly below, the City cannot approve the Project based on the inadequate environmental review to date. The City has tried and failed three times to draft a legally adequate MND. The most prudent course is for the City Council to grant the appeal and require the full EIR that a project of this magnitude and level of complexity demands.

I. THE CEQA LEGAL STANDARD

It is well settled that CEQA establishes a "low threshold" for initial preparation of an EIR, especially in the face of conflicting assertions concerning the possible effects of a proposed project. *The Pocket Protectors v. City of Sacramento* (2005) 124 Cal.App.4th 903, 928. CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. CEQA Guidelines §15002(a)(1). A Draft EIR is the "heart" of this requirement. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

An EIR is required whenever substantial evidence in the administrative record supports a "fair argument" that significant impacts may occur, even if other substantial evidence supports the opposite conclusion. Guidelines §§ 15064(a)(1), (f)(1). An impact need not be momentous or of a long enduring nature; the word "significant" "covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83 n.16. The fair argument test thus reflects a "low threshold requirement for initial preparation of an EIR" and expresses "a preference for resolving doubts in favor of environmental review." *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151.

This test requires that a reviewing court examine the record and invalidate the agency's action if the court finds any substantial evidence that a significant impact *might* result from a project.

Even if the agency can point to substantial evidence supporting its determination no significant impact will occur, a negative declaration cannot be upheld if the record contains other substantial evidence to the contrary. See *Architectural Heritage Ass'n v. County of Monterey* (2004) 122 Cal.App.4th 1095; *Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 399; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398.

Further, where the agency fails to study an entire area of environmental impacts, deficiencies in the record “enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311. In marginal cases, where it is not clear whether there is substantial evidence that a project may have a significant impact and there is a disagreement among experts over the significance of the effect on the environment, the agency “must treat the effect as significant” and prepare an EIR. Guidelines § 15064(g); *City of Carmel-By-The-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 245.

II. THE CITY MUST PREPARE AN EIR THAT ANALYZES THE POTENTIALLY SIGNIFICANT EFFECTS OF THE PROPOSED PROJECT.

An agency must prepare an EIR for a proposed project whenever substantial evidence in the administrative record supports a “fair argument” that the project may have significant impacts on the environment. Guidelines §§ 15064(a)(1), (f)(1). As previous comments from Nick Krall and other members of the community have illustrated, a fair argument can be made that the proposed Project, with its four-story, 97-foot tower and 136 additional beds, may have significant impacts on aesthetics, air quality, geology and soils, hazardous materials, hydrology and water quality, land use and planning, noise, transportation and circulation, population and housing, growth inducement, and essential services and utilities. Despite these potential impacts, the City failed to prepare an EIR. Furthermore, the Project will add to cumulatively significant environmental impacts resulting from a number of past, present, and future projects in the region.

This letter will discuss some of the most conspicuous defects in the City’s environmental review.

A. The Project Will Have Potentially Significant Aesthetic Impacts.

Under CEQA, it is the state’s policy to “[t]ake all action necessary to provide the people of this state with . . . enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities.” Pub. Res. Code § 21001(b) (emphasis added). Thus, courts have recognized that aesthetic issues “are properly studied in an EIR to assess the impacts of a project.” *The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 937 (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics). “The opinions of area residents, if based on direct observation, may be relevant as to aesthetic impact and may constitute substantial evidence in support of a fair argument; no special expertise is required on this topic.” *Id.*

Here, the Initial Study’s discussion of aesthetic impacts is inadequate, particularly with respect to the significant visual impacts that would accompany the Project’s 97-foot tall tower and

additional parking spaces. The Initial Study concedes that the building heights and massing that would occur with implementation of the Project “would change the visual character of the project site from what currently exists.” Final IS/MND, Page IV-3. This is an understatement to say the least.

The bottom plate of Figure II-18 of the Initial Study shows the dramatic impact of the Project on the visual appearance of the corner of Rinaldi Street and Indian Hills Road. See also the bottom plates on Figures II-17 and II-19. There is nothing like the Project’s height or mass anywhere in the neighborhood except the existing hospital which is sufficiently set back from Rinaldi Street and Indian Hills Road as to blend in. See top plates on Figures II-17, II-18, and II-19. The new tower will thrust the hospital towards Rinaldi Street and Indian Hills Road creating a significant new impact on a neighborhood that generally maintains a low-profile. The neighborhood is zoned for a 45-foot height limit, a limit the new project will exceed by 116%. The Initial Study disingenuously states that, “[a]s the proposed expansions would be consistent with the existing building heights, this element of the Propose Project would not increase overall height of the existing development on-site. The building expansions would slightly increase the amount of development on the project site. However, the proposed expansions would not create a substantial change in the overall sense of massing of the project site.” Final IS/MND, Page IV-4. The City’s own photomontages belie this conclusion. The issue is whether there is a significant aesthetic impact and the street-level impact is undeniable. No special expertise is required to view the impact.

The Applicant also sought a reduction of the required side yard on Indian Hills Road from 25 feet to 7 feet, a 72% reduction. The Initial Study comments that this edge of the property will be treated with landscaping and, that, as a result of this mitigation, the visual impacts for the reduced side yard would be less than significant. It is difficult to imagine how landscaping the narrow strip along Indian Hills Road will reduce the adverse aesthetic impacts of building a four-story, 97-foot tower within 7 feet of the roadway. Indeed, landscaping of remaining open spaces is more or less all that the City requires before leaping to the conclusion that the height and massing of the new tower will have no significant aesthetic impact. Even if these open spaces were to be planted with trees that could one day reach the height of the tower, these trees would likely do little to camouflage the new construction for many years. The Initial Study’s conclusion that the aesthetic impact of the height and massing of the new structure will be insignificant is unsupported by the facts.

A fair argument exists that significant aesthetic impacts may occur as a result of this Project, and therefore the City must prepare an EIR to analyze these impacts and to consider alternatives to the Project as it is currently defined.

B. The Project Will Have Potentially Significant Air Quality Impacts.

As detailed in the attached comments by Greg Gilbert, an air quality consultant, the Project may have potentially significant air quality impacts that have not been adequately analyzed, disclosed, or mitigated. Mr. Gilbert's comments are attached hereto as Appendix A.

In addition to the issues raised in Mr. Gilbert's August 30, 2007 report, CARE would like to call attention to an unresolved issue relating to the Project's greenhouse gas ("GHG") emissions. According to the Final IS/MND, the project will create over 5,000 tons per year of CO₂ and other greenhouse gases. *See* Final IS/MND at p. IV-99, Table IV-25.

As Mr. Gilbert's June 20, 2007 comments on the Draft IS made clear, there are strong state and local initiatives underway to make the slogan "Think globally, act locally" an everyday reality in California planning with respect to climate change. *See* Final IS/MND, Comment Letter No. 6, App. A. Yet, even though the City of Los Angeles has itself adopted a broad reaching plan and set aggressive targets to reduce greenhouse gas ("GHG") emissions within its borders, the Draft IS failed to provide the most basic analysis of GHG emissions in its environmental review documents relating to this energy-intensive Project. Based on Mr. Gilbert's analysis, drafting and recirculation of a revised Initial Study that discloses, analyzes and mitigates the impacts of the project and cumulative projects related to global warming were called for.

The City responded with the Final IS/MND, providing for the first time the 5,000 ton-per-year estimate of GHG emissions, but requiring no mitigation of this impact, because the City continues to insist that the Project has no significant global warming impact because standards have not yet been published by the California Air Resources Board ("CARB"), South Coast Air Quality Management District, or other government authorities. The City provides no basis for its conclusion that 5,000 tons per year of GHG emissions is not a significant impact other than the fact that third parties have not yet declared thresholds of significance.

CEQA contains no provision that allows a permitting agency to ignore a significant impact because another agency has not yet established a threshold for regulation. Similarly, conditioning a negative declaration on another agency's future review of environmental impacts, without evidence that the agency will require effective mitigation to a level of non-significance, is insufficient to support a determination by the lead agency that potentially significant impacts will be mitigated to CEQA standards. In *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, the court held that the county's adoption of a condition to the negative declaration that a sludge disposal plan be approved by the Regional Water Quality Control Board and the Department of Public Health was insufficient to justify its failure to address this issue itself as part of the environmental review process. Here, there is not even a requirement that the Project include whatever mitigation is required under CARB's rules for an identical project after those rules have been promulgated. CEQA does not authorize the City of Los Angeles to issue free passes on CEQA requirements while waiting for other governmental bodies to act.

To paraphrase an old bit of punditry, take 5,000 tons here and 5,000 tons there and pretty soon you have some real GHG. If the City of Los Angeles is not prepared to hold projects that

generate 5,000 tons of new GHG emissions accountable for mitigation under CEQA, the commitment of the City to reduce its contributions of GHG emissions seems questionable. Doubt about whether 5,000 tons per year exceeds the threshold of significance should be resolved in favor of coverage. Under CEQA, a negative declaration may be adopted only if enforceable mitigation measures required as conditions for approval will reduce the level of the project's impacts to a level of non-significance. With respect to GHG, this standard has not been met.

Mr. Gilbert's June 20, 2007 comments identify some of the strategies adopted by the Governor's Climate Action Team to reduce greenhouse gas emissions. To the extent such strategies will not reduce the Project's impact to "carbon neutral," off-site mitigation measures can be identified as well (such as additional transit funding, purchase of carbon offset credits, and so on.).

A full EIR would provide the following information so that the public and decision-makers can understand the Project's contribution to global warming, its significance, and whether it can be mitigated to non-significance, and not merely brush the issue aside until other agencies act:

1. A revised regional setting discussion which includes background information on global warming and climate change, State, regional and local targets and the status of any regional inventory;
2. A significance threshold for Global Warming Emissions (the significance threshold should be "any increase in GHG emissions over existing levels" because any more tolerant threshold will effectively render meeting adopted reduction targets impossible);¹
3. An inventory of the greenhouse gas emissions (i.e. carbon dioxide, methane, nitrous oxide) generated by the Project and by cumulative projects;
4. An analysis of project direct and indirect induced increase in vehicle miles traveled (VMT) as well as cumulative VMT;
5. An analysis of Project and cumulative contributions to GHG emissions;
6. Mitigation to reduce the project's contribution to "carbon neutral" since any new project contributions over existing emissions will render it impossible to achieve reduction targets. Moreover, carbon neutral projects are feasible with a combination of on and off-site mitigation.

¹ This standard was recognized in Marin Countywide Plan Draft EIR at p. 4.3-25 (http://www.co.marin.ca.us/depts/CD/main/pdf/eir/CWP/DEIR_1-3.pdf).

C. The Project Will Have Potentially Significant Traffic and Circulation Impacts

1. The Traffic Analysis Is Fatally Flawed by Excluding Bishop Alemany High School Traffic from the Traffic Study Upon Which the Finding of Non-Significance Rests.

As discussed more thoroughly in the report by Tom Brohard, a traffic engineer with Tom Brohard and Associates, the traffic analysis is fatally flawed by the fact that the 2006 Katz, Okitsu Traffic Study upon which it is based was conducted during the week that the neighboring Bishop Alemany High School was on spring recess. As explained in the Brohard report, attached hereto as Appendix B, the high school would generate significant levels of traffic passing through the same intersections that were studied for the Project. Baseline traffic volumes and Level of Service values were, therefore, calculated on an erroneous basis. As Brohard concludes, "Until the evaluation is corrected to properly include Bishop Alemany traffic in the existing baseline, some significant project traffic impacts may not have been identified, disclosed, analyzed, and mitigated." This constitutes substantial evidence of a fair argument that that the Project may have a significant impact, and the MND is, therefore, inadequate

2. The Mitigation Set Forth in the Final MND Was Not the Mitigation Discussed in the Environmental Document That Was Circulated for Public Review.

All proposed negative declarations must be circulated for public comment. Once a negative declaration has been circulated it may need to be recirculated for another round of public review if it is "substantially revised" after the public notice of the first circulation period has been given. Guidelines § 15073.5(a). Revisions to a project to mitigate potentially significant environmental effects must be included in the negative declaration that is circulated for public review. Pub. Res. Code § 21080(c)(2); Guidelines §§ 15070(b), 15071(e).

The Draft Initial Study circulated for public review on May 24, 2007 contained a Los Angeles Department of Transportation ("LADOT") traffic assessment for the Project. LADOT set forth as a mitigation measure for otherwise significant impacts on circulation at the intersection of Rinaldi Street and Laurel Canyon Boulevard, the Applicant's funding of the design and construction of an ATSAC/ATCS computerized traffic control system at that intersection. As part of a comment letter submitted on behalf of Nick Krall, Tom Brohard, submitted an analysis that disputed the validity of the City's crediting this measure, part of an already planned City project, as the developer's mitigation of the significant impacts that the expansion of Providence Holy Cross Hospital will cause.

Apparently in response to Mr. Brohard's critique and *after* the period for public review had closed, LADOT wrote a replacement for the January 29 2007 assessment that had circulated with the Draft IS. The revised traffic assessment, dated July 16, 2007, stated it was "based on [a] different mitigation measure than in the January 2007 DOT traffic assessment." The new LADOT assessment made no mention of the traffic control system and required, instead, installation of an additional northbound left-turn lane for Laurel Canyon Boulevard to achieve double left-turn lanes at the intersection of Laurel Canyon Boulevard and Rinaldi Street.

There are several problems with this solution:

By substituting a different mitigation measure for the one submitted to public review, the City obstructed meaningful review of its conclusion that the new measure will, in fact, reduce the significant impact of the Project on traffic flow at the intersection of Laurel Canyon Boulevard and Rinaldi Street to a level of non-significance. Given the large number of errors corrected upon public review at earlier stages of the environmental review process, it is unreasonable for the City to ask for blind faith in its assertions of adequate mitigation in an effectively unreviewable document made public days before the Planning Commission's scheduled vote on whether to approve the Project.

The Final IS/MND's prediction of the future level of service is based on pure speculation that the installation of the ATSAC/ATCS computerized traffic control system at the critical intersection, an event which has already occurred, will produce a full level of service (i.e., 0.100 Volume/Capacity) improvement in circulation at the intersection. The Katz, Okitsu study upon which the Final IS/MND relies for its conclusion that the substitute mitigation will improve the Volume/Capacity ratio by 0.112, more than a full level of service) was based on data over a year ago, before the installation of the ATSAC/ATCS system. Given the magnitude of the improvement expected from the ATSAC/ATCS system, it appears improper to rely on speculative figure when real figures are available through observation. The Final IS states that, "[f]or capacity analysis, LADOT guidelines suggest a 0.10 reduction in V/C ratio with the implementation of ATSAC/ATCS." Even if it is acceptable to rely on guidelines which themselves have not been subjected to public review, it is not acceptable to rely on guidelines when actual data can readily be collected at the intersection in question.

The reluctance to gather real data in 2007 when the computerized traffic control system is in place rather than relying on projections of its effects from 2006 may be based on the danger that any updated traffic study might expose the errors made in the 2006 Study when Katz, Okitsu studied traffic the very week that the large nearby regional Bishop Alemany High School was closed for spring break.

Finally, a lead agency may change or substitute a mitigation measure without recirculating the negative declaration only if the lead agency makes a written finding that the substituted mitigation is equivalent or more effective in mitigating environmental impact and that the change or substitution does not itself cause any potentially significant effect. Pub. Res. Code § 21080(f); Guidelines § 15074.1(d). The Findings adopted by the Planning Commission contain no such written finding and, therefore, the Planning Commission's approval of the Project is invalid.

2. An EIR Must Be Prepared to Analyze the Project's Parking Impacts

On pages III-11 and IV-88 of the Final IS/MND, the City unequivocally states that the Project will have no impact in relation to adequate parking capacity. There is no evidence to support this conclusion. The Final IS/MND instead erroneously equates compliance with a Municipal Code parking minimum with insignificant impact under CEQA. Only one short paragraph in the Final IS/MND is devoted to parking. *See* Final IS/MND at pp. IV-87 through IV-88. In it, the City begins and ends its analysis of parking with a comparison between the parking spaces on campus

and the requirements of the Municipal Code. The City asserts that, after removal of a 78-space parking lot at the site of the hospital expansion, the entire Medical Center will have 974 parking spaces. With the new addition, the Medical Center will have 390 beds, and, therefore, under the Los Angeles Municipal Code, which requires a minimum of two spaces per bed, must provide a minimum of 780 parking spaces. The Final IS/MND concludes that, as the Medical Center's 974 spaces would exceed the Code requirement of 2.0 space per bed, "no impact would occur with respect to parking capacity" and "[i]mpacts would be less than significant."

There are multiple fallacies underlying this conclusion.

First, the analysis ignores the independent requirements of CEQA. The mere fact that the City of Los Angeles has enacted an ordinance requiring hospitals to provide two parking spaces for every bed does not relieve the City of analyzing whether a particular project will have a significant impact under CEQA. The distinction between CEQA review and mere compliance with "off-the-shelf" standards has been drawn quite clearly by the courts even where a public agency with special expertise has established a "threshold of significance" to assist permitting agencies in determining when an EIR may be required.

A threshold of significance may be useful to determine whether an environmental impact normally should be considered significant. Guidelines, § 15064.7, subd. (a). "A threshold of significance is not conclusive, however, and does not relieve a public agency of the duty to consider the evidence under the fair argument standard." *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342; *see also Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-1109; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-114; Guidelines, § 15064, subd. (b). A public agency cannot, as the City does here, apply a threshold of significance or regulatory standard "in a way that forecloses the consideration of any other substantial evidence showing there may be a significant effect." *Communities for a Better Environment, supra*, at p. 114.

In reality, the evidence is abundant that the project may have a significant effect on parking, and, therefore, requires disclosure, analysis, and mitigation of environmental impacts under the more exacting standard of an EIR. The Final IS/MND included a parking study for the first time. See Final IS/MND, Appendix C, Providence Holy Cross Medical Center Parking Study, Katz, Okitsu, & Associates, June 22, 2007. Rather than support the City's conclusion that the Project will have no impact on parking, the Parking Study, which was not offered for public review with the Draft IS, supplies the previously missing data to show that the City cannot possibly come to a reasonable conclusion that the Project will have no significant impact on parking.

According to the Final IS/MND, the Medical Center as a whole currently has 1052 parking spaces, 76 of which are to be removed, leaving 974 after the Project is built. Of these 974 spaces, 572 are in the four largest lots, which were studied in the Parking Study. During peak hours on one of the two days studied in the Parking Study, parking at the four lots was at 90% or higher of capacity – the standard benchmark for inadequate parking according to George Ortega, a City of Burbank traffic analyst, whose comments are attached hereto as Appendix C. The four studied lots service approximately 4,100 to 4,400 vehicles per day. According to the Final IS/MND, the newly constructed tower will result in an estimated 1,606 additional trips to or from

the hospital, or approximately 800 additional vehicles per day requiring parking, approximately 20% of the vehicles using the four lots daily.

The combination of parking that is already sometimes inadequate, a reduction of 76 spaces, and the arrival of 800 additional cars per day makes it more likely than not that expansion of the Medical Center will result in a significant shortage of parking. The City's determination that this impact will be insignificant is groundless.

In fact, there are good reasons to believe that the parking situation may be much worse than the Parking Study or the Final IS/MND reveals. George Ortega conducted eyewitness examinations of the parking lots and the facility and has prepared the analysis attached hereto as Appendix C. Mr. Ortega has worked in civil engineering for the City of Burbank for 21 years with the Public Works Department and, for the last seven years, with its Traffic Engineering Section. His job includes the evaluation of EIRs, MNDs, and Development Reviews for the City of Burbank.

From eyewitness observation, Mr. Ortega determined that the 974 parking spaces projected by the Final IS/MND to remain after construction of the Project represent an overcount, and that there are actually only 948 painted spaces in the 14 lots that will be left after the Valet Lot is removed. In those 14 lots, Ortega found encroachments on 92 spaces, leaving 856 available spaces. However, the Medical Center is more than a hospital and, therefore, as Ortega explains, it is erroneous to assume, as the Final IS/MND does, that all parking on the campus is available to the existing hospital and its proposed addition. Ortega estimates that the Women's Outpatient Diagnostic Center and the Cancer Center, outpatient facilities that are not part of the hospital, require 44 and 70 spaces, respectively, based on their square footage. Subtracting 114 spaces from the 856 spaces leaves just 742 spaces available for the hospital, fewer than the 780 spaces required for hospital use under the Municipal Code. The Sub-Acute Transitional Care Unit has its own 106-space lot that is not available to the acute care hospital. This unit has 48 beds not counted as part of the 254 beds in the existing hospital or the 390 beds in the proposed expanded acute care hospital. When these 106 spaces are subtracted, along with 15 spaces allocated for emergency room use, the hospital will have only 621 spaces, thereby establishing a parking space-to-bed ratio of 1.59—far below the 2.0 standard that the Final IS/MND touts as the threshold of significance.

Worse yet, some of the parking cannot be counted because the hospital has no long-term right to its use. Some of the main parking lots used by hospital visitors are on land that is leased from the Archdiocese of Los Angeles under 2-year contracts. As North Valley Coalition of Concerned Citizens Inc. commented in its letter dated June 22, 2007 (see Final IS/MND, page VI-22), "[g]iven the Archdiocese's current legal and financial troubles in lawsuits settlements there is no guarantee that they might [not] decide to sell off this land to the highest bidder with no guarantee that it will be sold to Holy Cross. This will leave the community with an expanded project with inadequate parking. Further, the Archdiocese has always reserved this land for future school development and has made that fact well known to Holy Cross. How can an expansion be granted without the existing and future parking being guaranteed and under Holy Cross ownership?"

The City has provided a completely inadequate response to this question, raised also by the Granada Hills North Neighborhood Council in its June 25, 2007 comment letter. The Final IS/MND concedes that the parking lots are on two-year leases and then blandly states that “there is no reason to believe that these leases will not continue to be renewed on a biennial basis in the foreseeable future.” Final IS/MND, page VI-18. This is nothing more than wishful thinking standing in for the hard facts upon which an environmental approval must rest. By the time construction of the Project is completed, the Medical Center may already have lost the 244 spaces in the Bishop Alemany parking lots. Incredibly, the Final IS/MND asserts that there is no real problem because the Applicant will be required by the conditional use permit to maintain the same level of parking supply or else forfeit its right to continue the use. See Final IS/MND at p. VI-18. This is hard to take seriously. The prospect of the City’s shutting down a major hospital because of a parking shortage is unthinkable, particularly when the City itself granted the hospital a vested right to expand based on the City’s own review of the adequacy of parking. The City must not set up a situation in which it will have a gun pointed to its head to approve a new parking structure at Providence Holy Cross Medical Center. Providence Medical Center appears to be hiding its real plans, but, if a parking structure will be needed in a few years to accommodate the parking needs of the Medical Center generated by the expansion, the time for review of the plans is now. The City would be acting irresponsibly and in violation of CEQA if it were to accept a parking analysis that provides a Vested Conditional Use Permit without requiring the applicant to show a vested right to sufficient parking for the expanded facility. The Final IS/MND glibly suggests that any problem with lost leases could be resolved “by providing replacement parking supply in lots or parking garages within the PHCMC campus or on other sites located in the immediate vicinity of PHCMC” and, therefore, “no additional mitigation measures are required.”

CEQA requires more. A negative declaration requiring formulation of mitigation measures at a future time violates the rule that members of the public and other agencies must be given an opportunity to review mitigation measures before a negative declaration is approved. See Pub. Res. Code § 21080(c)(2); Guidelines § 15070(b)(1). The Medical Center cannot be allowed to expand to a point where it needs more parking than is provided for in the environmental analysis submitted to public review prior to its expansion. The creation of a parking structure or additional lots onsite or offsite will have environmental impacts of their own. Deferring evaluation of such environmental impacts until after adoption of a negative declaration amounts to post hoc rationalization and improperly skirts the required procedure for public review and agency scrutiny of potential environmental impacts. See *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.

The failure of Providence Holy Cross Medical Center to level with the community about its parking problems is disturbing. An EIR is required to fully disclose, analyze, and mitigate the significant impact this Project is certain to have on parking in the neighborhood.

D. An EIR Must Be Prepared to Analyze the Project’s Land Use and Planning Impacts.

A project may result in a significant impact if it is inconsistent with the General Plan, zoning or other regulations currently applicable to the project site and, as a result of those inconsistencies

would cause an adverse environmental impact which the General Plan, zoning regulation, or other regulations are designed to avoid or mitigate. In addition, a project cannot be approved if it is inconsistent with the applicable General Plan or zoning.

1. The Project Is Inconsistent with the City's Planning and Zoning Code and Appears To Be Inconsistent with the General Plan

The proposed Project is clearly inconsistent with the City's Planning and Zoning Code. The City's Planning and Zoning Code limits building height at the Project Site to 45 feet (LAMC § 12.21.1) and requires a minimum side yard setback of 25 feet. (LAMC §§ 12.05(C)(2), 12.06(C)(1).)² The proposed Project, however, would rise to 97 feet and would be set back only 7 feet from Indian Hills Road. Unless these inconsistencies can be remedied by the issuance of a variance or an adjustment, the Project cannot lawfully be approved.

Moreover, the proposed Project appears to be inconsistent with the City's General Plan. The General Plan is the "constitution for all future developments," to which all local land use decisions must conform. *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1336. Because consistency with the General Plan is "the linchpin of California's land use and development laws," *id.*, the instant Project must be set aside if it "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378. In this case, the City's land use designation of the Project site is "Commercial," as indicated on the Plan's Generalized Land Use Map, and the Community Plan Land Use Designation is "Community Commercial." According to the General Plan, "The land use definition 'General Commercial' applies to a diversity of retail sales and services, office, and auto-oriented uses comparable to those currently allowed in the 'C2' zone, including residential." General Plan, Chapter 3, Issue 2. Neither the Applicant nor the City has provided any substantial evidence that the proposed Project—a hospital—is consistent with the site's commercial designation.

In fact, the reference in the General Plan definition of "General Commercial" to "auto-oriented uses comparable to those currently allowed in the 'C2' zone" raises more questions than answers about whether this Project would be consistent with the General Plan. Pursuant to Planning and Zoning Code sections 12.14(A)(17) and 12.21(D), hospitals are *not* allowed in C2 Commercial zones *if* they are located within 600 feet of an elementary or high school. Here, according to the Initial Study, Alemany High School's athletic fields are located "[d]irectly west and adjacent to the north portion of the Project site." Initial Study at p. IV-1.³

The required buffer between schools and hospitals is clearly designed, among other things, to avoid a dangerous mix of student pedestrians and emergency vehicles on City streets. The fact that Bishop Alemany High School's athletic fields are north of Rinaldi Street and the High

² The Applicant has recognized both the height restriction and the side yard setback in its applications. (See Master Land Use Permit Application signed 11/29/04, response to question 2 (referring to the required 45-foot limitation); Master Land Use Permit Application, current version, response to question 3 (requesting Adjustment to allow reduction of the east side yard from the required 25 feet to 7 feet).)

³ Furthermore, there is a preschool in the immediate neighborhood. *Id.*

School itself is located south of Rinaldi Street ensures that students will be walking across Rinaldi Street between the facilities creating the very dangers that the Code provisions are designed to prevent.

Because the use of the land for a hospital is inconsistent with the General Plan and the Zoning Code, the City may not lawfully approve it.

2. The Project Must Satisfy the Requirements of a Variance or an Adjustment Before the City May Approve It

The Initial Study purports to solve the problem of the Project's inconsistency with zoning regulations by redefining consistency with the zoning requirements so that approval is all that is needed to eliminate an inconsistency. "With project approval, the Proposed Project would be consistent with the requirements of the Planning and Zoning Code." Final IS/MND, page IV-49. This "magic wand" approach is reminiscent of the claim by one of the executives caught up in the recent stock option backdating scandal, "It's not illegal if you don't get caught." In the world of the Initial Study, it's not inconsistent, if the City approves it. Such circular reasoning should not be countenanced.

More specifically, the Initial Study seeks to avoid the requirements for a variance or adjustment by reframing the requested entitlement as a "Conditional Use Modification." In its Master Land Use Permit Application ("Application"), the Applicant requests a Vested Conditional Use Permit ("VCUP") and a Zoning Administrator Adjustment ("Adjustment") to construct a 97-foot, four-story addition to the Providence Holy Cross Medical Center. The City's May 24, 2007 Notice of Intent to Adopt a Mitigated Negative Declaration ("the Notice") characterizes one component of the approval sought as "a Zoning Administrator's Determination to allow a reduction of the east side yard from the required 25-ft. to 7-ft." The Notice also mentions that the Project requires "Conditional use approval" of a 95 foot 8 inch expansion to an existing acute care medical center "in lieu of the required 45 foot height limit." In contradiction to the Application and the Notice, the Initial Study refers to three principal entitlements requiring approval:

- 1.) A Vesting Conditional Use permit for a hospital located in A2-1 (Agricultural) zoned property (a VCUP is necessary in order to permit the construction of a hospital in an area zoned for agriculture. See LAMC § 12.24(U)(12).);
- 2.) A "Conditional Use Modification" of the height regulations to permit a maximum building of approximately 97 feet in lieu of the maximum 45 feet permitted by the Municipal Code; and
- 3.) A "Conditional Use Modification" to permit a side yard of 7 feet in lieu of the required 25 feet.

See Draft IS/MND, page II-27. The discrepancies between the Application, the Notice, and the Initial Study leave the public with a confusing picture of what precisely the Planning Commission was considering: Was it an "Adjustment," a "Determination," or a "Conditional Use Modification"? The term "Conditional Use Modification" used in the Initial Study does not

even appear in the Code section cited by the Initial Study, Los Angeles Municipal Code section 12.24.F, which provides generally for conditions to be imposed on projects in order to protect the community. Specifically, this section reads:

- F. **Conditions of Approval.** In approving the location of any conditional use, the decision-maker may impose those conditions, based upon written finding, which it deems necessary to protect the best interests of the surrounding property or neighborhood, to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood or to secure appropriate development in harmony with the objectives of the General Plan. The decision may state that the height and area regulations required by other provisions of this chapter shall not apply to the conditional use approved.

The City apparently thinks the final sentence of section 12.24.F provides a carte blanche for the Planning Commission to disregard any of the standards regarding height or setback set forth in the Code and avoid applying any standards to the decision to grant the requested "Modification." Although the Project clearly requires a variance or adjustment from the Los Angeles Planning and Zoning Code's height and setback requirements, the Initial Study does not examine the requirements of either. The Initial Study makes no effort to meet the requirements for specific findings to determine that excusing the hospital from the legally mandated height and setback requirements is in harmony with the Code or the General Plan. This contradicts the clear intent of Section 12.24.F to provide authority for the City to impose conditions *more restrictive* than those required by the General Plan or zoning code. In context, the statement that a decision may state that height and area regulations required by other provisions shall not apply to the conditional use merely states the scope of decision-making within the authority of the Planning Commission. However, the substance must be drawn from the Code's provisions regarding variances and adjustments.

To its credit, the Planning Commission elected to make the findings necessary to grant a variance for the Project's deviations from the height and setback requirements. Accordingly, we shall focus next on demonstrating that the City could not make the findings necessary to grant a variance.

3. The City Cannot Make the Findings Required to Grant a Variance Needed for Project Approval

The Planning and Zoning Code requires that a project applicant receive a variance from the height limitation imposed by the Code if the proposed project will exceed the applicable height limitation by more than 20 percent. LAMC § 12.28(A). Here, the proposed Project would exceed the applicable 45-foot height limitation by 115%. Therefore, the proposed Project cannot be approved unless the Applicant can meet the requirements for a variance from the 45-foot height limitation.⁴

⁴ We could find no evidence of a variance application in the Project file. Likewise, neither the Master Land Use Permit Application nor any of the associated permit requests found on the City's website indicate that the Applicant

To grant a variance, the City must make *all* of the following findings:

- (1) that the strict application of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
- (2) that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
- (3) that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
- (4) that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
- (5) that the granting of the variance will not adversely affect any element of the General Plan.

LAMC § 12.27(D).

The City clearly has made the required findings in this case. See Notice of Determination dated August 20, 2007. However, the supporting arguments set forth in the Findings are generally unsound. First, the Initial Study contains no evidence that an addition to the hospital could not be built in compliance with the 45-foot height restriction, although the Notice of Determination states that “[t]here are practical difficulties in adding to an existing building and limiting the height when the existing building is already taller.” With no evidence as to what these practical difficulties may be, the City cannot support the finding that the 45-foot height limitation in this instance would result in practical difficulties or hardships that are inconsistent with the purpose of the Planning and Zoning Code. The City cannot grant a variance without finding that the Applicant would suffer “unnecessary hardship” were the variance denied, and must support its findings with “concrete details” about the asserted hardship. *Stolman v. City of Los Angeles* (2003) 114 Cal. App. 4th 916, 925. As a matter of fact, the Final IS/MND provides no information about any alternatives to the Project that were given consideration. An EIR would require consideration of alternatives, including alternatives to the 97-foot height and 7-foot setback of the Project. From such a study, a conclusion about unnecessary hardship might appear justified. On the record as it exists, the City cannot make this finding.

Second, no special circumstances sets this Site apart from neighboring properties so as to justify the grant of a variance in this instance. The City must make such a finding, and must support that

has requested a variance for the Project’s excessive height. The Code requires that: “If any rules, regulations or ordinances in force at the time of filing require any additional approvals (such as a variance or coastal development permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting conditional use permit to be processed pursuant to Section 12.36.” LAMC § 12.24T.

finding with “comparative information” about other properties in the vicinity, in order to grant a variance. See *Topanga Assoc. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 520. However, the Applicant has provided no evidence that other landowners in the vicinity have been allowed to construct equally tall buildings on similarly zoned parcels. Thus, the Applicant has failed to prove a “critical issue” in determining whether a variance may be granted, i.e., whether a variance is necessary “to bring the [Applicant] into substantial parity with other parties holding property interests in the zone.” *Id.* at 520-21. The only special circumstance cited by the City is that the current use of the subject property as a hospital has been in existence for many years. This has nothing to do with a special need for a variance based on a feature of the property itself.

Third, the City cannot make the finding that the requested height and setback are necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone or vicinity. The City’s explanation of this finding does not even discuss property rights or uses of other landowners except to argue that the height and setback will not adversely affect any residential neighbors.

Fourth, if a variance is granted, the Project would clearly be detrimental to surrounding residences and properties in a number of ways. The proposed 97-foot tower would significantly out-size the other buildings in the neighborhood, which have been constructed in compliance with the height limitations. This incongruity is exactly what the City’s zoning ordinances were intended to avoid. Furthermore, the giant tower proposed by the Applicant would adversely impact the visual character of the neighborhood. In addition, the tower could create a physical hazard for neighboring properties, should it collapse in the event of an earthquake.

Several community commentators have expressed concerns regarding the impact of the reduction in the side yard setback. The reduced setback creates a serious problem because it will forever limit the width of Indian Hills Road regardless of the foreseeable needs of the community for possible widening of the road. There is a large tract of undeveloped land directly north of the Medical Center and adjacent to the Upper Employee Parking Lot. See Final IS/MND, Figure II-4, Site Plan Aerial Map. In recent years, developers have proposed developing this tract with 116 single-family homes. See LADOT letter dated January 29, 2007. Indian Hills Road is also the site of a loading dock and every time a large truck backs into the dock, it blocks traffic on Indian Hills Road. See Final IS/MND, Comment Letter No. 7, Timothy D. Germann.

The Final IS/MND responds that the future development of the tract to the north is not currently the subject of an active permit application and the problem with trucks is an existing condition and, therefore, no concern of the present environmental review process. Furthermore, the City has no immediate or long-term plans to widen Indian Hills Road.

These responses miss the point. By reducing side yard setback from the required 25 feet to only 7 feet, the Project will make it physically impossible for the City to consider widening the street if that is what is required to service a new subdivision whose only possible access is Indian Hills Road or to correct the problem with delivery vehicles blocking the public roadway. Thus, the reduction in setback may have long-term practical adverse impacts on the neighborhood separate from the aesthetic issues discussed separately.

Because both the height and setback present problems for the neighborhood, the City cannot find that “the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.”

Finally, as discussed above, the proposed Project appears to be inconsistent with the General Plan land use designation of the Project Site. Thus, granting a variance may, in fact, adversely affect an element of the General Plan. Because the City cannot make the findings required by the Municipal Code for granting a zoning variance, and because such a variance is necessary in order for this Project to be approved, the City cannot lawfully approve this Project.

4. The City Cannot Make the Findings Required to Grant an VCUP or “Conditional Use Modification”

The City may not lawfully issue a VCUP unless it makes certain legally required findings. We submit that the City cannot make these findings for the proposed Project either.

To grant a VCUP, the City must find that the location of the proposed Project (a) “will be desirable to the public convenience or welfare,” (b) “is proper in relation to adjacent uses or the development of the community,” (c) “will not be materially detrimental to the character of development in the immediate neighborhood,” and (d) “will be in harmony with the various elements and objectives of the General Plan.” LAMC § 12.24(E).

In this case, the Applicant requests a VCUP to construct a 97-foot tall hospital addition on a parcel designated “commercial,” zoned for agriculture, and located near both a residential neighborhood and a high school. Due to its excessive height, the proposed Project will be out of character with the surrounding community and will adversely impact the visual character of the neighborhood. Further, the light, air, and open space provided by a side yard also inure to the benefit of visitors to and employees of the hospital, not to mention the local residents who pass by the buildings on a daily basis. This will be compromised by the loss of the required side yard. These impacts will be detrimental to the character of the development in the immediate neighborhood.

In addition, the Planning and Zoning Code prohibits the establishment or maintenance of hospitals near elementary or high schools. LAMC §§ 12.14(A)(17) and 12.21(D). The Initial Study states that the Bishop Alemany High School athletic field is located “[d]irectly west and adjacent to the north portion of the Project site.” Initial Study at p. IV-1. Because of the policy against locating hospitals near schools, the City cannot make the required finding that expanding a hospital near a high school would be “proper in relation to adjacent uses.”

The Project also conflicts with the Mission Hills-Panorama City-North Hills Community Plan (“the Community Plan”). The Initial Study’s attempt to reconcile the Project with the requirements of the Community Plan is entirely unpersuasive. In Table IV-5, the Initial Study concludes that the proposed Project is consistent with the Community Plan’s requirement that development “preserve *community* character, scale, and architectural diversity” because the Project would be “similar in character and scale to the *existing hospital* and ancillary facilities.”

Initial Study, page IV-48. Similarly, the analysis of land use compatibility asserts that “[t]he Proposed Project would be designed to be consistent with the predominant character of other architecture in the neighborhood,” apparently referring to the existing hospital. *Id.* By this reasoning, an existing large hospital structure that is already planted in the neighborhood automatically justifies building another such structure much closer to residential structures with which it obviously does not share the same character or scale.” Instead of reviewing the Project in terms of its consistency with its community setting, the Initial Study simply bows to the existing use.

In relation to other environmental impacts that raise land use issues, the Initial Study fails to discuss the increased traffic congestion that will make travel and pedestrian uses in the vicinity less convenient and safe for residents, students, and those attending the nearby churches and other facilities.⁵ The Initial Study contains very little description of the actual uses to which the new tower will be put, and it seems likely that the expansion of the hospital will, directly or indirectly, result in more emergency vehicles passing through the neighborhood. These traffic impacts are all detrimental to the character of development in the neighborhood.

As discussed above, the proposed Project will not be “in harmony with the various elements and objectives of the General Plan,” because it is inconsistent with the Plan’s land use designation of the site, which prohibits the development of a hospital adjacent to a high school.

For all of the foregoing reasons, we respectfully submit that the City cannot make the requisite findings for granting the Applicant a VCUP or a “Conditional Use Modification.”

5. The Project’s Inconsistency with the City’s General Plan and Planning and Zoning Code Must Be Analyzed in an Environmental Impact Report

An agency must prepare an Environmental Impact Report (“EIR”) for a proposed project whenever substantial evidence in the administrative record supports a “fair argument” that the project may have significant impacts on the environment. Guidelines §§ 15064(a)(1), (f)(1). A fair argument clearly can be made that the proposed Project, which appears to be inconsistent with the General Plan designation of the Project Site and which would violate the height and yard setback requirements provided in the Planning and Zoning Code, will have potentially significant impacts on land use and planning in the City. Despite these potential impacts, the City failed to prepare an EIR. As discussed above, the Initial Study fails to analyze the land use and planning impacts of this Project adequately. An EIR should be prepared to analyze, disclose, and mitigate the significant impacts of the Project on land use.

⁵ There is also a preschool in the immediate neighborhood. *Id.*

September 4, 2007
Los Angeles City Council
Page 20

V. CONCLUSION

For the reasons set forth above, the only prudent course for the City is to grant the appeal and defer action on the Providence Holy Cross Medical Center Project until an EIR is prepared that fully complies with CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore Franklin", with a stylized flourish at the end.

Theodore Franklin

TF/x
Enclosures
cc: Clients
114641/468245

Comments Regarding Operational Air Quality Impacts and Discussion
Within
Revised MND of July 2007

Providence Holy Cross Medical Center Expansion Project
Los Angeles, CA

August 30, 2007

Autumn Wind Associates, Inc.
Newcastle, CA

I. Providence Revised MND Continues to Use Underestimated Trip Rate

Previous air quality-related comments were submitted (July 25, 2007) by Ted Franklin, Esq. to the Lead Agency regarding the number of vehicle trips per day used to estimate Providence's operational mobile source emissions. In the subsequently revised Air Quality Impact Report, dated July 9 2007, Appendix E shows operational emissions estimates modeled with URBEMIS2002 using a consultant-manipulated 12.99 trips per thousand square feet of new hospital space. Multiplying that value by the total project square footage (123,650) yields 1606 trips/day---which is the daily trip rate identified by the project's traffic consultant for the project. However, URBEMIS' default trip rate from ITE for a hospital land use is 17.57 trips per thousand square feet—a value 26% higher than that selected by the project's air quality consultants. No explanation is given in the Air Quality element that specifically explains use of the lower trip rate, although it is probably that it was selected to work with the total new square footage of building to yield the pre-determined 1606 total trips per day. URBEMIS also allows use of "beds" to calculate trips/day, with the rate of 11.81 trips/hospital bed. Without any explanation, the revised Air Quality Report chose to not use either the "bed" rate or the more commonly used ITE rate of 17.57 trips/1000 square feet of new hospital facilities. This is a significant deficiency under CEQA since use of the modified ITE rate, without explanation, could easily under-represent actual operational mobile source emissions to result with approval of the proposed project. Realistically, not even the 11.51 trips/bed ITE rate---or the consultant-manipulated 12.99 trips/1000 square feet value used to model air emissions with URBEMIS2002---should have been used, since portions of the new facilities (e.g. the neonatal intensive care unit, GI facilities) can be expected to cause a proportionally higher number trips per day than would occur under the lower-activity ITE "bed" trip rate. To be consistent with CEQA's interest in conservatively estimating a project's most reasonable maximum emission impacts, the standard ITE trip rate (17.57 trips/1000 square feet) should have been employed. Had this rate been employed, approximately five hundred more trips per day could be expected, representing an increase in emissions of more than 30% beyond those currently estimated for the project. The Lead Agency has failed to explain why the decreased and manipulated trip rate per thousand square feet of new facility was used, and based on the likelihood that trips related to the new facilities will exceed both the manipulated, low rate and the 11.81 trips/day "bed" rate, it is likely that trips/day and their emissions continue to be underestimated for Providence.

II. Providence Revised MND Uses Unexplained, Modified Diurnal Temperatures For Emissions Modeling

At Appendix E of the revised (July 9, 2007) Air Quality Report, operational emissions modeled with URBEMIS2002 are shown, and these values have been changed by the Lead Agency in response to operational emissions-related comments submitted previously. For both winter and summer emissions profiles, the Lead Agency's air quality Consultant has chosen to modify default model settings without explanation. An essential component within the URBEMIS program for estimating a proposed project's land use-related mobile source emissions is ambient air temperature by both summer and winter seasons. Average daily winter and summer temperatures have been supplied by air agencies within their respective air basin(s), and these values are applied, by respective air basin, as defaults within the URBEMIS model. Temperatures have a direct influence on the model's outputs--increases in winter temperatures will cause reductions in certain pollutants, and decreases in summer temperatures will have a similar effect. At Appendix E, both summer and winter operational URBEMIS model outputs reflect an intentional manipulation of diurnal temperatures--with the result that modeled operational emissions will be artificially low for Providence. There is no apparent explanation in the project's revised MND for adjusting these values, and it is well accepted that diurnal seasonal temperatures provided by the appropriate air agency and used in URBEMIS' defaults must not be changed unless there are highly unusual reasons that justify such action. In this case, no explanation is provided and the end result is that URBEMIS-modeled emission quantities listed in the MND at Air Quality Report Table 3-7 are underestimated.

III. Providence Revised MND Fails to Include Architectural Coatings Emissions

Similarly, without explanation URBEMIS outputs at Appendix E also reflect that the project's modeler chose to "turn off" URBEMIS' calculator function for architectural coatings--architectural coatings are an important portion of the project's total area source emissions since they emit ROG that is formative of ozone air pollution, repainting will occur many times over the life of the Providence project, and ozone air pollution in the South Coast air basin is among the worst in the country. URBEMIS automatically provides quantitative estimates of a project's architectural coatings that will be used routinely for maintenance and repairs over the life of the project--and it is likely that architectural coatings (paint, varnishes, stains, etc.) use will occur at a higher-than-average rate since cleanliness at a hospital requires painting more often than at other commercial or industrial land uses. In choosing to turn off the model's calculation of architectural coatings, the project's

modeler excluded a small but relevant portion of the project's recurring area source emissions, and therefore the total project operational emissions for Providence are, again, incrementally underestimated.

IV. Conclusion

Modifying modeling inputs, as noted above, must be done carefully and with sufficient justification and explanation within the CEQA review process, particularly when project emission impacts may be reduced to inaccurately low levels as a result. No justification or substantive explanation for the project's manipulation of the trip rate per thousand square feet of new hospital is provided in the revised Air Quality Report, nor is there any information that explains the modeler's decision to adjust diurnal South Coast Air basin default temperatures in URBEMIS or to eliminate emissions estimates for area source architectural coatings. As noted previously, it is likely that the 1606 trips/day used by the Lead Agency for Providence is too low since activities will occur at the hospital consistent with the routinely-used 17.57 trip/1000 square feet ITE trip rate. Manipulating diurnal temperatures in URBEMIS modeling is similarly unexplained, with the result that emission estimates are artificially reduced below default rates for the project within the South Coast air basin. Architectural coatings emissions, a recurrent area source emission routinely calculated in URBEMIS, were intentionally not calculated in Appendix E and not reflected in emissions estimates for the project's area source emissions. There, the URBEMIS output sheets reflect that "the arch. coatings option switched from on to off", and no quantitative values are found in the summary table portion of the output sheets. Without adequate explanations for artificially manipulated and underestimated operational emissions, the Lead Agency cannot substantiate its claims of less than significant operational impacts since it cannot ensure the accuracy of its findings or permit the public or local decisionmakers to do likewise. Without accurate, robust, and accessible analysis and emissions estimates, the Lead Agency's recommendations regarding Providence's environmental impacts must be set aside, since greater quantities of accurately-predicted emissions will result---and these must, until otherwise disproven with effective information and in comparison to CEQA thresholds of significance, be treated as potentially significant impacts.

Tom Brohard and Associates

August 31, 2007

Mr. Ted Franklin, Attorney At Law
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

**SUBJECT: Providence Holy Cross Medical Center Expansion Project –
Traffic and Parking Comments**

Dear Mr. Franklin:

The July 18, 2007 Final Initial Study prepared by the City of Los Angeles for the Providence Holy Cross Medical Center Expansion Project has been reviewed. Appendix "C" to the Final Initial Study including the May 26, 2006 Traffic Study prepared by Katz, Okitsu & Associates (KOA), the January 29, 2007 Traffic Assessment prepared by the City of Los Angeles Department of Transportation (LADOT), the revised July 16, 2007 Traffic Assessment prepared by LADOT, and the June 22, 2007 Parking Survey prepared by KOA, have also been reviewed.

In comparison with prior documents, my review of the Final Initial Study indicates several significant changes have occurred in the traffic and parking evaluations of the proposed expansion project. While some of my prior comments have been addressed, other issues have arisen in response to my concerns and those expressed by others. In sum, both the traffic and parking analyses in the Final Initial Study for the Proposed Project remain fatally flawed as follows:

- 1) Baseline Traffic Counts Do Not Include Bishop Alemany Traffic – The May 2006 Traffic Study prepared by KOA and the LADOT analyses rely on peak hour traffic counts at the seven study intersections that were made on either Wednesday, April 19, 2006, or on Thursday, April 20, 2006. In my review of the school calendar for 2005/2006 for Bishop Alemany, it was found that the high school was closed for Easter break during the entire week when the peak hour traffic counts were made. As a result, peak hour trips to and from Bishop Alemany, a high school located immediately adjacent to Providence Holy Cross Medical Center, were not included in the baseline traffic counts of existing conditions.

To properly assess potentially significant traffic impacts of the Proposed Project, the baseline counts of existing traffic volumes must include peak hour trips to and from Bishop Alemany. Since the high school was not in session when the peak hour traffic counts were made, the existing baseline conditions at the seven study intersections were not properly analyzed. The KOA and LADOT traffic analyses build upon the faulty traffic counts that do not include Bishop Alemany peak hour traffic to and from the high school.

81905 Mountain View Lane, La Quinta, California 92253-7611

Phone (760) 398-8885 Fax (760) 398-8897

Email tbrohard@earthlink.net

Appendix B

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic and Parking Comments
August 31, 2007

The main campus of Bishop Alemany is accessed from Rinaldi Street directly south of Providence Holy Cross Medical Center. Sports facilities for the high school are contiguous to the west side of the medical center on the north side of Rinaldi Street. Providence Holy Cross Medical Center leases an area of the sports fields from Bishop Alemany that provides 236 parking spaces for the medical center. During the 2005/2006 school year, Bishop Alemany had an enrollment of 1,500 high school students and 125 teachers and staff.

Using data within Trip Generation, 7th Edition published by the Institute of Transportation Engineers, a high school with 1,500 students and 125 teachers and staff would be expected to generate about 2,500 trips each weekday, including about 600 trips in the AM peak hour and about 200 trips in the PM peak hour. These traffic volumes are significant and nearly all of these trips would pass through the same intersections as were studied for the Proposed Project. Including these trips at the study intersections would increase the baseline traffic volumes and would make the calculated Level of Service values worse for the existing baseline traffic conditions. Adding traffic volumes for other cumulative projects in the area to the higher baseline and then adding trips to and from the Proposed Project would result in worse Level of Service values than reported in the traffic analyses. Until the evaluation is corrected to properly include Bishop Alemany traffic in the existing baseline, some significant project traffic impacts may not have been identified, disclosed, analyzed, and mitigated, and the traffic study remains fatally flawed.

- 2) Mitigation Measure Implementation Can Not Be Deferred – According to the Final Initial Study, LADOT determined the significant traffic impact created by the Proposed Project at the intersection of Laurel Canyon Boulevard and Rinaldi Street will be mitigated by installation of the ATSAC/ATCS traffic signal system as well as the design and construction of dual left turn lanes on Laurel Canyon Boulevard at this intersection. However, the Final Initial Study includes phasing of the dual left turn lanes, with the Proposed Project required only to design and construct the improvements, with the activation of the dual left turn lanes left to a future time as “determined by LADOT.”

Page IV-84 of the Final Initial Study states “LADOT determined that the impacted intersection at Rinaldi Street and Laurel Canyon Boulevard would be mitigated to the less than significant level by a project mitigation measure that would install dual northbound left turn lanes at this intersection.” Mitigation of significant project traffic impacts must be implemented with the Proposed Project and can not be deferred to some future time determined by LADOT. Complete implementation and activation of these dual left turn lanes are required to mitigate the significant project traffic impacts at Rinaldi Street and Laurel Canyon Boulevard that were identified by LADOT.

Mr. Ted Franklin

Providence Holy Cross Expansion - Traffic and Parking Comments

August 31, 2007

- 3) Parking Survey Is Incomplete – In their June 25, 2007 letter (Comment Letter No. 4 in the Final Initial Study), the Granada Hills North Neighborhood Council Planning and Land Use Management Committee stated “Currently, the surrounding neighborhood is impacted with cars parked from the high school, occupational center, and the hospital employees and patrons.” In their June 22, 2007 letter (Comment Letter No. 5 in the Final Initial Study), the North Valley Coalition of Concerned Citizens, Comment 5-7 describes off site parking impacts caused by “...offsite parking by Holy Cross staff wishing to avoid the parking fees charged by the hospital to their own workers and by visitors to the hospital either wishing to avoid the fees or to avoid the congested front lot and entrance on Rinaldi Street.” In the response to these concerns, Page VI-19 of the Final Initial Study states “To address this issue, an additional analysis of parking demand within the PHCMC parking lots was conducted. A parking utilization survey was conducted at the four largest parking lots that are utilized by employees and visitors to PHCMC (see Technical Appendix C to the Final IS/MND for the complete study).”

The June 22, 2007 Technical Memorandum prepared by KOA contained in Appendix C summarizes existing conditions on two days in only four of the parking lots at Providence Holy Cross Medical Center. Parking utilization data is provided for the 572 parking spaces in the four lots combined as well as for each of the four lots. Page IV-87 of the Final Initial Study states “...the PHCMC campus currently provides 1,052 parking spaces.”

The KOA parking survey is incomplete as it provides data for only 54 percent of the parking spaces at Providence Holy Cross Medical Center in four of the parking lots. Furthermore, the KOA parking survey does not include any data regarding existing overflow hospital parking that occurs on streets within the community where parking is unrestricted and available for free. Since on site parking is not free and many of the parking spaces are reserved for specific users, overflow parking on nearby streets does occur as can be easily seen on Figure II-4, the Site Plan Aerial Map in the Final Initial Study. Charging for parking on site and reserving parking spaces for particular users will continue to displace parked vehicles off site. With these factors, it is erroneous to assume “The Proposed Project would not contribute to parking overflow into the surrounding community if it is shown that it provides parking supply that is sufficient to meet the demand for parking on-site” as stated on Page VI-19 of the Final Initial Study.

Table VI-1 on Page VI-20 of the Final Initial Study which is based upon the KOA Parking Survey distorts the parking lot utilization data collected in June 2007. Immediately above Table 2 on Page 2 of the KOA Parking Survey, the text states “Please note that during the utilization survey, the Indian Hills Employee Lot was not open.” Even though this parking lot was closed during the observations, the 46 parking spaces in the Indian Hills Employee Lot

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic and Parking Comments
August 31, 2007

were included in the total capacity of 572 parking spaces provided in the four parking lots. The resulting hour by hour calculations of overall parking utilization can not include parking spaces that were not available. Deducting the 46 parking spaces in the Indian Hills Employee Lot from the available parking inventory increases the hour by hour parking utilization in the three open parking lots by about 6 percent during each hour. For June 14, the actual parking utilization exceeded 90 percent every hour between 11 AM and 3 PM and exceeded 90 percent between Noon and 2 PM on June 19. As accepted industry practice and as discussed later in this report, parking demand should never exceed 90 percent of the overall parking supply.

The KOA parking survey fails to consider the fragmented and restricted nature of the parking supply that is spread throughout the Providence Holy Cross Medical Center. Fragmented parking makes it extremely difficult for staff, employees, patients, visitors, and doctors to quickly locate available parking. Additionally, there are restrictions limiting the use of each of the existing parking areas to specific user groups such as staff and employees, patients and visitors, and doctors. In addition, it is my understanding many existing marked parking spaces on site are currently unusable as they are occupied by numerous portable structures, storage containers, trash bins, and other obstructions.

Without evaluating the parking utilization in the other parking lots on site as well as the extent of hospital generated parking that now occurs on the nearby streets, Page IV-88 of the Final Initial Study states "...no impact would occur with respect to parking capacity." Page VI-19 states "...the parking utilization data demonstrate that the parking supply provided at PHCMC is sufficient to accommodate the demand for parking on site (i.e., excess spaces are available throughout the day) and therefore does not contribute to parking overflow into the surrounding neighborhood." These conclusions can not be sustained by the survey of only half of the on site parking supply and by the absence of any assessment of hospital parking now occurring off site on adjacent streets in the neighboring community.

- 4) Project Parking Demand Has Not Been Quantified – In addressing the Initial Study question "Would the project result in inadequate parking capacity", Page IV-87 of the Final Initial Study states "No Impact. A significant impact may occur if a project results in inadequate parking capacity based on City Code requirements. Parking supply for the Proposed Project would meet Los Angeles Municipal Code requirements. The Los Angeles Municipal Code requires a total of two parking spaces per bed for hospital uses. As noted above, the PHCMC campus currently provides 1,052 parking spaces. The Proposed Project would require the removal of an existing 78-space surface parking lot, which would leave a total of 974 spaces. With the inclusion of the southern addition, PHCMC would provide a total of 390 beds requiring 780

Mr. Ted Franklin

Providence Holy Cross Expansion - Traffic and Parking Comments

August 31, 2007

parking spaces. With the completed project, a total of 194 spaces in excess of the code requirement would be provided. The resulting ratio of 2.50 parking spaces per bed would exceed the Code requirement of 2.0 spaces per bed. As the Proposed Project would exceed the Code requirement, no impact would occur with respect to parking capacity. Impacts would be less than significant."

The Final Initial Study mistakenly identifies the parking Code requirements of the City of Los Angeles as the existing parking demand, a very different item. While the existing parking supply is compared to the Code requirements, the true parking demand at Providence Holy Cross Medical Center has not been identified. As indicated earlier in this report, a number of parking spaces on site are unusable as they are occupied by portable structures, storage containers, trash bins, and other obstructions. Further, no attempt has been made to identify the extent of the existing spillover parking problems raised in Comment Letters #4 and #5. Without conducting a detailed parking study that includes both parking occupancy and parking duration in each on site parking lot and on the nearby streets, it is not possible to identify what the true parking demand actually is or what deficiencies may exist. In some of the reserved lots, there could be a demand for more parking spaces than have been provided, especially with parking lots restricted to only certain user groups.

To properly establish the actual parking demand, a complete occupancy study of parking conditions at Providence Holy Cross Medical Center must be made. This study must include hourly observations of actual parking usage and the parking duration in each on site parking lot and on nearby streets. Subsequent analysis of the data would provide actual parking demand for the facility, not the amount of parking provided in relation to the City of Los Angeles parking Code requirements. Changing the limitations and restrictions currently in place for various lots should be considered if specific restricted parking facilities have a parking demand greater than capacity.

In planning parking needs for the expansion, utilization of no more than 90 percent of the available parking spaces should be assumed. This recognizes parking areas are considered to be effectively full before they reach capacity since the time to find an empty parking space becomes excessive. The need to apply this factor becomes especially critical when the parking supply is dispersed over a series of different and restricted parking facilities as is the case at Providence Holy Cross Medical Center. The analysis of future parking needs should also consider providing additional parking as may be needed for specific user groups including staff and employees, patients and visitors, and doctors, or to eliminate the parking restrictions by user group to make all parking spaces available to all facility users. The analysis should

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic and Parking Comments
August 31, 2007

also consider the impacts associated with charging for parking as compared to providing free parking for some or all user groups.

The various traffic issues and concerns outlined above must be carefully studied before reaching the conclusion that the Proposed Project's significant impacts can be mitigated. As they have not been studied, the Proposed Project may have significant parking impacts that have not been mitigated to a level of non-significance. If you have questions regarding these comments, please call me at your convenience.

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal



August 13, 2007

To Whom It May Concern:

Re: The MND for Providence Holy Cross Medical Center Expansion

My name is George Ortega. I have been working in civil engineering for the City of Burbank 21 years: all with the Public Works Department and the last 7 years with Traffic Engineering Section. My job includes the evaluation of EIRs, MNDs, and Development Reviews. I am also a member of the Sylmar Neighborhood Council.

From a reading of the MND for the Providence Holy Cross Medical Center Expansion and a field inspection of the hospital I have found a number of errors in assumptions, and misrepresentations of the number of parking spaces available or existing for the project. It is my opinion that the finding XV (4) on page III-11 should actually be "Potentially Significant Impact" instead of "No Impact": and thereby warrants an E.I.R.

Among the assumptions that are erroneous is that all of the parking on the campus is available to the existing hospital and the proposed addition, also that by having the required parking ratio of 2 parking spaces per bed one automatically has no parking problem. Yes, all of the buildings are doing medical work, but not all are providing services to the proposed 390 beds that are being used to justify the parking. And those independent functions should have parking based on square footage or some other factor.

There are 15 parking lots of various sizes and restrictions scattered throughout the campus, and associated with particular buildings: particularly the Sub-Acute TCU, the Women's Outpatient Diagnostic Center (WODC), and the Cancer Center. The sub-Acute TUC has 48 beds separate from the existing hospital's 254 beds and the parking around it is separate from the rest of the campus with access gates. Because the level of care is less intense, patients drive themselves to it, but need a special permit to use the lot. There is a sign posted at each of these parking spaces. The balance of the parking lot is for employees working at the building. The 106 parking spaces at this building should not count towards the existing or proposed hospital. The WODC and the Cancer Center are out-patient facilities. These are people who do not use the hospital beds. The parking is posted as being only for patients and doctors (individually named) using those facilities. But the employees that work at these facilities seem to park somewhere else. Not only should the number of spaces for these two buildings, 45 spaces, not count towards the hospital but neither should the number of spaces used elsewhere for parking by employees who exclusively or predominately work at these two buildings. The WODC and Cancer Center are approx. 8820 sq. ft. and 14,020 sq. ft. respectively and at a rate of 5 parking spaces per 1000 sq. ft. would require 114 parking spaces for both buildings. Since the parking lots dedicated to the WODC and Cancer Center provide only 44 spaces, the additional 70 spaces should be subtracted from the total available for the hospital. In addition it should be noted that the providing of emergency services is elective on the hospital's part. And there is no code standard for the number and sizes of parking spaces provided. From my own observation two of the spaces are reserved for police vehicles, paramedic vehicles are larger than the spaces provide, and fire engines that accompany the paramedics must be obliged to come into the hospital to be debriefed by hospital staff. Most of these vehicles park in the driveway/access aisle. Since no one else can use these spaces they should not count.

Appendix C

The two-parking-spaces-per-bed ratio is typical for municipal codes, but like a lot of codes there is no obligatory periodic evaluation to assess if needs have changed. Change may come only if political forces compel change. Hospitals have gone through considerable changes the last fifty years in the introduction of new technologies and new techniques, and the parking standard may have been based on so simple and arbitrary a concept as one-car-per-employee-per-bed plus one-car-for-visitors-per-bed. You can look at multi-family residential buildings with two-spaces-per-unit regardless of the number of bedrooms, restaurants with 10 parking spaces per 1000 sq. ft., and you can look at neighborhoods where buildings have been built per code and there are problems. The MND requires more analysis than the consultant offered. By the words of the hospital's own advocates, it is a state-of-the-art full service regional hospital, and it desires to hold the top rung of the ladder of all hospitals. It should use criteria for providing parking that solves the problem, and surely shouldn't use misrepresentations of what it is providing.

The misrepresentations include parking lots where there are less spaces than declared, and lots that have encroachments or portable structures stored on the parking spaces. The North Lot is supposed to have 40 spaces, but two portable buildings, 54' by 24' and 18' by 26', and two storage containers, 7' by 40' and 10' by 18' reduce this lot to 26 spaces. The structures are named "Education Center" and "Training Center". The Central Plant Lot is declared to have 10 parking spaces, including 2 handicapped spaces, but is actually 5 spaces and a portable structure is on 2 of those. In the Upper Doctor's Parking Lot a tent encloses one parking space and a portion of another, and a small trailer occupies the balance: one lost space. In the Lower Doctor's Parking Lot a portable structure occupies 6 parking spaces and reduces the lot to 29 spaces. The building is named "Sleep Room #2". The Sub-Acute TCU has trash bins stored on 2 of the parking spaces, while a permit space for a patient is striped on top of a cross-hatch handicapped walkway. The WODC has only 11 spaces including 2 handicapped spaces not 11 standard spaces plus 2 handicapped spaces. The Employee Parking Lot, with 50 spaces, is actually a parking structure, of 283 spaces, for a medical building that is not in the Holy Cross Campus but includes the "Holy Cross Pharmacy" and the "Holy Cross Surgical Center". On the lower level there are some reserved parking spaces: not all identifiable as "Holy Cross" spaces. There are 32 tandem spaces which are likely the majority of the 50 spaces, and the other spaces for doctors by name, individuals, job titles, or just "Reserved". One could say there are 46 spaces or 54 spaces. For our purposes we will use 46. The Indian Hills Employee Lot is locked and occupied by four 24' by 80' portable structures. Whether this is for the hospital's proposed construction or for "Holy Cross's" use, for the hospital or otherwise, is not known. But the 46 parking spaces are not available. The Indian Hills Large Parking Lot is now an employees only parking lot. This greatly reduces the number of parking spaces devoted to the public. There is a large trash bin on two of the four tandem spaces at the rear of the Cancer Center, and a small one on the 5' cross-hatched area of a handicapped space also at the rear of the Cancer Center. At the West Alemany Lot there are actually 152 parking spaces, and there are portable structures, storage containers, an RV with additional parking spaces coned and taped off, and a small trailer, all taking out 22 spaces including 1 handicapped space.

This is a relatively superficial survey since not all buildings and areas were evaluated as to whether they were in support of services for the 390 proposed total hospital beds. There were more portable structures that have mushroomed about the hospital campus: three east of WODC each 24' by 60' and named the "Nursing Education Centers – Nos. 1, 2, and 3"; and another unit of the same size is placed between the Cancer Center and the existing hospital called "Clinical Education". All of these portable structures represent 17,064 sq. ft. of area. If all the pupils are staff and all the teachers

are staff then no foul, but if the pupils and/or the teachers are outside people then some provision for parking must be made. If the lost parking in the Indian Hills Employee Lot and the West Alemany Lot are due to construction for the hospital addition it was not addressed in the MND and that, for now, appears to be 68 spaces.

In all there are 621 total parking spaces including 29 handicapped spaces that should count as being available for the existing and proposed hospital. They are 159 parking spaces short. Even using the code required two-per-bed standard there has to be an admission of a problem being 20.4% below that standard. So you can't mark "Less Than Significant Impact". And if you're not going to propose more parking as the MND suggests you can't mark "Potentially Significant Unless Mitigation Incorporated". So an E.I.R. is required for this project, which may include a parking study, and which may recommend a greater amount of additional parking.

Respectfully,

George E. Ortega Jr.
Sylmar NC

HOLY CROSS HOSPITAL PARKING

Parking Lot Name	MND No.	Actual No.	Minus Encroach- ments	Minus Parking Demand	Not Available To Hospital	Available To Hospital
Upper Employee	144	144	0	0	-	144
North Lot	41	41	15	0	-	26
Central Plant	10	5	2	0	-	3
Upper Doctor's	100	100	1	0	-	99
Lower Doctor's	35	35	6	0	-	29
Sub-Acute TCU*	106	106	0	0	-106	0*
WODC *	13	11	0	-44	-	-33
Employee Lot (50)	50	46	0	0	-	46
Indian Hills Employee	46	46	46	0	-	0
Indian Hills Large	144	144	0	0	-	144
Valet **	0	0	0	0	-	0
Cancer Center *	33	33	0	-70	-	-37
Emergency*	15	15	0	0	-15	0*
East Alemany Lot	70	70	0	0	-	70
West Alemany Lot	166	152	22	0	-	130
Totals	973	948	92	-114	-121	621

* Lots not to be included as available to hospital.

** Valet Lot to be eliminated by new hospital addition



Los Angeles City Planning Commission

200 North Spring Street, Room 532, City Hall, Los Angeles, CA 90012

www.cityofla.org/PLN/index.htm

Determination Mailing Date: AUG 20 2007

Applicant: Waldo T. Romero
Providence Holy Cross Medical
Center

CASE NO. CPC 2005-0041-CU

Location: 15031 Rinaldi Street
Council District: No. 7
Plan Area: Mission Hills-Panorama City-North
Hills
Request: Conditional Use

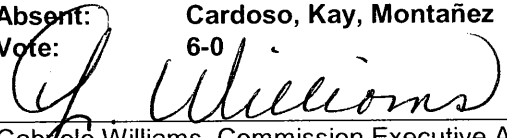
At its meeting on July 26, 2007, the following action was taken by the City Planning Commission:

1. **Approved** the requested Conditional Use subject to the attached Modified Conditions of Approval;
2. **Approved** Conditional Use modifications from the Municipal Code to permit a maximum building height of 97-feet for the expansion portion, and to permit an easterly minimum side yard of seven feet.
3. **Adopted** Mitigated Negative Declaration No. ENV 2005-0042-MND
4. **Adopted** the attached Findings.
5. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
6. **Advised** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and /or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved: Kezios
Seconded: Woo
Ayes: Freer, Hughes, Roschen, Usher
Absent: Cardoso, Kay, Montañez
Vote: 6-0


Gabriele Williams, Commission Executive Assistant II
City Planning Commission

Effective Date / Appeals: The Commission's determination on the Conditional Use Permit Compliance will be final 15 days from the mailing date of this determination unless an appeal is filed to the City Council within that time. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE: SEP 04 2007

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Findings/Conditions of Approval

cc: Notification
Jim Tokunaga, Planning

CONDITIONS OF APPROVAL

A. Entitlement Conditions

1. **Use.** The conditional use of the property shall be limited to the continued use and maintenance of the site as a hospital with associated facilities in the A2-1 Zone. The project as approved is for the construction of an 119,570 square foot, four story, 136 bed expansion (South Addition) to the Providence Holy Cross Medical Center. A penthouse for mechanical functions including elevator housing is included but shall not contain hospital beds. The total square footage (including the South Addition) of the Main Hospital Building shall be limited to a maximum 331,670 square feet with a maximum of 390 patient beds. Seismic retrofit and upgrade to an existing 5,370 square foot, one story central utility plant shall be permitted with the removal of 2,624 square feet and the reconstruction of 3,014 square feet, a net increase of 390 square feet. Retrofit and upgrade to the existing mechanical and utility building shall be permitted adding a maximum of 1,068 square feet to the existing 10,607 square foot one story building. Parking for 974 vehicles shall be provided.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" and dated July 26, 2007 attached to the subject case file. Prior to the issuance of any permits for the subject project, detailed development plans shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions.
3. **Height.** The height of the new addition (South Addition) shall not exceed 97 feet including the roof top penthouse for mechanical equipment and elevator housing, as defined in Section 12.21.1 of the Municipal Code and in substantial conformance with the elevation plans labeled Exhibit "A" and dated July 26, 2007 attached to the subject case file. All structures on the roof shall be fully screened from view.
4. **Floor Area.** The maximum permitted floor area for the site is 3:1 FAR, however the authorization of this grant is for the addition of 119,570 square feet of new floor area.
5. **Parking.** A minimum of 974 parking spaces shall be provided for the hospital campus. Prior to the issuance of a building permit, the applicant shall provide a site/parking plan detailing the location of all the parking lots and its available parking spaces.

If any of the required hospital parking is located on parking lots that are leased spaces from other property owners, the applicant shall provide a copy of the lease and its terms for inclusion into the subject case file. Prior to the expiration of the lease, the applicant shall guarantee to the Department of Building and Safety and the City Planning Department that: the lease has been extended or, another location has been located (through another lease or by Covenant and Agreement with the Department of Building and Safety) or, additional parking is available on-site or, provide evidence that the number of patient beds has been decreased to reduce the parking requirement appropriately.

Volunteered by Applicant. The parking plan shall identify specific parking reserved for visitors and those parking spaces reserved for hospital employees and all signage shall be clearly legible and direct visitors to specific visitor parking areas.

6. **LEED Certification.** Prior to the issuance of a building permit, the applicant shall submit documentation and plans verifying application for the Leadership in Energy and Environmental Design (LEED) rating system, with a minimum level of "LEED Certified" (Reference: www.usgbc.org/), to the satisfaction of the Department of City Planning. The project plans shall address the development's sensitivity to the environment, resources and energy consumption, the impact on people (quality and health of work environment), and financial impact (cost-effectiveness/savings in comparison to standard development practices). The program must include the following description of building materials and development techniques which shall be incorporated within the development project:
- Recycled content products (i.e. Building materials, exterior deck material, lawn furniture, playground equipment, landscape edging and the like).
 - Utilize materials from renewable sources (Use rapidly renewable floor projects such as bamboo or linoleum to help reduce the amount of land and resources dedicated to producing construction materials
 - Roof systems (white roof/cool roof).
 - Efficient modes of transportation.
 - Energy efficient equipment and appliances (Energy Star certified appliances, photovoltaic applications, etc).
 - Water conserving devices (i.e. low flush toilets, shower heads, electronic plumbing sensors, waterless urinals, drip irrigation systems, landscape irrigation timers).
 - Landscaping plant materials (i.e. Native trees, shrubs and ground cover).
 - Use low Volatile Organic Compounds (VOC) emitting materials.
7. **Dedication(s) and Improvement(s).** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary).

Responsibilities/Guarantees.

As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.

a. Street Dedication

Rinaldi Street. A 2-foot dedication shall be required along the entire project frontage on Rinaldi Street to bring the right-of-way and sidewalk up to Major Highway-Class II standards.

Indian Hills Road. None

Mission Hills Road. Noneb. Street Improvements.

Rinaldi Street. Construct additional concrete sidewalk in the dedicated area including the area of the property line return and repair any broken, off-grade or bad order concrete curb, gutter, and sidewalk to the satisfaction of the City Engineer.

Indian Hills Road. Repair any broken, off-grade or bad order concrete curb, gutter, and sidewalk to the satisfaction of the City Engineer.

Mission Hills Road. Repair any broken, off-grade or bad order concrete curb, gutter, and sidewalk to the satisfaction of the City Engineer.

c. Street Lighting. Provide street lighting to the satisfaction of the Bureau of Street Lighting.d. Street Trees. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division (213)847-0833 of the Bureau of Street Services.e. Sewers. There is an existing mainline sewer line and house connection in Mission Hills Road, Indian Hills Road, and Rinaldi Street serving the property. All Sewerage Facilities Charges and Bonded Sewer fees are to be paid prior to obtaining a building permit. Submit a request to the Bureau of Engineering Valley District Office (818)374-5090 to determine if the existing public sewers have sufficient capacity to facilitate the development.f. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that shall provide Code required emergency access.

Notice. Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

B. Environmental Conditions8. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.9. **Graffiti.** The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs. Removal within 24 hours by Occidental College or by the City's clean up crews with reimbursement.

10. **Lighting.** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

11. **Air Quality (Construction Phase).**

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust.
- b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.

South Coast Air Quality Management District (SCAQMD) Rule 403 Required Measures:

- f. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.
- g. Track-out shall not extend 25-feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.
- h. A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site.
- i. All haul trucks hauling soil, sand, and other loose materials shall maintain at least six-inches of freeboard in accordance with California Vehicle Code Section 23114.
- j. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarp or other enclosures that would reduce fugitive dust emissions).
- k. Traffic speeds on unpaved roads shall be limited to 15 miles per hour.
- l. Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.
- m. Heavy equipment operations shall be suspended during first and second stage smog alerts.

12. **Air Quality (Operational Phase).**

- a. The indoor/outdoor air exchange system shall be constructed to include a minimum efficiency reporting value (MERV) of at least 13.
- b. The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.

13. **Biological Resources (Tree Removal of Non-Oaks).**

- a. Prior to the issuance of a grading permit, a plot plan shall be prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site, and shall be submitted for approval to the Department of City Planning and

the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

- b. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the City Planning Department.
- c. The genus or genera of the tree(s) shall provide a minimum crown of 30 to 50 inches (refer to the City of Los Angeles Landscape Ordinance No. 170,978, Guidelines K - Vehicular Use Areas).
- d. A minimum of two trees (a minimum of 48-inch box size if available) shall be planted to replace each western sycamore tree to be removed by the project.
- e. Removal of trees in the public right-of-way shall require approval of the Board of Public Works.

14. Cultural Resources (archaeological) .

- a. If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology, California State University at Northridge, OR a member of the Society of Professional Archaeologist (SOPA), OR a SOPA-qualified archaeologist to assess the resources and evaluate the impact.
- b. Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.
- c. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- d. In the event that subsurface resources are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the City of Los Angeles Planning Department is contacted and agrees upon a qualified archaeologist to be brought onto the project site to properly assess the resource and make recommendations for their disposition.
- e. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.

15. Cultural Resources (paleontological). In the event that paleontological resources are encountered during grading activities, all development activities will cease in these areas until the paleontological resources are properly assessed and subsequent recommendations are determined by a qualified paleontologist.

16. Geology and Soils (seismic).

- a. Compliance with the Uniform Building Code Chapter 18, Division 1, Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a

geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement of reduction in foundation soil bearing capacity, and discuss mitigation measures that may include building design consideration.

- b. Building design considerations may include, but are not limited to: ground stabilization, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- c. All alluvial soils found on site shall be removed down to competent Modelo Formation Bedrock or Pacoima formation and replaced with compacted fill.

17. Geology and Soils (soil erosion).

- a. The design and construction of the project shall conform to the California Building Code seismic standards as approved by OSHD.
- b. Excavation and grading activities should be scheduled during dry weather periods as feasible. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- c. Implementation of appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated such as: sand bags and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, and planting fast growing annual and perennial grasses in areas where construction is not immediately planned. These planting will help shield and bind the soil.
- d. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.
- e. Prior to placing any fill, the exposed surface soils shall be scarified to a minimum depth of six to eight inches, moisture conditioned or dried to near optimum moisture content and compacted to a minimum of 90 percent relative compaction.
- f. Cohesive soils shall be placed in loose lifts not exceeding six inches, moisture conditioned or dried to approximately two to four percentage points above optimum, and compacted to a minimum of 90 percent relative compaction.
- g. On-site soils shall be reused as compacted fill provided they are free of organics, deleterious materials, debris and particles over six inches in their largest dimension.
- h. Soils imported to the site for use as fill for subgrade materials shall be predominately granular.
- i. All excavation and shoring systems shall meet, as a minimum, the requirements given in the State of California Occupational Safety and Health Standards.

18. Hazards and Hazardous Materials.

- a. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials (ACM) are present in the building. If ACM are found to be present, it will need to be abated in compliance with South Coast Air Quality Management District's Rule 1403 as well as all other State and federal rules and regulations.
- b. Prior to the issuance of a demolition permit for any existing on-site structure, the structure shall undergo a lead-based paint (LBP) survey to document the presence of any potential LBP within the structure. Any LBP identified as part of this survey shall be abated in accordance with all applicable city, State, and federal regulations.

19. Hydrology and Water Quality (runoff and stormwater drainage).

- a. Project applicant shall be required to implement stormwater Best Management Practices (BMP's) to retain or treat runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMP's shall be in accordance with the Development Best Management Practices Handbook B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMP's meet this numerical threshold standard is required.
- b. Post development stormwater runoff discharge rates shall not exceed the estimated pre-development rates for developments where increased peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Concentrate or cluster development on portions of a site while leaving the remaining and in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to a minimum needed to build lots, allow access, and provide fire protection.
- e. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree area, and promoting the use of native and/or drought tolerant plants.
- f. Reduce impervious surface area by using impermeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates and cobble.
- g. Promote natural vegetation by using parking lot islands and other landscaped areas.
- h. Preserve riparian areas and wetlands.
- i. Cover loading dock areas or design drainage to maximize run-on and run-off of stormwater.
- j. Direct connections to storm drains from depressed loading docks (truck wells) shall be prohibited.
- k. Repair/maintenance bays must be indoors or designed in such a way that does not allow storm water run-on or contact with storm water runoff.
- l. Design repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection of repair/maintenance to the storm drain system shall be prohibited. If required, obtain an Industrial Waste Discharge Permit.
- m. Vehicle/equipment wash areas must be self contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer.
- n. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- o. The following activities are to be conducted under proper cover with drain routed to the sanitary sewer:
 - Storage of industrial wastes
 - Handling or storage of hazardous wastes
 - Metal fabrication or Pre-cast concrete fabrication
 - Welding, Cutting or Assembly
 - Painting, Coating or Finishing
- p. Store above ground liquid storage tanks (drum and dumpsters) in areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, dikes, liners, vaults, and double wall tanks. Where used oil or dangerous waste is stored, a dead-end sump should be installed in the drain.

- q. Toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Use drip pans or absorbent materials whenever grease containers are emptied. Wash containers in an area with properly connected sanitary sewer.
- r. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.
- s. Reduce the use of hazardous materials and waste by: using detergent based, or water based cleaning systems; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.
- t. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
- u. Utilize natural drainage systems to the maximum extent practicable.
- v. Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.
- w. Stabilize permanent channel crossings.
- x. Protect slopes and channels and reduce run-off velocities by complying with Chapter IX, Division 70 of the Los Angeles Municipal Code and utilizing vegetation (grass, shrubs, vines, ground covers, and trees) to provide long-term stabilization of soil.
- y. Cleaning of vehicles and equipment to be performed within designated covered or bermed wash area paved with Portland concrete, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis (at least twice a year) to remove any solids; and the oil absorbent pads must be replaced regularly, once in Fall just before the wet season and in accordance with manufacturer's specification's.
- z. All storm drains inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- aa. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- bb. Legibility of stencils and signs must be maintained.
- cc. Materials with the potential to contaminate stormwater must be : (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- dd. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.
- ee. The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General Form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMP's in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

20. Noise (Construction).

- a. The operation of construction equipment that generates high levels of vibration, such as large bulldozers, loaded trucks, caisson drills, and jackhammers, shall be prohibited within 50-feet of the existing on-site main hospital building. Instead small rubber tired bulldozers or equivalent lower vibration generating equipment shall be used within this area during grading and site preparation operations.

- b. The operation of construction equipment that generates high levels of vibration, such as large bulldozers, loaded trucks, caisson drills, and jackhammers, at the new central utility plant and new warehouse expansion sites shall be prohibited within 10-feet of the adjacent buildings. Instead, small rubber tired bulldozers or equivalent lower vibration generating equipment shall be used within these areas during grading and site preparation operations.
- c. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which regulate construction noise sources.
- d. Construction and demolition shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.
- e. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- f. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.
- g. Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (i.e., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (i.e., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
- h. Barriers such as plywood structures or flexible sound control curtains extending at least eight feet in height and capable of achieving sound attenuation of at least 17 dBA shall be erected around the perimeter of the construction sites for the proposed warehouse addition and central utility plant addition and upgrade.
- i. Barriers such as plywood structures or flexible sound control curtains extending to sufficient height to block the line of sight from the ground level of the southern addition site to the upper story windows of the medical facility building located northeast of the new south addition site shall be constructed along the edge of the construction site that extends along Indian Hills Road. Such barriers shall be capable of achieving sound attenuation of at least 7 dBA.
- j. Construction activity taking place within 50-feet of the existing main hospital building shall utilize only equipment that generates noise levels of 75 dBA or less at 50-feet from the source. Flexible sound control curtains capable of achieving sound attenuation of at least 23 dBA shall, prior to construction, be installed at a distance of 10 feet from the existing main hospital building to a height sufficient to block the line of sight between the construction site for the new south addition and the uppermost windows in the existing main hospital building, such curtains shall be installed over all windows when such activity is taking place.
- k. The applicant shall identify one or more staff persons to serve as a point of contact for issues arising during construction activities associated with the proposed south addition that disrupt or have the potential to disrupt patient care or other vital hospital activities. This point of contact or a designated alternate shall be on-site during all hours when construction activity is taking place. This contact person shall have the responsibility and authority to schedule, halt, or reschedule construction activities that are, in that person's judgment, substantially affecting patient care or other vital activities. The name of the contact person shall be provided to all hospital staff prior to commencement of construction of the new south addition.

- l. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - m. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the project site to the extent feasible.
 - n. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the maximum extent feasible.
 - o. The project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178,048 which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.
- 21. Fire.** The following requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: a) Fire lanes, where required, shall be a minimum of 20 feet in width; b) All structures shall be within 300 feet of an approved fire hydrant and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
- a. The project applicant shall submit a plot plan to the Los Angeles Fire Department prior to occupancy of the project, for review and approval, which will provide the capacity of the fire mains serving the project site. Any required upgrades shall be identified and implemented prior to the occupancy of the project.
 - b. The project applicant shall comply with all fire code and ordinance requirements for building construction, emergency access, water mains, fire flows and hydrant placement. Prior to the issuance of a certificate of occupancy for any phase of the project, the applicant shall implement all fire code and ordinance requirements to the satisfaction of the Fire Department.
 - c. The design of the project shall provide access for fire Department equipment and personnel to the structure.
 - d. The project shall provide adequate off-site public and on-site private fire hydrants. The exact number and location of hydrants shall be determined after Fire Department review of plot plans.
- 22. Police.** The applicant shall incorporate into the site plan the design guidelines relative to security, semi-public, defensible space, and private spaces, which may include but not be limited to, access control to the building, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas, and provision of security guard patrol throughout the project site if needed. These features shall be imposed under the review, oversight, and approval of the Los Angeles Police Department's (LAPD) Crime Prevention Unit.
- a. The LAPD's Crime Prevention Section shall review and approve all plans prior to the issuance of a building permit.

- b. The applicant shall fence in the project site and provide additional security as necessary during the construction of the project site.
 - c. Security personnel shall be provided to secure parking areas on an as needed basis.
- 23. Schools.** The applicant shall pay school fees as required by the Leroy F. Greene School Facilities Act. In addition the following conditions as required by the Los Angeles Unified School District for proximity of the project site to the North Valley Occupational Center:
- a. School Bus Access
 - Prior to construction, contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impacts to school bus routes.
 - Maintain unrestricted access for school buses during construction.
 - Comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.
 - b. School Pedestrian/Traffic Safety Access
 - The project shall not endanger passenger safety or delay student drop-off or pickup due to changes in traffic patterns, lane adjustment, altered bus stops, or traffic lights.
 - Maintain safe and convenient pedestrian routes to LAUSD schools (LAUSD will provide School Pedestrian Route Maps upon request).
 - Maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
 - Install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
 - No hauling past affected school sites, except when school is not in session. If unfeasible, no hauling during school arrival and dismissal times.
 - No staging or parking of construction related vehicles, including worker-transport vehicles, adjacent to school sites.
 - Provide crossing guards when safety of students may be compromised by construction related activities at impacted school crossings.
 - Install barriers and/or fencing to secure construction equipment and site to prevent trespassing, vandalism, and attractive nuisances.
 - Provide security patrols to minimize trespassing, vandalism, and short-cut attractions.
- 24. Traffic and Circulation.**
- a. The project applicant shall fund the full cost for the design and construction of the ATSAC/ATCS system at the intersection of Rinaldi Street and Laurel Canyon Boulevard.
 - b. The project applicant shall provide a 2-foot dedication along the entire project frontage on Rinaldi Street to bring the right-of-way and sidewalk up to the General Plan standard for a Major Highway Class II.
 - c. The northbound approach to the intersection of Laurel Canyon Boulevard and Rinaldi Street shall be improved to provide for an additional left-turn lane for Laurel

Canyon Boulevard to achieve double left turn lanes. This measure shall be phased in the following manner:

Phase 1. The applicant shall construct and complete all necessary physical improvements, including new signal foundation, mast arm replacement, restirring, etc. so that the intersection is dual left turn lane capable. This improvement shall be completed prior to the certificate of occupancy being issued.

Phase 2. When prevailing traffic conditions in the future warrant the conversion to a dual left turn lane operation, as determined by LADOT, then LADOT shall make the necessary adjustments and operate it with dual left turn lanes.

The above transportation improvement shall guaranteed through the B-Permit process of the Bureau of Engineering, Department of Public Works. Any improvements shall be constructed and completed before the issuance of the final certificate of occupancy, to the satisfaction of the Department of Transportation and the Bureau of Engineering. Prior to the setting of the bond amount, the developer's engineer or contractor shall contact Department of Transportation's B-Permit coordinator at (213)928-9663, to arrange a pre-design meeting to finalize the design for the required transportation improvement.

- d. The following conditions shall be fulfilled for the project's driveways, internal circulation and parking scheme:
- 1) For all two-way driveways, a width of 30-feet, exclusive of side slope, shall be provided.
 - 2) For all one-way driveways, a width of 16-feet, exclusive of side slope, shall be provided.
 - 3) A minimum reservoir space between the new property line and the first parking stall or gate shall be 40-feet at all driveways.
 - 4) Final LADOT approval shall be obtained prior to issuance of any building permits. The project applicant shall submit detailed site and driveway plans to LADOT for approval.

C. Other Conditions

25. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
26. **Community Relations.** Complaint Monitoring. A 24-hour "hot line" phone number for the receipt of complaints from the community regarding the subject facility shall be posted at all entrances to the hospital. The hospital shall keep a log of complaints received, the date and time received and the deposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.
27. **Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractors shall be allowed to park on the surrounding residential streets or Rinaldi Street for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All

construction vehicles shall be stored on site unless returned to their owner's base of operations.

28. **Posting of Construction Activities.** The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
29. **Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any local or collector street within the project vicinity outside of that time period. A circulation plan shall specifically address the routing of delivery and exiting vehicles from the project site during all phases of construction to minimize any potential impacts to adjacent residential areas resulting from development of the proposed project. If warranted, any truck haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation.
30. **Pedestrian Safety.** The hospital shall guarantee the maintenance of a safe and convenient pedestrian and visitor access routes to the hospital entrance during the construction period. A flag person shall be required at each job site entrance to assist the truck access to and from the project site.
31. **Maintenance.** The subject property including any associated parking facilities, sidewalks, parkways, and landscaped setbacks adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris.
32. **Trees Surface Parking (Volunteered by Applicant).** A minimum of one 24-inch box tree (minimum trunk diameter of 2 inches and a height of 8 feet at the time of planting) shall be planted for every 8 surface parking spaces existing). The trees shall be dispersed within the parking area so as to shade the surface parking area and include an automatic irrigation plan. Trees in the surface parking area shall not cause the reduction of any existing parking space, in the event that a tree or trees cannot be located within the parking area then said number of trees shall be placed in the perimeter of the same parking lot. The planting of trees in the surface parking lot shall not be applicable to leased properties.
33. **Traffic Management Program (TMP).** Prior to the issuance of a certificate of occupancy or temporary certificate of occupancy, the applicant shall submit a Traffic Management Program with a Trip Reduction Plan prepared by traffic consultants, to the Department of City Planning for approval and inclusion into the subject file, The TMP may include but shall not be limited to the following measures: new/relocation of access driveways, employee transit subsidy or carpooling program (including employee shuttles), visitor transit services, and monitored and controlled entry into parking areas (no employee parking in visitors lot).

D. Administrative Conditions

34. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

35. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
36. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
37. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
38. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
39. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
40. **Utilization of Entitlement.** The applicant/owner shall have a period of three years from the effective date of the subject grant to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Section 11.5.7.C.4(e) of the Municipal Code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.
41. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
42. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission=s or Director=s opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent proper.

43. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Mission Hills-Panorama City-North Hills Community Plan, which was adopted by the City Council on June 9, 1999 (Case No. CPC-95-0353-CPU). The existing Mission Hills-Panorama City-North Hills Community Plan maps designate the property as "Community Commercial" with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB. The site is currently zoned A2-1, although not a corresponding zone, it is a more restrictive zone and a permitted zone in the Community Commercial designation. Hospitals in the A, R, CR, C4, CM, or M Zones are required to obtain Conditional Use approval before they can be permitted, hospitals are permitted by-right in the corresponding C2 Zone. The property is zoned A2-1 and a Conditional Use permit is required, if granted the proposed use will be in compliance with the General Plan Land Use designation since the designation permits hospital use as a conditional use and by right in the C2 Zone.
2. **General Plan Text.** The project is located in the Mission Hills-Panorama City-North Hills Community Plan. The subject request to expand the hospital is not specifically addressed in the text of the General Plan. However, the Community Plan is intended to promote the development and improvement of the community to meet its existing and anticipated needs/conditions and welfare. The proposed project is consistent with such policies in that it will allow the expansion of an existing regional medical facility which will in turn allow for improved facilities offering more services to meet a greater population which meets the public health needs of the nearby community.
3. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
4. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoins the subject property.
5. **Vesting Conditional Use Findings.** Pursuant to Section 12.24.E of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

A. *The location of the project will be desirable to the public convenience and welfare.*

Providence Holy Cross Medical Center has been operating at this location since 1958 when the original Conditional Use approval was granted. Since then the hospital has expanded to offer more facilities and services to the residents of the San Fernando Valley while enduring two earthquakes that significantly destroyed some existing facilities. The proposed expansion is to an existing hospital building and is not an introduction of a new use or building into a new neighborhood. Because the hospital has other medical facilities on site as well as out patient offices, those persons seeking medical attention do not need to travel to other locations to find necessary health care services. The expansion will be convenient to the public since the hospital has been in existence for over 50 years at this

location and many in the San Fernando Valley are already familiar with this regional facility.

The expansion will offer more patient beds into the community where in recent years other hospitals have closed. In a report prepared by the Economic Alliance of the San Fernando Valley (San Fernando Valley Hospital Report March 18, 2004), during the 15 years prior to 2004, 40 percent of hospitals in the San Fernando Valley have closed leaving 21 hospitals to care for a population previously cared for by 33 hospitals while the Valley's population has steadily increased. Nearby hospitals that have closed include the Northridge Hospital Medical Center Sherman Way campus and the Granada Hills Community Hospital (combined loss of over 300 patient beds). With the closure of so many hospitals, the expansion of an existing hospital will be beneficial to the public.

Providence Holy Cross also provides community outreach services as part of its operating objectives. In the past the hospital has made presentations to high school and middle school students, provided health education classes, dental screening for students, organized health fairs, provided flu vaccinations, and overall collaborates with other organizations, health care providers, and community stakeholders to address unmet health needs in the community. The hospital will continue to offer these social services as well as other community benefits as part of its ongoing mission.

- B. The proposed project will be proper in relation to adjacent uses or the development of the community.*

The proposed hospital expansion is to an existing hospital that has been at this location since 1958 and the Conditional Use request is to continue the existing use. Adjacent uses to the Providence Holy Cross Hospital include medical offices and surface parking lots to the east, Los Angeles County Sheriff's heliport, public storage, and athletic fields to the west (across Indian Hills Road), a nursing care facility, a single family dwelling, and vacant parcels to the north, and single family residences to the south (across Rinaldi Street). With the exception of the single family subdivision to the south, the uses north of Rinaldi Street are predominantly commercial uses that are ancillary to the hospital. The proposed South Addition will be set back 62 feet from the Rinaldi Street property line and the 100 foot width of the street significantly removes the single family neighborhood from the hospital.

- C. The proposed project will not be materially detrimental to the character of development in the immediate neighborhood.*

The proposed South Addition to the hospital will permit the hospital to expand its services at the present location rather than building a new facility at a different location. The immediate neighborhood is comprised of related medical uses, surface parking lots, and single family residences south of Rinaldi Street. In the past 50 years the hospital has established a significant hospital campus at this location.

The hospital is located on Rinaldi Street, a Major Highway that has direct access to the San Diego Freeway (Route 405) to the west and access to the Golden State Freeway (Interstate 5) via Laurel Canyon Boulevard to the east. Other than the single family homes south of Rinaldi Street, a single family dwelling on the north side

of Mission Hills Road, and the Ararat Home (196 bed skilled nursing and 130 bed residential care facility) also on the north side of Mission Hills Road, the area is generally characterized by medical uses, with no other significant residential densities. The only street that extends north of Rinaldi Street into the hospital campus is Indian Hills Road although there is no real incentive to do so since Indian Hills Road is not a through street with no commercial activity to speak of and terminates just northeast of the hospital. Conversely, Indian Hills Road south of Rinaldi Street winds through the residential neighborhood into cul-de sacs but does not connect to any major street that would potentially cause through traffic to burden these streets. The hospital location is an isolated corner near the juncture of two freeways and visible from both freeways. Convenient access to the site from the freeways will allow construction traffic as well as visitor traffic direct access to the hospital thereby avoiding travel through established residential and commercial neighborhoods. The hospital is also served by MTA Line 239 which operates along Rinaldi Street between the Sylmar/San Fernando Metrolink Station just east of the hospital and Encino to the south.

- D. The proposed project will be in harmony with the various elements and objectives of the General Plan.*

The existing Mission Hills-Panorama City-North Hills Community Plan maps designate the property as "Community Commercial" with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB and a Footnote No. 1 (the footnote permits Height District No. 1 which regulates the floor area, but not the actual height of commercial structures). Hospitals are first permitted by right in the R5 Zone, and permitted by right in the corresponding CR and C2 zones. A conditional use permit is necessitated by the existing zoning on site of A2. The existing hospital has been in continuous operation since the original conditional use grant in 1958. The existing plan designation of "Community Commercial" permits hospitals by right in some commercial zones and therefore the proposed hospital expansion is in harmony with the adopted General Plan.

- 6. Additional Findings for Height and Setback Modifications.** Pursuant to Section 12.24.F of the Municipal Code, the applicant has requested the City Planning Commission to permit modifications to height and setback requirements of the LAMC as part of the Conditional Use approval. Specifically modifications of the height regulations to permit a maximum building height of approximately 97 feet in lieu of the maximum 45 feet permitted in the A2-1 Zone and to permit a minimum side yard of seven feet in lieu of the required 25 feet in the A2-1 Zone.

- A. The strict application of the provisions of the zoning ordinance will result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

The hospital is located in the A2-1 Zone which is classified as an agricultural and single family zone resulting in height and yard requirements intended for such development. The existing zoning regulation pertaining to height and yards are intended for single family residences or for open space type uses such as parks, golf courses, and community centers (Section 12.06 of the Municipal Code). The A2-1 Zone limits building height to 45-feet and requires a minimum 25-foot sideyard. Since these usual types of uses are low intensity land uses aimed at residential privacy and

open space settings, it makes practical sense to limit height and require large setbacks. However, the proposed expansion is to an existing hospital building that is currently 81-feet in height and in operation at this site since 1958. There are practical difficulties in adding to an existing building and limiting the height to 45-feet when the existing building is already taller. Although hospitals are not permitted by-right in the A2-1 Zone, a Conditional Use permit is required in order to adequately condition the project to protect the surrounding neighborhood. The intended use of the building addition is a hospital and not for single family or open space uses and inconsistent with the intent A2-1 zoning regulation.

- B. *There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone or vicinity.*

The special circumstance in this case is that the current use of the subject property as a hospital has been in existence for many years and the request is to expand an existing building. The site itself is occupied by other hospital related functions as are the parcels east of Indian Hills Road (however not zoned A2-1). Other A2-1 Zone parcels in the immediate vicinity are vacant, developed with residential uses or other open space type uses that comply with the height and setback provisions. There is also an existing 25-foot building line along the Rinaldi Street frontage and the A2-1 Zone requires a 25-foot frontyard. However, the proposed addition will be setback even greater than the required 25-feet and will be setback 62-feet from Rinaldi Street adding an additional 37-feet separation from Rinaldi Street. Maintaining such a large frontyard allows for a greater separation between the proposed addition and the single family dwellings on the south side of Rinaldi Street, however it pushes the building envelope up and out towards the sideyard. The requested seven-foot sideyard along the Indian Hills Road frontage occurs only at a few points along the proposed building addition. The proposed sideyard will actually be variable between seven and 25-feet and will not cause interference of air and light to any residential uses on either side of Indian Hills Road.

- C. *The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

Although the requested height of 97-feet is significantly taller than the permitted 45-feet, the existing hospital building is approximately 81 feet in height. The proposed South Addition will be 16 feet taller than the existing building but there is an additional fourth floor. The floor height of the third and fourth floors is greater than the floor height of the existing Main Building to accommodate larger structural beams for seismic design requirements. Additional height is also needed to provide adequate space for extensive mechanical, plumbing, and electrical equipment, and specialty medical systems.

Side yards are normally required for residential structures to maintain separation between dwellings, provide access to the rear of a lot, and to ensure adequate light and air is available to the residents. The site is zoned A2-1 which requires a 25-foot side yard along Indian Hills Road. In this case the intrusion into the side yard will not affect any residential dwellings on site since the project is a hospital addition and not

a residential project. Properties to the east of the side yard and subsequently across Indian Hills Road that would be most affected by the proposed yard reduction and increased height are developed with surface parking lots for the hospital, thereby not affecting any adjacent residential uses. The hospital site is also restricted in the amount of land available for new development. In reviewing the site plan, the only areas with significant land available are those portions south (towards Rinaldi Street) and east (towards Indian Hills Road) of the existing Main Hospital Building. Although the hospital is only required to maintain a 25-foot frontyard, the proposed addition will be setback 62 feet along the front. For these reasons the hospital has designed the South Addition to make use of the portions of the required side yard.

- D. *The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

As a result of the addition and the increased building height, views of the project site from the adjacent uses will change the character of the site. Existing views of the parking lot, paved areas and landscaped slope from the adjacent uses will be replaced by views of the new South Addition building. The proposed addition is oriented in an east/west direction with sun exposure in the morning from the southeast and the southwest in the afternoon. Adjacent properties to the south have the 62 foot front yard plus the 100 foot width of Rinaldi Street as a buffer from any shade or shadow impact from the structural addition. Properties to the north will not have shade or shadow cast onto their sites since the addition is more than 700-feet away and would only cast shadows on the project site and Mission Hills Road. The requested reduced sideyard will actually be variable in width between seven and 25-feet and will not cause interference of air and light to any residential uses on either side of Indian Hills Road. This edge will be landscaped and would be visible primarily from Indian Hills Road and from adjacent medical buildings and parking lots. Although the addition will create an increased sense of massing on the hospital campus as a whole, the affects will not be detrimental to the public welfare since the proposed height increase and reduced sideyard will not create interference with light, air, additional shade or shadowing of nearby properties.

- E. *The granting of the variance will not adversely affect the General Plan.*

The existing Mission Hills-Panorama City-North Hills Community Plan maps designate the property as "Community Commercial" with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB and Footnote No. 1 (the footnote permits Height District No. 1 which regulates the floor area, but not the actual height of commercial structures). Hospitals are first permitted by right in the R5 Zone, and permitted by right in the corresponding CR and C2 zones. The height and yard requirements are a result of the A2-1 Zone. The existing hospital has been in continuous operation since the original conditional use grant in 1958. Since the existing community plan designates the site for zones that permits hospitals by right and commercial zones as a rule are not required to maintain setbacks, and the existing plan does not have a 45-foot height limit in the "Community Commercial" designation nor are there any specific provisions requiring setbacks for non-residential uses, the proposed hospital expansion is in harmony with the adopted General Plan.

7. **Environmental.** An expanded Mitigated Negative Declaration (ENV 2005-0042-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street, City Hall.
8. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT

CONTINUED FROM MARCH 22, 2007



CITY PLANNING COMMISSION

Date: July 26, 2007
Time: after 8:30 a.m.*
Place: Van Nuys City Hall
14410 Sylvan Street, Council Chambers
Van Nuys, CA 91401

Public Hearing: October 21, 2005
Appealable Status: City Council
Expiration Date: July 26, 2007

CASE NO.: CPC 2005-0041-CU
CEQA No.: ENV-2005-0042-MND
Related Case: None
Council No.: 7
Plan Area: Mission Hills-Panorama City-North Hills
Specific Plan: None
Certified NC: Mission Hills
GPLU: Community Commercial
Zone: A2-1
Applicant: Waldo T. Romero,
Providence Holy Cross
Medical Center
Representative: Lee Ambers

PROJECT LOCATION: 15031 Rinaldi Street

PROPOSED PROJECT: Expansion of an existing hospital building by adding a new 136 bed patient tower, 119,570 square feet, four stories plus penthouse, and 97 feet in height. The project will also include a net addition of 390 square feet to the central utility plant, and add 1,068 square feet to a mechanical and utility building. The proposed expansion of the hospital will provide a total of 390 beds and 974 parking spaces on site and on adjacent parcels.

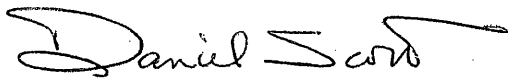
REQUESTED ACTIONS:

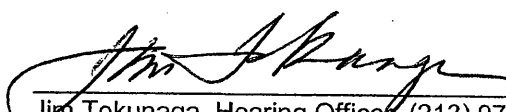
1. Pursuant to Sections 12.24.T and 12.24.U.12 of the Municipal Code, a **Vesting Conditional Use** for a Hospital located in an A2-1 (Agricultural) zoned property, and;
2. Pursuant to Section 12.24.F of the Municipal Code, a **Conditional Use Modification**:
 - a. of the height regulations to permit a maximum building height of approximately 97 feet in lieu of the maximum 45 feet permitted in the A2-1 Zone pursuant to Section 12.21.1 of the Municipal Code;
 - b. to permit a side yard of 7 feet in lieu of the required 25 feet in the A2-1 Zone.

RECOMMENDED ACTIONS:

1. **Approve** the requested Vesting Conditional Use to permit a hospital expansion in the A2-1 Zone subject to Conditions of Approval;
2. **Approve** modifications from the Municipal Code to permit a maximum building height of 97 feet for the building expansion portion, and to permit a easterly side yard of 7 feet along Indian Hills Road;
3. **Adopt** Mitigated Negative Declaration No. ENV 2005-0042-MND;
4. **Adopt** the attached Findings;
5. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.
6. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG
Director of Planning


Daniel Scott, Principal City Planner


Jim Tokunaga, Hearing Officer (213) 978-1309

ADVICE TO PUBLIC: *The e: time this report will be considered during meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 532, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

TABLE OF CONTENTS

Project Analysis A-1

- Reason for Continuance
- Project Summary
- Background
 - Prior relevant Cases
 - Surrounding Land Use and Zoning
 - Street Classification
- Issues
- Conclusion

Conditions of Approval C-1

- Entitlement Conditions
- Environmental Conditions
- Other Conditions
- Administrative Conditions

Findings F-1

- General Plan Land Use Designation
- General Plan Text
- Sewerage facilities Element
- Street Lights
- Vesting Conditional Use
- Height and Setback Modification
- Environmental
- Fish and Game

Public Hearing and Communications P-1

Exhibits

A Maps

- A1 - Vicinity Map
- A2 - Radius Map

B Plans

- B1 - Site Plan Aerial Map
- B2 - Site Plan
- B3 - Elevation Plans, east and west
- B4 - Elevation Plans, north and south
- B5 - Warehouse Expansion Site Plan
- B6 - Central Utility Plant Upgrade and Addition Site Plan

C Response to ENV 2005-0042-MND comments

PROJECT ANALYSIS

Reason for Continuance

This case was previously scheduled before the City Planning Commission on March 22, 2007. The day before the Commission meeting it was determined that the proposed Mitigated Negative Declaration (ENV 2005-0042-MND) recommended for the project had not been properly published in the newspaper for public comment per California Environmental Quality Act (CEQA) requirements. Specifically, the originally published MND circulated in 2005 for public comment concluded that there would be a less than significant impact on transportation and circulation. Subsequently, a traffic study prepared by the applicant concluded that a potentially significant traffic impact would occur at the intersection of Laurel Canyon Boulevard and Rinaldi Street during the AM peak hours. Since this impact was not disclosed during the original public review process, the City Planning Commission continued the case until such time as the MND could be published for public comment.

At the City Planning Commission meeting in March, the Commissioners allowed members of the public to make brief statements on the proposed project with the knowledge that the case would be continued to a later date since the speakers had taken the time and effort to attend the meeting. There were a number of speakers who testified that the proposed environmental clearance for the project (the MND) was inadequate and that a full environmental impact report (EIR) should be prepared.

After the initial City Planning Commission meeting, the applicant hired environmental consultants to prepare an expanded MND in order to address public concerns. An expanded MND was prepared and published in the Los Angeles Times on May 24, 2007 for a 30-day comment period ending on June 25, 2007. Seven comment letters were received in response to the expanded MND and responses to the comments are included as Attachment "C".

Project Summary

The proposed project is the construction of 119,570 square foot, four story and approximately 97-feet in height, 136 bed expansion (known as the South Addition) to the Providence Holy Cross Medical Center in Mission Hills. Currently the Main Hospital Building is 212,100 square feet, three stories and approximately 81 feet in height with 254 patient beds. A penthouse for mechanical functions including elevator housing will also be a part of the addition and is included in the height but does not contain hospital beds. If constructed, the addition will bring the total square footage of the Main Hospital Building to 331,670 square feet with 390 patient beds. Additional seismic retrofit and upgrade to an existing 5,370 square foot, one story central utility plant will require removal of 2,624 square feet and the reconstruction of 3,014 square feet resulting in a net increase of 390 square feet. Similar retrofit and upgrade of an existing mechanical and utility building will add 1,068 square feet to the 10,607 square foot one story building. A new walkway between the proposed addition and the Alemany visitor's parking lot is also being proposed. Parking for 974 vehicles is provided which is above the 780 parking spaces required per the Los Angeles Municipal Code (two automobile parking spaces for each patient bed for which the hospital is licensed). Vehicular access to the hospital campus is provided via Rinaldi Street, Indian Hills Road and Mission Hills Road. Patient, visitor, staff and employee parking is presently provided throughout the campus in a total of 15 surface parking lots. Providence Holy Cross will apply for LEED (Leadership in Energy and Environmental Design) certification for the expansion portion.

A Vesting Conditional Use permit is being requested because the hospital is currently operating under previous Conditional Use approval. As part of the Conditional Use request, the hospital is also requesting deviations from the height and side yard requirements. The expansion is being requested to increase the number of beds as well as to upgrade the existing facility. A new neonatal intensive care unit will also be a part of the expansion.

The State of California Office of Statewide Health Planning and Development (OSHPD) is responsible for the issuance of hospital building permits. The city of Los Angeles Department of Building and Safety (LADBS) issues the grading and any associated site work permits as well as connections to the main utilities. The Los Angeles County Department of Health Services regulates the licensing of the existing hospital as well as the expanded portion. As a condition of final plan approval, both OSHPD and LADBS will require that the hospital architects provide necessary documentation of Planning Department review and approval before building permits are issued.

Background

The original Conditional Use approval was granted on April 17, 1958 under City Plan Case No. 8980. This grant authorized a 300 bed hospital facility in an eight story structure. The 1971 Sylmar earthquake destroyed the main seven story structure and was subsequently demolished. In 1974 a Conditional Use permit was granted for the current three story plus basement Main building. The 1994 Northridge earthquake also damaged some buildings and led to a major rehabilitation efforts by the State of California for hospital seismic retrofit. A variety of approvals have been granted since then to accommodate changing demands. Today, the Providence Holy Cross Medical Center campus is spread over 12 acres offering emergency medical services, acute care and trauma center, out patient care and treatment, a MRI unit, a cancer center, and other amenities normally associated with hospital functions. Currently there are 254 inpatient beds in the Main Hospital Building and the proposed addition will bring the number of beds to 390 beds. The hospital is proposing to utilize a portion of the unused front yard for the proposed 136 bed patient tower South Addition.

The existing Main Hospital Building is three stories plus penthouse and approximately 81-feet in height. The proposed South Addition is approximately 97-feet in height (16-feet taller than the existing hospital building). The basement/garden level, first, second, and third floors of the existing building will connect with the new South Addition. The existing Main Building does not have a fourth floor. Other significant structures on site include the 22,677 square foot North Administration Building and the 11,715 square foot Cancer Center building although neither of these buildings are the subject of any expansion request.

Prior relevant cases. Although there have been approximately 12 Planning Department cases considered on the subject site, the following approvals are the most relevant.

ZA 88-0285(CUZ)(PA1) - Approval of plans for a 2,556 square foot addition to an existing emergency room. Approved by the Office of Zoning Administration on August 5, 2004.

ZA 88-0285(CUZ)PA) - Approval of plans to permit the conversion of approximately 2,590 square feet of storage areas to offices, the remodel of a 2,188 square foot work place area for staff, and the addition of a one-story in patient radiology facility of 1,710 square feet. Approved by the Office of Zoning Administration on October 25, 2002.

ZA 94-0414(ZA)(PAD) - Approval of plans to permit replacement of an earthquake damaged building with a one-story, 21,500 square foot administration/therapy building. Approved July 6, 2000.

ZA 21501 - A Zoning Administrator plan approval and conditional use for the expansion of the hospital to include a new three story and basement hospital building, a service building, remodel of existing buildings, and additional parking of 578 parking spaces. Approved October 18, 1974.

ZA 8980 - Original grant for Conditional Use establishing the hospital approved by the City Planning Commission on April 10, 1958. At that time the hospital was limited to 300-beds and no more than eight stories in height.

Surrounding Land Use and Zoning

The properties lying northerly of the subject site, across Mission Hills Road, are currently developed with one story single family homes on large A2-1 zoned parcel. The Ararat Home of Los Angeles, a senior citizens residential care and nursing facility is also located just northwest of the hospital. The areas north of Mission Hills Road lie approximately 25-30 feet higher than the hospital.

Southerly of the subject site, across Rinaldi Street, is currently developed with one and two story single family homes situated on standard R1-1 zoned record lots. All of these home have their rear yards adjacent to Rinaldi Street and the subject site. There is no physical access from these lots directly on to Rinaldi Street.

The properties lying easterly of the subject site across Indian Hills Road, are currently developed with one to three story commercial medical office buildings that are ancillary to the hospital use on the subject site. These properties are zoned [Q]C1-1VL, and CR-1VL. Also on the east side of Indian Hills Road is a surface parking lot for visitors, and hospital employees.

Westerly of the hospital, properties are zoned A2-1. Current uses include a heliport for the Sheriff's Department and the Los Angeles Police and Fire Departments. Public storage facilities have been developed over the previous Alemany High School campus which was significantly destroyed during the 1994 Northridge earthquake. Alemany High School does however maintain their athletic fields which abut the northwest portion of the subject site.

Street Classification

Rinaldi Street adjoining the subject property to the south is a designated Major Highway dedicated to a width of 100-feet and improved with curb, gutter, and sidewalk. Two lanes of traffic move in each direction and parking is permitted on Rinaldi Street in front of the hospital. Rinaldi Street has access to the San Diego Freeway (Interstate 405) to the west, and on the east the Golden State Freeway (Interstate 5) can be accessed by Laurel Canyon Boulevard.

Indian Hills Road adjoining the subject property to the east is a Local Street dedicated to a width of 60-feet and improved with curb, gutter, and sidewalk. There is one lane of traffic in each direction and parking is permitted on either side of the street and there is a traffic light at the intersection with Rinaldi Street.

Mission Hills Road adjoining the subject property to the north is a Local Street dedicated to a width of 60-feet and improved with curb, gutter, and sidewalk. There is one lane of traffic in each

direction and parking is permitted on either side of the street. Several hundred feet west, Mission Hills Road terminates and becomes a private street without an outlet.

Issues

Inadequate environmental review

The most significant issue has been the request for an Environmental Impact Report (EIR). Comments made at the public hearing and in letters received suggest that while many do not necessarily oppose the expansion of the hospital, they contend that the proposed Mitigated Negative Declaration (MND) is inadequate. Specifically issues related to potential air quality impacts, traffic impacts, noise, and cumulative impacts were the main concern.

After the March 22, 2007 meeting of the City Planning Commission, the applicant retained Christopher A. Joseph and Associates, a private environmental planning and research firm, to prepare an expanded MND for the proposed hospital expansion. An expanded MND is a more refined MND that contains comprehensive analysis of those impacts identified as potentially significant impacts. Expanded MND's are submitted by the applicant and reviewed by the Planning Department. The Initial Study Checklist which contains 87 environmental question items identified no potentially significant impacts, 11 potentially significant impacts unless mitigation measures are incorporated, 47 less than significant impacts, and 29 with no impacts. Mitigation measures identified in the expanded MND have been made conditions of approval. Specific responses to comments regarding environmental impacts identified in the expanded MND are included in Attachment "C".

Air Quality

Air quality impacts were identified as potential impacts for project occupants as well as during the construction phase. Mitigation measures are included as Conditions of Approval for stationary air pollution impacts and for construction air quality impacts. In regards to air quality impacts of project operation, the State of California (OSHDP) requires hospitals to comply with South Coast Air Quality Management District (SCAQMD) guidelines. The guidelines for both SCAQMD and the Environmental Protection Agency (EPA) are used and both agencies are an integral part of the testing, inspection, and approval process to ensure compliance of their requirements. This is accomplished through obtaining the approval of SCAQMD for actual installation, testing, and operation of such equipment. The SCAQMD regulates and monitors all the equipment that produces exhaust that can impact the environment. Prior to installation, all the emission data provided by the equipment vendors is submitted for review by SCAQMD. The equipment installation will begin only after receiving a "permit to install" from SCAQMD. After installation, SCAQMD inspects the site and installation and grants a "permit to operate" when compliance is confirmed through their testing procedures. For more responses to the Air Quality analysis impacts see Attachment "C".

Traffic and Circulation

In order to address the potential traffic impacts of the hospital expansion, a traffic study was requested of the applicant in January of 2006. The traffic study, prepared by Katz, Okitsu and Associates on behalf of Providence Holy Cross, was submitted to the Los Angeles Department of Transportation (LADOT) in July of 2006. In January of 2007, the LADOT approved the traffic study and concluded that of the seven intersections analyzed, one of the

intersections (Laurel Canyon Boulevard at Rinaldi Street) just east of the site, would be operating at an unacceptable Level of Service (LOS). LADOT has recommended as a mitigation measure, the applicant fully fund the cost for the design and construction of an Automated Traffic Surveillance And Control (ATSAC) Project and Adaptive Traffic Control System (ATCS) at the impacted intersection. Additional Conditions of Approval have also been recommended to mitigate the assessed environmental impacts. For more responses to Traffic impacts see Attachment "C".

Cumulative Impacts

Cumulative impacts are also a concern because of a large 116 lot single family subdivision previously proposed for a 30 acre tract of vacant land just north of the hospital and north of Mission Hills Road (Tentative Tract No. 52539). This proposed subdivision has been on hold since September of 2005 pending an Addendum EIR and a hearing on the proposed subdivision has never been scheduled. Discussions with the Advisory Agency (subdivision) staff of the Planning Department indicate that there has been no activity on this proposed subdivision nor has there been any attempt by the applicant to submit the requested Addendum EIR and the property in question has changed ownership since the original application. In addition, the proposed 116 lot subdivision would require a Zone Change to implement the tract map since the site is currently designated as Very Low residential and Zoned A2-1 and a General Plan Amendment may also be necessary to build additional residential units. The proposed subdivision was considered and is included as a related project in the traffic study prepared for the hospital expansion project. If a future tract map or other discretionary approvals are requested for this large vacant parcel, environmental review for the site may require preparation of an EIR that includes the hospital expansion as a cumulative impact.

Inappropriate and excessive height and setback requests, application requires a zone variance and/or adjustment.

As part of the Conditional Use approval for the hospital expansion, the applicant's have requested deviations from the height limitation and side yard setback requirement of the A2-1 Zone that the hospital is currently regulated under. Specifically, Section 12.21.1 of the Los Angeles Municipal Code limits the height of structures in the A2 zone to 45-feet. Section 12.06.C.1 of the Code requires structures in the A2 zone to maintain side yards the same as the A1 zone which requires a side yard of 10 percent of the width of the lot but not to exceed 25 feet. Since the width of the lot is greater than 600 feet, the maximum side yard required for this lot is 25 feet.

The proposed South Addition has a maximum building height of 97 feet which is 52 feet higher than the 45 foot height limit of the A2-1 Zone. The proposed addition will create at the narrowest portion of the side yard, a seven feet side yard from the Indian Hills Road property line, or 18 feet less than the required 25 feet. The height and setback requirements are for the most part intended to regulate structures normally associated by right in the A2 zone specifically single family dwellings. The proposed project is an expansion/addition of an existing hospital that is currently 81 feet in height. The side yard along Indian Hills Road does not abut residential uses and is across the street from an existing surface parking lot.

Since the proposed height and yard (setback) is part of an overall project design under review, the decision maker, in this case the City Planning Commission, can state that height and area regulations required by the Municipal Code shall not apply as part of the Conditional Use (Conditions of Approval) if such modifications are appropriate and in

harmony with the General Plan (Section 12.24.F of the LAMC). In order for the City Planning Commission to adequately review the modification requests, variance findings for height and setback modifications have been included as part of the Conditional Use findings (Finding #6, page F-3). If there were no Conditional Use request under review, the applicant would be required to file for a separate Zone Variance for height or Adjustment for the yard to permit such deviations.

Inconsistency with the General Plan and loss of agricultural land (zoning)

The zoning on the subject property is A2-1 which is classified as a Agricultural Zone in the Los Angeles Municipal Code. Permitted uses include the growing of agricultural field crops, and keeping of livestock. Non-agricultural uses permitted include parks and playgrounds operated by a governmental agency, golf courses, and single family residences. Although the site is zoned A2-1, the General Plan through the Mission Hills-Panorama City Community Plan designates the site for Community Commercial which permits a range of zones including the C2 Zone which would allow the hospital as a by-right use. In addition, the Code specifically allows applicants to request a Conditional Use Permit for a hospital in the A Zones. In this case Providence Holy Cross has opted to request Conditional Use approval (Section 12.24.U.12) to allow for the expansion of an existing hospital currently operating under a Conditional Use granted in 1958. There is no loss of agricultural land since the site is currently not being used for agricultural purposes and the A2-1 Zone is not being changed. The proposed project does comply with the land use designation for the site as Community Commercial since hospitals are permitted in that designation. In addition, the applicant is seeking discretionary approval of a Conditional Use permit which requires findings be made that the project is in compliance with the General Plan.

Conclusion

Although there are still requests for an EIR on the proposed project, the Planning Department is recommending the adoption of the expanded MND. An EIR would not provide any additional analysis on those issues that have already been identified as potentially significant impacts. The applicant has submitted specialized air quality analysis, noise level analysis, and a traffic impact analysis that would have been required by the EIR. The expanded MND indicates that with mitigation measures imposed on the project, these impacts can be reduced to acceptable levels. Although comments have been received challenging the air quality and traffic studies, in response to these challenges it can be shown that significant impacts can be mitigated.

The location of the hospital is away from significant residential areas thereby reducing major impacts to residents. Sandwiched between the junction of two major freeways, access to the site is direct and avoids travel through major residential and commercial corridors. The area north of the hospital is largely undeveloped with the only northbound street north of Rinaldi Street, Indian Hills Road, which terminates at Mission Hills Road (basically at the hospital boundary) allowing for little if any through traffic. The neighborhood south of the hospital and Rinaldi Street is an established single family area. Since this is an expansion to an existing hospital, existing infrastructure is available to service the addition.

Although there is opposition to the hospital expansion, the Planning Department is recommending approval of the request for Vesting Conditional Use permit. Providence Holy Cross Medical Center, part of a non-profit religiously affiliated health care organization, has been serving the San Fernando Valley at this location for over 50 years. The expansion request comes at a time when many hospitals are closing due to high operating costs. Recent nearby

closures include the Sherman Way campus of Northridge Hospital and Granada Hills Community Hospital. The hospital is also one of the few hospitals in the San Fernando Valley that provides emergency trauma care. As the population of Southern California continues to increase, hospitals will need to expand to accommodate the growth.

CONDITIONS OF APPROVAL

A. Entitlement Conditions

1. **Use.** The conditional use of the property shall be limited to the continued use and maintenance of the site as a hospital with associated facilities in the A2-1 Zone. The project as approved is for the construction of a 119,570 square foot, four story, 136 bed expansion (South Addition) to the Providence Holy Cross Medical Center. A penthouse for mechanical functions including elevator housing is included but shall not contain hospital beds. The total square footage (including the South Addition) of the Main Hospital Building shall be limited to a maximum 331,670 square feet with a maximum of 390 patient beds. Seismic retrofit and upgrade to an existing 5,370 square foot, one story central utility plant shall be permitted with the removal of 2,624 square feet and the reconstruction of 3,014 square feet, a net increase of 390 square feet. Retrofit and upgrade to the existing mechanical and utility building shall be permitted adding a maximum of 1,068 square feet to the existing 10,607 square foot one story building. Parking for 974 vehicles shall be provided.
2. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan labeled Exhibit "A" and dated July 26, 2007 attached to the subject case file. Prior to the issuance of any permits for the subject project, detailed development plans shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions.
3. **Height.** The height of the new addition (South Addition) shall not exceed 97 feet including the roof top penthouse for mechanical equipment and elevator housing, as defined in Section 12.21.1 of the Municipal Code and in substantial conformance with the elevation plans labeled Exhibit "A" and dated July 26, 2007 attached to the subject case file. All structures on the roof shall be fully screened from view.
4. **Floor Area.** The maximum permitted floor area for the site is 3:1 FAR, however the authorization of this grant is for the addition of 119,570 square feet of new floor area.
5. **Parking.** A minimum of 974 parking spaces shall be provided for the hospital campus. Prior to the issuance of a building permit, the applicant shall provide a site plan detailing the location of all the parking lots and its available parking spaces.

If any of the required hospital parking is located on parking lots that are leased spaces from other property owners, the applicant shall provide a copy of the lease and its terms for inclusion into the subject case file. Prior to the expiration of the lease, the applicant shall guarantee to the Department of Building and Safety and the City Planning Department that: the lease has been extended or, another location has been located (through another lease or by Covenant and Agreement with the Department of Building and Safety) or, additional parking is available on-site or, provide evidence that the number of patient beds has been decreased to reduce the parking requirement appropriately.
6. **LEED Certification.** Prior to the issuance of a building permit, the applicant shall submit documentation and plans verifying application for the Leadership in Energy and Environmental Design (LEED) rating system, with a minimum level of "LEED Certified" (Reference: www.usgbc.org/), to the satisfaction of the Department of City Planning. The project plans shall address the development's sensitivity to the environment, resources and

energy consumption, the impact on people (quality and health of work environment), and financial impact (cost-effectiveness/savings in comparison to standard development practices). The program must include the following description of building materials and development techniques which shall be incorporated within the development project:

- a. Recycled content products (i.e. Building materials, exterior deck material, lawn furniture, playground equipment, landscape edging and the like).
 - b. Utilize materials from renewable sources (Use rapidly renewable floor projects such as bamboo or linoleum to help reduce the amount of land and resources dedicated to producing construction materials.
 - c. Roof systems (white roof/cool roof)
 - d. Efficient modes of transportation
 - e. Energy efficient equipment and appliances (Energy Star certified appliances, photovoltaic applications, etc...)
 - f. Water conserving devices (i.e. low flush toilets, shower heads, electronic plumbing sensors, waterless urinals, drip irrigation systems, landscape irrigation timers).
 - g. Landscaping plant materials (i.e. Native trees, shrubs and ground cover).
 - h. Use low Volatile Organic Compounds (VOC) emitting materials.
7. **Dedication(s) and Improvement(s).** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary).

Responsibilities/Guarantees.

As part of early consultation, plan review, and/or project permit review, the applicant/developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.

Prior to issuance of sign-offs for final site plan approval and/or project permits by the Planning Department, the applicant/developer shall provide written verification to the Planning Department from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to project design required by a public agency shall be documented in writing and submitted for review by the Planning Department.

a. Street Dedication

Rinaldi Street. A 2-foot dedication shall be required along the entire project frontage on Rinaldi Street to bring the right-of-way and sidewalk up to Major Highway-Class II standards.

Indian Hills Road. None

Mission Hills Road. None

b. Street Improvements.

Rinaldi Street. Construct additional concrete sidewalk in the dedicated area including the area of the property line return and repair any broken, off-grade or bad order concrete curb, gutter, and sidewalk to the satisfaction of the City Engineer.

Indian Hills Road. Repair any broken, off-grade or bad order concrete curb, gutter, and sidewalk to the satisfaction of the City Engineer.

Mission Hills Road. Repair any broken, off-grade or bad order concrete curb, gutter, and sidewalk to the satisfaction of the City Engineer.

e. Street Lighting. Provide street lighting to the satisfaction of the Bureau of Street Lighting.

f. Street Trees. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division (213)847-0833 of the Bureau of Street Services.

e. Sewers. There is an existing mainline sewer line and house connection in Mission Hills Road, Indian Hills Road, and Rinaldi Street serving the property. All Sewerage Facilities Charges and Bonded Sewer fees are to be paid prior to obtaining a building permit. Submit a request to the Bureau of Engineering Valley District Office (818)374-5090 to determine if the existing public sewers have sufficient capacity to facilitate the development.

f. Parking/Driveway Plan. Submit a parking and driveway plan to the Bureau of Engineering and the Department of Transportation for approval that shall provide Code required emergency access.

Notice. Certificates of Occupancies for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

B. Environmental Conditions

8. Landscape Plan. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Department of City Planning.

9. Graffiti. The owners shall maintain the subject property clean and free of debris and rubbish and to promptly remove any graffiti from the walls, pursuant to Municipal Code Sections 91.8101-F, 91.8904-1 and 91.1707-E. Exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vines, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to heights of at least 9-feet, excluding windows and signs. Removal within 24 hours by Occidental College or by the City's clean up crews with reimbursement.

10. Lighting. Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.

11. Air Quality (Construction Phase).

- a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust.
- b. The owner or contractor shall maintain the construction area sufficiently dampened to control dust caused by grading, construction and hauling, and at all times provide reasonable control of dust caused by wind.
- c. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- d. All materials transported off-site shall be either sufficiently watered or securely covered to prevent the generation of excessive amounts of dust.
- e. All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent the generation of excessive amounts of dust.

South Coast Air Quality Management District (SCAQMD) Rule 403 Required Measures:

- f. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.
- g. Track-out shall not extend 25-feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.
- h. A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site.
- i. All haul trucks hauling soil, sand, and other loose materials shall maintain at least six-inches of freeboard in accordance with California Vehicle Code Section 23114.
- j. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarp or other enclosures that would reduce fugitive dust emissions).
- k. Traffic speeds on unpaved roads shall be limited to 15 miles per hour.
- l. Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.
- m. Heavy equipment operations shall be suspended during first and second stage smog alerts.

12. Air Quality (Operational Phase).

- a. The indoor/outdoor air exchange system shall be constructed to include a minimum efficiency reporting value (MERV) of at least 13.

- b. The applicant shall install an air filtration system to reduce the diminished air quality effects on occupants of the project.

13. Biological Resources (Tree Removal of Non-Oaks).

- a. Prior to the issuance of a grading permit, a plot plan shall be prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site, and shall be submitted for approval to the Department of City Planning and the Urban Forestry Division of the Bureau of Street Services. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.
- b. The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. Measures such as replacement by a minimum 24-inch box trees in the parkway and on the site, on a 1:1 basis, shall be required for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Urban Forestry Division of the Bureau of Street Services and the City Planning Department.
- c. The genus or genera of the tree(s) shall provide a minimum crown of 30 to 50 inches (refer to the City of Los Angeles Landscape Ordinance No. 170,978, Guidelines K - Vehicular Use Areas).
- d. A minimum of two trees (a minimum of 48-inch box size if available) shall be planted to replace each western sycamore tree to be removed by the project.
- e. Removal of trees in the public right-of-way shall require approval of the Board of Public Works.

14. Cultural Resources (archaeological) .

- a. If any archaeological materials are encountered during the course of the project development, the project shall be halted. The services of an archaeologist shall be secured by contacting the Center for Public Archaeology, California State University at Northridge, OR a member of the Society of Professional Archaeologist (SOPA), OR a SOPA-qualified archaeologist to assess the resources and evaluate the impact.
- b. Copies of the archaeological survey, study or report shall be submitted to the UCLA Archaeological Information Center.
- c. A covenant and agreement shall be recorded prior to obtaining a grading permit.
- d. In the event that subsurface resources are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the City of Los Angeles Planning Department is contacted and agrees upon a qualified archaeologist to be brought onto the project site to properly assess the resource and make recommendations for their disposition.

- e. In the event that human remains are discovered, there shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.

15. Cultural Resources (paleontological). In the event that paleontological resources are encountered during grading activities, all development activities will cease in these areas until the paleontological resources are properly assessed and subsequent recommendations are determined by a qualified paleontologist.

16. Geology and Soils (seismic).

- a. Compliance with the Uniform Building Code Chapter 18, Division 1, Section 1804.5 Liquefaction Potential and Soil Strength Loss which requires the preparation of a geotechnical report. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement of reduction in foundation soil bearing capacity, and discuss mitigation measures that may include building design consideration.
- b. Building design considerations may include, but are not limited to: ground stabilization, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures.
- c. All alluvial soils found on site shall be removed down to competent Modelo Formation Bedrock or Pacoima formation and replaced with compacted fill.

17. Geology and Soils (soil erosion).

- a. The design and construction of the project shall conform to the California Building Code seismic standards as approved by OSHD.
- b. Excavation and grading activities should be scheduled during dry weather periods as feasible. If grading occurs during the rainy season (October 15 through April 1), construct diversion dikes to channel runoff around the site. Line channels with grass or roughened pavement to reduce runoff velocity.
- c. Implementation of appropriate erosion control and drainage devices to the satisfaction of the Building and Safety Department shall be incorporated such as: sand bags and inlet and outlet structures, as specified by Section 91.7013 of the Building Code, and planting fast growing annual and perennial grasses in areas where construction is not immediately planned. These planting will help shield and bind the soil.
- d. Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting.

- e. Prior to placing any fill, the exposed surface soils shall be scarified to a minimum depth of six to eight inches, moisture conditioned or dried to near optimum moisture content and compacted to a minimum of 90 percent relative compaction.
- f. Cohesive soils shall be placed in loose lifts not exceeding six inches, moisture conditioned or dried to approximately two to four percentage points above optimum, and compacted to a minimum of 90 percent relative compaction.
- g. On-site soils shall be reused as compacted fill provided they are free of organics, deleterious materials, debris and particles over six inches in their largest dimension.
- h. Soils imported to the site for use as fill for subgrade materials shall be predominately granular.
- i. All excavation and shoring systems shall meet, as a minimum, the requirements given in the State of California Occupational Safety and Health Standards.

18. Hazards and Hazardous Materials.

- a. Prior to the issuance of the demolition permit, the applicant shall provide a letter to the Department of Building and Safety from a qualified asbestos abatement consultant that no asbestos containing materials (ACM) are present in the building. If ACM are found to be present, it will need to be abated in compliance with South Coast Air Quality Management District's Rule 1403 as well as all other State and federal rules and regulations.
- b. Prior to the issuance of a demolition permit for any existing on-site structure, the structure shall undergo a lead-based paint (LBP) survey to document the presence of any potential LBP within the structure. Any LBP identified as part of this survey shall be abated in accordance with all applicable city, State, and federal regulations.

19. Hydrology and Water Quality (runoff and stormwater drainage).

- a. Project applicant shall be required to implement stormwater Best Management Practices (BMP's) to retain or treat runoff from a storm event producing 3/4 inch of rainfall in a 24 hour period. The design of structural BMP's shall be in accordance with the Development Best Management Practices Handbook B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMP's meet this numerical threshold standard is required.
- b. Post development stormwater runoff discharge rates shall not exceed the estimated pre-development rates for developments where increased peak stormwater discharge rate will result in increased potential for downstream erosion.
- c. Concentrate or cluster development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- d. Limit clearing and grading of native vegetation at the project site to a minimum needed to build lots, allow access, and provide fire protection.

- e. Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree area, and promoting the use of native and/or drought tolerant plants.
- f. Reduce impervious surface area by using impermeable pavement materials where appropriate, including: pervious concrete/asphalt; unit pavers, i.e. turf block; and granular materials, i.e. crushed aggregates and cobble.
- g. Promote natural vegetation by using parking lot islands and other landscaped areas.
- h. Preserve riparian areas and wetlands.
- i. Cover loading dock areas or design drainage to maximize run-on and run-off of stormwater.
- j. Direct connections to storm drains from depressed loading docks (truck wells) shall be prohibited.
- k. Repair/maintenance bays must be indoors or designed in such a way that does not allow storm water run-on or contact with storm water runoff.
- l. Design repair/maintenance bay drainage system to capture all wash water, leaks and spills. Connect drains to a standard sump for collection and disposal. Direct connection of repair/maintenance to the storm drain system shall be prohibited. If required, obtain an Industrial Waste Discharge Permit.
- m. Vehicle/equipment wash areas must be self contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to the sanitary sewer.
- n. Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.
- o. The following activities are to be conducted under proper cover with drain routed to the sanitary sewer:
 - Storage of industrial wastes
 - Handling or storage of hazardous wastes
 - Metal fabrication or Pre-cast concrete fabrication
 - Welding, Cutting or Assembly
 - Painting, Coating or Finishing
- p. Store above ground liquid storage tanks (drum and dumpsters) in areas with impervious surfaces in order to contain leaks and spills. Install a secondary containment system such as berms, dikes, liners, vaults, and double wall tanks. Where used oil or dangerous waste is stored, a dead-end sump should be installed in the drain.
- q. Toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Use drip pans or absorbent

materials whenever grease containers are emptied. Wash containers in an area with properly connected sanitary sewer.

- r. Reduce and recycle wastes, including: paper; glass; aluminum; oil; and grease.
- s. Reduce the use of hazardous materials and waste by: using detergent based, or water based cleaning systems; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.
- t. Convey runoff safely from the tops of slopes and stabilize disturbed slopes.
- u. Utilize natural drainage systems to the maximum extent practicable.
- v. Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.
- w. Stabilize permanent channel crossings.
- x. Protect slopes and channels and reduce run-off velocities by complying with Chapter IX, Division 70 of the Los Angeles Municipal Code and utilizing vegetation (grass, shrubs, vines, ground covers, and trees) to provide long-term stabilization of soil.
- y. Cleaning of vehicles and equipment to be performed within designated covered or bermed wash area paved with Portland concrete, sloped for wash water collection, and with a pretreatment facility for wash water before discharging to properly connected sanitary sewer with a CPI type oil/water separator. The separator unit must be: designed to handle the quantity of flows; removed for cleaning on a regular basis (at least twice a year) to remove any solids; and the oil absorbent pads must be replaced regularly, once in Fall just before the wet season and in accordance with manufacturer's specification's.
- z. All storm drains inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING - DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.
- aa. Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks within the project area.
- bb. Legibility of stencils and signs must be maintained.
- cc. Materials with the potential to contaminate stormwater must be : (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- dd. The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

- ee. The owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General Form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMP's in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

20. Noise (Construction).

- a. The operation of construction equipment that generates high levels of vibration, such as large bulldozers, loaded trucks, caisson drills, and jackhammers, shall be prohibited within 50-feet of the existing on-site main hospital building. Instead small rubber tired bulldozers shall be used within this area during grading and site preparation operations.
- b. The operation of construction equipment that generates high levels of vibration, such as large bulldozers, loaded trucks, caisson drills, and jackhammers, at the new central utility plant and new warehouse expansion sites shall be prohibited within 10-feet of the adjacent buildings. Instead, small rubber tired bulldozers shall be used within these areas during grading and site preparation operations.
- c. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which regulate construction noise sources.
- d. Construction and demolition shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.
- e. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- f. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.
- g. Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (i.e., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses, and natural and/or manmade barriers (i.e., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
- h. Barriers such as plywood structures or flexible sound control curtains extending at least eight feet in height and capable of achieving sound attenuation of at least 17 dBA shall be erected around the perimeter of the construction sites for the proposed warehouse addition and central utility plant addition and upgrade.
- i. Barriers such as plywood structures or flexible sound control curtains extending to sufficient height to block the line of sight from the ground level of the southern

addition site to the upper story windows of the medical facility building located northeast of the new south addition site shall be constructed along the edge of the construction site that extends along Indian Hills Road. Such barriers shall be capable of achieving sound attenuation of at least 7 dBA.

- j. Construction activity taking place within 50-feet of the existing main hospital building shall utilize only equipment that generates noise levels of 75 dBA or less at 50-feet from the source. Flexible sound control curtains capable of achieving sound attenuation of at least 23 dBA shall, prior to construction, be installed at a distance of 10 feet from the existing main hospital building to a height sufficient to block the line of sight between the construction site for the new south addition and the uppermost windows in the existing main hospital building, such curtains shall be installed over all windows when such activity is taking place.
 - k. The applicant shall identify one or more staff persons to serve as a point of contact for issues arising during construction activities associated with the proposed south addition that disrupt or have the potential to disrupt patient care or other vital hospital activities. This point of contact or a designated alternate shall be on-site during all hours when construction activity is taking place. This contact person shall have the responsibility and authority to schedule, halt, or reschedule construction activities that are, in that person's judgement, substantially affecting patient care or other vital activities. The name of the contact person shall be provided to all hospital staff prior to commencement of construction of the new south addition.
 - l. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
 - m. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the project site to the extent feasible.
 - n. All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the maximum extent feasible.
 - o. The project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178,048 which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.
21. **Fire.** The following requirements of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: a) Fire lanes, where required, shall be a minimum of 20 feet in width; b) All structures shall be within 300 feet of an approved fire hydrant and entrances to any

dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

- a. The project applicant shall submit a plot plan to the Los Angeles Fire Department prior to occupancy of the project, for review and approval, which will provide the capacity of the fire mains serving the project site. Any required upgrades shall be identified and implemented prior to the occupancy of the project.
- b. The project applicant shall comply with all fire code and ordinance requirements for building construction, emergency access, water mains, fire flows and hydrant placement. Prior to the issuance of a certificate of occupancy for any phase of the project, the applicant shall implement all fire code and ordinance requirements to the satisfaction of the Fire Department.
- c. The design of the project shall provide access for fire Department equipment and personnel to the structure.
- d. The project shall provide adequate off-site public and on-site private fire hydrants. The exact number and location of hydrants shall be determined after Fire Department review of plot plans.

22. Police. The applicant shall incorporate into the site plan the design guidelines relative to security, semi-public, defensible space, and private spaces, which may include but not be limited to, access control to the building, secured parking facilities, walls/fences with key systems, well illuminated public and semi-public space designed with a minimum of dead space to eliminate areas, and provision of security guard patrol throughout the project site if needed. These features shall be imposed under the review, oversight, and approval of the Los Angeles Police Department's (LAPD) Crime Prevention Unit.

- a. The LAPD's Crime Prevention Section shall review and approve all plans prior to the issuance of a building permit.
- b. The applicant shall fence in the project site and provide additional security as necessary during the construction of the project site.
- c. Security personnel shall be provided to secure parking areas on an as needed basis.

23. Schools. The applicant shall pay school fees as required by the Leroy F. Greene School Facilities Act. In addition the following conditions as required by the Los Angeles Unified School District for proximity of the project site to the North Valley Occupational Center:

- a. School Bus Access
 - Prior to construction, contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impacts to school bus routes.
 - Maintain unrestricted access for school buses during construction.
 - Comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

b. School Pedestrian/Traffic Safety Access

- The project shall not endanger passenger safety or delay student drop-off or pickup due to changes in traffic patterns, lane adjustment, altered bus stops, or traffic lights.
- Maintain safe and convenient pedestrian routes to LAUSD schools (LAUSD will provide School Pedestrian Route Maps upon request).
- Maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- Install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
- No hauling past affected school sites, except when school is not in session. If unfeasible, no hauling during school arrival and dismissal times.
- No staging or parking of construction related vehicles, including worker-transport vehicles, adjacent to school sites.
- Provide crossing guards when safety of students may be compromised by construction related activities at impacted school crossings.
- Install barriers and/or fencing to secure construction equipment and site to prevent trespassing, vandalism, and attractive nuisances.
- Provide security patrols to minimize trespassing, vandalism, and short-cut attractions.

24. Traffic and Circulation.

- a. The project applicant shall fund the full cost for the design and construction of the ATSAC/ATCS system at the intersection of Rinaldi Street and Laurel Canyon Boulevard.
- b. The project applicant shall provide a 2-foot dedication along the entire project frontage on Rinaldi Street to bring the right-of-way and sidewalk up to the General Plan standard for a Major Highway Class II.
- c. The northbound approach to the intersection of Laurel Canyon Boulevard and Rinaldi Street shall be improved to provide for an additional left-turn lane for Laurel Canyon Boulevard to achieve double left turn lanes. This measure shall be phased in the following manner:

Phase 1. The applicant shall construct and complete all necessary physical improvements, including new signal foundation, mast arm replacement, restriping, etc. so that the intersection is dual left turn lane capable. This improvement shall be completed prior to the certificate of occupancy being issued.

Phase 2. When prevailing traffic conditions in the future warrant the conversion to a dual left turn lane operation, as determined by LADOT, then LADOT shall make the necessary adjustments and operate it with dual left turn lanes.

The above transportation improvement shall guaranteed through the B-Permit process of the Bureau of Engineering, Department of Public Works. Any improvements shall be constructed and completed before the issuance of the final

certificate of occupancy, to the satisfaction of the Department of Transportation and the Bureau of Engineering. Prior to the setting of the bond amount, the developer's engineer or contractor shall contact Department of Transportation's B-Permit coordinator at (213)928-9663, to arrange a pre-design meeting to finalize the design for the required transportation improvement.

- d. The following conditions shall be fulfilled for the project's driveways, internal circulation and parking scheme:
- 1) For all two-way driveways, a width of 30-feet, exclusive of side slope, shall be provided.
 - 2) For all one-way driveways, a width of 16-feet, exclusive of side slope, shall be provided.
 - 3) A minimum reservoir space between the new property line and the first parking stall or gate shall be 40-feet at all driveways.
 - 4) Final LADOT approval shall be obtained prior to issuance of any building permits. The project applicant shall submit detailed site and driveway plans to LADOT for approval.

C. Other Conditions

- 25. Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
- 26. Community Relations. Complaint Monitoring.** A 24-hour "hot line" phone number for the receipt of complaints from the community regarding the subject facility shall be posted at all entrances to the hospital. The hospital shall keep a log of complaints received, the date and time received and the deposition of the response. The log shall be retained for a minimum of one year and shall be made available on request to the Planning Department for review.
- 27. Construction Parking.** Off-street parking shall be provided for all construction-related employees generated by the proposed project. No employees or subcontractors shall be allowed to park on the surrounding residential streets or Rinaldi Street for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any residential street in the immediate area. All construction vehicles shall be stored on site unless returned to their owners base of operations.
- 28. Posting of Construction Activities.** The adjacent residents shall be given regular notification of major construction activities and their duration. A visible and readable sign (at a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
- 29. Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 3:00 PM, Monday through Friday. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site

shall occur on any local or collector street within the project vicinity outside of that time period. A circulation plan shall specifically address the routing of delivery and exiting vehicles from the project site during all phases of construction to minimize any potential impacts to adjacent residential areas resulting from development of the proposed project. If warranted, any truck haul routes and staging areas shall be subject to approval by the Department of Building and Safety and Department of Transportation.

30. **Pedestrian Safety.** The hospital shall guarantee the maintenance of a safe and convenient pedestrian and visitor access routes to the hospital entrance during the construction period. A flag person shall be required at each job site entrance to assist the truck access to and from the project site.
31. **Maintenance.** The subject property including any associated parking facilities, sidewalks, parkways, and landscaped setbacks adjacent to the exterior walls along the all property lines shall be maintained in an attractive condition and shall be kept free of trash and debris.

D. Administrative Conditions

32. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
33. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
34. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
35. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
36. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
37. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.

38. **Utilization of Entitlement.** The applicant/owner shall have a period of three years from the effective date of the subject grant to effectuate the terms of this entitlement by either securing a building permit or a certificate of occupancy for the authorized use, or unless prior to the expiration of the time period to utilize the privileges, the applicant files a written request and is granted an extension to the termination period for up to one additional year pursuant to Section 11.5.7.C.4(e) of the Municipal Code. Thereafter, the entitlement shall be deemed terminated and the property owner shall be required to secure a new authorization for the use.
39. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
40. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent proper.
41. **Idemnification.** The applicant shall defend, idemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, idemnify, or hold harmless the City.

FINDINGS

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Mission Hills-Panorama City-North Hills Community Plan, which was adopted by the City Council on June 9, 1999 (Case No. CPC-95-0353-CPU). The existing Mission Hills-Panorama City-North Hills Community Plan maps designate the property as "Community Commercial" with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB. The site is currently zoned A2-1, although not a corresponding zone, it is a more restrictive zone and a permitted zone in the Community Commercial designation. Hospitals in the A, R, CR, C4, CM, or M Zones are required to obtain Conditional Use approval before they can be permitted, hospitals are permitted by-right in the corresponding C2 Zone. The property is zoned A2-1 and a Conditional Use permit is required, if granted the proposed use will be in compliance with the General Plan Land Use designation since the designation permits hospital use as a conditional use and by right in the C2 Zone.
2. **General Plan Text.** The project is located in the Mission Hills-Panorama City-North Hills Community Plan. The subject request to expand the hospital is not specifically addressed in the text of the General Plan. However, the Community Plan is intended to promote the development and improvement of the community to meet its existing and anticipated needs/conditions and welfare. The proposed project is consistent with such policies in that it will allow the expansion of an existing regional medical facility which will in turn allow for improved facilities offering more services to meet a greater population which meets the public health needs of the nearby community.
3. **The Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
4. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the street which adjoin the subject property.
5. **Vesting Conditional Use Findings.** Pursuant to Section 12.24.E of the Municipal Code, and based on these findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.
 - A. *The location of the project will be desirable to the public convenience and welfare.*

Providence Holy Cross Medical Center has been operating at this location since 1958 when the original Conditional Use approval was granted. Since then the hospital has expanded to offer more facilities and services to the residents of the San Fernando Valley while enduring two earthquakes that significantly destroyed some existing facilities. The proposed expansion is to an existing hospital building and is not an introduction of a new use or building into a new neighborhood. Because the hospital has other medical facilities on site as well as out patient offices, those persons seeking medical attention do not need to travel to other locations to find necessary health care services. The expansion will be convenient to the public since the hospital has been in existence for over 50 years at this

location and many in the San Fernando Valley are already familiar with this regional facility.

The expansion will offer more patient beds into the community where in recent years other hospitals have closed. In a report prepared by the Economic Alliance of the San Fernando Valley (San Fernando Valley Hospital Report March 18, 2004), during the 15 years prior to 2004, 40 percent of hospitals in the San Fernando Valley have closed leaving 21 hospitals to care for a population previously cared for by 33 hospitals while the Valley's population has steadily increased. Nearby hospitals that have closed include the Northridge Hospital Medical Center Sherman Way campus and the Granada Hills Community Hospital (combined loss of over 300 patient beds). With the closure of so many hospitals, the expansion of an existing hospital will be beneficial to the public.

Providence Holy Cross also provides community outreach services as part of its operating objectives. In the past the hospital has made presentations to high school and middle school students, provided health education classes, dental screening for students, organized health fairs, provided flu vaccinations, and overall collaborates with other organizations, health care providers, and community stakeholders to address unmet health needs in the community. The hospital will continue to offer these social services as well as other community benefits as part of its ongoing mission.

- B. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

The proposed hospital expansion is to an existing hospital that has been at this location since 1958 and the Conditional Use request is to continue the existing use. Adjacent uses to the Providence Holy Cross Hospital include medical offices and surface parking lots to the east, Los Angeles County Sheriff's heliport, public storage, and athletic fields to the west (across Indian Hills Road), a nursing care facility, a single family dwelling, and vacant parcels to the north, and single family residences to the south (across Rinaldi Street). With the exception of the single family subdivision to the south, the uses north of Rinaldi Street are predominantly commercial uses that are ancillary to the hospital. The proposed South Addition will be set back 62 feet from the Rinaldi Street property line and the 100 foot width of the street significantly removes the single family neighborhood from the hospital.

- C. *The proposed project will not be materially detrimental to the character of development in the immediate neighborhood.*

The proposed South Addition to the hospital will permit the hospital to expand its services at the present location rather than building a new facility at a different location. The immediate neighborhood is comprised of related medical uses, surface parking lots, and single family residences south of Rinaldi Street. In the past 50 years the hospital has established a significant hospital campus at this location.

The hospital is located on Rinaldi Street, a Major Highway that has direct access to the San Diego Freeway (Route 405) to the west and access to the Golden State Freeway (Interstate 5) via Laurel Canyon Boulevard to the east. Other than the

single family homes south of Rinaldi Street, a single family dwelling on the north side of Mission Hills Road, and the Ararat Home (196 bed skilled nursing and 130 bed residential care facility) also on the north side of Mission Hills Road, the area is generally characterized by medical uses, with no other significant residential densities. The only street that extends north of Rinaldi Street into the hospital campus is Indian Hills Road although there is no real incentive to do so since Indian Hills Road is not a through street with no commercial activity to speak of and terminates just northeast of the hospital. Conversely, Indian Hills Road south of Rinaldi Street winds through the residential neighborhood into cul-de sacs but does not connect to any major street that would potentially cause through traffic to burden these streets. The hospital location is a isolated corner near the juncture of two freeways and visible from both freeways. Convenient access to the site from the freeways will allow construction traffic as well as visitor traffic direct access to the hospital thereby avoiding travel through established residential and commercial neighborhoods. The hospital is also served by MTA Line 239 which operates along Rinaldi Street between the Sylmar/San Fernando Metrolink Station just east of the hospital and Encino to the south.

- D. *The proposed project will be in harmony with the various elements and objectives of the General Plan.*

The existing Mission Hills-Panorama City-North Hills Community Plan maps designate the property as "Community Commercial" with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB and a Footnote No. 1 (the footnote permits Height District No. 1 which regulates the floor area, but not the actual height of commercial structures). Hospitals are first permitted by right in the R5 Zone, and permitted by right in the corresponding CR and C2 zones. A conditional use permit is necessitated by the existing zoning on site of A2. The existing hospital has been in continuous operation since the original conditional use grant in 1958. The existing plan designation of "Community Commercial" permits hospitals by right in some commercial zones and therefore the proposed hospital expansion is in harmony with the adopted General Plan.

6. **Additional Findings for Height and Setback Modifications.** Pursuant to Section 12.24.F of the Municipal Code, the applicant has requested the City Planning Commission to permit modifications to height and setback requirements of the LAMC as part of the Conditional Use approval. Specifically modifications of the height regulations to permit a maximum building height of approximately 97 feet in lieu of the maximum 45 feet permitted in the A2-1 Zone and to permit a minimum side yard of seven feet in lieu of the required 25 feet in the A2-1 Zone.

- A. *The strict application of the provisions of the zoning ordinance will result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

The hospital is located in the A2-1 Zone which is classified as an agricultural and single family zone resulting in height and yard requirements intended for such development. The existing zoning regulation pertaining to height and yards are intended for single family residences or for open space type uses such as parks, golf courses, and community centers (Section 12.06 of the Municipal Code). The A2-1 Zone limits building height to 45-feet and requires a minimum 25-foot sideyard.

Since these usual types of uses are low intensity land uses aimed at residential privacy and open space settings, it makes practical sense to limit height and require large setbacks. However, the proposed expansion is to an existing hospital building that is currently 81-feet in height and in operation at this site since 1958. There are practical difficulties in adding to an existing building and limiting the height to 45-feet when the existing building is already taller. Although hospitals are not permitted by-right in the A2-1 Zone, a Conditional Use permit is required in order to adequately condition the project to protect the surrounding neighborhood. The intended use of the building addition is a hospital and not for single family or open space uses and inconsistent with the intent A2-1 zoning regulation.

- B. *There are special circumstances applicable to the subject property such as size, shape, topography, location, or surroundings that do not apply generally to other property in the same zone or vicinity.*

The special circumstance in this case is that the current use of the subject property as a hospital has been in existence for many years and the request is to expand an existing building. The site itself is occupied by other hospital related functions as are the parcels east of Indian Hills Road (however not zoned A2-1). Other A2-1 Zone parcels in the immediate vicinity are vacant, developed with residential uses or other open space type uses that comply with the height and setback provisions. There is also an existing 25-foot building line along the Rinaldi Street frontage and the A2-1 Zone requires a 25-foot frontyard. However, the proposed addition will be setback even greater than the required 25-feet and will be setback 62-feet from Rinaldi Street adding an additional 37-feet separation from Rinaldi Street. Maintaining such a large frontyard allows for a greater separation between the proposed addition and the single family dwellings on the south side of Rinaldi Street, however it pushes the building envelope up and out towards the sideyard. The requested seven-foot sideyard along the Indian Hills Road frontage occurs only at a few points along the proposed building addition. The proposed sideyard will actually be variable between seven and 25-feet and will not cause interference of air and light to any residential uses on either side of Indian Hills Road.

- C. *The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

Although the requested height of 97-feet is significantly taller than the permitted 45-feet, the existing hospital building is approximately 81 feet in height. The proposed South Addition will be 16 feet taller than the existing building but there is an additional fourth floor. The floor height of the third and fourth floors are greater than the floor height of the existing Main Building to accommodate larger structural beams for seismic design requirements. Additional height is also needed to provide adequate space for extensive mechanical, plumbing, and electrical equipment, and specialty medical systems.

Side yards are normally required for residential structures to maintain separation between dwellings, provide access to the rear of a lot, and to ensure adequate light and air is available to the residents. The site is zoned A2-1 which requires a 25-foot side yard along Indian Hills Road. In this case the intrusion into the side yard will not

affect any residential dwellings on site since the project is a hospital addition and not a residential project. Properties to the east of the side yard and subsequently across Indian Hills Road that would be most affected by the proposed yard reduction and increased height are developed with surface parking lots for the hospital, thereby not affecting any adjacent residential uses. The hospital site is also restricted in the amount of land available for new development. In reviewing the site plan, the only areas with significant land available are those portions south (towards Rinaldi Street) and east (towards Indian Hills Road) of the existing Main Hospital Building. Although the hospital is only required to maintain a 25-foot frontyard, the proposed addition will be setback 62 feet along the front. For these reasons the hospital has designed the South Addition to make use of the portions of the required side yard.

- D. *The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

As a result of the addition and the increased building height, views of the project site from the adjacent uses will change the character of the site. Existing views of the parking lot, paved areas and landscaped slope from the adjacent uses will be replaced by views of the new South Addition building. The proposed addition is oriented in an east/west direction with sun exposure in the morning from the southeast and the southwest in the afternoon. Adjacent properties to the south have the 62 foot front yard plus the 100 foot width of Rinaldi Street as a buffer from any shade or shadow impact from the structural addition. Properties to the north will not have shade or shadow cast onto their sites since the addition is more than 700-feet away and would only cast shadows on the project site and Mission Hills Road. The requested reduced sideyard will actually be variable in width between seven and 25-feet and will not cause interference of air and light to any residential uses on either side of Indian Hills Road. This edge will be landscaped and would be visible primarily from Indian Hills Road and from adjacent medical buildings and parking lots. Although the addition will create an increased sense of massing on the hospital campus as a whole, the affects will not be detrimental to the public welfare since the proposed height increase and reduced sideyard will not create interference with light, air, additional shade or shadowing of nearby properties.

- E. *The granting of the variance will not adversely affect the General Plan.*

The existing Mission Hills-Panorama City-North Hills Community Plan maps designate the property as "Community Commercial" with corresponding zones of CR, C2, C4, RAS3, RAS4, P, and PB and Footnote No. 1 (the footnote permits Height District No. 1 which regulates the floor area, but not the actual height of commercial structures). Hospitals are first permitted by right in the R5 Zone, and permitted by right in the corresponding CR and C2 zones. The height and yard requirements are a result of the A2-1 Zone. The existing hospital has been in continuous operation since the original conditional use grant in 1958. Since the existing community plan designates the site for zones that permits hospitals by right and commercial zones as a rule are not required to maintain setbacks, and the existing plan does not have a 45-foot height limit in the "Community Commercial" designation nor are there any specific provisions requiring setbacks for non-

residential uses, the proposed hospital expansion is in harmony with the adopted General Plan.

7. **Environmental.** An expanded Mitigated Negative Declaration (ENV 2005-0042-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgement and analysis. The records upon which this decision is based are with the Environmental Review Section in Room 750, 200 North Spring Street, City Hall.
8. **Fish and Game.** The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

SUMMARY OF PUBLIC HEARING AND COMMUNICATIONS

The public hearing on this matter was held at the Marvin Braude Constituent Services Center in Van Nuys on Friday, October 21, 2005.

1. Present: Approximately 25 people attended the hearing including a hospital administrator, the applicant's representative, hospital staff, and members from the general public. A representative from the (then) Councilmember Alex Padilla, and representatives from adjacent Neighborhood Councils.
2. Initial Indication: 2 in support; 9 in opposition, 1 general comment.
3. Speakers: 17 (includes 5 speakers with the applicant).

Summary of Public Hearing Testimony

The applicant and representatives spoke and testified on the need for the expansion based on the increasing population of the San Fernando Valley at the same time other hospitals are closing. Especially needed are hospitals with a trauma center as provided by the existing Providence Holy Cross Hospital. In addition, some of the work being proposed is to bring the hospital up to current seismic standards.

The two speakers in support echoed the same reasons for supporting the project as testified by the applicant and representatives for the hospital.

The nine speakers speaking in opposition were not necessarily opposed to the hospital expansion but to the environmental clearance, a mitigated negative declaration (MND), recommended for the project. The speakers testified that the MND is inadequate, and that an environmental impact report (EIR) should be completed for the proposed project. Specifically, the concerns are the traffic impacts created by the hospital expansion and on air quality. A representative for the Granada Hills North Neighborhood Council (adjacent neighborhood council) testified that they would like to see an EIR for the project and submitted a letter with the same request.

Communications Received

Approximately 170 letters have been received regarding the proposed project.

Of these letters 161 are letters in support of the project. Letters of support have been received from City Councilmember Dennis Zine of the Third District, City Councilmember Greig Smith of the 12th District, County of Los Angeles Supervisor Zev Yaroslavsky for the Third District, Assemblyman Cameron M. Smyth of the 38th District, Congressman Howard P. "Buck" McKeon of the 25th District, and Congressman Brad Sherman of the 27th District. Support letters have also been received from the United Chambers of Commerce of the San Fernando Valley, and the Sun Valley Chamber of Commerce. The Mission Hills Neighborhood Council which represents the hospital site supports the hospital expansion although there remains some concern regarding air quality but is satisfied that the hospital will work to mitigate air quality impacts. A letter of support has been received from the Advancement Director of the Bishop Alemany High School. Letters of support have also been received from healthcare groups. All of the support letters emphasize the need for hospital facilities in Los Angeles.

Seven letters have been received in opposition to the issuance of the MND for the project and a request for an EIR. These letters include the adjacent Granada Hills North Neighborhood Council, and the following organizations: North Valley Coalition, San Fernando Valley Greens, The Transit Coalition. Letters from former Councilmember Alex Padilla (Council District 7) requesting an EIR has been received as well as a letter from then Senator (now Councilmember) Richard Alarcon of the of the 27th District also requesting an EIR. A letter has been received from a law firm representing a resident of Los Angeles contesting the environmental clearance (MND). A petition has been received with signatures of 23 people requesting an EIR. Other concerns in opposition to the proposed project include the loss of agriculturally zoned lands, high wind in the vicinity, and the overall entitlement process.

One letter was received from an adjacent property owner concerned that the proposed project may impede on his views.

Other Agency Reports Received

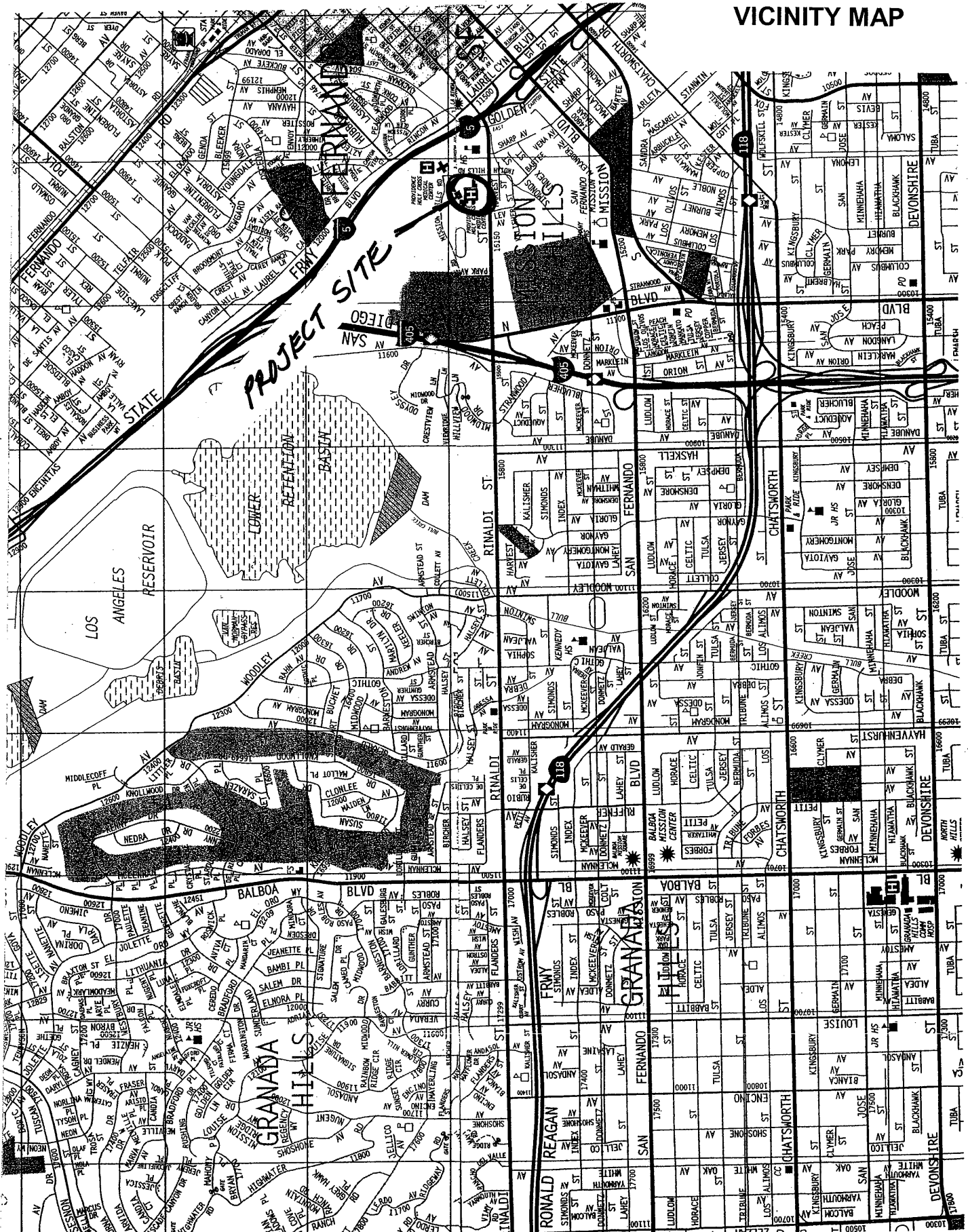
A recommendation letter dated April 27, 2005, has been received from the Land Development Group of the Bureau of Engineering. Conditions of Approval have been imposed to satisfy the recommendations.

A traffic study assessment letter dated January 29, 2007, has been received from the Department of Transportation regarding the traffic study submitted by the applicant to the Department. Mitigation measures contained in this letter have been included as conditions of approval.

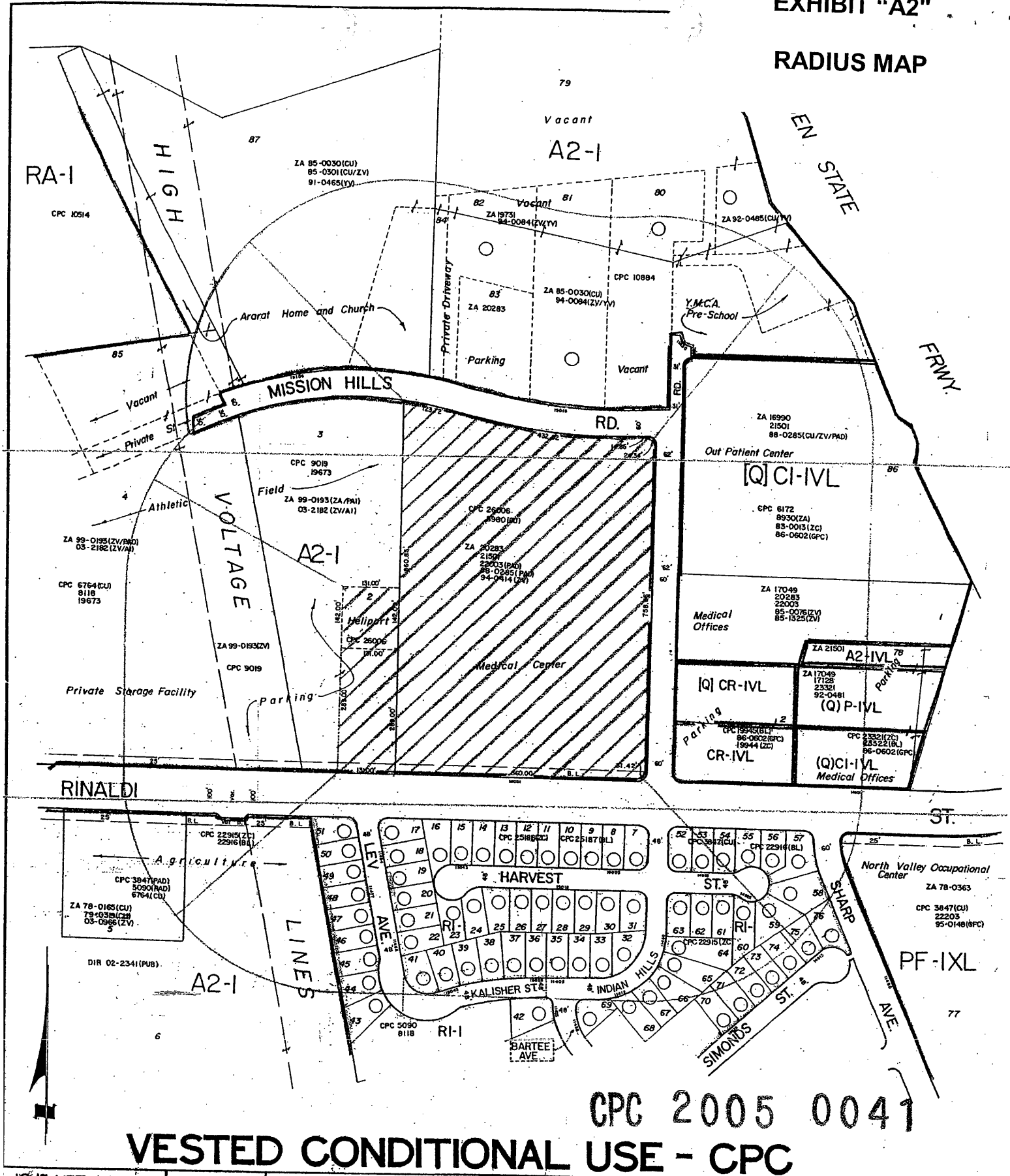
A letter dated June 12, 2007 from the Southern California Association of Governments (SCAG) in response to the expanded MND, stated that the proposed hospital expansion is not regionally significant per SCAG Intergovernmental Review Criteria and did not warrant any specific comments.

A letter dated June 25, 2007 from the Los Angeles Unified School District (LAUSD) in response to the expanded MND, recommended mitigation measures to address environmental impacts related to school traffic, pedestrian routes, and transportation safety issues at North Valley Occupational Center located approximately 400-feet southeast of the hospital site. The mitigation measures requested by LAUSD have been made conditions of approval.

VICINITY MAP



RADIUS MAP



CPC 2005 0041

VESTED CONDITIONAL USE - CPC

12.35 NET ACRES
LEGAL DESCRIPTION
LOT 1, TR. 24684
(M.B. 659/47-48)
AND
LOT 1, ARB 2, TR.
26455 (M.B. 77/34-35)

CD: 07
CT: 1066.06
PA: 19



P.O. Box 7570 • Van Nuys, California 91409-7570
Tel: (818) 998-0204 • Fax: (818) 998-0005

Prepared by: Lee Ambers

THOMAS BROS.
PAGE 481, GRID: H7
PAGE 501, GRID: H1

CASE NO.:
DATE: 12-30-04
SCALE: 1" = 100'
USES: FIELD
DM: 213 B145, 213 B149

LEGEND

CAMPUS BOUNDARY



LOT NUMBER



PARKING SPACES



PROPOSED EXPANSION/CONSTRUCTION



VEHICLE TRAVEL ON 16'



VEHICLE TRAVEL ON 16'



VEHICLE TRAVEL ON 16'



VEHICLE TRAVEL ON 16'



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VEHICLE TRAVEL ON 16'



Site Plan - Aerial Map

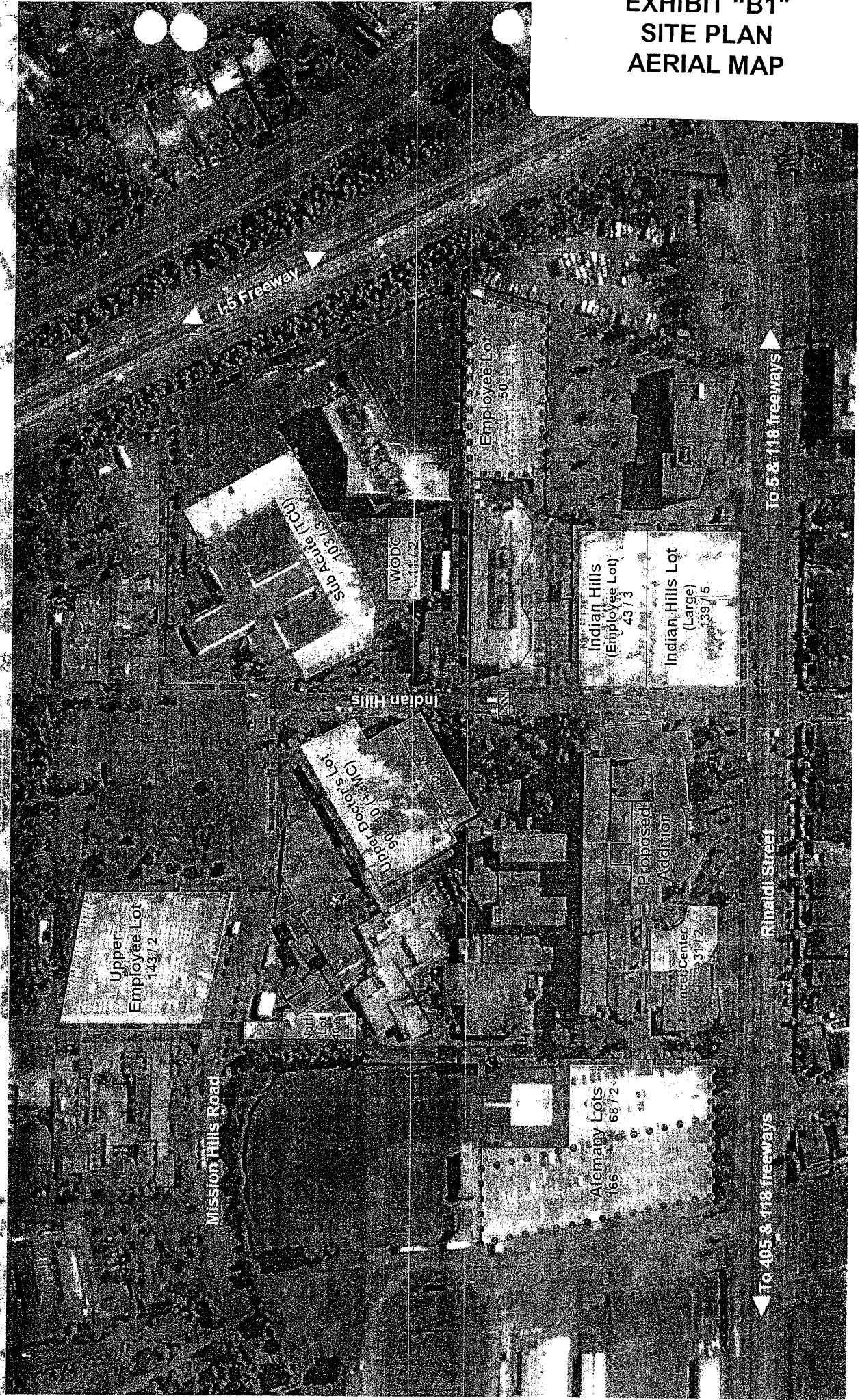
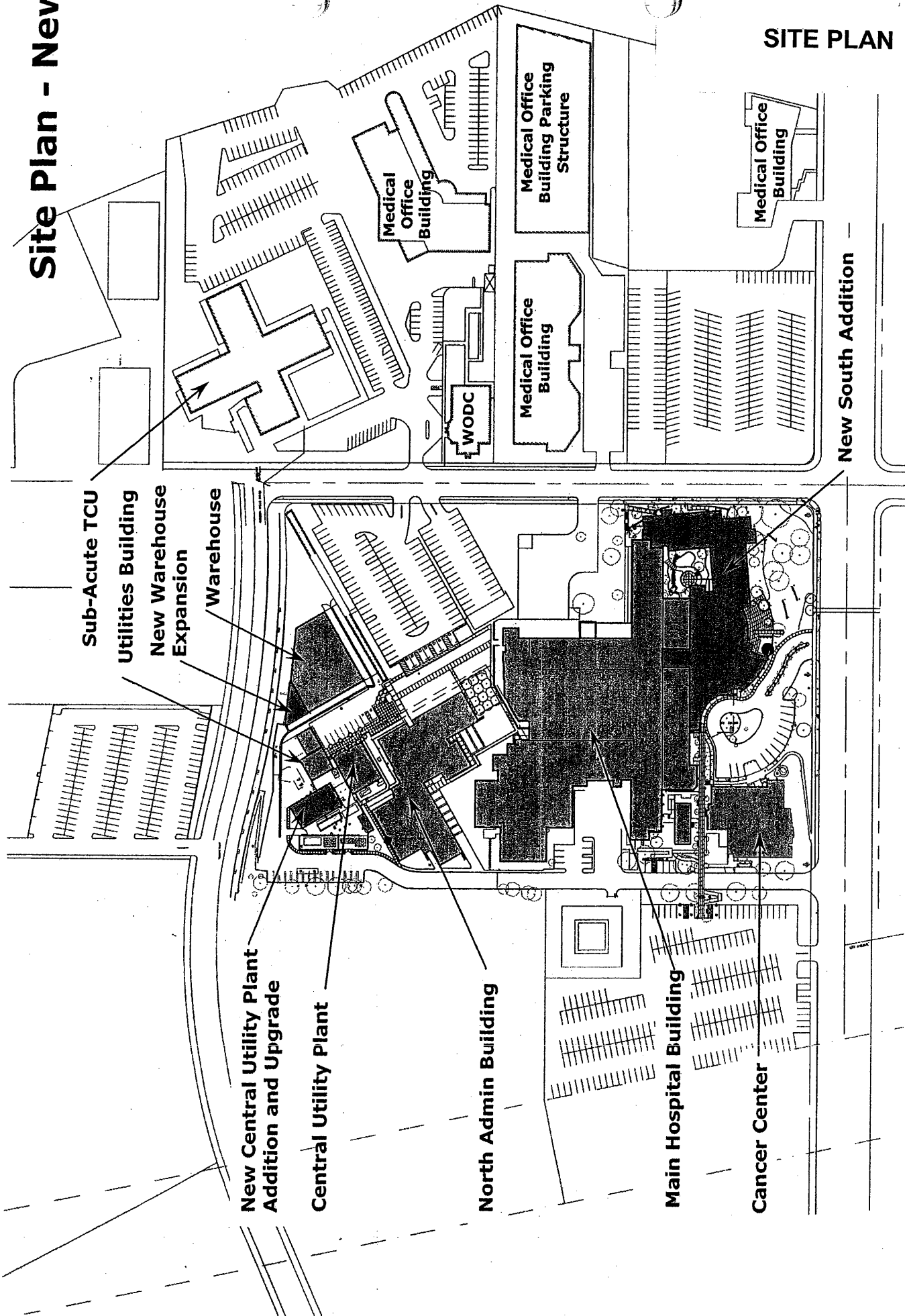


EXHIBIT "B1"
SITE PLAN
AERIAL MAP

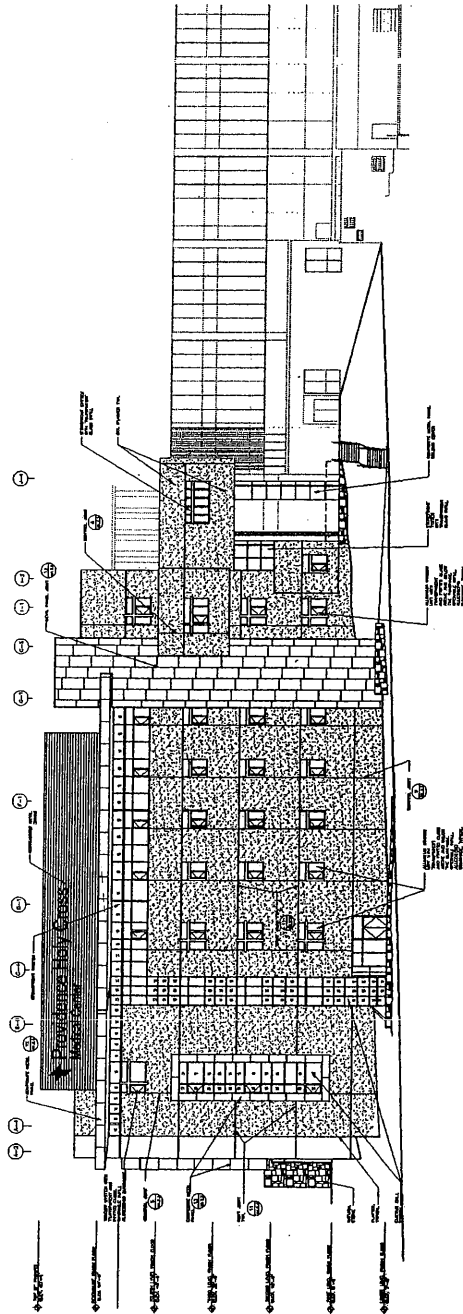
SITE PLAN

Site Plan - New

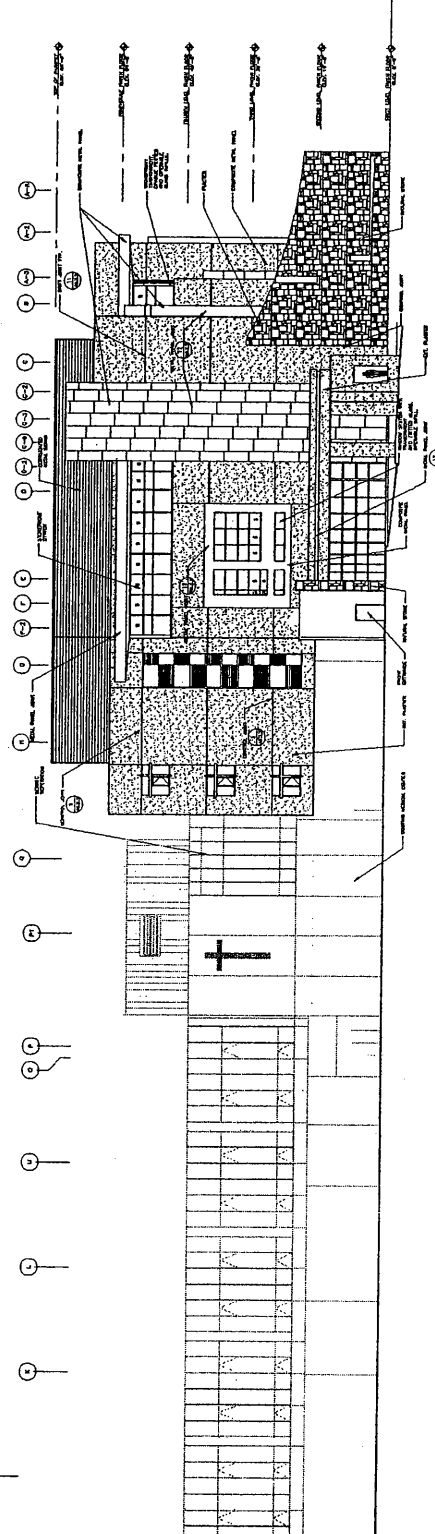


South Addition Exterior Elevations - Proposed

EXHIBIT "B3" ELEVATION PLAN EAST AND WEST



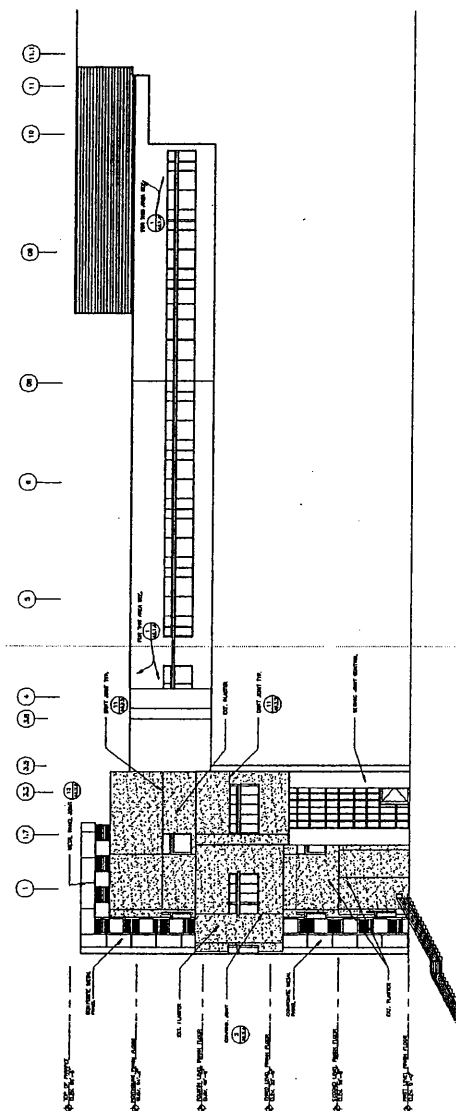
2 EAST ELEVATION



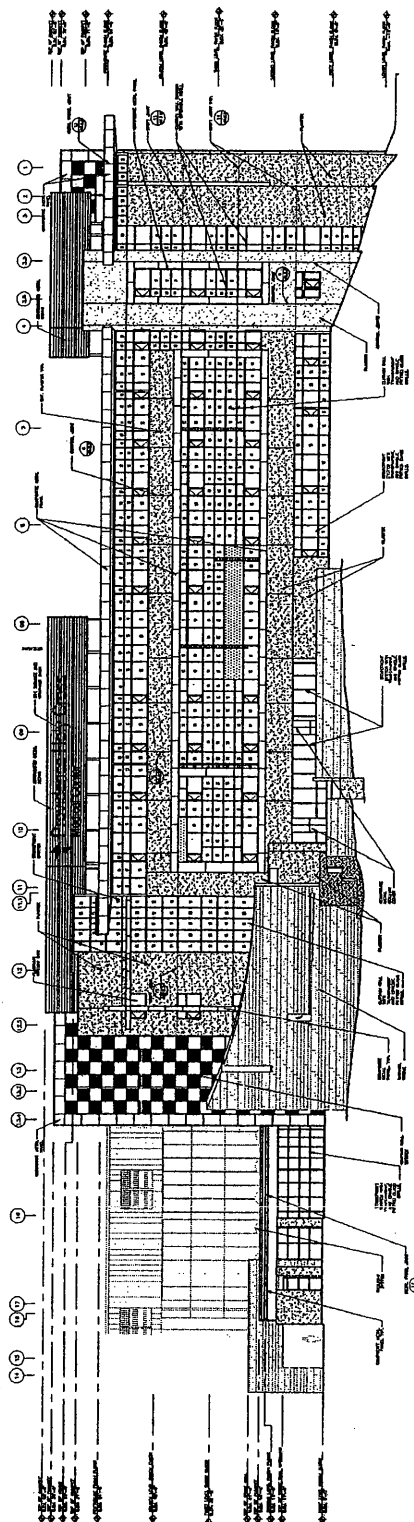
1 WEST ELEVATION

South Addition Exterior Elevations - Proposed

EXHIBIT "B4" ELEVATION PLAN NORTH AND SOUTH

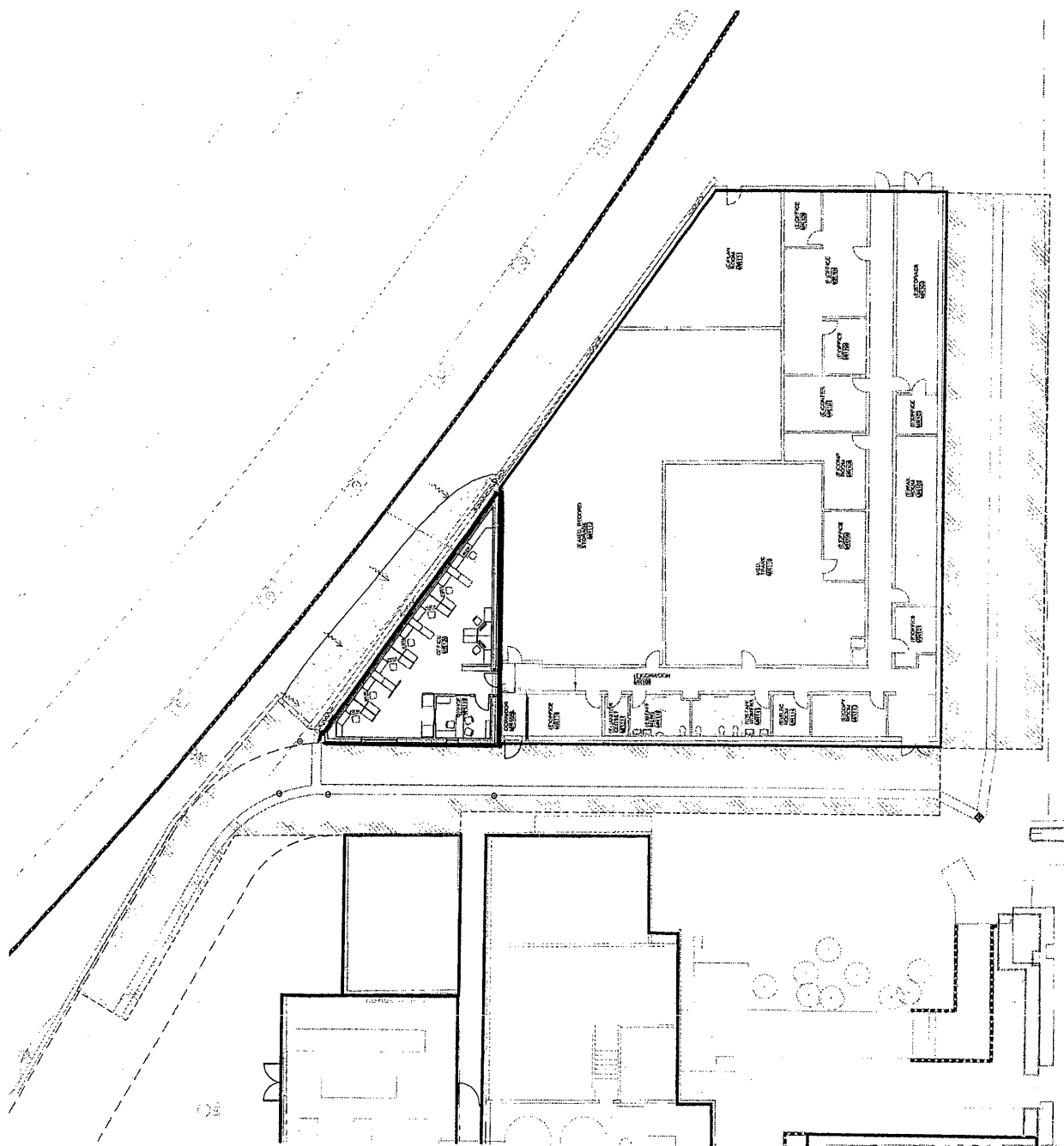


2 NORTH ELEVATION



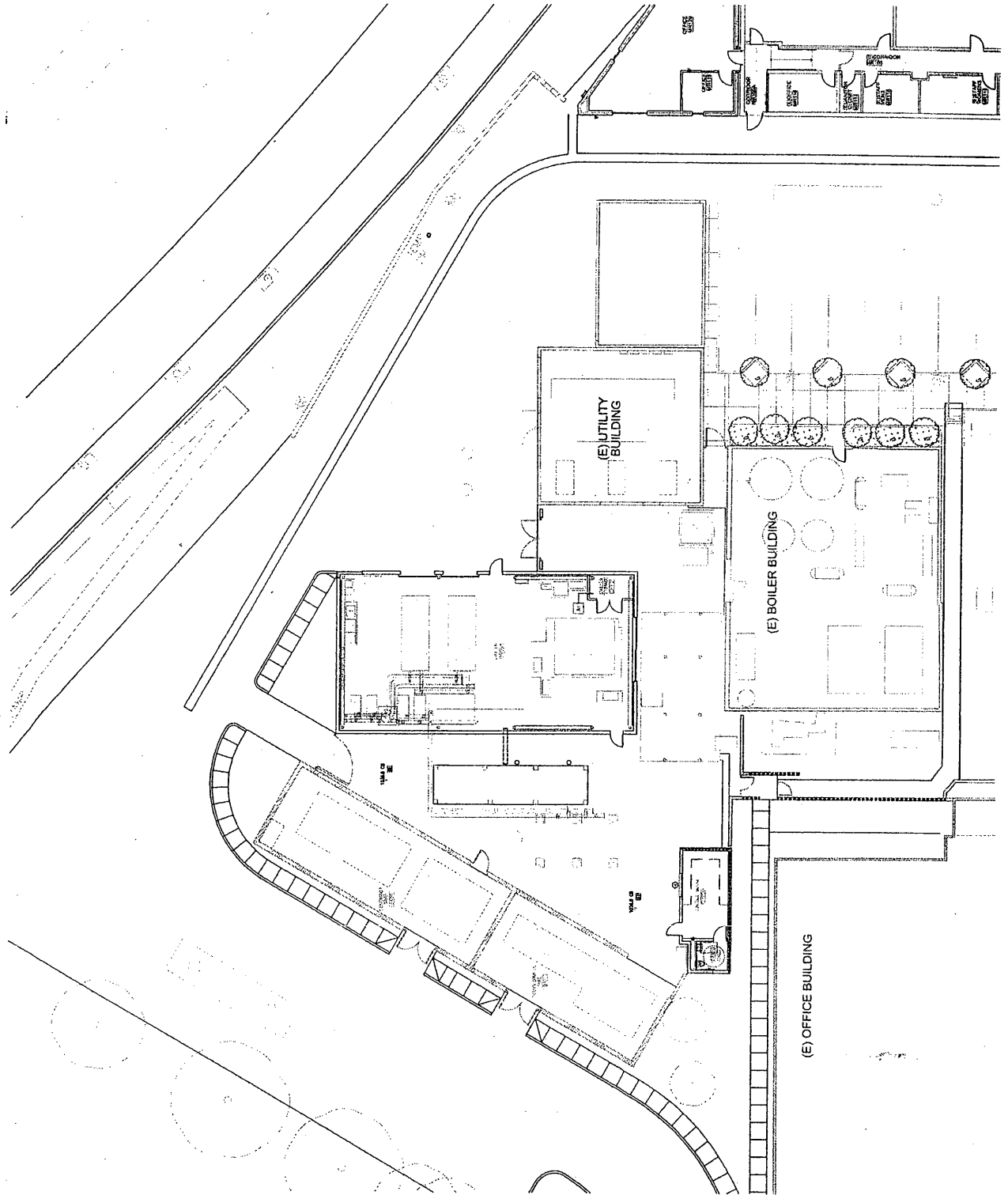
1 SOUTH ELEVATION

EXHIBIT "B5"
WAREHOUSE EXPANSION
SITE PLAN



Central Utility Plant Upgrade and Addition - New

EXHIBIT "B6" CENTRAL UTILITY PLANT UPGRADE AND ADDITION SITE PLAN



VI. RESPONSES TO COMMENTS

COMMENTS ON THE DRAFT INITIAL STUDY/ PROPOSED MITIGATED NEGATIVE DECLARATION

The City of Los Angeles Department of City Planning received a total of seven letters that provided comments on the Draft Initial Study/Proposed Mitigated Negative Declaration (Draft IS/PMND) during the designated comment period (between May 24 and June 25, 2007). Each comment letter has been assigned a corresponding number, and comments within each comment letter are also numbered. For example, comment letter "1" is from the Southern California Association of Governments. The comment in this letter is numbered "1-1".

Written comments made during the public review for the Draft IS/PMND intermixed points and opinions relevant to project approval/disapproval with points and opinions relevant to the environmental review presented in the Draft IS/PMND. Section 15204(a) of the State CEQA Guidelines¹ ("CEQA Guidelines") encourages reviewers to examine the sufficiency of the environmental document, particularly in regard to significant effects, and to suggest specific mitigation measures and project alternatives. Based on judicial interpretation of this section, the lead agency is not obligated to undertake every suggestion given it, provided that the lead agency responds to significant environmental issues and makes a good faith effort at disclosure. Furthermore, Section 15204(c) advises reviewers that comments should be accompanied by factual support. The responses to comments provided in this section of the Final IS/PMND provide detailed responses to all comments related to the environmental review and discuss as appropriate the points raised by commentors regarding project design and opinions relating to project approval. The latter are usually statements of opinion or preference regarding a project's design or its presence as opposed to points within the purview of an IS/MND: environmental impact and mitigation.

The following organizations/persons provided written comments on the Draft IS/PMND to the City of Los Angeles Department of City Planning during the designated review period.

Regional Agencies

1. Southern California Association of Governments (SCAG) June 12, 2007
Sheryll Del Rosario, Associate Planner (Page VI-5)

City of Los Angeles Officials, Agencies & Departments

2. Los Angeles Unified School District (LAUSD) June 25, 2007
Glenn Striegler, Environmental Assessment Coordinator (Page VI-7)

¹ California Code of Regulations Title 14, Chapter 3, Sections 15000-15387.

10377660, 2011, 2, 1, 5413

[illegible]

~~SECRET~~

Doc # 136719

Comment Letter No. 1

Southern California Association of Governments
818 West Seventh Street, 12th
Los Angeles, CA 90017
June 12, 2007

Response 1-1

Commentor Southern California Association of Governments indicates that the Proposed Project is not regionally significant per SCAG Intergovernmental Review Criteria and that SCAG has no further comments. No additional response to this comment is necessary.

JUN-25-2007 18:16

Received:
FROM

Jun 24 2007 04:06pm
TO 99781334

Comment Letter No. 2

P. 01

Los Angeles Unified School District

Office of Environmental Health and Safety

DAVID L. BREWER III
Superintendent of Schools

DAN M. ISAACS
Chief Operating Officer

ANGELO J. BELLOMO
Director

June 25, 2007

City of Los Angeles
Department of City Planning
Office of Zoning Administration
200 North Spring Street, 7th Floor
Los Angeles, CA 90012

**SUBJECT: 15031 Rinaldi Street
ENV-2005-0042-MND**

Thank you for giving the Los Angeles Unified School District (LAUSD) the opportunity to comment on the notice of intent to adopt a negative declaration or mitigated negative declaration for the **Providence Holy-Cross Medical Center Expansion Project** at 15031 Rinaldi Street in Mission Hills, California. The project is located about 400 feet northwest of the *North Valley Occupational Center*.

2-1

Based on the proximity of the proposed development, it is our opinion that environmental impacts on the surrounding community (traffic, noise, air, pollution, etc.) will occur. Since the project will likely have a significant impact on LAUSD schools, mitigation measures designed to help reduce or eliminate such impacts are included in this response.

2-2

Thank you for your attention to this matter. If you need additional information, please call me at (213) 241-3199.



Glenn Striegler – PG
Environmental Assessment Coordinator

Attachment

c: James Morris
Aisha Kennedy

*Environmental Review File
Miscellaneous "AZ"*

333 South Beaudry Avenue, 20th Floor, Los Angeles, CA 90017 • Telephone (213) 241-3199 • Fax (213) 241-6816

*The Office of Environmental Health and Safety is dedicated to providing a safe and healthy environment
for the 900,000 students and 80,000 employees of the Los Angeles Unified School District.*

Los Angeles Unified School District

Office of Environmental Health and Safety

DAVID L. BREWER III
Superintendent of Schools

DAN M. ISAACS
Chief Operating Officer

ANGELO J. BELLOMO
Director

ENVIRONMENTAL IMPACT RESPONSE

Approval of the Providence Holly-Cross Medical Center Expansion Project at 15031 Rinaldi Street in Mission Hills, California (*ENV-2005-0042-MND*) warrants the following mitigation measures to address environmental impacts related to school traffic, pedestrian routes, and transportation safety issues at *North Valley Occupational Center*.

- **School Bus Access**

- Prior to construction, contact LAUSD Transportation Branch at (323) 342-1400 regarding potential impact to school bus routes.
- Maintain unrestricted access for school buses during construction.
- Comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights.

- **School Pedestrian/Traffic Safety Access**

- Not endanger passenger safety or delay student drop-off or pickup due to changes in traffic patterns, lane adjustments, altered bus stops, or traffic lights.
- Maintain safe and convenient pedestrian routes to LAUSD schools (LAUSD will provide School Pedestrian Route Maps upon your request).
- Maintain ongoing communication with school administration at affected schools, providing sufficient notice to forewarn students and parents/guardians when existing pedestrian and vehicle routes to school may be impacted.
- Install appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.
- Not haul past affected school sites, except when school is *not* in session. If that is infeasible, not haul during school arrival and dismissal times.
- Not staging or parking of construction-related vehicles, including worker-transport vehicles, adjacent to school sites.
- Provide crossing guards when safety of students may be compromised by construction-related activities at impacted school crossings.
- Install barriers and/or fencing to secure construction equipment and site to prevent trespassing, vandalism, and attractive nuisances.
- Provide security patrols to minimize trespassing, vandalism, and short-cut attractions.

2-3

Comment Letter No. 2

Los Angeles Unified School District
Office of Environmental Health and Safety
333 South Beaudry Avenue, 20th Floor
Los Angeles, CA 90017
June 25, 2007

Response 2-1

Commentor Los Angeles Unified School District (LAUSD) indicates that the Providence Holy Cross Medical Center Expansion project is located about 400 feet northwest of the North Valley Occupational Center. The North Valley Occupational Center is located at 11450 Sharp Avenue, Mission Hills, California. No additional response to this comment is necessary.

Response 2-2

Commentor LAUSD suggests that the Proposed Project would result in significant environmental impacts on the surrounding community related to traffic, noise and air pollution and that such impacts would also affect LAUSD schools. Therefore the commentor suggests mitigation measures to reduce or eliminate such impacts.

With respect to environmental impacts with the potential to affect LAUSD schools, the Draft IS/PMND evaluated potential impacts of the Proposed Project with respect to traffic, noise and air quality.

Traffic: The Draft IS/PMND concludes (page IV-81) that the Proposed Project is expected to create significant traffic impacts at the intersection of Laurel Canyon Boulevard and Rinaldi Street during the AM and PM peak hours. The remaining six study intersections are not expected to be impacted by Project related traffic under LADOT significance criteria. LADOT determined that the impacted intersection at Rinaldi Street and Laurel Canyon Boulevard would be mitigated to the less than significant level by a project mitigation measure requiring the funding of the full cost for the design of and construction of the ATSAC/ATCS traffic control system at this intersection. With this mitigation measure, project intersection impacts would be reduced to a level of less than significant. In addition to the measure identified by LADOT, the project traffic study, which assumed implementation of ATSAC/ATCS at the Rinaldi Street/Laurel Canyon Boulevard intersection, identified a measure to mitigate project traffic at this intersection. Since the ATSAC/ATCS improvements are already operational, implementation of this measure would ensure that project-related traffic impacts would be less than significant (see Response No. 6-84).

Noise: The Draft IS/PMND concludes (page IV-67) that, with implementation of mitigation measures, the Proposed Project would not result in a substantial temporary or periodic increase in ambient noise levels that exceed City thresholds and impacts related to construction noise would be less than significant. The Draft IS/PMND concludes (page IV-18), that operational noise impacts from traffic and on-site stationary sources would be less than significant.

Air Quality: The Draft IS/PMND concludes (pages IV-12 through IV-19) that VOC, NO_x, CO, SO_x, PM_{2.5} emissions would be less than significant during construction and operation of the Proposed Project, and PM₁₀ and toxic air contaminant emissions would be reduced to a level of less than significant with the implementation of mitigation measures.

The commentor provides no substantial evidence that the conclusions of the Draft IS/PMND with respect to traffic, noise and air quality are invalid.

Response 2-3

The commentor suggests a number of mitigation measures be applied to the Proposed Project. These suggestions are addressed individually below.

- a. The commentor suggests that the LAUSD Transportation Branch must be contacted regarding potential impacts on school bus routes. As noted above, the Proposed Project would not result in any significant impacts to intersections in the vicinity of the project site. North Valley Occupational Center is located approximately 400 feet southeast of the project site. The traffic analysis provided in the Draft IS/PMND includes all of the major intersections in the vicinity of the project site which could also be used by school buses for this school. The effects of traffic generated by the proposed project would be lower on the intersections near North Valley Occupational Center. As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. Notwithstanding the above, the commentor's suggested measure has been included in the Final IS/MND in order to promote effective coordination between project activities and nearby school facilities (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).
- b. The commentor suggests that the project site maintain unrestricted access for school buses during construction. Construction of the proposed project would not alter traffic patterns or circulation in the vicinity of the project site. Road or sidewalk closures are not anticipated to be required by the Proposed Project during construction. As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. Notwithstanding the above, the commentor's suggested measure has been included in the Final IS/MND in order to promote effective coordination between project activities and nearby school facilities (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).
- c. The commentor suggests that the Proposed Project comply with provisions of the California Vehicle Code by requiring construction vehicles to stop when encountering school buses using red flashing lights. The Proposed Project is required to comply with all applicable laws, including the Vehicle Code, in all aspects of construction and operation of the Proposed Project. Construction of the Proposed Project would not alter traffic patterns or circulation in the vicinity

of the project site. As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. Notwithstanding the above, the commentor's suggested measure has been included in the Final IS/MND in order to promote effective coordination between project activities and nearby school facilities (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).

- d. The commentor suggests that the Proposed Project not endanger passenger safety or delay student drop-off or pick up due to changes in traffic patterns, lane adjustments, alter bus stops, or traffic lights. Construction of the proposed project would not alter traffic patterns or circulation in the vicinity of the project site. Road or sidewalk closures are not expected to be required by the Proposed Project. As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. Notwithstanding the above, the commentor's suggested measure has been included in the Final IS/MND in order to promote effective coordination between project activities and nearby school facilities (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).
- e. The commentor suggests that contractors must maintain safe and convenient pedestrian routes to nearby schools. The Proposed Project would not alter pedestrian routes to the school, which is located southeast of the project site and is separated from the project site by a residential neighborhood. Residential uses located north of the project site generate little, if any, pedestrian traffic to the school that would need to pass by the Proposed Project construction activity. Sidewalks and pedestrian traffic controls in the area between the project site and North Valley Occupational Center would be the same as those that presently exist. Therefore, inclusion of the commentor's suggested mitigation measure would not be required.
- f. The commentor suggests that contractors must maintain ongoing communications with LAUSD school administrators to provide notice of changes to pedestrian and vehicle routes to school. The Proposed Project would not alter pedestrian and vehicle routes to the school (see a. above). As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. However,, this measure has been included in the Final IS/MND in order to promote effective communication and coordination with the nearby schools (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).
- g. The commentor suggests that the project include installation and maintenance of traffic controls to ensure pedestrian and vehicular safety. The Proposed Project discusses a traffic control mitigation measure for impacted intersections in the Final IS/MND. Therefore, inclusion of the commentor's suggested mitigation measure would not be required.
- h. The commentor suggests that haul routes not be allowed to pass any school, except when not in

session or not during school arrival and dismissal. The project haul route would be limited to Rinaldi Street, Mission Hills Road, and Indian Hills Road adjacent to the project site to the 405 Freeway. The haul route would not include Sharp Avenue, on which the North Valley Occupational Center is located. As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. However, this measure has been included in the Final IS/MND in order to promote effective communication and coordination with the nearby school facilities (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).

- i. The commentor suggests that no staging or parking of construction vehicles be permitted on or adjacent to any school property. Staging of construction vehicles, including worker vehicles, would be provided either within the PHCMC campus or elsewhere north of Rinaldi Street. The identified school facility is located south of Rinaldi Street and southeast of the project site. Staging or parking of construction vehicles would not likely occur on or adjacent to the North Valley Occupational Center. As such, the commentor's proposed mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect. However, this measure has been included in the Final IS/MND in order to promote effective communication and coordination with the nearby school facilities (see Section IV. Environmental Impact Analysis and Section VII. Mitigation Monitoring Program of this Final IS/MND).
- j. The commentor suggests that funding for crossing guards be provided when safety of children is compromised during construction activities. As noted above, the Proposed Project would not alter pedestrian routes adjacent to the project site and would not alter any street crossings that may be utilized by children to access nearby schools. As such, this suggested measure would not be applicable to the Proposed Project.
- k. The commentor suggests that barriers or fencing must be installed to secure the construction site from trespassing, vandalism, short cuts and attractive nuisances. The Draft IS/PMND already includes a measure that requires installation of fencing around the project site during construction (see Page IV-74). Therefore, inclusion of the commentor's suggested mitigation measure would not be required.
- l. The commentor suggests that contractors be required to provide security patrols to minimize trespassing, vandalism and short cuts. The Draft IS/PMND already includes a mitigation measure (see Page IV-74) that requires the applicant to fence the project site and provide additional security as necessary during construction. The required level of security would be determined in coordination with the Los Angeles Police Department. Therefore, inclusion of the commentor's suggested mitigation measure would not be required.



ARARAT HOME OF LOS ANGELES, INC.®

15105 MISSION HILLS ROAD, MISSION HILLS, CALIFORNIA 91345

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June 22, 2007

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* PAST CHAIRMEN

Charles J. Rausche, Jr.
City of Los Angeles Department of City Planning
200 N. Spring Street, Room 763
Los Angeles, CA 90012

Re: ENV-02005-0042-MND
Providence Holy Cross Medical Center Expansion

Dear Mr. Rausch:

Regrettfully, Providence Holy Cross Medical Center's expansion plans came to our attention only yesterday.

Ararat Home of Los Angeles Inc. operates a 196 bed Skilled Nursing Facility and 130 bed Residential Care Facility for the Elderly. Our campuses are divided by Mission Hills Road directly north of the Holy Cross Medical facilities. Our only access to our location is via Indian Hills Road which runs through the Holy Cross complex. Traffic on this relatively short street is extremely congested because of the high level of activity associated with deliveries by 40' semis, large numbers of visitors and personnel connected with Holy Cross Medical Center.

We support their plans for expansion. But our understanding is their plans include building so close to Indian Hills Road that future widening of that street would be precluded. Increased activity associated with the hospital's expansion plus growth of undeveloped acreage north of us would necessitate additional ingress and egress for us and neighbors to the north of us who presently depend on Indian Hills Road.

We would hope that you give consideration to our concern in your deliberations.

Ararat Home of Los Angeles, Inc.


Armen Hampar, Chairman
Board of Trustees

3-1

3-2

3-3

Comment Letter No. 3

Ararat Home of Los Angeles, Inc.
15105 Mission Hills Road
Mission Hills, CA 91345
June 22, 2007

Response 3-1

Commentor Ararat Home of Los Angeles, Inc. indicates that the plans for the Providence Holy Cross Medical Center Expansion project were only brought to their attention recently. This comment is noted and will be considered by the decision makers.

The commentor states that they operate a 196 bed Skilled Nursing Facility and 130 bed Residential Care Facility for the elderly and that their only access is via Indian Hills Road. This comment is noted and will be considered by the decision makers.

Response 3-2

The commentor states that traffic on Indian Hills Road is extremely congested due to deliveries, by semis, visitors, and personnel connected with Holy Cross Medical Center. As discussed on Pages IV-81 and IV-82 of the Draft IS/PMND, the Proposed Project would not significantly impact Indian Hills Road under LADOT's significance criteria. As shown in Table IV-19, on Page IV-82, the intersection of Indian Hills Road and Rinaldi Street is currently operating at LOS A in the AM and PM peak hours. With the implementation of the Proposed Project the intersection would operate at a LOS of B in the AM peak hour and A in the PM peak hour. Although the loading area for the Main Hospital is presently located on Indian Hills Road, north of the project site, loading activity is an existing condition that would not be affected by the Proposed Project.

Response 3-3

The commentor states that they support the plans for expansion. The commentor also states that they understand the plans include building so close to Indian Hills Road that future widening of the street would be precluded. The commentor states that increased activity associated with the hospital's expansion plus growth of undeveloped acreage to the north would necessitate additional ingress and egress for the commentor and their neighbors who depend on Indian Hills Road. As discussed on Page IV-81, the Proposed Project would not significantly impact Indian Hills Road under LADOT's significance criteria. This analysis included the potential effects of a residential development at 15065 Mission Hills Road, north of the project site (see Traffic Study, Appendix C to the Draft IS/PMND, page 15), even though that project was not approved and is no longer under active consideration by the City (Draft IS/PMND, page IV-96). Moreover, Indian Hills Road is designated in the City of Los Angeles General Plan as a local street. Under this designation, the City has no immediate or long-term plans to widen Indian Hills Road or add additional ingress and egress routes to the project site. For this reason, no dedication of land for future right-of-way is being required of the Proposed Project by the City (see page

2 of LADOT July 16, 2007 letter in Appendix C to the Draft IS/PMND). The Proposed Project would thus not preclude a future widening of Indian Hills Road, as no such widening is contemplated.

CITY OF LOS ANGELES
CALIFORNIA



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Granada Hills North Neighborhood Council
Planning and Land Use Management Committee

June 25, 2007

Comment Letter No. 4

**GRANADA HILLS
NORTH
NEIGHBORHOOD
COUNCIL**

11862 Balboa Boulevard # 137
Granada Hills, CA 91344

Telephone (818) 831-0578

www.ghnnc.org

City of Los Angeles Planning Department,
Environmental Review Section
200 North Spring Street,
Room 750,
Los Angeles, CA 90012

Re: ENV-2005-0042-MND: Providence Holy Cross Medical Center Expansion

Dear Mr. Tokunaga:

The Granada Hills North Neighborhood Council (GHNNC) was certified by the City of Los Angeles on September 10, 2002, and has had a duly elected and seated Board of Directors since March 31, 2003. The area it represents and services is bounded by the Los Angeles City/County line and I-5 Golden State Freeway to the north, the I-405 San Diego Freeway to the east, the 118 Ronald Reagan Freeway to the south and Aliso Canyon to the west, that encompasses approximately 28,600 residents.

4-1

On June 14, 2007 the GHNNC Planning and Land Use Management (PLUM) Committee discussed the recent Expanded initial Study of the Providence Holy Cross Expansion :ENV-2005-0042-MND / CPC 2005-0041 (CU)(ZAA). Unfortunately, the Expanded Initial Study still does not adequately address the parking, traffic and cumulative impacts. The GHNNC continues to have the following questions/concerns.

Parking: Currently, a majority of parking for the existing hospital is on leased land, which is reviewed on a bi-annual basis. If the owner of the land does not renew the lease, what will the hospital do? There is no plan for this, which means that there will not be adequate parking for the existing hospital use, why allow the problem to be compounded with parking for an expansion? Currently, the surrounding neighborhood is impacted with cars parked from the high school, occupational center and the hospital employees and patrons. Even without the expansion, what will happen if the leased lot is no longer available for lease? Should we allow this without some contingency? If yes, then how long will it take to find another parking area to lease?

4-2

Traffic: Indian Hills Road is in poor condition, is very narrow because parking is allowed on the street and not a through street. On the property to the North of the hospital there is an assisted care type of facility, a YMCA child care center and a proposed housing development. How will the patrons of all these facilities be evacuated in an emergency?

4-3

Cumulative Impact: There are development plans for the vacant lot to the north of the hospital, how will this impact the growth plans for the hospital? According to the HMC, the Architects for Providence Holy Cross, this expansion is, "the first phase of a total replacement plan". If this is approved now, would this be considered incremental approval?

4-4

These are all concerns/questions that the public, including former Councilman Padilla, former Senator Alarcon and the GHNNC addressed to the representatives of Providence Holy Cross many years ago. If these issues are not resolved the GHNNC will continue to support the original request for a full Environmental Impact Report.

4-5

Respectfully,

Anne Ziliak
Planning and Land Use Chair
Granada Hills North Neighborhood Council

Comment Letter No. 4

Granada Hills North
Neighborhood Council
11862 Balboa Boulevard # 137
Granada Hills, CA 91344
June 25, 2007

Response 4-1

Commentor Granda Hills North Neighborhood Council (GHNNC) provides when they were certified and provides their service boundary. No response to this comment is necessary.

The commentor states that they discussed the recent expanded Initial Study of Providence Holy Cross Expansion at their June 14, 2007 meeting. The commentor states that the expanded Initial Study does not adequately address the parking, traffic, and cumulative impacts. This comment is noted and further addressed below in Responses 4-2 through 4-5.

Response 4-2

The commentor notes that some of the parking for the existing hospital is located on leased land and that the lease is reviewed on a bi-annual basis. The commentor further states that the surrounding neighborhood is impacted with cars parked from the high school, occupational center and hospital. The commentor questions what will happen if leased lots are no longer available for lease. The commentor's observations related to parking lots on leased land are correct. Parking lots such as the Alemany lots (236 spaces) have been available to PHCMC on biennial leases on a long term basis and there is no reason to believe that these leases will not continue to be renewed on a biennial basis in the foreseeable future. Moreover, the Conditions of Approval for the Proposed Project will require the applicant to provide a parking supply equivalent to the level analyzed in the Draft IS/PMND (974 spaces). If the project applicant is unable to attain this level of parking prior to issuance of the Conditional Use Permit or maintain this minimum level of parking supply at any time during the time frame of the Conditional Use Permit, the Conditional Use Permit would not be issued or would be revoked and the use would be no longer be allowed. As such, in the event that any currently leased area is not available for parking in the future, the applicant would be required under the Municipal Code, through the Conditional Use process, to provide replacement parking supply at a level equivalent to parking supply lost through removal of lots presently located on leased land. This could be accomplished by providing replacement parking supply in lots or parking garages within the PHCMC campus or on other sites located in the immediate vicinity of PHCMC. In any event, maintenance of the minimum parking supply would be required under the CUP and no additional mitigation measures are required to address the commentor's concerns. The applicant has voluntarily agreed to establish and regularly meet with a community advisory panel to address community issues related to parking and other ongoing operational activities associated with existing and proposed PHCMC facilities. This measure has been added to the Final IS/MND. However, this

mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect.

With respect to the commentor's concerns regarding impacts of vehicles associated with other uses in the area parking in the surrounding neighborhood, the comment is noted and will be considered by the decision makers. The Proposed Project has no control over vehicles associated with the adjacent high school and occupational center. The Proposed Project would not contribute to parking overflow into the surrounding community if it is shown that it provides parking supply that is sufficient to meet the demand for parking on-site. To address this issue, an additional analysis of parking demand within the PHCMC parking lots was conducted. A parking utilization survey was conducted at the four largest parking lots that are utilized by employees and visitors to PHCMC (see Technical Appendix C to the Final IS/MND for the complete study). The parking survey was conducted in two phases. Phase 1 included driveway machine counts at the entrances and exits to the parking lots. Phase 2 included surveys of parking utilization in the four lots studied during two survey periods (one Tuesday and one Thursday between 10 a.m. and 4 p.m.). The Phase 1 counts show that weekday traffic accessing these parking lots remains relatively constant, between 4,100 and 4,400 entries and exits per day. The parking utilization data show that parking utilization during the two survey periods ranged from 75% to 96% of available spaces. The survey showed only three one hour periods (11 a.m. through 2 p.m. during the Thursday survey period) during which total parking lot utilization equaled or exceeded 90% (see Table VI-1).

In addition to the analysis provided in the Draft IS/PMND that demonstrates that the Proposed Project would meet the parking requirement of the Municipal Code, the parking utilization data demonstrate that the parking supply provided at PHCMC is sufficient to accommodate the demand for parking on-site (i.e., excess spaces are available throughout the day) and therefore does not contribute to parking overflow into the surrounding neighborhood. Both analyses support the conclusion of the Draft IS/PMND that impacts related to parking would be less than significant. No additional mitigation measures are required to address this impact. However, the project applicant has voluntarily agreed to establish and regularly meet with a community advisory panel to address community issues related to parking and other ongoing operational activities associated with existing and proposed PHCMC facilities. This process would permit discussion of site-specific issues and modifications to parking operations that could address community concerns regarding parking overflow, such as removal of parking charges at visitor lots and support for permit parking in residential areas to protect the neighborhood from overflow parking. This measure has been added to the Final IS/MND. However, this mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect.

Table VI-1
Parking Utilization Summary

Lot	Indian Hills Large/ Indian Hills Employee ¹		Alemany		Upper Employee Lot		Total		Spaces Available
Capacity (spaces)	144/46		237		145		572		
Thursday	Occupied	%	Occupied	%	Occupied	%	Occupied	%	
10 to 11 a.m.	144	76%	155	65%	153	106% ²	452	79%	120
11 a.m. to 12 p.m.	166	87%	194	82%	153	106%	513	90%	59
12 to 1 p.m.	178	94%	213	90%	159	110%	550	96%	22
1 to 2 p.m.	165	87%	223	94%	147	101%	535	94%	37
2 to 3 p.m.	149	78%	186	78%	138	95%	473	83%	99
3 to 4 p.m.	152	80%	188	79%	120	83%	460	80%	112
Tuesday									
10 to 11 a.m.	134	71%	167	70%	128	88%	429	75%	143
11 a.m. to 12 p.m.	127	67%	184	78%	128	88%	439	77%	133
12 to 1 p.m.	141	74%	215	91%	134	92%	490	86%	82
1 to 2 p.m.	153	81%	203	86%	123	85%	479	84%	93
2 to 3 p.m.	144	76%	207	87%	117	81%	468	82%	104
3 to 4 p.m.	120	63%	216	91%	108	74%	446	78%	126

Source: KOA Corporation, June, 2007.

¹ During the survey period, the Indian Hills Employee Lot was being used for staging of construction equipment and the Indian Hills Large lot was being utilized to accommodate overflow from vehicles that would normally park in the Employee Lot. Therefore, for purposes of calculating utilization, these lots are considered together in this analysis.

² Utilization rates greater than 100% reflect cars parked in non-striped spaces.

Response 4-3

The commentor questions whether uses north of the Proposed Project can be adequately evacuated in an emergency since Indian Hills Road is narrow because of on-street parking and is in poor condition. The traffic study prepared for the Proposed Project by LADOT (Draft IS/PMND, page IV-82) studied the intersection of Indian Hills Road and Rinaldi Street, immediately adjacent to the project site. The analysis demonstrates shows that this intersection currently operates at the best level of service (LOS A) and would continue to operate at this level of service with project traffic included. The Proposed Project would not significantly impact this intersection according to LADOT criteria. As such, the Proposed Project would not have significant effects with respect to emergency access and egress from this area. The commentor identifies uses north of the project site as including an assisted care facility, YMCA child care center and proposed housing development. With respect to the proposed housing development, see Response No. 4-4.

Response 4-4

The commentor suggests that there are development plans for the vacant lot located to the north of the

project site that may impact the growth plans for PHCMC. The commentor also suggests that the Proposed Project is a first phase of a total replacement plan for the hospital. The cumulative impacts analysis in the Draft IS/PMND took into account the proposed project north of the hospital (Tentative Tract-52539), which was not approved and is no longer under active consideration by the City (Draft IS/PMND, page IV-96). TT-52539 was taken into account in the project traffic study as a related project. The commentor's suggestion that the Proposed Project is a first phase of a larger project is incorrect. The project as proposed represents the full extent of proposed additions and modifications to PHCMC that are known at present, as reflected in the land use applications submitted to the Department of City Planning.

Response 4-5

The commentor states that the above comments are all concerns/questions that the public, including former Councilman Padilla, former Senator Alarcon and the GHNNC addressed to the representatives of Providence Holy Cross many years ago. The commentor states if these issues are not resolved, the GHNNC will continue to support the original request for a full Environmental Impact Report. The comment is noted and will be considered by the decision makers.

Jun 25 07 09:30p

Received:
Wayde Hunter

Jun 24 2007 10:22pm
818 368-5818

p. 2

**North Valley Coalition of Concerned Citizens Inc.
11862 Balboa Boulevard, Box 172
Granada Hills, CA 91344**

June 22, 2007

City of Los Angeles Planning Department,
Environmental Review Section
200 North Spring Street,
Room 750,
Los Angeles, CA 90012

Re: ENV-2005-0042-MND
Providence Holy Cross Medical Center Expansion

Dear Sirs:

Thank you for the opportunity to comment on the Mitigated Negative Declaration. Again we would like to point out that while our organization supports an expansion of Holy Cross Medical Center we believe that it should not come at the detriment of the health, safety and welfare of its neighbors and the surrounding community. We feel that an Environmental Impact Report would properly address all of the issues and insure that adequate mitigations are instituted. However, if an MND is the chosen vehicle for this project then we urge that additional mitigations be adopted in order to address the community's concerns as given below:

IV. Environmental Impact Analysis

15. Transportation and Traffic

Under the title "Project Impacts" on Page IV-81 the proponent states that the mitigation improvements (ATSAC/ATCS) at the most impacted intersection at Rinaldi Street and Laurel Canyon Boulevard have already been funded by the applicant and that they have been operational since early 2007. Why was an additional traffic study not made available for the MND? What if anything has this done to improve the LOS from E during both AM and PM rush hour? What additional mitigations may be needed? Table IV-20, Page IV-82, Future With Project With Mitigation Level of Service Summary appears to indicate that the Level of Service at Laurel Canyon & Rinaldi Street will remain at LOS F regardless of ATSAC/ATCS improvements in 2010. It would appear that Mitigation Measure 15-3, the northbound approach to the intersection of Laurel Canyon Boulevard and Rinaldi Street must be a mitigation that should be implement immediately for this project.

Under f) "Would the project result in inadequate parking capacity?" on page IV-84 the proponent claims that there will be "No Impact" citing the 1052 parking spaces currently available. However, the proponent fails to indicate that a portion of their parking is leased from the Archdiocese and that at best they only have a 2-year contract. Given the Archdiocese's current legal and financial troubles in lawsuits settlements there is no guarantee that they might decide to sell off this land to the highest bidder with no guarantee that it will be sold to Holy Cross. This

5-1

5-2

5-3

5-4

5-5

5-6

Received:
Jun 25 07 09:30p Wayde Hunter

Jun 24 2007 10:23pm
818 368-5818

P. 3

will leave the community with an expanded project with inadequate parking. Further, the Archdiocese has always reserved this leased land for future school development and has made that fact well known to Holy Cross. How can an expansion be granted without the existing and future parking being guaranteed and under Holy Cross ownership?

5-6

Also related to the parking issue is the complete failure of the MND to address offsite parking by Holy Cross staff wishing to avoid the parking fees charged by the hospital to their own workers and by visitors to the hospital either wishing to avoid the fees or to avoid the congested front lot and entrance on Rinaldi Street. These workers and visitors now park on the south side of Rinaldi (east bound) and on Indian Hills Road (south of Rinaldi), Harvest Street, Kalisher Street, and Lev Avenue all in the adjoining neighborhood located to the south. This causes congestion and reducing parking for the residents own vehicles and their own visitors. Neighbors have reported that their driveways have even been blocked for over 8 hours per day by inconsiderate workers from Holy Cross. Why wasn't additional mitigations such as requiring Holy Cross to build their own multilevel parking structure, reduced or free parking for employees, permit parking for residents only in the above named streets required for this project, and how could such an obvious impact be overlooked?

5-7

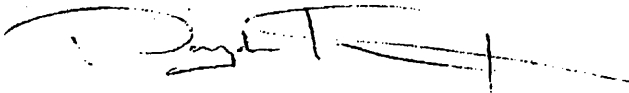
The MND fails to address the existing entrance and exit of the parking area and the Emergency entrance on the west side of the building. The only access and egress from the front parking lot is just west of the Emergency entrance. The proximity to each other already causes problems for both persons entering or exiting (no on-demand traffic light, volumes of traffic especially in rush hours, turning vehicle exiting Emergency exit too close for proper warning, poorly marked entrances, poorly lit at night and overgrown with trees). Why have appropriate mitigations not been required?

5-8

Again, under the same vein, parking should be mitigated now, not some time in the future depending on the vagaries of the Archdiocese and because Holy Cross has indicated there are other phases contemplated. What are the other additional phases contemplated by the proponent so that a rational decision as to what would constitute adequate parking? Would this constitute incremental approval if these facts are now known to planning and it was to be approved without addressing this information?

5-9

Yours truly,



Wayde Hunter
President, NVC

Comment Letter No. 5

North Valley Coalition of Concerned Citizens Inc.
11862 Balboa Boulevard, Box 172
Granada Hills, CA 91344
June 22, 2007

Response 5-1

Commentor North Valley Coalition of Concerned Citizens Inc. supports the expansion of Holy Cross Medical Center. The commentor also states that they believe it should not come at a detriment of the health and safety and welfare of its neighbors and the surrounding community. The comment is noted and will be considered by the decision makers.

Response 5-2

The commentor suggests that an Environmental Impact Report is required to address issues and concerns of the community regarding the Proposed Project. However, in the event that the City chooses to adopt an MND for the project, the commentor suggests that additional mitigation measures be adopted to address community concerns. The commentor's opinion is acknowledged and will be considered by the decision-makers. However, because substantial evidence in the Draft IS/PMND demonstrates that all significant environmental effects of the Proposed Project can be mitigated, preparation of an EIR would not be required for the Proposed Project under CEQA (see Response No. 6-7).

Response 5-3

The commentor questions why an additional traffic study was not made available in the MND subsequent to the installation of ATSAC/ATCS improvements at the intersection of Laurel Canyon Boulevard and Rinaldi Street. Two traffic studies related to the Proposed Project were included in the Draft IS/PMND (Appendix C to the Draft IS/PMND). These include the Draft Traffic Study prepared for the applicant by Katz, Okitsu & Associates (KOA) in May 2006 that was submitted to LADOT for review and the subsequent revised analysis prepared by LADOT dated January 29, 2007. In addition, a revised traffic assessment was provided by LADOT on July 16, 2007 and has been included in Appendix C to the Final IS/MND. All of these traffic studies reflect the effects of installing ATSAC/ATCS improvements at the intersection of Laurel Canyon Boulevard and Rinaldi Street. The January, 2007 analysis by LADOT shows that, with the ATSAC/ATCS improvements funded by the applicant at this intersection, the significant impact that would be associated with the addition of project traffic in 2010 would be mitigated below the LADOT significance threshold. The July, 2007 analysis by LADOT shows that implementation of an additional mitigation measure requiring the installation of dual northbound left turn lanes at Laurel Canyon/Rinaldi would improve operation of this intersection to LOS D. Because the LADOT analysis demonstrates that the impacts of the Proposed Project would be mitigated below the significance threshold, no additional traffic analysis would be warranted.

Response 5-4

The commentor asks if anything has been done to improve the LOS at the Laurel Canyon Boulevard/Rinaldi Street intersection. The LADOT analysis indicates that, in 2006, this intersection was operating at LOS E (Draft IS/PMND, page IV-79). Implementation of ATSAC/ATCS during this time frame would reduce the V/C ratio by a factor of 0.1, which would improve the existing LOS, based on 2006 traffic volumes, to LOS D. However, as indicated in the LADOT study, additional traffic growth in the area, from related projects, ambient growth and project traffic, would degrade the LOS at this intersection to LOS E in 2010, even with the ATSAC/ATCS improvements. Further, LADOT has approved an additional mitigation measure at Laurel Canyon/Rinaldi, to be installed by the project applicant, that would reduce the LOS to D after installation of all improvements (see Response Nos. 6-84 and 6-85).

Response 5-5

The commentor suggests that additional mitigation measures, including the measure identified in the KOA May, 2006 analysis, are needed to address the resulting LOS F condition at the Laurel Canyon/Rinaldi intersection. See Response Nos. 6-83, 6-84 and 6-85.

Response 5-6

The commentor questions the long-term availability of parking since some of the parking at PHCMC is located on leased land. See Response No. 4-2.

Response 5-7

The commentor suggests that additional mitigation measures are needed to address parking south of Rinaldi Street. See Response No. 4-2.

Response 5-8

The commentor states that the MND fails to address the existing entrance and exit to the parking area and the emergency entrance on the west side of the existing Main Hospital. The Proposed Project would not affect or modify the existing parking area entrances or exits or the emergency entrance. In accordance with State CEQA Guidelines Section 15126.2(a), "in assessing the impact of a proposed project on the environment, the Lead Agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced." Since the Notice of Preparation requirement applies only to EIRs, the existing conditions at the parking and emergency entrances and exits would constitute the environmental baseline for the analysis. As indicated in the Draft IS/PMND (pages IV-83 and IV-84), the Proposed Project would not impact access or emergency access. Therefore no mitigation measures are required. However, the project applicant has voluntarily agreed to establish and regularly meet with a community advisory panel to address community issues related to parking and other ongoing operational activities, including access and emergency access, associated with

existing and proposed PHCMC facilities. This measure has been added to the Final IS/MND. However, this mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect.

Response 5-9

The commentor suggests that parking should be mitigated now because of the vagaries of leased properties for parking lots and possible future phases of expansion at PHCMC. With respect to lease of properties for parking use, see Response No. 4-2. With respect to future phases for PHCMC expansion, see Response No. 4-4.

July 25, 2007

Page 3

EIR.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994). As a result, courts have found that even if an environmental document is adequate in all other respects, the use of a “truncated project concept” violates CEQA and mandates the conclusion that the lead agency did not proceed in the manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 729-30. Furthermore, “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *Id.* at 730 (citation omitted). Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable.

The Project Description in the Initial Study remains incomplete, omitting any discussion of numerous, essential aspects of the Project that have the potential to result in significant impacts. This omitted information includes, but is not limited to:

- Design details, including dimensions and Total Floor Area Ratio for all components of the proposed Project;
- Construction activities, including duration and type of activities, construction traffic and vehicle types, construction staging areas, and the like;
- Total grading (cut and fill) for Project development, including heights, depths and locations of cut and fill (best shown on a site plan with cross sections);
- Need for off-site disposal sites for spoils and/or importation of fill and the locations for the sources of fill and disposal sites for spoils and/or hazardous materials removed during construction;
- A complete description of the hazardous materials that will be used during the construction phase and during hospital operations; and
- The general range of wages of new employees and their ability to afford housing within a 20-mile and 40-mile radius of the project site.

6-8

The Initial Study also contains numerous material discrepancies that interfere with the ability of the public to test the analysis provided by the City’s consultants on air quality, noise, and transportation. See Appendix A (describing these inconsistencies in detail.)

Without a complete and consistent description the Project, the public and decision-makers will not be able to balance the Project’s benefits against its environmental cost and evaluate feasible alternatives and mitigation measures. An adequate project description, including the information listed above, must be the basis for any revised environmental document. In short, the Initial Study’s inadequate and incomplete project description plainly frustrates the core goals of CEQA: to provide a vehicle for intelligent public participation and to provide an adequate environmental impact analysis. See *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 197 (1977).

III. THE INITIAL STUDY'S DESCRIPTION OF THE PROJECT SETTING IS INADEQUATE.

CEQA requires that an initial study must contain "an identification of the environmental setting." Guidelines § 15063(d)(2). For example, a recent case found adequate an "environmental setting" section that set forth the existing site conditions, facilities, and recreational uses, and contained a brief description of the existing physical conditions, including the topography and types of habitats and vegetation. *Lighthouse Field Beach Rescue v. City of Santa Cruz*, 131 Cal.App.4th 1170 (2005). The court held that the environmental setting discussion in this initial study, which was several pages long, "met the minimum requirements of the Guidelines." *Id.*

In order for the public and decision-makers to be able to fully understand the environmental impacts of this project, more information about the Project setting is clearly needed. Such information includes, but is not limited to, the following:

- Cumulative projects, including major construction in the area during the period when the project will be under construction.
- The availability of housing in the immediate area and region for employees at the existing medical center;
- Other uses in the area, if any, that have received major modifications to height and setback requirements;
- Other uses in the area, if any, that have received Vested CUPs and, whether those projects entered into Development Agreements with the City;
- The range of wages generally paid to new employees at the medical center.

6-9

This information, or data from which this information could be extrapolated, is readily available from the Project Applicants, the census, City plans and policies, housing studies, and other sources. An adequate description of the Project setting, including the information listed above, must be the basis for any revised environmental document.

IV. THE CITY MUST PREPARE AN EIR THAT ANALYZES THE POTENTIALLY SIGNIFICANT EFFECTS OF THE PROPOSED PROJECT.

An agency must prepare an EIR for a proposed project whenever substantial evidence in the administrative record supports a "fair argument" that the project may have significant impacts on the environment. Guidelines §§ 15064(a)(1), (f)(1). A fair argument clearly can be made that the proposed Project, with its four-story, 97-foot tower and 136 additional beds, may have significant impacts on aesthetics, air quality, geology and soils, hazardous materials, hydrology and water quality, land use and planning, noise, transportation and circulation, population and housing, growth inducement, and essential services and utilities. Despite these potential impacts, the City failed to prepare an EIR. Furthermore, the Project will add to cumulatively significant

6-10

environmental impacts resulting from a number of past, present, and future projects in the region. For all of these reasons, as discussed below, an EIR is required.

A. The Project Will Have Potentially Significant Aesthetic Impacts.

Under CEQA, it is the state's policy to "[t]ake all action necessary to provide the people of this state with . . . enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities." Pub. Res. Code § 21001(b) (emphasis added). Thus, courts have recognized that aesthetic issues "are properly studied in an EIR to assess the impacts of a project." *The Pocket Protectors v. City of Sacramento*, 124 Cal.App.4th 903, 937 (2004) (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics). "The opinions of area residents, if based on direct observation, may be relevant as to aesthetic impact and may constitute substantial evidence in support of a fair argument; no special expertise is required on this topic." *Id.*

Here, the Initial Study's discussion of aesthetic impacts is inadequate, particularly with respect to the significant visual impacts that would accompany the Project's 97-foot tall tower and additional parking spaces. The Initial Study concedes that the building heights and massing that would occur with implementation of the Project "would change the visual character of the project site from what currently exists." Initial Study, Page IV-3. This is an understatement to say the least.

The bottom plate of Figure II-18 of the Initial Study shows the dramatic impact of the Project on the visual appearance of the corner of Rinaldi Street and Indian Hills Road. See also the bottom plates on Figures II-17 and II-19. There is nothing like the Project's height or mass anywhere in the neighborhood except the existing hospital which is sufficiently set back from Rinaldi Street and Indian Hills Road as to blend in. See top plates on Figures II-17, II-18, and II-19. The new tower will thrust the hospital towards Rinaldi Street and Indian Hills Road creating a significant new impact on a neighborhood that generally maintains a low-profile. The neighborhood is zoned for a 45-foot height limit, a limit the new project will exceed by 116%. The Initial Study disingenuously states that, "[a]s the proposed expansions would be consistent with the existing building heights, this element of the Propose Project would not increase overall height of the existing development on-site. The building expansions would slightly increase the amount of development on the project site. However, the proposed expansions would not create a substantial change in the overall sense of massing of the project site." Initial Study, Page IV-4. The City's own photomontages belie this conclusion. The issue is whether there is a significant aesthetic impact and the street-level impact is undeniable. No special expertise is required to view the impact.

The Applicant also seeks a Zoning Administrator's Determination to allow a reduction of the side yard on Indian Hills Road from 25 feet to 7 feet, a 72% reduction. See Notice of Intent to Adopt a Mitigated Negative Declaration (May 25, 2007). The Initial Study comments that this edge of the property will be treated with landscaping and, that, as a result of this mitigation, the visual impacts for the reduced side yard would be less than significant. It is difficult to imagine how landscaping the narrow strip along Indian Hills Road will reduce the adverse aesthetic impacts of building a four-story, 97-foot tower within 7 feet of the roadway. Indeed, landscaping

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of remaining open spaces is more or less all that the City requires before leaping to the conclusion that the height and massing of the new tower will have no significant aesthetic impact. Even if these open spaces were to be planted with trees that could one day reach such heights, these trees would likely do little to camouflage the new construction for many years. The Initial Study's conclusion that the height and massing of the new structure will create an insignificant aesthetic impact in a neighborhood is unsupported by the facts.

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A fair argument exists that significant aesthetic impacts may occur as a result of this Project, and therefore the City must prepare an EIR to analyze these impacts, and, to consider alternatives to the Project as it is currently defined.

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B. The Project Will Have Potentially Significant Air Quality Impacts.

As detailed in the attached letter from Greg Gilbert, an air quality consultant, the Project will have potentially significant air quality impacts that have not been adequately analyzed, disclosed, or mitigated. Mr. Gilbert's comments are attached hereto as Appendix A.

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As Mr. Gilbert's comments make clear, there are strong state and local initiatives underway to make the slogan "Think globally, act locally" an everyday reality in California planning with respect to climate change. Yet, even though the City of Los Angeles has itself adopted a broad reaching plan and set aggressive targets to reduce greenhouse gas ("GHG") emissions in Los Angeles, the City has failed to require even the most basic analysis of GHG emissions in its environmental review documents relating to this energy-intensive Project. A revised Initial Study must be drafted and recirculated that discloses, analyzes and mitigates the impacts of the project and cumulative projects related to global warming.

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Mr. Gilbert's comments identify some of the strategies adopted by the Governor's Climate Action Team to reduce greenhouse gas emissions. To the extent such strategies will not reduce the Project's impact to "carbon neutral," off-site mitigation measures can be identified as well (such as additional transit funding, purchase of carbon offset credits, and so on.).

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The Initial Study fails to address global warming seriously. The generalized discussion of global warming issues in the Air Quality Report, having nothing to say about this Project in particular, cannot excuse the City from disclosing, analyzing and mitigating greenhouse gas ("GHG") impacts of this Project. At minimum, the City should, but did not, provide the following information so that the public and decision-makers can understand the Project's contribution to global warming, its significance, and whether it can be mitigated to non-significance:

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1. A revised regional setting discussion which includes background information on global warming and climate change, State, regional and local targets and the status of any regional inventory;

- | | |
|---|------|
| 2. A significance threshold for Global Warming Emissions (the significance threshold should be "any increase in GHG emissions over existing levels" because any more tolerant threshold will effectively render meeting adopted reduction targets impossible); ¹ | 6-22 |
| 3. An inventory of the greenhouse gas emissions (i.e. carbon dioxide, methane, nitrous oxide) generated by the Project and by cumulative projects; | 6-23 |
| 4. An analysis of project direct and indirect induced increase in vehicle miles traveled (VMT) as well as cumulative VMT; | 6-24 |
| 5. An analysis of Project and cumulative contributions to GHG emissions; | 6-25 |
| 6. Mitigation to reduce the project's contribution to "carbon neutral" since any new project contributions over existing emissions will render it impossible to achieve reduction targets. Moreover, carbon neutral projects are feasible with a combination of on and off-site mitigation. | 6-26 |

C. The Project Will Have Potentially Significant Traffic and Circulation Impacts

As detailed in the attached letter from Tom Brohard, of Tom Brohard Associates, the Project will have potentially significant transportation and circulation impacts that have not been adequately analyzed or disclosed by the Traffic Study. Mr. Brohard's letter is attached hereto as Appendix B.

Mr. Brohard demonstrates that the Initial Study contains a misleading table that states incorrectly what Volume-to-Capacity ratios and Levels of Service (LOS) are forecast for the year 2010 at various study intersections without the Project. See Initial Study, Table IV-19. These differ from the forecasts prepared by Katz, Okitsu and Associates following LADOT's guidelines. See Initial Study, at page 7 and Appendix C, Table 5. The reason for the difference is that the Katz, Okitsu study correctly took into account the ongoing publicly funded Automated Traffic Surveillance and Control (ATSAC) Project and Adaptive Traffic Control System (ATCS) implementation that was already under construction in May 2006 and expected to be completed by 2010. The Initial Study rewrote the 2010 analysis as if this project did not exist.

The reason for this misrepresentation of the 2010 picture become apparent from reading the Initial Study's discussion of traffic mitigation. Because the Katz, Okitsu concluded that the Project would have a significant impact, Katz, Okitsu recommended the creation of an additional left-turn lane at the key intersection. Apparently, the Applicant decided it would be cheaper if they could arrange to take credit for part of the ATSAC/ATCS project that was already under construction and fully funded from public sources. By misstating the actual projected traffic without the Project, the Project could claim to mitigate its own impact by claiming the reduction from the government program as its own. All it would take was a little money.

¹ This standard was recognized in Marin Countywide Plan Draft EIR at p. 4.3-25 (http://www.co.marin.ca.us/depts/CD/main/pdf/eir/CWP/DEIR_1-3.pdf).

This process makes a mockery of concept of mitigation. In fact, at the critical intersection, the Volume-to-Capacity ratio with the project and after mitigation is forecast by the Initial Study to be 1.039 in the a.m. and 1.005 in the p.m. according to the Initial Study.² See Initial Study, Table IV-20. The correct future values without the Project, as determined by Katz, Okitsu, are 0.914 in the a.m. and 0.987 in the p.m. See Initial Study, Appendix C, Table 5. Thus, the real impact of the Project remains an increase in Volume-to-Capacity of 0.125 in the a.m. and 0.018 in the p.m. For an intersection operating at Level of Service E, a project related increase greater than 0.010 is considered significant by the City of Los Angeles Department of Transportation. See Initial Study, Appendix C, p. 27.

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In short, based on a fair interpretation of the City's own data, the Project will have significant unmitigated impacts on the intersection without further mitigation as discussed in Mr. Brohard's report.

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D. An EIR Must Be Prepared to Analyze the Project's Land Use and Planning Impacts.

A project may result in a significant impact if it is inconsistent with the General Plan, zoning or other regulations currently applicable to the project site and, as a result of those inconsistencies would cause an adverse environmental impact which the General Plan, zoning regulation, or other regulations are designed to avoid or mitigate. In addition, a project cannot be approved if it is inconsistent with the applicable General Plan or zoning.

1. The Project Is Inconsistent with the City's Planning and Zoning Code and Appears To Be Inconsistent with the General Plan

The proposed Project cannot be approved for yet another reason: it is clearly inconsistent with the City's Planning and Zoning Code. The City's Planning and Zoning Code limits building height at the Project Site to 45 feet, (LAMC § 12.21.1), and require a minimum side yard setback of 25 feet. (LAMC §§ 12.05(C)(2), 12.06(C)(1).)³ The proposed Project, however, would rise to 97 feet and would be set back only 7 feet from Indian Hills Road. Unless these inconsistencies cannot be remedied by the issuance of a variance or an adjustment, the Project cannot lawfully be approved.

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Moreover, the proposed Project appears to be inconsistent with the City's General Plan. The General Plan is the "constitution for all future developments," to which all local land use decisions must conform. *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors*, 62 Cal.App.4th 1332, 1336 (1998). Because consistency with the General Plan is "the linchpin of California's land use and development laws," *id.*, the instant Project must be set aside if it "frustrate[s] the General Plan's goals and policies." *Napa Citizens for Honest Gov't*, 91

² An intersection with Volume-to-Capacity ration over 1.000 is considered to be functioning at Level of Service F, the worst rank within the LOS system so we are not talking about a problem that will be easily concealed when the Project is built. See Initial Study, Appendix C, Table 1.

³ The Applicant has recognized both the height restriction and the side yard setback in its applications. (See Master Land Use Permit Application signed 11/29/04, response to question 2 (referring to the required 45-foot limitation); Master Land Use Permit Application, current version, response to question 3 (requesting Adjustment to allow reduction of the east side yard from the required 25 feet to 7 feet).)

Cal.App.4th 342 at 378. In this case, the City's land use designation of the Project site is "Commercial," as indicated on the Plan's Generalized Land Use Map, and the Community Plan Land Use Designation is "Community Commercial." According to the General Plan, "The land use definition 'General Commercial' applies to a diversity of retail sales and services, office, and auto-oriented uses comparable to those currently allowed in the 'C2' zone, including residential." General Plan, Chapter 3, Issue 2. Neither the Applicant nor the City has provided any substantial evidence that the proposed Project—a hospital—is consistent with the Site's commercial designation.

In fact, the reference in the General Plan definition of "General Commercial" to "auto-oriented uses comparable to those currently allowed in the 'C2' zone" raises more questions than answers about whether this Project would be consistent with the General Plan. Pursuant to Planning and Zoning Code sections 12.14(A)(17) and 12.21(D), hospitals are *not* allowed in C2 Commercial zones *if* they are located within 600 feet of an elementary or high school. Here, according to the Initial Study, Alemany High School's athletic fields are located "[d]irectly west and adjacent to the north portion of the Project site." Initial Study at p. IV-1.⁴

The required buffer between schools and hospitals is clearly designed, among other things, to avoid a dangerous mix of student pedestrians and emergency vehicles on City streets. The fact that Bishop Alemany High School's athletic fields are north of Rinaldi Street and the High School itself is located south of Rinaldi Street ensures that students will be walking across Rinaldi Street between the facilities creating the very dangers that the Code provisions are designed to prevent.

Because the use of the land for a hospital is inconsistent with the General Plan and the Zoning Code, the City may not lawfully approve it.

2. The Project Must Satisfy the Requirements of a Variance or an Adjustment Before the City May Approve It; The Project Can Satisfy Neither

The Initial Study purports to solve the problem by redefining consistency with the zoning requirements so that approval is all that is needed to eliminate an inconsistency. "With project approval, the Proposed Project would be consistent with the requirements of the Planning and Zoning Code." Initial Study, page IV-47. This "magic wand" approach is reminiscent of the claim by one of the executives caught up in the recent stock option backdating scandal, "It's not illegal if you don't get caught." In the Initial Study, it's not inconsistent, if the Planning Commission approves it. Such circular reasoning should not be countenanced.

More specifically, the Initial Study seeks to avoid the requirements for a variance or adjustment by reframing the requested entitlement as a "Conditional Use Modification." In its Master Land Use Permit Application ("Application"), the Applicant requests a Vested Conditional Use Permit ("VCUP") and a Zoning Administrator Adjustment ("Adjustment") to construct a 97-foot, four-story addition to the Providence Holy Cross Medical Center. The City's May 24, 2007 Notice of Intent to Adopt a Mitigated Negative Declaration ("the Notice") characterizes one component of

⁴ Furthermore, there is a preschool in the immediate neighborhood. *Id.*

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the approval sought as “a Zoning Administrator’s Determination to allow a reduction of the east side yard from the required 25-ft. to 7-ft.” The Notice also mentions that the Project requires “Conditional use approval” of a 95 foot 8 inch expansion to an existing acute care medical center “in lieu of the required 45 foot height limit.” In contradiction to the Application and the Notice, the Initial Study refers to three principal entitlements requiring approval:

- 1.) A Vesting Conditional Use permit for a hospital located in A2-1 (Agricultural) zoned property (a VCUP is necessary in order to permit the construction of a hospital in an area zoned for agriculture. See LAMC § 12.24(U)(12).);
- 2.) A “Conditional Use Modification” of the height regulations to permit a maximum building of approximately 97 feet in lieu of the maximum 45 feet permitted by the Municipal Code; and
- 3.) A “Conditional Use Modification” to permit a side yard of 7 feet in lieu of the required 25 feet.

See Initial Study, page II-27. The discrepancies between the Application, the Notice, and the Initial Study leave the public with a confusing picture of what precisely the Planning Commission is considering: Is it an “Adjustment,” a “Determination,” or a “Conditional Use Modification”? The term “Conditional Use Modification” used in the Initial Study does not even appear in the Code section cited by the Initial Study, Los Angeles Municipal Code section 12.24.F, which provides generally for conditions to be imposed on projects granted use permits in order to protect the community. Specifically, this section reads:

- F. Conditions of Approval.** In approving the location of any conditional use, the decision-maker may impose those conditions, based upon written finding, which it deems necessary to protect the best interests of the surrounding property or neighborhood, to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood or to secure appropriate development in harmony with the objectives of the General Plan. The decision may state that the height and area regulations required by other provisions of this chapter shall not apply to the conditional use approved.

The City apparently thinks the final sentence of section 12.24.F provides a carte blanche for the Planning Commission to disregard any of the standards regarding height or setback set forth in the Code and avoid applying any standards to the decision to grant the requested “Modification.” Although the Project clearly requires a variance or adjustment from the Los Angeles Planning and Zoning Code’s height and setback requirements, the Initial Study does not examine the requirements of either. The Initial Study makes no effort to meet the requirements for specific findings to determine that excusing the hospital from the legally mandated height and setback requirements is in harmony with the Code or the General Plan. This contradicts the clear intent of Section 12.24.F to provide authority for the City to impose conditions *more restrictive* than those required by the General Plan or zoning code. In context, the statement that a decision may state that height and area regulations required by other provisions shall not apply to the

conditional use merely states the scope of decision-making within the authority of the Planning Commission. However, the substance must be drawn from the Code's provisions regarding variances and adjustments. As we shall show, the City cannot make the findings necessary to grant a variance or an adjustment.

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(a) The City Cannot Make the Findings Required to Grant a Variance Needed for Project Approval

The Planning and Zoning Code requires that a project applicant receive a variance from the height limitation imposed by the Code if the proposed project will exceed the applicable height limitation by more than 20 percent. LAMC § 12.28(A). Here, the proposed Project would exceed the applicable 45-foot height limitation by 115%. Therefore, the proposed Project cannot be approved unless the Applicant first seeks and obtains a variance from the 45-foot height limitation.⁵

To grant a variance, the City must make *all* of the following findings:

- (1) that the strict application of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;
- (2) that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;
- (3) that the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;
- (4) that the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and
- (5) that the granting of the variance will not adversely affect any element of the General Plan.

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LAMC § 12.27(D).

The City clearly has not made—and cannot make—the required findings in this case. First, the Initial Study contains no evidence that an addition to the hospital could not be built in

⁵ We could find no evidence of a variance application in the Project file. Likewise, neither the Master Land Use Permit Application nor any of the associated permit requests found on the City's website indicate that the Applicant has requested a variance for the Project's excessive height. The Code requires that: "If any rules, regulations or ordinances in force at the time of filing require any additional approvals (such as a variance or coastal development permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the vesting conditional use permit to be processed pursuant to Section 12.36." LAMC § 12.24T.

compliance with the 45-foot height restriction. Thus, the City cannot possibly find that the application of the 45-foot height limitation in this instance would result in practical difficulties or hardships that are inconsistent with the purpose of the Planning and Zoning Code. The City cannot grant a variance without finding that the Applicant would suffer "unnecessary hardship" were the variance denied, and must support its findings with "concrete details" about the asserted hardship. *Stolman v. City of Los Angeles* (2003) 114 Cal. App. 4th 916, 925.

Second, no special circumstances set this Site apart from neighboring properties so as to justify the grant of a variance in this instance. The City must make such a finding, and must support that finding with "comparative information" about other properties in the vicinity, in order to grant a variance. See *Topanga Assoc. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 520. However, the Applicant has provided no evidence that other landowners in the vicinity have been allowed to construct equally tall buildings on similarly zoned parcels. Thus, the Applicant has failed to prove a "critical issue" in determining whether a variance may be granted, i.e., whether a variance is necessary "to bring the [Applicant] into substantial parity with other parties holding property interests in the zone." *Id.* at 520-21.

Third, if a variance were granted, the Project would clearly be detrimental to surrounding residences and properties in a number of ways. The proposed 97-foot tower would significantly out-size the other buildings in the neighborhood, which have been constructed in compliance with the height limitations. This incongruity is exactly what the City's zoning ordinances were intended to avoid. Furthermore, the giant tower proposed by the Applicant would adversely impact the visual character of the neighborhood. It is also likely, if not inevitable, that the tower would cast shadows on neighboring residences and properties, thus diminishing their value and their owners' use and enjoyment of them. In addition, the tower could create a physical hazard for neighboring properties, should it collapse in the event of an earthquake. The City thus cannot find that "the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located."

Finally, as discussed above, the proposed Project appears to be inconsistent with the General Plan land use designation of the Project Site. Thus granting a variance may, in fact, adversely affect an element of the General Plan. Because the City cannot make the findings required by the Municipal Code for granting a zoning variance, and because such a variance is necessary in order for this Project to be approved, the City cannot lawfully approve this Project.

(b) The City Cannot Make the Findings Required to Grant an Adjustment Needed for Project Approval

The Applicant has requested a Zoning Administrator Adjustment to allow for a reduction in the size of the required side yard. See LAMC §§ 12.05-06 (requiring side yards equal to 10% of a parcel's depth, but no greater than 25 feet). The City's Notice also refers to "a Zoning Administrator Determination to allow a reduction of the east side yard from the required 25-ft. to 7-ft." The City cannot make the findings necessary to grant the Adjustment (or "Determination") the Applicant seeks. To issue this Adjustment, which would allow the construction of a 97-foot

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tower within 7 feet (rather than 25) of the Indian Hills Road, the City must find *all* of the following:

- (a) That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.
- (b) That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.
- (c) That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.
- (d) That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.
- (e) That the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.

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LAMC § 12.28(C)(4). The City clearly cannot make these findings. The Applicant claims in its Proposed Findings that the reduced size of the side yard, which would place the Project within seven feet of the Indian Hills Road and thus extremely close to the existing medical facilities on the other side of it will have no adverse impacts. However, this claim is unsupported by any substantial evidence. To the contrary, all the substantial evidence suggests just the opposite. For example, as discussed above, the massing of the building close to the corner of Rinaldi Street and Indian Hill Road will have a significant impact on the street-level aesthetics of the neighborhood.

Furthermore, the Applicant has presented no evidence demonstrating why the side yard reduction is necessary in order to accomplish the goal of the Project. The failure to require an EIR for this project.

3. The City Cannot Make the Findings Required to Grant an VCUP or "Conditional Use Modification"

The City seeks to avoid the requirements of the Code for approval of a variance or adjustment by characterizing the approval of the Project's height and setback as "Conditional Use Modifications." As we have shown above, if the City properly requires that such "Modifications" meet the standards for granting a variance or adjustment, the "Modifications" cannot be approved. Even if such standards could be ignored, the City may not lawfully issue a VCUP unless it makes certain legally required findings. We submit that the City cannot make these findings for the proposed Project either.

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To grant a VCUP, the City must find that the location of the proposed Project (a) "will be desirable to the public convenience or welfare," (b) "is proper in relation to adjacent uses or the development of the community," (c) "will not be materially detrimental to the character of development in the immediate neighborhood," and (d) "will be in harmony with the various elements and objectives of the General Plan." LAMC § 12.24(E).

July 25, 2007

Page 14

In this case, the Applicant requests a VCUP to construct a 97-foot tall hospital addition on a parcel designated "commercial," zoned for agriculture, and located near both a residential neighborhood and a high school. Due to its excessive height, the proposed Project will be out of character with the surrounding community and will adversely impact the visual character of the neighborhood. Further, the light, air, and open space provided by a side yard also inure to the benefit of visitors to and employees of the hospital, not to mention the local residents who pass by the buildings on a daily basis. This will be compromised by the loss of the required side yard. These impacts will be detrimental to the character of the development in the immediate neighborhood.

In addition, the Planning and Zoning Code prohibits the establishment or maintenance of hospitals near elementary or high schools. LAMC §§ 12.14(A)(17) and 12.21(D). The Initial Study states that the Bishop Alemany High School athletic field is located "[d]irectly west and adjacent to the north portion of the Project site." Initial Study at p. IV-1. Because of the policy against locating hospitals near schools, the City cannot make the required finding that expanding a hospital near a high school would be "proper in relation to adjacent uses."

The Project also conflicts with the Mission Hills-Panorama City-North Hills Community Plan ("the Community Plan"). The Initial Study's attempt to reconcile the Project with the requirements of the Community Plan is entirely unpersuasive. In Table IV-5, the Initial Study concludes that the proposed Project is consistent with the Community Plan's requirement that development "preserve *community* character, scale, and architectural diversity" because the Project would be "similar in character and scale to the *existing hospital* and ancillary facilities." Initial Study, page IV-48. Similarly, the analysis of land use compatibility asserts that "[t]he Proposed Project would be designed to be consistent with the predominant character of other architecture in the neighborhood," apparently referring to the existing hospital. *Id.* By this reasoning, an existing large hospital structure that is already planted in the neighborhood automatically justifies building another such structure much closer to residential structures with which it obviously does not share the same character or scale." Instead of reviewing the Project in terms of its consistency with its community setting, the Initial Study simply bows to the existing use.

In relation to other environmental impacts that raise land use issues, the Initial Study fails to discuss the increased traffic congestion that will make travel and pedestrian uses in the vicinity less convenient and safe for residents, students, and those attending the nearby churches and other facilities.⁶ The Initial Study contains very little description of the actual uses to which the new tower will be put, and it seems likely that the expansion of the hospital will, directly or indirectly, result in more emergency vehicles passing through the neighborhood. These traffic impacts are all detrimental to the character of development in the neighborhood.

As discussed above, the proposed Project will not be "in harmony with the various elements and objectives of the General Plan," because it is inconsistent with the Plan's land use designation of the site, which prohibits the development of a hospital adjacent to a high school.

⁶ There is also a preschool in the immediate neighborhood. *Id.*

For all of the foregoing reasons, we respectfully submit that the City cannot make the requisite findings for granting the Applicant a VCUP or a "Conditional Use Modification."

4. The Project's Inconsistency with the City's General Plan and Planning and Zoning Code Must Be Analyzed in an Environmental Impact Report

An agency must prepare an Environmental Impact Report ("EIR") for a proposed project whenever substantial evidence in the administrative record supports a "fair argument" that the project may have significant impacts on the environment. Guidelines §§ 15064(a)(1), (f)(1). A fair argument clearly can be made that the proposed Project, which appears to be inconsistent with the General Plan designation of the Project Site and which would violate the height and yard setback requirements provided in the Planning and Zoning Code, will have potentially significant impacts on land use and planning in the City. Despite these potential impacts, the City failed to prepare an EIR. As discussed above, the Initial Study fails to analyze the land use and planning impacts of this Project adequately. An EIR should be prepared to analyze, disclose, and mitigate the significant impacts of the Project on land use.

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V. CONCLUSION

For the reasons set forth above, the only prudent course for the City is to defer action on the Providence Holy Cross Medical Center Project until an EIR is prepared that fully complies with CEQA.

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Sincerely,



Theodore Franklin

TF/x
Enclosures

Comments Regarding Air Quality Impacts and Discussion
Within
Environmental Review Documents

Providence Holy Cross Medical Center Expansion Project
Los Angeles, CA

6-36

June 20, 2007

Autumn Wind Associates, Inc.
Newcastle, CA

Comments below are submitted by Greg Gilbert, Autumn Wind Associates, Inc.¹ in response to air quality analysis and information within environmental analysis documents for the proposed Mitigated Negative Declaration (MND), issued by the City of Los Angeles on May 24, 2007 for the Providence Holy Cross Medical Center Expansion project (ENV-2005-0042-MND).

I. Introduction

As proposed the Providence Holy Cross Medical Center Expansion (Providence) project will construct approximately 124,000 square feet of new medical facilities and related structures. Traffic and circulation improvements will be required in order to prevent unacceptable loss of service (LOS) issues. Operational emissions over the life of the project will result largely from a claimed 1606 new average trips per day. Construction for the project will include demolition of a portion of existing parking spaces and a central utility structure. Providence is located less than one mile north of the Simi Valley 118 freeway, less than one-half mile east of the I-405, and within a few hundred feet of the Golden State Freeway, I-5.

Construction and operational emissions impact analyses were produced for the latest (May 24, 2007) Providence review, although a number of air quality issues and potential impacts remain unsettled. Conflicting or inconsistent project-related information affecting the estimation and mitigation of air quality impacts is noted between various sections of the 400+ page "Initial Study and Technical Appendix" document, the separate air quality "Appendices" document prepared by Terry Hayes Consulting, and the separate "Department of City Planning Recommendation Report" dated (at pg. 1) March 22, 2007. Air quality estimates and modeling undertaken by the Lead Agency's consultant appear to depend on project-related information not publicly available in the MND-Initial Study, and thus the accuracy of results cannot be checked. Construction emission estimates appear to have failed to take into account certain construction-related equipment emissions that will occur following project approval, and operational emissions appear to have been predicated on an unexplained and inaccurate daily vehicle trip rate attributed in project documentation to the Institute of Transportation Engineers. Operational emissions analysis to effectively characterize what will represent sustained health risks to Providence workers and patients from exposures to toxic diesel particulate matter (DPM) from nearby major roadways has been ignored again; this issue was raised to the Lead Agency in written public comment in 2005. No mention in Providence documents is found of expert agency guidance issued by the California Air Resources Board; this CEQA guidance recommends against siting a new sensitive receptor land use (including a hospital) within the distance noted between the Golden State Freeway and Providence.

¹ See Attachment 1, Autumn Wind Associates Land Use Review Qualifications

Accurate, effective analysis of the extent of DPM-related health risks should have been characterized via a Health Risk Assessment (HRA) routinely used in such situations to satisfy CEQA's essential interest in identifying and then describing the significance of the related impact. Without completion of the operational HRA the determination found at page one of the air quality "Appendices" document, that the project "would not expose sensitive receptors to excessive emissions of toxic air contaminants (e.g. diesel particulate matter) as a result of activities associated with project construction or operations", cannot be substantiated.

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II. Adequate Information Relevant to Air Quality Impact Review Not Provided by Lead Agency; Information in Environmental Documents Lacks Detail

II-A) The "Initial Study and Appendix" document (issued May, 2007) fails to supply essential information without which it is not possible to verify effectiveness and accuracy of construction emissions analysis and findings by the Lead Agency's air quality consultant. Projects of this size routinely provide relatively detailed, site-specific information with layout and dimensions of new buildings and other relevant details, yet no such information is found in the "Initial Study or Appendix" document other than general square footages. Will cut-and-fill be required? Will soil be added to or taken from the site? Will site constraints require extensive grading or excavations? How far will soils be transported? Will demolition materials be handled onsite or transported offsite? Will the new structure require extensive concrete-poured foundations, floors, and walls? Will piles be driven? What are the specific dimensions of the proposed main four-story structure? Will the new structure include a basement, as is relatively common now due to the high costs of acquiring real estate in urban areas? Without information of this sort in the project's environmental documents, it is not possible to effectively estimate construction impacts. Simply using overall square footage dimensions for new structures and parking areas ignores potential construction impacts, such as cut-and-fill, and offsite demolition or soil transport that are routinely modeled for emissions impacts using URBEMIS or other estimation methods.

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II-B) Each of the questions posed above indicates construction activities with direct impacts to project-related emissions levels. This is particularly relevant since the South Coast air basin is consistently ranked as having the worst air quality in the country and has failed to attain air quality standards for decades, because construction equipment emits proportionally higher levels of toxic diesel particulate matter (DPM) due to their relatively recent regulation (1996), because diesel emissions produce roughly

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71% of the total cancer risk in the basin², and project emissions will contribute incrementally to consistently poor local and regional air quality.

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II-C) Failure to provide sufficient project details in the Initial Study or its appendices jeopardizes the accuracy of the project air quality consultant's analysis and findings, and conflicts with CEQA's essential interest that environmental review "informs the public and its responsible officials of the environmental consequences of their decisions *before* they are made"³. No less importantly, providing only the barest of descriptive information in Providence's Initial Study and appendices regarding air quality inputs (as exemplified by the questions noted above) confounds the Lead Agency's and local decision-makers' requirement under CEQA to determine whether the environmental review reflects "substantial evidence that the project may have a significant effect on the environment"⁴. With little more than square footages of new and existing hospital buildings provided in the Initial Study, the calculation of construction emissions by the project's consultant provides only the appearance of compliance—yet serves to deny information that would likely increase estimated emission impacts. Decreasing project descriptive information thwarts CEQA's interests in vigorous, robust environmental analysis and mitigation, and informed self-government. Producing environmental documents that are poorly organized, lack detail, are issued in non-searchable electronically-scanned format, and have numerous critical discrepancies in and between sections and documents conflicts with CEQA's interest in environmental review that "serves not only to protect the environment but also to demonstrate to the public that it is being protected". (County of Inyo v. Yorty, 32 Cal. App. 3d 795.) From CEQA Guidelines, "CEQA does not require technical perfection..., but rather adequacy, completeness, and a good-faith effort at full disclosure."⁵ The poorly organized, inadequately detailed information in the Initial Study (and air quality Appendices document) regarding the project's construction details cannot be considered "full disclosure" of relevant project information, and is not consistent with other, similar projects routinely reviewed under CEQA. (For example, see Children's Hospital Expansion Project Draft Mitigated Negative Declaration and City Response to Comments Documents, project #84791, City of San Diego; items 16, 17, etc. for cut-and-fill activities, offsite trucking, and other construction emission inputs characteristically described in a land

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² South Coast Air Quality Management District. MATES-II Study, March 2000;
<http://www.aqmd.gov/matesiidf/matestoc.htm>

³ 14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).

⁴ 14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(4)(g).

⁵ 14 Cal. Code Regs. ("CEQA Guidelines") § 15003(i)

use project of similar size and type.⁶ Providence documents reflect none of these factors important to estimating construction air quality impacts, and the reader is forced to guess.)

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III. Discrepant Project Information Invalidates Accuracy of Emissions Estimates

III-A) Significant discrepancies in information used to estimate Providence's environmental impacts exist between the "Initial Study and Appendix" and the air quality "Appendices" document produced by the Lead Agency's air quality consultant. The extent of discrepant information in various project documents is acknowledged by reference in the Planning Department's staff report ("Department of City Planning Recommendation Report, March 22, 2007) at page A-4 to public "confusion" with at least two versions of project descriptions in public circulation. There, staff state that "The Proposed Mitigated Negative Declaration (ENV-2005-0042-MND) being considered has the original request as the project description and this has led to some confusion". Based on the extent of differences in essential inputs necessary to estimate air emissions between the Initial Study document (issued May 07) and the air quality "Appendices", the "confusion" is worse than alluded to by City staff, and is significant enough to call into serious question the completeness and accuracy of analysis and findings reported by the City's air quality consultant. This "confusion", along with the lack of analysis on such issues as health risks posed by the project's proximity to nearby freeway diesel particulate matter, call for the Lead Agency's preparation of a full EIR for the Providence project.

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III-B) Examples of discrepant emissions-related information in project documents are provided below.

- At page 1-1 of the Providence Initial Study and Appendix document the new four story structure will provide 136 new beds, with existing hospital square footage of 212,000 square feet. However, at "2.2 Project Description" of the Air Quality Impact Report Appendices document, existing hospital space is listed at 186,000 square feet, and the new facilities will provide for 89 new beds. These discrepancies are highly relevant to the accuracy of air emissions estimates for construction and operational impacts, since air quality modeling with URBEMIS2002 is based on square footages of new structure or number of new beds. 136 beds represents a 52% increase over 89 beds---this increase could cause daily emissions to exceed the SCAQMD's daily CEQA emission thresholds

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⁶ City of San Diego, DMND and Response to Comments for Children's Hospital Expansion Project, Dec 2006 – Feb 2007.

and invalidate the project consultant's claim that project emissions would not otherwise do so.

- At page II-25 of the Initial Study and Appendix document parking is stated to decrease from 1052 spaces by 74 with the **elimination** (emphasis added) of two parking lots. However, the Air Quality Impact Report Appendices document, 2.2 Project Description, states "two existing parking structures will be expanded for 860 **new** (emphasis added) parking spaces". Despite this latter statement, construction emissions do not appear to have been calculated in the project documents for 860 new parking spaces. Assuming 100 square feet would be needed for each new space, 860 spaces would require 86,000 square feet of newly paved area. Modeling appears to have been conducted by the project consultant, rather, for roughly one-half acre of new parking spaces, which would represent about one-fourth the space needed for 860 new parking spaces. Notwithstanding the discrepant and unsubstantiated claim by the consultant that 860 new spaces will be created, there is no information apparent in the Initial Study and Appendix document that references the area of roughly half-acre of paved area modeled by the consultant (see URBEMIS2002 output files at Air Quality Impact Report Appendix D). Did the consultant make up this value for modeling purposes? Is there a net increase in parking area as claimed by the consultant (with two conflicting area values), or will the Initial Study's claim of a net reduction carry? The Initial Study and Appendix document notes that parking spaces will be eliminated, not added. Just as importantly, accurate construction emission estimates by the project's consultant cannot be accomplished without bona fide, referenced modeling inputs, and as noted earlier, the Initial Study and Appendix document provides very little descriptive detail (aside from building heights and square footages) that can be used to confirm the validity of the modeler's inputs. It must be assumed that, without reference or citation, the air quality consultant's choices of modeling inputs are speculative, arbitrary, and an abuse of discretion that short-circuits the CEQA process. This sort of confusion, consistent throughout the Initial Study and Appendix document and the Air Quality Impact Report Appendices document, with reference to air quality inputs and the effective calculation of impacts, is egregious to the point that the public cannot verify findings or even second-guess which portion of the environmental analysis and descriptive work completed for the Providence project is accurate and which competing version is inaccurate. Without comprehensive, consistent information in the Initial Study and Appendix document, there can be no effective means

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to analogously replicate or model and then confirm the accuracy of the air consultant's emissions estimates and findings. To remedy this situation, clear and consistent information must be provided and utilized throughout the study process. On the basis of the appearance of poorly organized and discrepant information scattered between documents, it is likely that the project has simply become too unmanageable for the Lead Agency over its various phases and iterations. Rather than requiring an EIR (as was requested at least as early as 2005) as an effective and comprehensive mechanism to ensure adequate analysis, however, the Lead Agency has opted instead to add successive layers of study, no doubt in response to public comment or concerns for legal challenge, or both. While not intended, the effect of this has been to cause significant discrepancies in analysis and findings, and those, in turn, seriously jeopardize the accuracy of information presented in the project's latest environmental documents.

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- At page II-11 of the Initial Study and Appendix new hospital structure is listed at 121,028 square feet, yet at page 1 of Appendix D of the Air Quality Impact Report, new square footage is modeled using URBEMIS2002 for construction impacts using 111,792 square feet. Additionally, without explanation, operational impacts are modeled in another section of the Air Quality Impact Report using 180,000 square feet of new structure---a modeling value more than 60% higher than that used for estimating construction emission impacts. While a significant discrepancy, neither value can be traced back to the ~426-page Initial Study and Appendix document. Where did they come from and how were they selected by the consultant? Without explanation, reference, or citation on how divergent square footages were chosen for modeling purposes by the consultant, air quality analysis and findings in the project's documents must be considered arbitrary. Accurate inputs could lead to the determination that the project would exceed SCAQMD regional or localized daily emission thresholds; based on discrepant inputs noted here and elsewhere, the claim by the consultant that the project will cause less than significant air quality impacts must be set aside pending clarifications and re-modeling.

IV. Construction Emissions Findings and Analysis Are Incomplete and Inaccurate

IV-1) At Initial Study, pg. IV-13 the estimate of construction emissions in Table IV-2 underestimates VOC and NOx emissions and fails to disclose significant emissions in excess of the SCAQMD thresholds

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for VOC and NOx. Construction emissions were modeled for this analysis using the same version of URBEMIS2002 used by the project's air quality consultants and are provided at the end of this submittal.

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IV-2) Applying corrected inputs to URBEMIS2002 reflects NOx emissions during demolition activities in 2007 will be 104.1 pounds per day, which exceeds the SCAQMD significance threshold of 100 pounds per day. The inputs used in the URBEMIS emissions model output shown in Appendix E of the Initial Study is based on an error in building volume to be demolished. According to the project description, 2624 square feet of building will be demolished. However, to calculate emissions in URBEMIS, an estimate of cubic feet (building volume) must be entered into the model. It appears that the analyst erroneously entered building square footage instead of cubic feet. The URBEMIS model output following this letter is based on the volume of a 2624 square foot building that is 12 feet tall (31,212 cubic feet), with equipment adjustments to account for the volume correction.

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IV-3) In addition, the URBEMIS output following this letter documents building construction emissions in 2010 and 2011 that exceed the SCAQMD threshold of 75 pounds per day of VOC. As discussed later in this document, construction will require large quantities of concrete to be used as a building material. The URBEMIS output following this letter includes only one concrete/industrial saw used during construction. To be conservative, however, it may be advisable to include one concrete saw per floor, for a total of four concrete saws. With respect to VOC, the great majority of those emissions are caused by the application of architectural coatings. These coatings will be used when painting the main hospital building addition (119,570 sq ft) as well as painting or repainting the central utility plant (5,370 sq ft) and warehouse addition (1,068 sq ft). Note, however, that this estimate does not assume any painting on the existing hospital building, which may be required to match colors or repair construction damage. Zero-VOC architectural coatings are available in the marketplace and information is available from a number of paint manufacturers; this mitigation option should have been explored in the Providence document and required if deemed appropriate.

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IV-4) Construction emissions for new parking, as noted above, are modeled by the project consultant for a ½ acre area. No source is provided by the consultant and no information is apparent in the Initial Study and Appendix document to confirm the actual area of new parking spaces to be constructed. As noted above, the Initial Study document references a reduction in total parking spaces, while the project air quality consultant has stated that the project will see 860 new parking spaces. Modeled construction emissions for newly paved parking areas, along with new access roads or driveways, must show clearly what inputs were used; if these inputs are not presented in the Initial Study and Appendix document, the

6-45

*Autumn Wind Associates, Inc.
Comments on Providence Hospital MND Project
June 20, 2007*

Air Quality Impact Report must explain how they were derived and attribute them to a dependable source. Based on discrepant information regarding the elimination of and net reduction of parking spaces currently at Providence (as stated in the Initial Studies and Appendix document at page II-25), versus the increase of 860 spaces claimed by the air quality consultant---combined with the lack of explanation and attribution by the consultant as to why certain inputs (such as the parking area of nominally ½ acre for estimating paving emissions) were chosen---the construction emission estimates cannot be relied upon to characterize whether the project will exceed air quality CEQA thresholds of significance or cause local or regional exceedances of air quality standards.

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IV-5) URBEMIS2002 modeling conducted by the air quality consultant contains a number of inconsistencies with respect to modeling inputs, along with missed emissions that can be expected to occur from construction-serving vehicles necessary for project completion. URBEMIS2002 output files found in the Air Quality Impact Report Appendix D section reflect 111,742 square feet and 180,000 square feet of new hospital facilities, for construction and operational emissions modeling, respectively. Why were two separate values used, without explanation or reference by the consultant, and how are those resolved with varying square footages provided in the Initial Study and Appendix document? At page II-11, square footage in Table II-1 for construction purposes should reflect a corrected (since this value reflects the net environmental change subject to CEQA) total of 123,647 square feet of new structure to be built---yet a different number from those used by the consultant. URBEMIS2002 output files reflect 111,742 square feet value was used for construction modeling, without explanation or reference. Additionally, URBEMIS2002 operational emissions were estimated, based on model outputs in Appendix D, using 186,000 square feet of new structure, also without explanation or reference. Variation in these values across project environmental review documents confounds the accuracy of their findings, along with the public's ability to externally verify them. Such confusion does not satisfy CEQA's essential interest in effective, publicly-accessible environmental impact review and mitigation.

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IV-6) Construction equipment choices made by the project's air quality consultant were not explained in the Air Quality Impact Report Appendices document. How were they determined? These should have been attributed to an engineering firm, a grading and paving contractor, or other reputable firm. As an example, no graders or compactors were included in URBEMIS2002 modeling, yet both are essential to preparing sites for large concrete pours and asphalt paving. Additionally, URBEMIS2002 output files at Appendix D reflect a thirty-nine month construction period, conflicting with the Initial Study statement that construction will require thirty months. What explains this difference and what are the ramifications for emissions impacts? URBEMIS2002 construction emission outputs at Appendix D reflect 1.6 acres to

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be disturbed, but no information is found in the Initial Study and Appendix document to substantiate this value, nor does the air quality consultant provide an explanation or source for it. Of the non-referenced 1.6 acres asphalt paving emissions were modeled by the project consultant for ½ acre, yet there is no information within the Initial Study or the Air Quality Impact Report to substantiate the area chosen. Realistically, paving is likely to substantially exceed one-half acre for parking spaces and new hospital property accessways. Without citation or reference by the Lead Agency or the air quality consultant there is no simply no way to verify the accuracy of emissions analysis and findings shown in the project's environmental documents.

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IV-7) At page Initial Study and Appendix IV-13, Table IV-2 lists estimated construction project emissions and compares them to SCAQMD's Localized Significance Thresholds (LST), determining that they will not exceed them. However, the LST one-acre profile used by the air quality consultant reflects emissions from 44,000 square feet of new building, a value considerably lower than the approximately 123,000 square feet identified in the Initial Study and Appendix document, and well below the 186,000 square feet arbitrarily selected by the air quality consultant for modeling operational emissions impacts. Evaluation of construction emissions to SCAQMD LST thresholds must be repeated, using the appropriate LST profile. Because the 1-acre LST profile greatly under-represents square footage proposed for Providence, the finding of less-than-significant construction-related impacts claimed by the air quality consultant must be rescinded pending effective analysis.

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IV-8) Providence environmental documentation fails to provide any information regarding cut-and-fill or soil transport requirements for construction of the project, yet at pg. Appendix E-1 of the Air Quality Impact Report, a fugitive dust worksheet shows "Dirt Handled" at 7550 cubic yards with a footnote that provides a lbs/day maximum. Where does this figure come from? Its source is not attributed by the air quality consultant and that amount has not been located in the project's Initial Study and Appendix document. Was this amount (7550 cubic yards/day) included in the consultant's URBEMIS2002 calculations? URBEMIS2002 allows estimation of emissions from cut-and-fill and soil transport. While it appears that soil movement was considered for fugitive dust emissions, no citation is given to explain the 7550 cubic yards/day value. Nor is information provided on how many total days the movement will occur, or that related construction diesel equipment emissions were included in the URBEMIS2002 construction emissions estimates.

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IV-9) Significant emission construction emission impacts to result during project construction were not included in the project's environmental documentation. They include impacts from concrete (transit mix)

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trucks and heavy-duty diesel delivery/vendor vehicles that can be expected to serve the hospital site on a daily basis throughout the construction process. While the Initial Study and Appendix fails to provide any information on the type of new buildings to be constructed (steel, steel and concrete, primarily concrete, etc.) it is very likely that the four story project will utilize thousands of yards of concrete for foundations, floors, walls, and slabs. Vendor and transit-mix concrete truck trips will be substantial over the life of the project, and could lead to daily exceedances of localized and regional construction emission thresholds as nearly all heavy-duty trucks are diesel powered and therefore emit proportionally higher levels of NOx and toxic DPM emissions. This is particularly relevant, since the South Coast air basin is consistently rated as the worst for air pollution in the country, and due to the hospital's sensitive receptor status under CARB guidelines⁷. Construction DPM emissions are also particularly relevant to workers at the existing hospital, and to nearby residents. Failure to characterize delivery truck emissions, and particularly heavy-duty diesel transit mix truck emissions, is a serious breach under CEQA since all or nearly all project-serving heavy-duty trucks will emit significant quantities of diesel exhaust containing NOx, particulate matter, and DPM toxics in an air basin designated for longstanding violations of NOx, PM10 and PM2.5, and with serious health impacts caused by public exposures to DPM. The URBEMIS emissions model used in the project analysis includes only the on-road haul trucks used during the demolition phase, and light duty vehicle trips used by construction employees. Other delivery trips must be quantified separately using project specific estimates of the quantity of materials needed. The data needed to perform this analysis are not included in the project description.

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IV-10) Project-serving delivery and haul truck emissions are a significant source of emissions, and CEQA project reviews in the South Coast air basin and elsewhere have analyzed onroad truck emissions associated with the project's construction activities. The Marina University Villages project in Marina CA, involving demolition of older Fort Ord-era structures containing asbestos and other hazardous materials, evaluated impacts of heavy-duty haul truck emissions resulting from repeated roundtrips to a hazardous materials facility. Similarly, concrete truck emissions were modeled for criteria and toxic air emissions in a land use case in 2005 in the South Coast air basin. There, concrete truck emissions were estimated and evaluated for their contribution to project emissions and potential exceedances of CEQA daily emission thresholds⁸.

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⁷ California Air Resources Board; Air Quality and Land Use Handbook: A Community Perspective. April, 2005

⁸ California State Lands Commission, Draft EIR for Disposition of Offshore Cooling Water Conduits, SONGS Unit 1, SCH #2004061092, Feb. 2005. p. 4.5-6 and Appendix C.

IV-11 The DEIR prepared by the California State Lands Commission for the SONGS Unit 1 project quantified the impact of two 10 cubic yard concrete trucks as shown in the following table:

Equipment	Emissions – pounds per day			
	VOC	NOX	CO	PM10
High Pressure Water Blasting Unit	0.7	4.9	3.7	0.2
Rough Terrain Crane	3.1	11.7	8.0	0.5
Hydraulic Pump	0.9	5.0	3.3	0.3
Diving Air Compressor	1.1	6.0	4.0	0.3
Concrete Pump	0.8	6.0	4.6	0.3
[Two] 10 CY Concrete Trucks	5.4	21.1	14.1	0.8
120 bbl Vacuum Truck	2.7	10.6	7.0	0.4
Total Emissions	14.7	65.3	44.7	2.8

Source: California State Lands Commission, SONGS Unit 1 DEIR, Table 4.5-5

To characterize the significance of Providence project-related concrete truck (transit mixer) emissions for this analysis, we used the emission factors noted immediately above and multiplied them by hypothesized concrete volumes. Concrete volumes, shown below, were derived solely on the basis of total square footage of new building space over four stories, since this was the only definitive construction-related explanatory material provided by the “less information is better” Initial Study and Appendix document.

6-52

1. Floor concrete:

120,000 sq ft of new hospital structure equals the total floor area (does not include the roof level)
120,000 sq ft x 4" concrete floor thickness = 39600 cu. ft.
39600 cubic feet / 27 cu. ft/yard = **1467 cubic yards concrete for floors.**

2. Wall concrete:

30,000 sq ft per floor = 173' wall length
173' wall length x 4 walls/floor x 10' wall height x 6" concrete wall thickness / 27 cu ft/yd =
128 cubic yards/walls for one floor.
128 cubic feet concrete walls/floor x 4 floors = **512 cubic yards for all walls.**

3. Foundation concrete:

173' trough x 3' width x 3' deep x 4 sides / 27 cu. ft/yd = **231 cubic yards for foundation.**

4. Flat work around hospital (12' slab around 2 sides of new building):

173' x 2 sides x 12' x 6" / 27 cu ft/cu yd = **77 cubic yards for flat work**

5. **Total Concrete (cu yds)= 1467 + 512 + 231 + 77 = 2287 cubic yards**

6. Hypothetical Concrete truck trips:

Concrete trucks carry an average of ten cubic yards at full capacity.
Concrete truck round trips = 2287 cu yds / 10 cu yds per truck =
229 round trips

7. Multiplying concrete truck activity by the emissions per truck yields the following total concrete truck emissions:

Concrete Truck VOC = 229 round trips x 2.7 lbs VOC per truck = 618 lbs VOC
Concrete Truck NOx = 229 round trips x 10.55 lbs NOx per truck = 2416 lbs NOx
Concrete Truck CO = 229 round trips x 7.05 lbs CO per truck = 1614 lbs CO
Concrete Truck PM = 229 round trips x 0.4 lbs PM per truck = 92 lbs PM

IV-12) Concrete truck emissions and all other delivery truck emissions must be manually added to the building construction-phase emissions. Assuming that concrete deliveries occur over 100 working days, the daily NOx emissions *solely* associated with concrete delivery is 2416 lbs / 100 days = 24 pounds per day. This is a potentially significant impact and could cause an exceedance of SCAQMD's CEQA construction threshold for NOx of 100 lbs/day when combined with other non-modeled equipment emissions of both offroad equipment and onroad construction delivery vehicles. Other construction equipment, mentioned in the Initial Study but not modeled for emissions, is noted at pg. IV-68 (compressors, generators, cement-mixing); these emissions should have been estimated and included with non-modeled concrete truck emissions, crane trucks, pump trucks, vendor and other delivery truck trips. Total emissions should then have been used to compare to applicable CEQA thresholds of significance; it is very possible that the NOx threshold of 100 lbs/ day will exceeded. DPM estimated from a comprehensive assessment of onroad, offroad, and portable equipment construction-related emissions is significant to the evaluation of cancer risk and will increase health risks above the estimate provided by the project's air quality consultant, possibly exceeding the risk significance threshold of ten in a million. Providence's environmental documents fail to comprehensively estimate and then model project-related construction emissions impacts from offroad, stationary equipment, transit mixers and other types of delivery trucks; this is a serious deficiency and renders the air quality consultant's HRA and URBEMIS emissions modeling analysis and findings of less-than-significant impacts inaccurate. To correct this, comprehensive analysis of all construction-related emissions must be completed, with those findings then re-circulated for public review.

V. Operational Emissions Underestimated Due to Inaccurate Trip Rates

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V-1) URBEMIS operational emissions in Providence environmental documents appear to be underestimated, based on manipulated and inaccurate ITE trip rates. See Initial Study, pg IV-15, where operational emissions are said to be calculated with URBEMIS2002 and a trip rate of 1606 daily vehicle trips is attributed to "the traffic report". At unpaginated Air Quality Impact Report Appendix E, URBEMIS2002 outputs for operational emissions reflect 8.63 trips/1000 square feet of new structure. However, URBEMIS2002 automatically provides the appropriate trip rate for the land use type, in this case a hospital, per thousand square feet of new structure, or per new bed. ITE's trip rate for a hospital exceeds 17/1000 square feet, and is effectively double that used for Providence without explanation. (ITE allows adjusted trips/day, but the value for a fitted curve equation for a hospital, based on size, varies. At around 120,000 square feet of new structure a trip rate of 28/1000 square feet is noted. By comparison, 340,000 square feet would involve a trip rate of about 16/1000 square feet.) We are uncertain which of the three trip rates noted above should have been used for Providence--but there can be no doubt that the unexplained trip rate found in the air quality consultant's Air Quality Impact Report is at a rate roughly 50% lower than the lowest of the three values discussed above. Decreased trip rates lead to artificially low emissions estimates, and this appears to be case with Providence's operational mobile source emissions estimates. CEQA allows wide latitude to the Lead Agency in choosing methods to estimate impacts, but here the unexplained halving of ITE trip rates clouds the accuracy of model outputs and calls into serious question the air quality consultant's recommendation of less-than-significant impacts. Just as importantly, decisions regarding square footages and other emissions-influencing factors must be made and explained in full public view, particularly within the project's environmental analysis and review documents. To do otherwise jeopardizes the integrity of the Lead Agency's analysis, findings, and recommendations and confounds the ability of the public and local decision-makers to participate effectively in the CEQA process.

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VI. Toxic Air Emissions and Health Risks Are Incorrectly and Inadequately Estimated

VI-1) At Initial Study Page IV-14, the health risk assessment (HRA) performed to evaluate toxic air contaminant impacts is flawed and underestimates health risk associated with construction activities. The HRA performed for this project was modeled using the Industrial Source Complex-Short Term dispersion model (p. IV-15). The Industrial Source Complex (ISC) model is no longer recommended for use by the US EPA. A newer model, AERMOD, should have been used in place of ISC. The official replacement of ISC with AERMOD was signed by the USEPA Administrator on October 21, 2005, and was published

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in the Federal Register on November 9, 2005⁹. EPA established a one year phase-in period (beginning November 9, 2005) in which either ISC or AERMOD could be used, but the analysis for this project was published well after the phase-in period. AERMOD includes substantial modeling improvements, represents the latest refinements, and should have been used for the project HRA.

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VI-2) At Initial Study pg. IV-1 the emissions inputs used in the ISC model are incomplete and therefore underestimate emissions concentrations and associated health risk. As discussed above in the section regarding the inadequate treatment in Providence CEQA documents of delivery and concrete truck emissions, the quantification of construction emissions failed to include delivery trips made by construction-related heavy duty diesel trucks. Delivery trips represent a substantial contribution to diesel particulate matter as well as SO₂ and NO₂. Delivery trip emissions would occur concurrently with other construction emissions, therefore delivery trip risk must be considered cumulatively with all other construction risk estimates.

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VI-3) A partial and rudimentary estimate of the additional health risk from delivery trips can be made by comparing diesel truck activity associated with this project to activity from other projects in which a complete health risk assessment was performed. As an example, the Initial Study prepared by the Bay Area Air Quality Management District (BAAQMD) for the Martinez Refining Company project¹⁰ included a screening health risk assessment for on-road diesel trucks. The assessment conducted by BAAQMD for the construction phase of the Martinez Refining Company project identified a cancer risk of 0.77 in one million for every three round trip diesel truck trips per day.

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VI-4) The partial incremental risk associated with the concrete delivery trucks can be calculated by multiplying the cancer risk above by the estimated number of concrete truck trips. As documented above, 229 concrete truck round trips are expected for this project. Assuming these trips are distributed equally over 100 days, the excess cancer risk for concrete delivery would be 0.59 cases per million,¹¹ and this number would rise when all delivery vehicle emissions were determined and then included. Total risk must include an analysis of emissions from all other delivery vehicles as well as construction equipment. The construction-related HRA is therefore incomplete since it ignored incremental health risks associated with diesel delivery truck emissions. Evidence of similar activity in other CEQA reviews, such as with

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⁹ United States Environmental Protection Agency, http://www.epa.gov/scram001/dispersion_alt.htm, Accessed June 20, 2007.

¹⁰ BAAQMD, Draft CEQA Initial Study, Martinez Refining Company's Request for Authority to Construct and Permit to Operate...for the Proposed MTBE Removal Project, June 6, 2001, p. 15.

¹¹ (229 trips / 100 days) * (0.77 cases / 3 trips) = 0.59 cases per million

the Martinez Refining Company project, clearly demonstrates that this risk is potentially significant when all delivery trips are considered. The statement at pg. 1 of the Air Quality Impact Report, that the “project would not expose sensitive receptors to excessive emissions of toxic air contaminants (e.g. diesel particulate matter) as a result of activities associated with project construction or operations”, must be set aside pending effective analysis.

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VI-5) At Clean Air Impact Report page titled “Health Risk Assessment – PHCMC Expansion” (unpaginated), the Excess Cancer Risk Calculation table indicates that the HRA receptor used for modeling was “**Sierra Canyon – Students**” (emphasis added). We are (again) unable to find any reference in the Initial Study or Air Quality Impact Report documents that shows where these students are or any mention of Sierra Canyon school. Internet searching on Sierra Canyon schools for the region reveals two schools by that name in the adjoining Chatsworth region, a few miles west of the Providence project. More confusion results when comparing information in the Air Quality Impact Report with information in the Initial Study document at pg IV-15. There it states that “The HRA conservatively estimated that an **employee** (emphasis added) standing 25 meters (82 feet) from construction activity would be exposed to TACs eight hours a day, five days per week, 52 weeks per year”. On the basis of the confusion of whether the receptor is a student located a few miles away or an employee working at the hospital, it appears that components of a separate, unrelated HRA were submitted by the air quality consultant for the Providence project. If this is correct, the finding noted at the same Initial Study page of not more than 7.7/million for an increased cancer risk due to the project would be inapplicable to the Providence project. If not inapplicable, what information is provided to ensure that or Sierra Canyon students or employees were the most reasonable receptor choice for HRA modeling? Additionally, there is no discussion in the HRA or the Air Quality Impact Report that mentions that patients are likely to be more adversely affected by exposure to DPMs and TACs than the “average” receptor used in the air quality consultant’s analysis and that adequate protections will be provided to protect them.

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VI-6) HRA information in the Providence documents should have provided a visual representation of DPM source(s) and their proximity, direction, distance, and other influencing factors to the “Sierra Canyon student” or “employee” receptors. Explanation should also have been provided regarding how the air quality consultant plotted DPM construction sources onsite, since critical items (such as stack height, mixing distances and directions, wind speed and direction, etc.) would have a substantial effect on concentrations of DPM at the receptor location. Additionally, it appears that operational diesel emissions from routine delivery trucks (serving the existing hospital facilities) were not included in the HRA, despite their being relevant to impacts to sensitive receptors in the construction area. Without adequate

6-60

Autumn Wind Associates, Inc.
Comments on Providence Hospital MND Project
June 20, 2007

explanation or reference in the Initial Study or Air Quality Impact Report materials, the finding of an estimated increase in carcinogenic risk of 7.7/million cannot be verified. Discrepant, confusing, and missing information, coupled with the failure to include diesel construction or operational delivery vehicle emissions in the HRA must require a new, more comprehensive and more effectively represented HRA.

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VI-7) At Initial Study page IV-17, primary operational TAC (toxic air contaminant) risks to Providence patients and workers are incorrectly attributed to "delivery trucks" and "the number of heavy-duty trucks (e.g. delivery trucks) accessing the project site on a daily basis would be minimal, and the trucks that do visit the site would not idle on-site for extended periods of time". Routine daily truck trips to and from the ~330,000 square foot trauma hospital must be estimated quantitatively since the unquantified and unreferenced "minimal" number noted in the Providence document is speculative and does not provide the level of detail anticipated by CEQA. Hospitals are intensive consumers of food and a wide variety of institutional products (drugs, linens, packaging, paper products, medical supplies, etc., etc.), and producers of relatively large volumes of waste products. Hospital storage area is at a premium, particularly in expensive urban real estate markets---and "just in time" deliveries, particularly in urban areas, have largely obviated the need for expensive storage on-site. It is likely that the loading dock area will be open at least ten hours/day and that an average of three to five trucks, particularly Class 6 and smaller diesel delivery vehicles, will routinely (daily) serve the hospital with supply or removal of the wide variety of products and wastes referred to above. At an average of four trucks per hour, forty deliveries' significant emissions per day would combine with operational emissions from nearby major roadways. Calculating operational delivery trucks and emissions from nearby major roads was dismissed as insignificant to the analysis of potential health risk impacts; this represents a major error, particularly in light of the "sensitive receptor" nature of the hospital facility as characterized by CARB, the state's expert air agency with jurisdiction over diesel particulate matter (DPM). CARB declared DPM a toxic in 1998, subsequently issuing guidance in 2005 to reduce risks of public exposure to DPM, particularly for sensitive receptors (including hospitals such as Providence). CARB guidance, as noted below, specifically recommends against location of a new land use such as Providence within 500' of a major roadway. The Golden State freeway, I-5, routinely sees average annual daily traffic counts (AADT), or vehicles/day well above 250,000 and in some portions of the Los Angeles basin exceeding 350,000 AADT. DPM-related health risks from I-5 and I-405 and from delivery trucks routinely serving the hospital were not adequately reviewed in Providence documents and must be remedied with comprehensive analysis and HRA modeling, followed by public re-circulation.

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VI-8) Appendix G of the CEQA Guidelines provides that a proposed project would be deemed to have a significant impact if it exposes sensitive receptors to substantial pollutant concentrations. CARB declared diesel particulate matter (DPM) a toxic air contaminant in 1998¹², and in 2005 followed with guidance aimed at reducing public “sensitive receptors” exposures to DPM from major roadways and other major sources.¹³ No reference to this guidance from the expert state agency with regulatory authority over DPM is found in Providence’s environmental documents—this reflects a serious shortfall, since discussion of this guidance should have been undertaken at least on the basis of the project’s proximity to nearby major freeways. CARB guidance estimates an increase in cancer risk of 300 – 1700 in a million within 1000’ of a major roadway---in this case the Golden State Freeway (I-5). Providence workers and patients will be located within approximately 300 feet of the freeway, one of the heaviest traveled roadways in Southern California; CARB guidance recommends against siting new sensitive receptors within 500’ of a freeway. However, CARB guidance is advisory only and recognizes that not all cases will allow recommended setback distances. More importantly, CARB recognizes that its recommendations and risk estimates will not apply universally to all CEQA sensitive receptor projects when it states:

6-62

“The relative risk of these categories varies greatly (See Table 1-2.) To determine the actual risk near a particular facility, a site-specific analysis would be required (emphasis added).”¹⁴

VI-9) Why, in view of the bolded portion of the two year-old CARB guidance noted above, was there no substantive discussion by the Lead Agency of the need to prepare a HRA for Providence’s operational exposures of workers and patients to freeway emissions on Providence property? Additionally, the Lead Agency should have been aware that DPM toxics issues would be a matter of public concern based on receipt of at least one letter¹⁵ in 2005 raising a number of project-related toxic DPM issues. Other land use cases under CEQA have provided HRA assessments for freeway-related DPM. (See Greenbriar DEIR, Vol. II, Appendix F “Air Quality Health Risk Assessment”, City of Sacramento; State Clearinghouse Number 2005062144.) The Initial Study, pg. IV-17, gives only slight mention of Providence’s proximity to Interstates 405 and 5, stating that patients and workers at Providence would be

6-63

¹² California Air Resources Board (CARB), Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

¹³ CARB; Air Quality and Land Use Handbook: A Community Health Perspective, April 2005

¹⁴ CARB; Air Quality and Land Use Handbook: A Community Health Perspective, April 2005, pg. 5.

¹⁵ Schuyler Fishman; Written comments regarding Providence Holy Cross Expansion Project Negative Declaration; Sept., 2005.

exposed to “increased mobile source TAC emissions (e.g. diesel particulate matter)”. And, “The proposed building would be used for medical purposes, and, as such, would be constructed to minimize contamination from the outside environment. Nonetheless, mitigation is proposed so that mobile source TAC emissions would be reduced inside the proposed building.” Mitigation is noted there as:

“air filtration system(s) to reduce the diminished air quality effects on occupants of the project” (pg. IV-20).

Air Quality Impact Report, mitigation measure AQ-9 (pg. 26) states:

“The indoor/outdoor air exchange system shall be constructed to include a minimum efficiency reporting value (MERV) of at least 13”.

MERV is a term used to express effectiveness in filtration and air cleaning to remove unwanted material from an air stream.¹⁶ Air handling equipment is designed to enable filtering, yet filter efficiency varies depending on the type of filter media used. Fibrous or pleated filters are often used, and pleated filters will, per NIOSH guidance, run from an efficiency of MERV 6 up to and including high-efficiency particulate air (HEPA) filtering. As noted in the NIOSH table below, a MERV rating of 13 employed at Providence will provide less than 75% filter efficiency for material at or larger than three-tenths of a micron. DPM, however, is comprised of particle sizes at or below one-tenth of micron in size. Based on this information, a MERV 13 rating for Providence may not provide enough protection to reduce DPM-related risks, relating to indoor air quality, to below the level of significance (ten in one million).

6-63

¹⁶ NIOSH Guidance for Protecting Building Environments from Airborne Chemical, Biological, and Radiological Attacks; Filtration and Air-Cleaning Principles. <http://www.cdc.gov/niosh/docs/2003-136/2003-136c.html>.)

Table 1. Comparison of ASHRAE Standard 52.1 and 52.2

ASHRAE 52.2				ASHRAE 52.1		Particle size range, μm	Applications
	Particle size range			Test			
MERV	3 to 10 μm	1 to 3 μm	.3 to 1 μm	Arrestance	Dust spot		
1	<20%	—	—	<65%	<20%	>10	residential light pollen, dust mites
2	<20%	—	—	65-70%	<20%		
3	<20%	—	—	70-75%	<20%		
4	<20%	—	—	>75%	<20%		
5	20-35%	—	—	80-85%	<20%	3.0-10	industrial, dust, molds, spores
6	35-50%	—	—	>90%	<20%		
7	50-70%	—	—	>90%	20-25%		
8	>70%	—	—	>95%	25-30%		
9	>85%	<50%	—	>95%	40-45%	1.0-3.0	industrial, Legionella, dust
10	>85%	50-65%	—	>95%	50-55%		
11	>85%	65-80%	—	>98%	60-65%		
12	>90%	>80%	—	>98%	70-75%		
13	>90%	>90%	75-85%	>98%	80-90%	0.3-1.0	hospitals, smoke removal, bacteria
14	>90%	>90%	75-85%	>98%	90-95%		
15	>90%	>90%	85-95%	>98%	~95%		
16	>95%	>95%	>95%	>98%	>95%		
17	—	—	≥99.97%	—	—	<0.3	clean rooms, surgery, chem-bio, viruses
18	—	—	≥99.99%	—	—		
19	—	—	≥99.999%	—	—		
20	—	—	≥99.9999%	—	—		

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VI-10) The Air Quality Impact Report, pg.26, provides no discussion or quantitative analysis of health risks from freeway emissions, offering the MERV 13 mitigation with no evidence that it will be satisfactory to protect all workers and patients at the reconfigured and expanded hospital. CEQA anticipates worst-case assumptions and analysis, and simply countenancing mobile source TAC emissions (as noted above) in Providence environmental documents does not satisfy this objective. The Lead Agency's failure to present analysis or findings regarding the extent of operational freeway-related risks to workers and patients is clearly inadequate to meet the requirements of CEQA; Providence's Initial Study and Appendix and the Air Quality Impact Report Appendices documents must consider "how adverse the impacts will be"¹⁷, and it may then only render a decision of insignificance if it produces

6-64

¹⁷ Santiago County Water District v. County of Orange, 118 Cal. App. 3d 818, 831 (1981)

rigorous analysis and substantial evidence in support of its finding.¹⁸ In this case, the accepted practice is to perform a comprehensive health risk assessment (HRA). Without substantive analysis or discussion of operational HRA-related emissions and risks, the Lead Agency's documentation has failed to effectively consider project-related potentially adverse impacts as required by CEQA. Similarly, without the benchmark provided by adequate quantitative impact analysis, the effectiveness of the MERV 13 mitigation cannot be gauged. What information is provided in the Initial Study and Appendix (and related documents) to show that dilution with untreated, contaminated air from older, co-located (and connected) buildings will not occur? Where in the environmental review documents does it say that old and new buildings will be kept separate? How does the Lead Agency know with certainty that a MERV 13 rating is effective *enough* to reduce DPM health risks to below the established benchmark for increased carcinogenic risk of ten in a million? In fact, it is unlikely that a MERV 13 system, as noted below, will provide adequate mitigation to reduce DPM risks to less than the ten in a million standard of significance.

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VI-11) Diesel particulate matter is a complex mixture of respirable solid and gas-phase materials, with the greatest portion by both particle number and mass concentrated in the ultrafine range of .03 - .1 microns. MM AQ9's reliance on a MERV 13 efficiency in the Providence Air Quality Impact Report targets no more than 84.9% filter efficiency for particle size at or above .3 microns—and will thereby miss most DPM since the great majority of particles are at or below .1 micron. (See The Particulars of Diesel Particle Emissions, Imad Khalek, Ph.D; Southwest Research Institute; "Technology Today", Spring, 2006.) Following the completion of a HRA to characterize risks of DPM from nearby freeways, the Lead Agency must provide information that ensures there will be no cross-contamination of unfiltered air with adjoining, older structures, and show that all new buildings will employ ultra-high efficiency air filtration (see NIOSH Table at Comment VI-9, above) at the highest effective MERV rating---likely to reflect a MERV rating of at or around 20---in order to reduce carcinogenic health risks to less than the ten in a million significance threshold. (See NIOSH Guidance for Protecting Building Environments from Airborne Chemical, Biological, and Radiological Attacks; Filtration and Air-Cleaning Principles. <http://www.cdc.gov/niosh/docs/2003-136/2003-136c.html>.)

6-65

¹⁸ Kings County Farm Bureau v. City of Hanford, 221 Cal App. 3d 692 (1990)

Autumn Wind Associates, Inc.
 Comments on Providence Hospital MND Project
 June 20, 2007

VII. Environmental Documents Reflect AQMP Inconsistency and Flawed Cumulative Emissions Review Methods

VII-1) At Appendix A, pg. 27 the AQMP Consistency analysis is based on an outdated AQMP and must be revised to include a consistency analysis with the most recent adopted AQMP. Section 3.5.3 states that the 2003 AQMP is the most recent AQMP adopted by the SCAQMD; this statement is incorrect. Revisions to the AQMP were underway well before the issuance of the latest Providence environmental documents, and the Final 2007 AQMP was adopted by the SCAQMD Board of Directors on June 1, 2007. The Final 2007 AQMP is the most recent AQMP and therefore must be used in the consistency analysis for Providence. According to SCAQMD, the 2007 AQMP incorporates significant new scientific data, primarily in the form of updated emissions inventories, ambient measurements, new meteorological episodes and new air quality modeling tools. Note that the Draft Final 2007 AQMP was available in May 2007, the same month that the Air Quality Impact Report was prepared. The Draft 2007 AQMP was released in October, 2006.

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VII-2) At Appendix A, pg. 27 the AQMP Consistency analysis (Section 3.5.2) and cumulative impact methodology (Section 3.6) inappropriately use different versions of the SCAG Regional Transportation Plan (RTP). With respect to cumulative impacts, Table 3-9 includes "Countywide Employment" data that references the source as "SCAG's Regional Transportation Plan, Socioeconomic Projections, 2004". However, the AQMP consistency analysis references data from the 2001 SCAG RTP. Since the cumulative impact methodology is based on the most recent 2004 RTP, the AQMP consistency analysis should reference employment growth projections from the same 2004 RTP, and not the outdated 2001 RTP. In addition to the use of an outdated AQMP and RTP, the fundamental methodology for evaluating consistency is also flawed. Appendix A, pg. 27: "A project is consistent with the AQMP if it is consistent with the population, housing, and employment assumptions that were used in the development of the AQMP". This section goes on to say that the AQMP incorporates the 2001 RTP, with its reference to a projected employment growth of 197,765 between 2005 and 2010. The Appendix concludes that since the project results in an increase of 250 jobs, it is less than the correlative projected employment growth and is therefore consistent with the AQMP. Such an argument is flawed on its face. The argument presumes that an individual project must accommodate more than the growth projected for the entire City of Los Angeles subregion in order to be inconsistent with the AQMP. It is unfathomable to consider that an individual project would employ more than 197,765 persons. In fact, the analysis should have included a summary of actual employment growth to date in order to determine if the current growth

6-67

trend, both with and without the project, exceeds the RTP projection. If it were found to exceed the project, Providence's expansion proposal must be considered inconsistent with the AQMP.

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VII-3) At Appendix A, pg. 27 the consultant states "As shown in Table 3-9, the proposed project to countywide VMT ratio are not greater than the proposed project to countywide population ratio." Table 3-9 does not contain a population ratio. This inconsistency is unexplained. Additionally, the document states "As shown in Table 3-9, the proposed project with cumulative traffic would not violate CO standards at local intersections." Table 3-9 does not contain any CO-related data. Moreover, there is not enough information provided in the document to determine whether the "13 additional projects" selected for cumulative CO impact analysis are adequate to estimate whether the incremental increase from an approved Providence project would lead to cumulative CO exceedances. In the analysis of the 13 projects, what project size criteria were used? Were all cumulative projects included or simply those that were singularly significant? What development timeframe was used? Without this information, meaningful review of the CO cumulative impact analysis is not possible.

6-68

VIII. Inadequate Review and Mitigation of Project-Related Global Warming Emissions

The Providence Initial Study fails to include meaningful discussion, analysis or mitigation for the project and cumulative project contribution to global warming impacts. While the Air Quality Impact Report (Initial Study, Appendix A) contains a general discussion of global warming, it concludes that, with respect to global warming Impacts, no analysis, disclosure, or mitigation is necessary because "[t]he scientific tools needed to evaluate the impacts that a specific project may have on the environment are ... not yet available" (Air Quality Impact Report, pg. 9) and "the only feasible mitigation to address issues related to global warming will be [the California Air Resources Board's] adoption of regulations and thresholds ... to limit GHG emissions in the State" (Air Quality Impact Report, pg. 28). These conclusions are in error; the technical planning and scientific tools to assess global warming impact and feasible mitigation already exist.

6-69

A report by the Association of Environmental Professionals (AEP) includes the following recognition of the importance of climate change:

*"In California, global climate change is a growing concern that must be addressed in CEQA documents."*¹⁹

¹⁹ See Attachment 2, Association of Environmental Professionals, White Paper on Global Climate Change, page 2.

The Report includes a recommended approach for assessing a project's contribution to global climate change. The approach is based on two key components: first, provide an inventory of greenhouse gas emissions; and second, include mitigation strategies identified in the California Climate Action Team (CCAT) Report. The CCAT mitigation was developed to provide sufficient greenhouse gas reductions necessary to meet the Governor's greenhouse gas reduction targets (targets are discussed further below).

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The first component of the AEP recommended approach is providing an inventory of greenhouse gases associated with the project. The project-specific inventory can be quantified based on existing emissions models. Specifically, CARB has released the EMFAC 2007 emissions model to quantify on-road vehicle emissions; this model is used extensively for a broad range of applications by a wide variety of agencies, and produces estimates of vehicle-related CO₂ emissions. Because the Providence project will produce offroad construction vehicle emissions and estimation methods readily exist to estimate their CO₂ fraction, CEQA's primary interest in comprehensively estimating a project's environmental impacts dictates that those greenhouse gas emissions must be quantified, discussed, and mitigated using all reasonable, feasible means.

6-70

CARB has, in addition to EMFAC, produced the OFFROAD 2007 model to quantify emissions from off-road vehicles, including construction equipment. In order to satisfy CEQA's essential interest, EMFAC 2007 and OFFROAD 2007 models each be used to quantify the inventory of CO₂ emissions from onroad and offroad vehicle use during both the short-term construction and long-term operational phases of the project.

Stationary sources also contribute to the greenhouse gas inventory. For example, natural gas combustion for heating and other uses at the hospital site will produce greenhouse gas emissions. To calculate CO₂ emissions from natural gas combustion, the URBEMIS2002 model (the same model used for Providence's Air Quality Impact Report to quantify ROG, NO_x and PM emissions) can be used to generate natural gas usage rates; those rates are then multiplied by US EPA emissions factors²⁰ to provide an estimate of CO₂ emissions from natural gas combustion.

The second component of the AEP-recommended global warming emissions approach stresses inclusion

6-71

²⁰ US Environmental Protection Agency, AP-42 Emission Factor, Natural Gas Combustion, July 1998.
www.epa.gov/ttn/chief/ap42/ch01/final/c01s04.pdf

of mitigation strategies identified in the CCAT Report. According to AEP, the mitigation strategies in the CCAT Report "are the most appropriate to use at this time because the report 'proposes a path to achieve the Governor's targets that will build on voluntary actions of California businesses, local government, and community actions, and State incentive and regulatory programs.'²¹ The following specific CCAT mitigation measures are therefore appropriate for this project and must be included as mitigation:

- Vehicle trip reduction strategies (paid parking, parking cash-out);
- Providing multi-modal transportation options;
- Increasing energy efficiency beyond Title 24 requirements;
- Increasing recycling; and
- Incorporating green building technology.

In the opinion of AEP, if a project complies with the above measures, the project could be considered to have a less than significant cumulative impact to global climate change.²² Without these mitigation measures, the project is considered to contribute significantly to global climate change, an environmental process relevant to CEQA. Accordingly, the Providence Initial Study as currently drafted fails to incorporate feasible climate change mitigation and fails to disclose a significant impact on climate change.

The State of California has acknowledged the environmental impacts of greenhouse gas emissions on climate change. According to Governor Schwarzenegger's June 1, 2005 Executive Order, global warming, left unchecked, will accelerate coastal erosion, degrade air quality, increase wildfires, reduce water supplies, and intensify heat waves, all concerns to the City of Los Angeles, its environs, and its citizens. (See California Climate Change Center, Our Changing Climate: Assessing the Risk to California; Executive Order S-3-05.) The Governor's Executive Order established the following greenhouse gas reduction targets:

- By 2010, Reduce to 2000 Emission Levels
- By 2020, Reduce to 1990 Emission Levels
- By 2050, Reduce to 80 percent Below 1990 Levels

²¹ AEP White Paper on Global Climate Change, p. 10.

²² Ibid, p. 2

If these targets are not achieved, the State of California and its resource agencies believe California will suffer serious and significant degradation of its natural environment, causing widespread environmental damage along with disproportionate harm to those with low incomes and those living in the already congested Los Angeles basin. These issues are of major importance to the City of Los Angeles, and the City has adopted initiatives to deal with them. It is therefore surprising and disconcerting that the City's Planning Department has adopted a laissez-faire approach to the evaluation of Providence-generated CO2 emissions, claiming incorrectly that CO2 emissions from the project cannot be estimated, nor evaluated for purposes of mitigation.

In May 2007, Los Angeles Mayor Antonio Villaraigosa, in partnership with the Los Angeles City Council and environmental leaders, unveiled "GREEN LA – An Action Plan to Lead the Nation in Fighting Global Warming."²³ The Mayor is quoted as saying:

"We're setting the green standard in LA. Reducing our carbon footprint by 35% below 1990 levels is the most ambitious goal set by a major American city."

Neither the Initial Study nor the Air Quality Impact Report identifies the Governor's Executive Order or the GREEN LA Action Plan. No attempt was made to quantify and disclose the greenhouse gas impacts of the proposed project, or to identify feasible mitigation measures. This is a serious omission under CEQA as the project represents a significant growth in energy consumption that will, in turn, make achieving the greenhouse gas and carbon targets committed to by City agencies more difficult. As currently drafted the Initial Study and Air Quality Impact Report reflects an obvious lack of leadership on global warming issues at the Lead Agency, and must be considered inconsistent with Executive Order S-3-05 and the GREEN LA Action Plan.

Further, the State's former and current Attorneys General have urged local governments to include analysis of global warming impacts in their environmental documents because *it is a requirement of CEQA.*²⁴ The basis for requiring an environmental review to disclose and analyze this impact is essential

²³ http://www.lacity.org/mayor/indexright/mayorindexright243045238_05152007.pdf

²⁴ The State's Attorney General, Jerry Brown has been urging jurisdictions to address global warming impacts in their CEQA documents. In a suit filed in April 2007, in San Bernardino County Superior Court, Atty. Gen. Jerry Brown's office contends that the General Plan update approved recently by county supervisors violated the California Environmental Quality Act by not fully evaluating and addressing foreseeable effects on global

6-73

6-74

Autumn Wind Associates, Inc.
Comments on Providence Hospital MND Project
June 20, 2007

CEQA--the California Environmental Quality Act requires government agencies to disclose and analyze all of a project's potentially significant environmental impacts and to make every reasonable effort to avoid, diminish, or mitigate those harmful effects. CEQA defines significant impacts broadly and inclusively and its definition includes not only the direct environmental consequences of implementing the project, but any indirect effects that may follow from the project's direct physical environmental consequences. (CEQA Guidelines section 15064(d)(2).)

6-74

Providence's Initial Study fails to address this essential interest with respect to the treatment of CO2 emissions that it will generate for decades to come. The generalized discussion of global warming issues in the Air Quality Impact Report, having nothing to say about Providence in particular, cannot excuse the City from disclosing, analyzing and mitigating GHG impacts of this Project. Rather than taking the issue on forthrightly the Initial Study is largely silent on the issue, giving the appearance that the Lead Agency wishes to have Providence excused from its CEQA responsibilities to estimate and then mitigate project-specific CO2 emissions. At minimum, a revised Initial Study must be drafted to correct these omissions and then re-circulated to allow public review of the following:

6-75

1. A revised regional setting discussion which includes background information on global warming and climate change, State, regional and local targets and the status of any regional inventory;
2. An inventory of the greenhouse gas emissions (i.e. carbon dioxide, methane, nitrous oxide) generated by the project;
3. Incorporation of all feasible mitigation as identified by CCAT.

temperatures, air quality and natural resources. See also Attachment 3, letter from Kathryn W. Egolf on behalf of Bill Lockyer to Glenn Campbell, dated March 30, 2006, pgs. 2-5 (expressing opinion that CEQA requires analysis of impacts on climate change).

Executive Summary

In California, global climate change is a growing concern that needs to be addressed in CEQA documents. There are currently no published thresholds for measuring the significance of a project's cumulative contribution to global climate change. An individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases. The following approach is used to assess the significance of the project's cumulative contribution to global climate change:

- 1) **Inventory:** An inventory of greenhouse gas emissions (i.e., carbon dioxide, methane, nitrous oxide) generated by the project will be presented for informational purposes. The inventory will also be compared to the inventory for California and/or the County, when those inventories become available.
- 2) **Compliance with Strategies:** Project compliance with the emission reduction strategies contained in the California Climate Action Team's (CCAT) Report to the Governor will be assessed. This report proposes a path to achieve the Governor's greenhouse gas reduction targets. Projects can ensure compliance with strategies by including the incorporating the following design features: vehicle trip reduction strategies; providing multi-modal transportation options; increasing energy efficiency beyond Title 24 requirements; increased recycling; and incorporating green building technology.

If a project complies with the State's strategies to reduce greenhouse gases to the levels proposed by the governor, it follows that the project would have a less than significant cumulative impact to global climate change. In addition, projects that cannot comply with CCAT strategies may also be able to reduce their cumulative contributions to GHG emissions to less than significant levels by contributing to available regional, state, national, or international mitigation programs such as reforestation, tree planting, or carbon trading.

Global Climate Change

General Overview

Global climate change alleged to be caused by greenhouse gases (GHG) is currently one of the most important and widely debated scientific, economic, and political issues in the United States. Global climate change is a change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature. Historical records have shown that temperature changes have occurred in the past, such as during previous ice ages. Some data indicates that the current temperature record differs from previous climate changes in rate and magnitude.

The United Nations Intergovernmental Panel on Climate Change constructed several emission trajectories of greenhouse gases needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of greenhouse gases at 400-450 ppm carbon dioxide-equivalent concentration is required to keep global mean warming below 2° Celsius, which is assumed to be necessary to avoid dangerous climate change (IPCC 2001).

6-78

Greenhouse Gases

Gases that trap heat in the atmosphere are often called greenhouse gases, analogous to a greenhouse. Greenhouse gases are emitted by natural processes and human activities. The accumulation of greenhouse gases in the atmosphere regulates the earth's temperature. Without these natural greenhouse gases, the Earth's surface would be about 61°F cooler (CA 2006). Emissions from human activities such as electricity production and vehicles have elevated the concentration of these gases in the atmosphere.

Greenhouse gases have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the "cumulative radiative forcing effects of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas" (EPA 2006a). The reference gas for GWP is carbon dioxide; carbon dioxide has a GWP of one. For example, methane has a GWP of 21, which means that it has a greater global warming effect than carbon dioxide on a molecule per molecule basis. One teragram of carbon dioxide equivalent (Tg CO₂ Eq.) is the emissions of the gas multiplied by the GWP. One teragram is equal to one million metric tons. The carbon dioxide equivalent is a good way to assess emissions because it gives weight to the GWP of the gas. The atmospheric lifetime and GWP of selected greenhouse gases are summarized in Table 1. As shown in the table, GWP ranges from 1 (carbon dioxide) to 23,900 (sulfur hexafluoride).

Table 1: Global Warming Potentials and Atmospheric Lifetimes

Gas	Atmospheric Lifetime (years)	Global Warming Potential (100 year time horizon)
Carbon Dioxide	50 – 200	1
Methane	12 ± 3	21
Nitrous Oxide	120	310
HFC-23	264	11700
HFC-134a	14.6	1300
HFC-152a	1.5	140
PFC: Tetrafluoromethane (CF ₄)	50000	6500
PFC: Hexafluoroethane (C ₂ F ₆)	10000	9200
Sulfur Hexafluoride (SF ₆)	3200	23900
Source: EPA 2006b		

Water vapor is the most abundant, important, and variable greenhouse gas in the atmosphere. It is not considered a pollutant; in the atmosphere it maintains a climate necessary for life. The main source of water vapor is evaporation from the oceans (approximately 85%). Other sources include evaporation from other water bodies, sublimation (change from solid to gas) from ice and snow, and transpiration from plant leaves.

Carbon dioxide (CO₂) is an odorless, colorless natural greenhouse gas. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus;

evaporation from oceans; and volcanic outgassing. Anthropogenic (human caused) sources of carbon dioxide are from burning coal, oil, natural gas, and wood. Concentrations are currently around 370 ppm; some say that concentrations may increase to 540 ppm by 2100 as a direct result of anthropogenic sources (IPCC 2001). Some predict that this will result in an average global temperature rise of at least 2° Celsius (IPCC 2001).

Methane is a flammable gas and is the main component of natural gas. When one molecule of methane is burned in the presence of oxygen, one molecule of carbon dioxide and two molecules of water are released. There are no health effects from methane. A natural source of methane is from the anaerobic decay of organic matter. Geological deposits known as natural gas fields contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and cattle.

Nitrous oxide (N₂O), also known as laughing gas, is a colorless greenhouse gas. Higher concentrations can cause dizziness, euphoria, and sometimes slight hallucinations. Nitrous oxide is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is used in rocket engines, as an aerosol spray propellant, and in race cars.

Chlorofluorocarbons (CFCs) are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone; therefore their production was stopped as required by the Montreal Protocol.

Hydrofluorocarbons (HFCs) are synthetic man-made chemicals that are used as a substitute for CFCs for automobile air conditioners and refrigerants.

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane and hexafluoroethane. Concentrations of tetrafluoromethane in the atmosphere are over 70 ppt (EPA 2006d). The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur hexafluoride (SF₆) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It also has the highest GWP of any gas evaluated, 23,900. Concentrations in the 1990s were about 4 ppt (EPA 2006d). Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and therefore is not global in nature. According to CARB, it is difficult to make an accurate determination of the contribution of ozone precursors (NO_x and VOCs) to global warming (CARB 2004b). Therefore, project emissions of ozone precursors would not significantly contribute to global climate change.

6-78

Aerosols are particles emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light. Cloud formation can also be affected by aerosols. Sulfate aerosols are emitted when fuel with sulfur in it is burned. Black carbon (or soot) is emitted during bio mass burning incomplete combustion of fossil fuels. Particulate matter regulation has been lowering aerosol concentrations in the United States; however, global concentrations are likely increasing.

International and Federal Legislation

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change to assess "the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation" (IPCC 2004).

The United States joined other countries around the world in signing the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC was entered on March 21, 1994. Under the Convention, governments: gather and share information on greenhouse gas emissions, national policies, and best practices; launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change (UNFCCC 2007).

The Kyoto Protocol is a treaty made under the UNFCCC. Countries can sign the treaty to demonstrate their commitment to reduce their emissions of greenhouse gases or engage in emissions trading. More than 160 countries, 55% of global emissions, are under the protocol. United States Vice President, Al Gore, symbolically signed the Protocol in 1998. However, in order for the Protocol to be formally adopted, or ratified, it must be adopted by the legislature, which was not done by the Clinton administration. The current President, George W. Bush, has indicated that he does not intend to submit the treaty for ratification.

The Montreal Protocol was originally signed in 1987 and substantially amended in 1990 and 1992. The Montreal Protocol stipulates that the production and consumption of compounds that deplete ozone in the stratosphere--chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform--were to be phased out by 2000 (2005 for methyl chloroform).

In October 1993, President Clinton announced his Climate Change Action Plan, which had a goal to return greenhouse gas emissions to 1990 levels by the year 2000. This was to be accomplished through 50 initiatives that relied on innovative voluntary partnerships between the private sector and government aimed at producing cost-effective reductions in greenhouse gas emissions.

California Legislation

Although not originally intended to reduce greenhouse gas emissions, California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings were first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The latest amendments were made in October 2005. Energy efficient buildings require less electricity. Electricity production by fossil

6-78

fuels results in greenhouse gas emissions. Therefore, increased energy efficiency results in decreased greenhouse gas emissions.

California Assembly Bill 1493 (Pavley) enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce greenhouse gases emitted by passenger vehicles and light duty trucks. Regulations adopted by CARB will apply to 2009 and later model year vehicles. CARB estimates that the regulation will reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18% in 2020 and by 27% in 2030 (CARB 2004).

California Governor Arnold Schwarzenegger announced on June 1, 2005 through Executive Order S-3-05, GHG emission reduction targets as follows: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels (CA 2005). Some literature equates these reductions to 11 percent by 2010 and 25 percent by 2020.

The U.S. EPA does not regulate greenhouse gases from motor vehicles. Notwithstanding the lack of U.S. EPA regulation of greenhouse gas emissions, in 2006, the California State Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires CARB, the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020. On or before June 30, 2007, CARB is required to publish a list of discrete greenhouse gas emission reduction measures that can be implemented. Emission reductions shall include carbon sequestration projects and best management practices that are technologically feasible and cost-effective. Greenhouse gases as defined under AB 32 include: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

AB 32 requires that by January 1, 2008, the state board shall determine what the statewide greenhouse gas emissions level was in 1990, and approve a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. While the level of 1990 GHG emissions has not yet been approved, other publications indicate that levels varied from 425 to 468 Tg CO₂ Eq. (CEC 2006). In 2004, the emissions were estimated at 492 Tg CO₂ Eq. (CEC 2006). Using the range of 1990 emissions, a reduction of between 5 and 13 percent would be needed to reduce 2004 levels to 1990 levels.

Executive Order S-01-07 was enacted by the Governor on January 18, 2007. Essentially, the order mandates the following: 1) that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020; and 2) that a Low Carbon Fuel Standard ("LCFS") for transportation fuels be established for California.

Inventory

In 2004, total GHG emissions were 20,135 Tg CO₂ Eq., excluding emissions/removals from land use, land use change, and forestry (UNFCCC 2006). In 2004, the U.S. contributed the most GHG emissions (35% of global emissions). In 2004, GHG emissions in the U.S. were 7074.4 Tg CO₂ Eq., which is an increase of 15.8 percent from 1990 emissions (EPA 2006a).

California is a substantial contributor of global greenhouse gases as it is the second largest contributor in the U.S. and the sixteenth largest in the world (CEC 2006). In 2004, California produced 492 Tg

6-78

CO₂ Eq. (CEC 2006), which is approximately seven percent of U.S. emissions. The major source of GHG in California is transportation, contributing 41 percent of the state's total GHG emissions (CEC 2006). Electricity generation is the second largest source, contributing 22 percent of the state's GHG emissions.

Health and Other Effects

The potential health effects from global climate change may arise from temperature increases, climate-sensitive diseases, extreme events, and air quality. There may be direct temperature effects through increases in average temperature leading to more extreme heat waves and less extreme cold spells. Those living in warmer climates are likely to experience more stress and heat-related problems (i.e., heat rash and heat stroke). In addition, climate sensitive diseases may increase, such as those spread by mosquitoes and other disease carrying insects. Those diseases include malaria, dengue fever, yellow fever, and encephalitis. Extreme events such as flooding and hurricanes can displace people and agriculture, which would have negative consequences. Drought in some areas may increase, which would decrease water and food availability. Global warming may also contribute to air quality problems from increased frequency of smog and particulate air pollution (EPA 2006c).

California Environmental Quality Act Analysis

CEQA Challenges

The California Environmental Quality Act (CEQA), unlike other single-topic environmental laws, encourages the protection of all aspects of the environment by requiring state and local agencies to prepare multidisciplinary environmental impact analysis and to make decisions based on the analysis regarding the environmental effects of the proposed project (CEQA Guidelines § 15002(a)). To this end, the public and many groups of individuals concerned with the environment have used CEQA to block development projects they see as detrimental to the environment or insist upon additional mitigation to address environmental impacts of a project. CEQA challenges have been used to require analysis of impacts never contemplated by the lead agency or mandated in CEQA. As an example, the Center for Biological Diversity filed a CEQA challenge to the Black Bench Specific Plan project (*Center for Biological Diversity vs. City of Banning*) for failure to mitigate GHG emissions. In another case, the Natural Resource Defense Council filed a CEQA challenge to the development of land in the San Joaquin River delta (*Natural Resource Defense Council vs. Reclamation Board*) for failure of the EIR to analyze climate change impacts associated with the development. In addition, the State Attorney General is demanding that development projects assess climate change impacts in comments sent by the State Attorney General during the CEQA comment period for large development projects.

Until the passage of AB 32, CEQA documents did not generally evaluate GHG emissions or impacts on global climate change. The primary focus of air pollutant analysis in CEQA documents was the emission of criteria pollutants, or those identified in the state and federal Clean Air Acts as those that were of most concern to the public and government agencies. If any comments were made on a Draft EIR regarding GHG emissions or global warming, the Response to Comments would generally follow along the lines that the project was too small or did not produce GHG emissions, or that the procedures to estimate such emissions were too speculative and beyond the scope of the EIR. With the passage of AB 32, a more detailed analysis of GHG emissions is recommended in CEQA documents.

6-78

Analysis of Criteria Pollutants vs. GHG Emissions

Current procedures for estimating emissions of "criteria" pollutants identified in the Clean Air Act have been well established by state and federal agencies for many years (e.g., URBEMIS program developed by the South Coast Air Quality Management District). To the extent practical, the analysis of GHG emissions should be based on current emission inventory models such as the California Air Resource Board's EMFAC 2007 emissions model and U.S. EPA emission factors. Proposed mitigation to reduce greenhouse gas emissions should first emphasize on those measures that also reduce criteria pollutant emissions such as reducing vehicle trips, improving the efficiency of buildings in the project, and restricting idling time when feasible. The project should be evaluated based on GHG emission reduction measures in recent state legislation to determine if the project is consistent with those reduction measures.

CEQA Mandates for Analysis of Impacts

CEQA requires that Lead Agencies inform decision makers and the public about potential significant environmental effects of proposed projects, identify ways that environmental damage can be avoided or reduced, prevent significant, avoidable environmental damage through the use of feasible mitigation measures and/or project alternatives, and disclose to the public the reasons why the Lead Agency approved a project in the manner the agency chose if significant environmental effects are involved (CEQA Guidelines §15002). CEQA also requires Lead Agencies to evaluate potential environmental effects based to the fullest extent possible on scientific and factual data (CEQA Guidelines §15064b). Considering a review of scientific and factual data, the recent adoption of AB 32, and the requirements of CEQA, it is apparent that an analysis of a development project's incremental contribution to global warming impacts is needed in CEQA documents if they are to be legally defensible.

6-78

Cumulative vs. Project Specific

Even a very large individual project cannot generate enough greenhouse gas emissions to influence global climate change. A project participates in this potential impact by its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases, which when taken together form global climate change impacts.

Thresholds of Significance

There are currently no published thresholds of significance for measuring the impact of global climate change on or from a project. However, that does not relieve the lead agency of establishing a threshold.

Alternative Approaches to Analysis of Climate Change Impacts

In the absence of regulatory guidance, and prior to the resolution on various legal challenges for global climate change analysis, CEQA documents must address GHG emissions on a base-by-case basis using ad-hoc methods and individual judgment of existing CEQA guidance. The following section explores the various methodologies that could be used in CEQA documents to address global climate change impacts analysis. Options are presented in order of difficulty to implement.

Approach 1: Do not address GHG emissions at all in a CEQA document

This approach is effectively the continuation of the status quo where GHG emissions and global climate change impacts are not mentioned in CEQA documents. Because it is difficult to determine how a proposed project would contribute to climate change and what the overall impacts would be based on that contribution, some lead agencies have determined it to be speculative to attempt to

analyze a project's contribution to climate change. Obviously, this is the easiest approach, but it is likely that the omission of a climate change discussion on a project will result in critical remarks during the comment period and provides a foothold for legal challenge of the project's CEQA review process.

Approach 2: Discuss climate change only qualitatively without a significance determination

This approach would involve a discussion of what global climate is and potential ways the project will participate in the generation of GHG emissions, but does not provide any significance conclusions. Explanations may be added to the discussion about the fact that there is no regulatory guidance or established threshold of significance to compare with project impacts. This approach at least addresses the CEQA requirement for disclosure of potential impacts, but lacks a significance finding.

Approach 3: Discuss climate change qualitatively and determine impacts significant

This approach indicates that all projects are significant with regard to global climate change though it is an improvement upon approaches 1 and 2 in that it describes the impacts and makes a significance conclusion. Also, without offering reasonable mitigation measures and comparing impacts to a threshold, this approach is vulnerable to challenge.

Approach 4: Analyze GHG emissions quantitatively without a significance determination

In this approach, GHG emissions from the project are quantified but are not compared to a quantitative threshold. The level of sophistication has increased and the analysis has the "look and feel" of a standard CEQA air quality analysis used to determine air quality impacts, but lacks an actual significance conclusion. A paragraph may be added describing the lack of an established threshold. While the analysis shows effort toward quantifying emissions, this approach actually has the same vulnerabilities as approach 2 (i.e. lacking a significance determination).

Approach 5: Analyze GHG emissions quantitatively and use "no net carbon increase" as a threshold of significance

This approach would quantify GHG emissions and has a very conservative threshold that must be met requiring significant mitigation. However, this approach would make almost any project's impacts significant with regard to global climate change impacts. This approach favors emissions banking systems such as the Climate Change Registry as mitigation to address impacts as the only way to achieve the "no net carbon increase" is to buy emissions that are produced by the project. There are several problems with this approach. First, it sets the precedent that all projects without mitigation would be significant, which is implied within the threshold. This approach would deemphasize onsite mitigation that would lower GHG emissions through innovative energy conservation design, trip reduction measures, etc. Collectively, it does not make sense to rely on emissions banking systems to provide the bulk of mitigation and not change the way projects are designed. Also, the heavy reliance on emissions banking systems to mitigate project impacts may be problematic. While emissions banking systems may work in theory, it is unlikely that the CEQA document would have enough details about the emission banking system (i.e., the physical improvements and the schedule of when those physical improvements would be implemented). Legally defensible mitigation requires an adequate description of what physically would occur to reduce emissions and when those changes would take place.

6-78

Approach 6: Discuss climate change qualitatively and to the fullest extent possible determine GHG emissions quantitatively with significance criteria and mitigation methods

Both qualitative and quantitative approaches in determining significance criteria would be employed in this approach. This approach lends itself to a variety of project types and sizes. For most projects of small to moderate size, GHG emissions could be to some extent quantified, but the analysis would focus on qualitative compliance with the emission reduction strategies contained in the California Climate Action Team's Report to the Governor. This report proposes a path to achieve the GHG reduction targets found in AB 32 and Executive Order S-3-05. While the report and Executive Order S-3-05 does not specifically mention CEQA, they do include a list of various measures that can be employed to achieve the GHG reduction targets. It can be easily argued that proposed projects that implement all appropriate actions listed in the emissions reduction strategies relevant to the proposed project would have a less than significant impact to global climate change. This same type of approach can be used for projects within counties that have an adopted GHG Reduction Plan (currently Marin County is the only one). In cases where quantifying emissions is not reasonable or possible, such as Specific Plans where the development is at a very programmatic approach, this approach could still be used and is defensible.

For projects that have an established emissions inventory (such as cities, counties, or specific plans) the analysis can rely more heavily upon the quantitative analysis by estimating the existing GHG emissions inventory, the past GHG emissions inventory for year 2000, year 1990, and the future year emissions inventory with the project. This approach can then quantitatively show how the project will (or will not) meet the GHG emissions targets (i.e. achieve the year 2000 GHG emissions inventory by year 2010, and the 1990 GHG emissions inventory by year 2020) found in Executive Order S-3-05. The types of projects that can rely upon the quantities of GHG emissions in determining significance is fairly limited, but lend themselves to General Plan updates.

By combining both a qualitative and quantitative approach, the analysis can be tailored to the particular type and size of the project and still provide, to the fullest extent feasible, a comprehensive analysis of global climate change impacts that includes a comparison of significance criteria and mitigation methods. This is the most legally defensible method currently available.

Proposed Climate Change Impact Analysis Process

As discussed earlier, the most defensible method to assess the significance of a project's cumulative contribution to global climate change involves: 1) project compliance with emission reduction strategies, or when available and feasible comparison of emissions inventories; and 2) an inventory of project GHG emissions.

Onsite Mitigation - Compliance with Strategies

Project compliance with the greenhouse gas emission reduction strategies contained in the California Climate Action Team's Report to the Governor will be assessed. If new projects are consistent with those strategies, it follows that the project would not be significantly contributing to a cumulative global climate change impact. To reduce California's greenhouse gas emissions to the levels proposed in Executive Order S-3-05, the California EPA Climate Action Team developed a report that outlines strategies for meeting the Governor's targets. Use of the strategies in the report to determine project consistency are the most appropriate to use at this time because the report "proposes a path to achieve the Governor's targets that will build on voluntary actions of California businesses, local government and community actions, and State incentive and regulatory programs" (CA 2006). AB 32 requires that a list of emission reduction strategies be published to achieve the

6-78

goals set out in AB 32. However, until those reduction strategies are published, emission reduction strategies to meet Executive Order S-3-05 will be relied upon.

The strategies are assigned to a responsible agency. The strategies that CARB is to implement over the next two years are summarized in Table 2. Strategies to be implemented by other agencies are summarized in Table 3.

Table 2: California Air Resources Board Greenhouse Gas Emission Reduction Strategies

Strategy	Description of Strategy
Vehicle Climate Change Standards	AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the ARB in September 2004.
Diesel Anti-Idling	In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.
Other Light Duty Vehicle Technology	New standards would be adopted to phase in beginning in the 2017 model year
Hydrofluorocarbon Reduction	1) Ban retail sale of HFC in small cans; 2) Require that only low GWP refrigerants be used in new vehicular systems; 3) Adopt specifications for new commercial refrigeration; 4) Add refrigerant leak-tightness to the pass criteria for vehicular Inspection and Maintenance programs; 5) Enforce federal ban on releasing HFCs.
Transportation Refrigeration Units, Off-Road Electrification, Port Electrification	Strategies to reduce emissions from TRUs, increase off-road electrification, and increase use of shore-side/port electrification.
Manure Management	The proposed San Joaquin Valley Rule 4570 will reduce volatile organic compounds from confined animal facilities through implementation of control options.
Alternative Fuels: Biodiesel Blends	CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.
Alternative Fuels: Ethanol	Increased use of ethanol fuel.
Heavy-Duty Vehicle Emission Reduction Measures	Increased efficiency in the design of heavy duty vehicles and an education program for the heavy duty vehicle sector.
Reduced Venting and Leaks in Oil and Gas Systems	Rule considered for adoption by the Air Pollution Control Districts for improved management practices.
Hydrogen Highway	The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.
Achieve 50% Statewide Recycling Goal	Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48% has been achieved on a statewide basis.

6-78

	Therefore, a 2% additional reduction is needed.
Landfill Methane Capture	Install direct gas use or electricity projects at landfills to capture and use emitted methane.
Zero Waste - High Recycling	Additional recycling beyond the State's 50% recycling goal.
Source: Summarized from CA 2006.	

Table 3: Other California Agency Greenhouse Gas Emission Reduction Strategies

Strategy	Description of Strategy
Department of Forestry	
Urban Forestry	A new statewide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs.
Afforestation/Reforestation Projects	Reforestation projects focus on restoring native tree cover on lands that were previously forested and are now covered with other vegetative types.
Department of Water Resources	
Water Use Efficiency	Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.
Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress	Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).
Appliance Energy Efficiency Standards in Place and in Progress	Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California).
Cement Manufacturing	Cost-effective reductions to reduce energy consumption and to lower carbon dioxide emissions in the cement industry.
Municipal Utility Strategies	Includes energy efficiency programs, renewable portfolio standard, combined heat and power, and transitioning away from carbon-intensive generation.
Alternative Fuels: non-Petroleum Fuels	Increasing the use of non-petroleum fuels in California's transportation sector, as recommended in the CEC's 2003 and 2005 Integrated Energy Policy Reports.
Business Transportation and Housing	
Measures to Improve Transportation Energy Efficiency	Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools and information that advance cleaner transportation and reduce climate change emissions.

6-78

Strategy	Description of Strategy
Smart Land Use and Intelligent Transportation Systems (ITS)	Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors. ITS is the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services. Governor Schwarzenegger is finalizing a comprehensive 10-year strategic growth plan with the intent of developing ways to promote, through state investments, incentives and technical assistance, land use, and technology strategies that provide for a prosperous economy, social equity, and a quality environment. Smart land use, demand management, ITS, and value pricing are critical elements in this plan for improving mobility and transportation efficiency. Specific strategies include: promoting jobs/housing proximity and transit-oriented development; encouraging high density residential/commercial development along transit/rail corridor; valuing and congestion pricing; implementing intelligent transportation systems, traveler information/traffic control, incident management; accelerating the development of broadband infrastructure; and comprehensive, integrated, multimodal/intermodal transportation planning.
Department of Food and Agriculture	
Enteric Fermentation	Cattle emit methane from digestion processes. Changes in diet could result in a reduction in emissions.
State and Consumer Services Agency	
Green Buildings Initiative	Green Building Executive Order, S-20-04 (CA 2004), sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared with 2003 levels. The Executive Order and related action plan spell out specific actions state agencies are to take with state-owned and -leased buildings. The order and plan also discuss various strategies and incentives to encourage private building owners and operators to achieve the 20 percent target.
Public Utilities Commission (PUC)	
Accelerated Renewable Portfolio Standard (33 percent by 2020)	The Governor has set a goal of achieving 33 percent renewables in the State's resource mix by 2020. The joint PUC/Energy Commission September 2005 Energy Action Plan II (EAP II) adopts the 33 percent goal.
California Solar Initiative	The solar initiative includes installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses, increased use of solar thermal systems to offset the increasing demand for natural gas, use of advanced metering in solar applications, and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.

6-78

Strategy	Description of Strategy
Investor-Owned Utility	This strategy includes energy efficiency programs, combined heat and power initiative, and electricity sector carbon policy for investor owned utility.
Source: Summarized from CA 2006.	

The preferred approach to reducing a project's impact on global climate change is to incorporate design features into the project that comply with the state's strategies to reduce greenhouse gas emissions. Features that could apply to residential projects are presented in Table 4. Features that could apply to commercial and/or industrial projects are presented in Table 5. Features that could apply to agricultural and select industrial projects are contained in Table 6.

Table 4: Residential Design Features

State Strategy to Reduce Greenhouse Gas Emissions ¹	Project Design/Mitigation to Comply with Strategy
Vehicle Climate Change Standards and Other Light Duty Vehicle Technology	These are CARB enforced standards; vehicles that access the project that are required to comply with the standards will comply with the strategy.
Hydrofluorocarbon Reduction	This measure applies to consumer products. When CARB adopts regulations for these reduction measures, any products that the regulations apply to will comply with the measures.
Achieve 50% Statewide Recycling Goal	In multi-family housing, separate recycling and waste receptacles should be planned.
Zero Waste - High Recycling	
Urban Forestry	Trees planted near dwelling units act as insulators from weather thereby decreasing energy requirements. Onsite trees also provide carbon storage.
Afforestation/Reforestation	Clustering residential development to preserve forest/woodland resources, increasing density, and preserving and restoring open space would comply with this strategy.
Water Use Efficiency	Features to increase water use efficiency include use of both potable and non-potable water to the maximum extent practicable and use of low flow appliances (i.e., toilets, shower heads, washing machines, etc).
Building Energy Efficiency	Pursuant to the description of Building Energy Efficiency in Table 3, it is recommended that a project achieve 20 percent reduction in the residential building's combined space heating, cooling and water heating energy compared to the current Title 24 Standards.
Appliance Energy Efficiency	Use of energy efficient appliances (i.e., washer/dryers, refrigerators, stoves, etc.)
Smart Land Use and Intelligent Transportation Systems	Encourage high-density residential and commercial mixed use.
Green Buildings Initiative	Increase energy efficiency 20 percent beyond Title 24 requirements. Use of other green building design (i.e., natural daylighting and on-site renewable, electricity generation)

6-78

State Strategy to Reduce Greenhouse Gas Emissions ¹	Project Design/Mitigation to Comply with Strategy
California Solar Initiative	<u>Sample Mitigation</u> The applicant shall join the California Energy Commission's New Solar Homes Partnership for this project. The Partnership mandates that a minimum of 50 percent of the residences have solar panels installed. In addition, each appliance provided by the builder must be Energy Star if an Energy Star designation is applicable for that appliance. One of the requirements of the Partnership is selection of one of the following building efficiency options: a) 15 percent reduction in the residential building's combined space heating, cooling and water heating energy compared to the current Title 24 Standards; or b) 35 percent reduction in the residential building's combined space heating, cooling and water heating energy and 40 percent in the residential building's air conditioning energy compared to the current Title 24 Standards.
1) Source: Table 2 and Table 3	

Table 5: Commercial and Industrial Design Features

6-78

State Strategy to Reduce Greenhouse Gas Emissions ¹	Project Design/Mitigation to Comply with Strategy
Vehicle Climate Change Standards and other Light Duty Vehicle Technology	These are CARB enforced standards; vehicles that access the project that are required to comply with the standards will comply with the strategy.
Diesel Anti-Idling	Signs posted that restrict idling; onsite education for truck drivers regarding health impacts of diesel.
Hydrofluorocarbon Reduction	This measure applies to consumer products. When CARB adopts regulations for these reduction measures, any products that the regulations apply to will comply with the measures.
Transportation Refrigeration Units, Off-Road Electrification, Port Electrification	In projects where TRUs access the site, implement measures to reduce emissions; install electrification in applicable projects (i.e., truck stops, warehouses, etc.)
Heavy-Duty Vehicle Emission Reduction Measures	These are CARB enforced standards; vehicles that access the project that are required to comply with the standards will comply with the strategy.
Achieve 50% Statewide Recycling Goal and Zero Waste - High Recycling	1) Design locations for separate waste and recycling receptacles. 2) Utilize recycled components in the building design.
Urban Forestry	Trees act as insulators from weather thereby decreasing energy requirements. Onsite trees also provide carbon storage.
Afforestation/Reforestation	Increasing density; preserving and restoring open space.
Water Use Efficiency	Features to increase water use efficiency include: use of both potable and non-potable water to the maximum extent practicable; low flow appliances (i.e., toilets, dishwashers, washing machines, etc.); automatic shut off valves for sinks in restrooms; drought resistant landscaping; "Save Water" signs near water faucets.

State Strategy to Reduce Greenhouse Gas Emissions ¹	Project Design/Mitigation to Comply with Strategy
Building Energy Efficiency Standards	Increase energy efficiency by 20 percent beyond Title 24 requirements.
Appliance Energy Efficiency	Use of energy efficient appliances
Smart Land Use and Intelligent Transportation Systems	Encourage high-density residential and retail mixed use, infill development, transit oriented design, jobs/housing proximity, alternative forms of transportation, pedestrian friendly design features, etc.
Green Buildings Initiative	Increase energy efficiency 20 percent beyond Title 24 requirements. Use of other green building design (i.e., natural daylighting and on-site renewable, electricity generation)
California Solar Initiative	Encourage solar panels.
1) Source: Table 2 and Table 3	

Table 6: Design Features for Agriculture and Other Land Uses

State Strategy to Reduce Greenhouse Gas Emissions ¹	Project Design/Mitigation to Comply with Strategy
Manure Management	San Joaquin Valley: In projects that address confined animal facilities, project design as recommended in proposed Rule 4570 would reduce GHG emissions.
Alternative Fuels: Biodiesel Blends	The use of alternative fuels would be applicable to some industrial and agricultural projects.
Alternative Fuels: Ethanol	
Landfill Methane Capture	Methane capture would be applicable to projects involving landfills.
Cement Manufacturing	Features to reduce emissions would be applicable to projects involving cement manufacturing.
Enteric Fermentation	In agricultural/cattle related projects, design features that reduce emissions would be implemented.

6-78

Offsite Mitigation - Established Programs

It may be necessary for some projects to find other ways of reducing their GHG emission impacts other than compliance with onsite CCAT strategies. In those instances, projects could contribute to established regional, state, federal, or international GHG mitigation programs, such as reforestation, planting/replanting, or carbon trading program. Programs that introduce new plants or trees help reduce GHG emissions by absorbing carbon dioxide and producing oxygen. Once the overall carbon dioxide emissions of a project are calculated, a developer could offset their project GHG emissions by making a monetary contribution to a planting program that would provide for the absorption of that amount of GHG emissions over a reasonable period of time (i.e. three to five years).

In addition, the Kyoto Protocol established a number of ways of reducing project-level GHG emissions called Clean Development Mechanisms (CDMs) with approximately 20 different

categories, including: voluntary activities implemented jointly; registry systems; emission trading; and Joint Implementation Programs. The Kyoto Protocol implementation program considered CDMs and Joint Implementation Programs to be most applicable to specific development projects. According to the Union of Concerned Scientists website, the benefits of some CDMs such as carbon sequestration (storing carbon geologically or biologically) or a carbon tax are unknown or overly speculative at this time. However, carbon trading is an already established program that could be a very successful way of mitigating GHG emissions from typical development projects. Carbon trading may be especially beneficial for smaller projects for which it may be difficult to mitigate using design changes for larger projects such as onsite photovoltaic electric production, increased public transit, etc. Carbon trading also compliments market based "cap and trade" options which CARB is considering as one method of mitigating GHG emission impacts within California. With this program, a project could purchase offsets or credits to compensate for its proportion of GHG emissions.

Carbon trading involves paying into established third party programs such as alternative energy projects with proven track records that construct or invest in biomass, wind energy, alternative vehicular fuels, or increased energy efficiency programs. For example, a company called "TerraPass" provides carbon trading schedules for various types of development impacts, mainly housing occupancy and personal vehicle use. It should be noted that most of the following data and examples mainly address carbon dioxide emissions, since those are the most likely GHGs to be generated by development compared to other GHGs (ie., methane, nitrous oxide, hydroflourocarbons, perflourocarbons, and sulphur hexaflouride). For example, the TerraPass website indicates that the installation of compact fluorescent light bulbs instead of incandescent bulbs in a typical residential unit would save 362 pounds per year (ppy) of carbon dioxide, while cleaning the heating and air conditioning ducts and changing the heater filter every six months would save approximately 37.3 ppy of carbon dioxide.

Using the TerraPass website figures as a guide, a typical residential unit generates 7500 ppy of carbon dioxide from utility usage, while vehicular emissions from a personal vehicle driven under "normal" conditions (current average fleet vehicle driven 10,000 miles per year) generates 9,000 ppy of carbon dioxide. Typical TerraPass offsets would be \$40 for 7,500 ppy and \$45 for 9,000 ppy. If a project were to "pay" a third party to offset these emissions, it would cost approximately \$85 per year or \$850 per house if averaged over 10 years. The values presented in Table 7 are based on typical estimates from the TerraPass website.

Table 7: Offsite Mitigation Cost

Home Occupancy		Vehicle Use	
Emissions (pounds)	Cost (\$)	Emissions (pounds)	Cost (\$)
7000	35	6000	30
12000	60	8000	40
20000	100	12000	50
28000	140	20000	80
Source: TerraPass 2007 (www.terrapass.com)			

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6-78

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6-78

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



RONALD REAGAN BUILDING
300 SOUTH SPRING STREET, SUITE 1700
LOS ANGELES, CA 90013

Public: (213) 897-2000
Telephone: (213) 897-0628
Facsimile: (213) 897-2802
E-Mail: kathryn.egolf@doj.ca.gov

March 30, 2006

VIA OVERNIGHT MAIL AND U.S. MAIL

Glenn Campbell, Principal Transportation Analyst
Orange County Transportation Authority
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584

6-79

RE: Orange County Transportation Authority 2006 Long-Range Transportation Plan Draft
Program Environmental Impact Report

Dear Mr. Campbell:

The Attorney General of the State of California submits the following comments regarding the Orange County Transportation Authority ("OCTA") 2006 Long-Range Transportation Plan ("Plan") Draft Program Environmental Impact Report ("DPEIR"). The Attorney General provides these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (*See* Cal. Const., art. V, § 13; Cal. Gov. Code, §§ 12511, 12600-12; *D'Amico v. Board of Medical Examiners*, 11 Cal.3d 1, 14-15 (1974).) These comments are made on behalf of the Attorney General and not on behalf of any other California agency or office. While these comments focus on some of the primary issues raised by the Draft PEIR, they are not an exhaustive discussion of all issues.

I. Introduction

The Plan is described as being OCTA's "blueprint" for maintaining and improving Orange County's transportation network, including freeways, roadways and bus and rail systems through 2030. The Plan focuses much of its attention and planned spending on freeways and roadways, with a much smaller emphasis on public transit. Consequently, the Plan forecasts huge increases (approximately 45%) in vehicle miles traveled ("VMT") per day in the coming years. The environmental analysis in the DPEIR fails to adequately analyze air quality impacts and contains no analysis at all of the impact of the Plan on climate change, both in violation of the California Environmental Quality Act ("CEQA"), Pub. Resources Code §§ 21000, et seq. Orange County is one of the most populous counties in the State, in one of the worst air quality

Glen Campbell
March 30, 2006
Page 2

regions in the country. The environmental and public health concerns raised by the projected increases in vehicular travel under the proposed plan deserve, and CEQA requires, serious and thorough environmental analysis.

II. The DPEIR Should Discuss The Plan's Impact On Climate Change.

Despite the Plan's heavy reliance on vehicular travel and improvements to freeways, roads and streets, and the acknowledged increase in vehicle travel that the Plan will encourage, the DPEIR never analyzes one of the most important environmental impacts of vehicle emissions--greenhouse gases and resulting climate change

Climate change results from the accumulation in the atmosphere of "greenhouse gases" produced by the burning of fossil fuels for energy. Because greenhouse gases (primarily, carbon dioxide ("CO₂"), methane and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world impact the climate everywhere. The impacts on climate change from greenhouse gas emissions have been extensively studied and documented. (See Oreskes, Naomi, *The Scientific Consensus on Climate Change*, 306 Science 1686 (Dec. 3, 2004) [review of 928 peer reviewed scientific papers concerning climate change published between 1993 and 2003, noting the scientific consensus on the reality of anthropogenic climate change]; J. Hansen, *et al.*, *Earth's Energy Imbalance: Confirmation and Implications*, Scienceexpress (April 28, 2004) (available at <http://pubs.giss.nasa.gov/abstracts/2005/HansenNazarenkoR.html>) [NASA and Department of Energy scientists state that emission of CO₂ and other heat-trapping gases have warmed the oceans and are leading to energy imbalance that is causing, and will continue to cause, significant warming, increasing the urgency of reducing CO₂ emissions].)

6-79

In California, the state government has acknowledged the true environmental impacts of greenhouse gas emissions on climate change. Governor Schwarzenegger, in his Executive Order S-3-05 issued on June 1, 2005, recognized the significance of the impacts of climate change on the State of California, noting that "California is particularly vulnerable to the impacts of climate change." The Order goes on to itemize a litany of the direct impacts that climate change and the increased temperatures resulting from the increased presence of greenhouse gases in the atmosphere, will have on the state:

- "[I]ncreased temperatures threaten to greatly reduce the Sierra snowpack, one of the State's primary sources of water;"
- "[I]ncreased temperatures also threaten to further exacerbate California's air quality problems and adversely impact human health by increasing heat stress and related deaths;"

Glen Campbell
March 30, 2006
Page 3

- “[R]ising sea levels threaten California’s 1,100 miles of valuable coastal real estate and natural habitats;” and
- “[T]he combined effects of an increase in temperatures and diminished water supply and quality threaten to alter micro-climates within the state, affect the abundance and distribution of pests and pathogens, and result in variations in crop quality and yield.”
Executive Order S-3-05, June 1, 2005.

The California legislature, also recognized all of these severe impacts resulting from climate change, as well as a “projected doubling of catastrophic wildfires due to faster and more intense burning associated with drying vegetation.” (Stats. 2002, ch. 200, Section 1, subd. (c)(4), enacting Health & Saf. Code § 43018.5) In the particular realm of vehicular travel and emissions from cars and truck, the California legislature went on to recognize that “passenger vehicles and light-duty trucks are responsible for *40 percent of the total greenhouse gas pollution in the state.*” (*Ibid.*, subd. (e)(emphasis added).)

6-79

Despite the increasing attention that governments, climate scientists, environmentalists, and other members of the public are rightfully directing to the issue of climate change, OCTA does not even mention the issue in its long term transportation plan, which is meant to cover the next quarter century. The DPEIR never once mentions carbon dioxide, climate change or global warming, and mentions greenhouse gases only by passing reference, when discussing other emissions, without explaining either the importance, or the projected impacts, of greenhouse gases.

Under CEQA, an environmental impact report must identify and focus on the “significant environmental effects” of a proposed project. (Pub. Res. Code § 21100(b)(1); Cal. Code Regs., Title 14, §§ 15126(a), 15126.2(a), 15143.) “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in the environment.” (Pub. Res. Code § 21068). CEQA also provides that the CEQA guidelines “shall” specify certain criteria that *require* a finding that a project may have a significant effect on the environment:

“(1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.

(2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, “cumulatively considerable” means that

Glen Campbell
March 30, 2006
Page 4

the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”
(Pub. Res. Code § 21083(b).)

In other words, if these criteria are present with regard to a project's impacts on the environment, they must be considered in an EIR. The Plan under consideration in this DPEIR, with its projected 45% increase in vehicular miles traveled by the year 2030, when considered in light of the severe impacts cars and trucks have on the level of greenhouse gas emissions in this state, clearly “has the potential to degrade the environment.” (*See ibid.*, subd. (b)(1).) Moreover, the cumulative effects of this project on greenhouse gas emissions, when taken in consideration with the impacts statewide of increased population and vehicular travel over the next quarter century, are undeniable. (*See ibid.*, subd. (b)(2).) When considering the impacts of climate change on California, it is impossible to ignore that the impacts of this project will have either direct or indirect effects on human beings. (*See ibid.*, subd. (b)(3).) Given the scope of the Plan (both in years, and geographically), the projected increase in vehicle travel it calls for, and the fact that it covers one of the most heavily populated regions in the State, there is no question that the impacts of this Plan on greenhouse gas emissions and climate change may, and likely will, have significant cumulative environmental impacts for California. These impacts should have been considered and analyzed in the DPEIR.

6-79

There *could* be such analysis in the DPEIR; the data is obtainable. Carbon dioxide emissions from cars can be quantified. The California Air Resources Board has information that could be applied to the projected increase in VMT. The impacts could be assessed as to their cumulative impact on climate change, assuming (as is highly probable in this Plan) that there would be a considerable impact from the increase in CO₂ resulting from the increased VMT. (*See* Cal. Code Regs., title 14, § 15130(a) [“an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.”] *See also* Cal. Code Regs., title 14, § 15065(a)(3) [“‘Cumulatively considerable’ means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.”].)

Moreover, the Plan could include mitigation for these impacts. The Governor has recognized, “mitigation efforts will be necessary to reduce greenhouse gas emissions and adaptation efforts will be necessary to prepare Californians for the consequences of global warming.” (Executive Order S-3-05, June 1, 2005.) Increased public transportation, increased

Glen Campbell
March 30, 2006
Page 5

support of alternative fuels and technologies, the purchase of carbon offsets (or mitigation "credits"), installation of electric vehicle charging stations, and other affirmative steps to reduce the transportation impacts of CO₂ could be considered as potential mitigation projects. These are real, achievable and available mitigation measures that could be considered when OCTA recognizes its obligations to analyze greenhouse gas emissions and their impact on climate change as part of its long term transportation planning.

III. The DPEIR Does Not Adequately Discuss The Plan's Impact On Air Quality.

The DPEIR's discussion of air quality fails to address potentially serious impacts on Orange County and the South Coast air basin. In the DPEIR chapter on air quality the drafters concluded that there would be no significant unavoidable adverse long-term air quality impacts from the Plan (see DPEIR, 4.1-17 through 4.1-20), that the plan would have a neutral effect on air quality (see *id.*), and that the only potentially significant impacts relate solely to regional and local short term impacts from the construction of individual projects (e.g., construction of individual road widening, or lane building projects anticipated under the Plan). (*See id.* at 4.1-21 through 4.1-23)¹. The DPEIR bases these optimistic conclusions on a comparison of the future, year 2030, emissions under the Plan to the emissions budgets of the federally mandated, local Air Quality Management Plan (AQMP), prepared by the South Coast Air Quality Management District (SCAQMD) and projected for 2030. The DPEIR finds that the Plan's emissions are within the projected emissions for the AQMP in 2030, and thus there are no significant impacts. The fundamental basis on which all of the DPEIR's assumptions rests, however, is that by the year 2030, "better fuels" and "improved emission controls" will result in overall emission reductions from vehicles. (See DPEIR at 4.1-18.) There are a number of things wrong with this analysis.

6-79

First, the comparison fails to analyze all phases of this 24-year project. The CEQA Guidelines require that an EIR consider "all phases of a project when evaluating its impact on the environment." (Cal. Code Regs., title 14, §15126.) The huge emission reductions anticipated in the Plan by the year 2030 as an anticipated result of "better fuels" and "improved emission controls" will surely take some time. The DPEIR must look at the all phases of the 24-year project time frame, not just 2030, to discern if the project will have significant impacts on health and air quality. The DPEIR contains no analysis of whether the impacts on air quality in the "in between" years, before all of the "better fuels" and "improved emission controls" have been implemented, will be significant; there is no way to discern, from the information available in the DPEIR what the emissions during those years will be.

1. These impacts, according to the DPEIR, would be addressed through mitigation measures, but the mitigation measures include no monitoring requirements.

Glen Campbell
March 30, 2006
Page 6

Second, there is no detailed comparison of the project with the emissions budgets of the AQMP. The DPEIR states that “[c]umulative impacts were assessed by comparing projected vehicle emissions in 2030 to the emission budgets established in the local AQMP.” (DPEIR at 4.1-16.) Nowhere in the document, however, is a detailed comparison shown to the public, nor is there any indication of how the project emission budgets compare year by year with the AQMP emission budgets. This failing is linked to the failure to consider “all phases” of the project, but displays as well the fundamental lack of detailed information in this DPEIR. The conclusory statement that “the impacts were assessed,” without any backup, is not sufficient disclosure for the public to make its own evaluation, and, in fact, this lack of information precludes the informed decision making and public participation required by CEQA. (See Pub. Res. Code § 21061; Cal Code Regs, title 14, § 15121(a) [an EIR is an informational document which will inform public agency decision-makers and the public generally].) The purpose of an EIR, *inter alia*, is to provide public agencies and the public in general with detailed information about the effect of the proposed project on the environment. (Pub. Resources Code § 21061; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 391.) An EIR should, when viewed as a whole, provide a reasonable, good faith analysis of known environmental impacts. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 749.)

6-79

Third, the air quality appendix does not contain any actual useful emissions data or modeling to allow the public to evaluate the accuracy or appropriateness of the model. Appendix B, Air Quality, contains only summary tables of the results of some computer modeling performed by OCTA for criteria pollutant emissions. The tables may represent various alternative scenarios (perhaps for the proposed Plan and for some plan alternatives; it is not clear), but there are no explanations of the assumptions and data (or “inputs”) that went into the modeling program that produced these results. There is no explanation of what the various summaries (or “outputs”) represent. Without an explanation of the data inputs for the modeling done to support the DPEIR, or an explanation of what the summaries show, it is impossible for the public or the public agency decision makers to make informed decisions. (See Pub. Res. Code § 21061.)

Fourth, the toxics analysis is inadequate. In its discussion of impacts on hydrology and water quality, the DPEIR acknowledges that there will be “new roadways in undeveloped areas” under the Plan. (DPEIR at 4.7-11.) In its discussion of toxic air contaminants, however, there is no discussion of the impacts of those “new roadways in undeveloped areas” which will expose new populations to both criteria and toxic pollutants. There should be a risk assessment in order to draw valid conclusions about public health, and such an assessment should be done for each phase of the project (just as with the overall air quality assessment). The DPEIR recognizes that diesel emissions are a known carcinogen, but limits its analysis of cancer risk from the project to

Glen Campbell
March 30, 2006
Page 7

construction emissions and to the expected situation in 2030. The DPEIR does not consider the cancer risks resulting from the operation of current and new roadways, expanded freeways, etc. In Health & Safety Code Section 39606(b), the Legislature recognized the special susceptibility of children and infants to air pollution, and the DPEIR itself recognizes that there are particularly sensitive receptors (DPEIR at 4.1-16), yet the DPEIR makes no effort to evaluate the project's effects on them.^{2/}

Fifth, where the DPEIR does provide some mitigation for the few significant air quality impacts it does recognize (related to construction), the document makes no assignments, not even tentatively, of responsibility for enforcing them through mitigation monitoring. The DPEIR recognizes only two categories of potentially significant impacts on air quality: Short-term (construction) regional impacts (from a number of construction-related activities and materials) and short-term localized impacts (from construction vehicles which are sources of carcinogenic pollutants and diesel exhaust). (See DPEIR at 4.1-21 through 4.1-23.) With regard to the construction impacts, the DPEIR acknowledges that "a large number of the projects in the [Plan] would involve extensive construction or reconstruction" and that it is "very likely" that some of the projects would be under construction at the same time. (DPEIR at 4.1-21.) Notwithstanding the acknowledged significant air quality impacts the construction activities are expected to produce, there are no monitoring requirements for the list of mitigation measures that the DPEIR says "should be considered" when EIR's are prepared for the individual projects. Likewise, there are no monitoring requirements incorporated in the mitigation measures to address the emissions from construction equipment. Moreover, Chapter 7, Mitigation Monitoring and Reporting Program, does not indicate any monitoring actions, or responsible implementation agencies for the proposed mitigation measures. (DPEIR at 7-1 through 7-34.)

6-79

OCTA is required to "provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures." (Pub. Res. Code § 21081.6(b).) The DPEIR should disclose and discuss such mitigation monitoring measures, or at least make tentative assignments of responsibility for enforcing them, so that the public can take these proposed measures into account.^{3/}

2. In addition to these failures to address toxic air contaminants, in the chapter on Hazardous Materials, the DPEIR does not examine the indirect effects of the 45 % increase in VMT, such as increased cancer risk from benzene and other petrochemical toxic emissions released from gas stations, increased refinery emission, and the like.

3. In addition, the Plan should contemplate, discuss and disclose whether funding for the mitigation measures it will require is or will be available.

Glen Campbell
March 30, 2006
Page 8

Finally, given the inadequacies and lack of detail in the air quality impacts analysis it is not appropriate for all future projects contemplated under this Plan to be able to "tier" off of a document as deficient as this DPEIR.⁴ The DPEIR states "[t]he lead agencies for individual projects may use this PEIR as the basis of their regional and cumulative analysis." (DPEIR at 2-13.) The deficient analysis of the air quality impacts would make any meaningful project-level analysis of regional and cumulative of air quality impacts for an individual project nearly impossible. For example, it is possible that a project-level EIR could be prepared next year for a project such as a lane-addition to a freeway. Based on "tiering" from this DPEIR, the planners of such a project would have only the conclusory statements regarding air quality impacts in the year 2030 from this DPEIR upon which to base cumulative and regional impacts analyses in their EIR, whereas the new hypothetical freeway lane might be operational in 2009. There would be no analysis of the cumulative and regional impacts of that project for years 2009 through 2029. While this example pertains only to the air quality analysis, the other failings of the DPEIR discussed below also contribute to the inappropriateness of allowing future project level EIR's to "tier" off of this deficient CEQA document.

6-79

IV. The DPEIR Contains Many Other Inadequacies.

In addition to the failure of the DPEIR to adequately address air quality, and to address greenhouse gas emissions impacts at all, the DPEIR is inadequate in a number of other areas.

A. The DPEIR Does Not Contain An Adequate Description of the Project

Chapter 2 of the DPEIR, is titled "Project Description" and it does contain a list of the projects that the Plan envisions. The description, however, is lacking. The list of projects contemplated under the plan includes one-line, bullet-point descriptions of various freeway and interchange improvements, lane additions and ramp construction projects that will make up the improvements to freeways under the Plan. (There are also one-line, bullet-point descriptions of the other planned projects.) Despite the fact that the primary focus of projects and spending under the Plan is on freeway construction projects, however, the Project Description does not contain any maps or visual drawings of the Plan's contemplated improvements. It is very difficult to ascertain what the impacts on the ground will be from the brief descriptions of the planned projects. Guidelines indicating areas of disturbance, or footprints, for planned projects

4. "'Tiering' or 'tier' means the coverage of general matters and environmental effects in an [EIR] prepared for a policy, plan, program or ordinance followed by narrower or site-specific [EIRs] which incorporate by reference the discussion in any prior EIR . . ." (Pub. Res. Code §§ 21068.5.)

Glen Campbell
March 30, 2006
Page 9

should be included. From the descriptions in the DPEIR, an understanding of the true impact of the Plan is not possible.

The public should be able to understand from the DPEIR what implementation of the Plan will mean to their communities and their surroundings in physical terms. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles*, (1977) 71 Cal.App.3d 185, 192-193.

B. The DPEIR Does Not Contain An Adequate Analysis of Alternatives.

6-79

The alternatives considered in the DPEIR consist entirely of plans that envision varying degrees of funding, as opposed to plans that envision alternative mixes of various transportation improvements or projects. The four alternatives to the Proposed Plan are:

- (i) the No Project (Baseline) Alternative, which "includes projects and programs that have secured funding, have been assessed for their environmental impacts, and have been approved to be implemented" (a small sub-set of the projects in the Proposed Plan) (DPEIR at 5-4,);
- (ii) the Constrained Alternative, which is "a set of projects and services that can be completed within the County's traditional revenue sources for transportation improvements" (a sub-set, larger than the No Project Alternative sub-set, of the same projects that are included in the Proposed Plan) (DPEIR at 5-11, 5-17);
- (iii) the Balanced II Alternative, which "includes all of the projects from the Proposed Plan with the exception of the High Occupancy Toll (HOT) projects proposed along [SR 91, including the direct connectors between SR-241 and the SR-91 toll lanes" (DPEIR at 5-29); and
- (iv) the "Unconstrained" Alternative, which "includes projects and services that could be implemented . . . if funding was not an issue." (DPEIR at 5-43.)

It is clear from the alternatives considered that the planners looked only at alternative levels of funding that would allow variable numbers of projects off a master-list of desired projects, and not at alternatives designed to provide alternative levels of environmental impact,

Glen Campbell
March 30, 2006
Page 10

or a different master-list of projects. For example, nowhere does the DPEIR consider a potential alternative that changes the balance of spending to focus more on improvements to mass transit services rather than on improvements to freeways and roadways. The decision to focus so much attention on freeway upgrades was pre-determined by the planners' view that the only solution to increased congestion is to build more freeways. The planners exhibit this view when they explain that "the projections for 2030 indicate that vehicle miles will increase faster than population and employment, mostly due to longer trips or commutes. In short, freeway capacity must grow to meet future freeway travel demand." (DPEIR at 2-5) This conclusion ignores the obvious alternative viewpoint: some of the increased travel demand might be more properly diverted to mass transit solutions, as opposed to simply concluding that increased freeway capacity is the only solution. Based on a review of the Plan "objectives" to increase mobility, protect transportation resources and enhance the quality of life (see DPEIR at 2-3), other types of alternatives – alternatives that examine variable mixes of modes of transportation as opposed to just variable mixes of dollars – that still met the objectives of planners could have been considered.

6-79

Given that the impacts on the environment from the proposed Plan are projected to be significant, such alternatives should have been considered. One of the purposes of the discussion of alternatives in an EIR is to diminish or avoid adverse environmental effects. (*See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 403 [discussion of only three alternatives, where planners claimed they had already ruled out other alternatives as infeasible, was inadequate]; Pub. Res. Code § 21002 [EIR should consider alternatives which would substantially lessen the significant environmental effects].)

C. The DPEIR Does Not Contain Adequate Discussion of Biological Resource Impacts.

The DPEIR does not quantify the biological resource impacts that it recognizes will be more significant under the proposed Plan than under the No Project alternative. (See DPEIR at 5-6 through 5-7.) Additional detail on the magnitude of direct impacts of the project must be provided for the Proposed Project and all project alternatives. All of the proposed alternatives and the proposed Plan contain lists of the projects they include. The Program EIR should make an attempt to quantify the impacts. Instead, the DPEIR puts off the analysis of the biological resource impacts of all the projects until the EIR for the individual project is prepared. (*See* DPEIR at 4.2-22.) It is impossible to analyze the difference between alternatives on this subject, when the impacts have not been described.

Glen Campbell
March 30, 2006
Page 11

D. The Plan And DPEIR Should Include Plans For Improving Air Quality And Reducing Greenhouse Gas Emissions In Its Discussion Of "Environmental Programs."

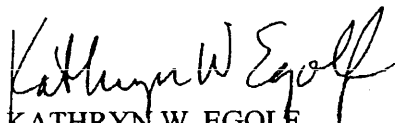
The only "environmental program" contemplated under the Plan is a program for augmenting urban runoff treatment and mitigation to create a "coordinated high-quality urban runoff program." (DPEIR at 2-11.) As discussed in detail above, the impacts of the Plan on greenhouse gas emissions and the cumulative impacts of those emissions on climate change, warrant close examination in this DPEIR. Likewise, a plan like this one which places so much of its emphasis for transportation planning and spending on automobile and truck travel versus mass transit will likely result in greater emissions of criteria pollutants and toxic air contaminants than would an alternative that focuses on improving mass transit and *reducing* vehicular miles traveled. Given these considerations, the state of air quality in the South Coast air basin and the severe impacts climate change can inflict on the citizens of Orange County, it would be a responsible and reasonable planning measure to include some "environmental program" aimed at reducing the air quality and climate impacts of the proposed Plan. As mentioned in above, there are some easily implemented steps that might be considered, such as the purchase of mitigation credits. There are also programs that might encourage greater use of alternative technologies and fuels (e.g., electric and hybrid vehicles) or that might add incentives for increased use of public transit (enhanced employer managed discount programs that reward use of transit when compared with parking costs) that could be explored. This long term plan is an opportunity for OCTA to take a truly "visionary" role in shaping the transportation *and* environmental landscape of Orange County for the next quarter century. We hope that the opportunity will not be missed.

6-79

V. Conclusion

If you or your staff have questions regarding these comments, please contact me at 213-897-0628.

Sincerely,



KATHRYN W. EGOLF
Deputy Attorney General

For BILL LOCKYER
Attorney General

Tom Brohard and Associates

June 22, 2007

Mr. Ted Franklin, Attorney At Law
Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

**SUBJECT: Providence Holy Cross Medical Center Expansion Project –
Traffic Comments**

Dear Mr. Franklin:

The May 2007 Initial Study prepared by the City of Los Angeles for the Providence Holy Cross Medical Center Expansion Project has been reviewed. Appendix "C" to the Initial Study, the January 29, 2007 Traffic Assessment prepared by the City of Los Angeles Department of Transportation (LADOT) and the May 26, 2006 Traffic Study prepared by Katz, Okitsu & Associates for the proposed Project have also been reviewed.

According to the Initial Study, LADOT determined the significant traffic impacts created by the proposed project at the intersection of Laurel Canyon Boulevard and Rinaldi Street would be mitigated by the design and installation of the ATSAC/ATCS traffic signal system at this intersection. The Initial Study indicates the project applicant has provided funding and this improvement became operational in early 2007.

6-80

Since the ATSAC/ATCS traffic signal system improvements at Laurel Canyon Boulevard and Rinaldi Street were part of an existing area wide City project that was already funded and under construction in 2006, the Traffic Study assumed these improvements to be in place at Opening Day of the project and developed other necessary mitigation. This letter provides comments regarding various issues associated with the mitigation as proposed in the Traffic Study.

TRAFFIC STUDY MITIGATION MEASURES

Page 4 of the May 2006 Traffic Study states "Prior to the start of the study, Katz, Okitsu & Associates coordinated with staff from the Los Angeles Department of Transportation to obtain consensus on the traffic scope, methodology and assumptions. A memorandum of understanding (MOU) was prepared and reviewed by LADOT staff." The MOU signed in April 2006 by both the consultant and LADOT included in Appendix A of the Traffic Study states "This analysis must follow latest LADOT Traffic Study guidelines."

6-81

In the section entitled "Planned Improvements", Page 19 of the Traffic Study states "Based on information from LADOT, the seven signalized study intersections are included in the Automated Traffic Surveillance and Control (ATSAC) Project and Adaptive Traffic Control System (ATCS) implementation

81905 Mountain View Lane, La Quinta, California 92253-7611
Phone (760) 398-8885 Fax (760) 398-8897
Email tbrohard@earthlink.net

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic Comments
June 22, 2007

program as part of the San Diego Freeway Corridor Project. This project is currently under construction and is expected to be completed by 2010."

For the seven signalized intersections studied, Table 3 on Page 19 of the Traffic Study compares existing 2006 peak hour operating conditions with those forecast to occur in 2010 without the proposed project traffic. In accordance with LADOT guidelines, a 0.10 reduction in each of the volume to capacity ratios is shown to reflect the implementation of the ATSAC/ATCS traffic signal system before 2010.

Using LADOT guidelines, the Traffic Study then forecast trips for the Project and distributed them to the seven study intersections. Table 5 on Page 27 of the Traffic Study identifies the resulting operations in both peak hours at each study intersection, and indicates a significant project traffic impact at Laurel Canyon Boulevard and Rinaldi Street in the AM peak hour. The criteria used to make this determination are shown in a table on Page 27. Page 28 of the Traffic Study correctly states "Based on LADOT's criteria for significant impacts, the proposed Project is expected to create significant traffic impacts at the intersection of Laurel Canyon Boulevard and Rinaldi Street during the AM peak hour."

Page 28 of the Traffic Study states "Based on the Project impacts identified previously at the intersection of Laurel Canyon Boulevard and Rinaldi Street, it is proposed that the northbound approach to the intersection be improved to provide for an additional left turn lane. The northbound approach would then provide for two exclusive left turn lanes, one through lane and one shared through/right turn lane... The proposed improvement would fully mitigate Project related traffic impacts."

ATSAC/ATCS MITIGATION MEASURE

Mitigation Measure 15-1 on Page IV-82 of the Initial Study states "The project applicant shall fund the full cost for the design and construction of the ATSAC/ATCS system at the intersection of Rinaldi Street and Laurel Canyon Boulevard." The Initial Study indicates this measure was implemented in early 2007 and that the project applicant has paid the City of Los Angeles for these improvements.

This approach begs the question of how the Project's own significant impact will be mitigated to non-significance by treating the pre-existing plan to implement the ATSAC/ATCS system on Laurel Canyon Boulevard at Rinaldi Street as if it would otherwise not happen. According to the Traffic Study, LADOT had stated that the seven study intersections including Laurel Canyon Boulevard at Rinaldi Street were included in the San Diego Freeway Corridor Project. Further, the Traffic Study stated LADOT indicated that this project was already under construction and it would be completed before 2010. A project under construction would have been previously designed, and the design would not need to be paid by the Project. In addition, a project under construction would also have been fully

6-81

6-82

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic Comments
June 22, 2007

funded, and the construction would not need to be paid by the Project. Improvement projects that have been previously planned and programmed by local agencies cannot be deferred and then used to mitigate significant traffic impacts of individual development projects.

6-82

Since the ATSAC/ATCS system has been implemented on Laurel Canyon Boulevard at Rinaldi Street as planned before 2010 as part of the San Diego Freeway Corridor Project, baseline conditions at that intersection will now be precisely as anticipated in the Traffic Study (see Tables 3 and 5 columns labeled "Future 2010 Without Project"). On top of these assumed conditions, the proposed project will have over four times the threshold for significant traffic impact in the AM peak hour at this intersection - an increase in volume-to-capacity ratio of 0.043 in an intersection that will already be at Level of Service (LOS) E. Only a very small increase in the volume to capacity ratio of 0.010 or greater results in a significant traffic impact according to the City of Los Angeles Intersection Impact Threshold Criteria. As analyzed, evaluated, and recommended in the Traffic Study, it will be necessary to mitigate these significant traffic impacts by adding a second northbound left turn lane.

6-83

The Initial Study evades the conclusion of the Traffic Study that mitigation will be necessary by removing from its level of service analysis the ATSAC/ATCS traffic signal system that was already under construction and fully funded. Thus, Table 5 in the Traffic Study has been replaced with Table IV-19 in the Initial Study and now shows projects higher volume-to-capacity ratios as if the San Diego Freeway Corridor Project would not be implemented by 2010. This misrepresentation of likely future conditions without the Project is the key to the Initial Study's erroneous conclusion that the Project requires no additional mitigation beyond measures already planned by public agencies.

Mitigation Measure 15-3 on Page IV-82 of the Initial Study states "The northbound approach to the intersection of Laurel Canyon Boulevard and Rinaldi Street shall be improved to provide for an additional left turn lane, if found necessary and approved by LADOT." Without this mitigation, the Project will have a significant unmitigated impact at an intersection that by LADOT's own calculations will be operating at LOS "F" in 2010.

6-84

There is no question that these improvements are necessary. Since the Project cannot take credit for the ATSCA/ATCS traffic signal system, the second left turn lane must be installed to mitigate project traffic impacts at Laurel Canyon Boulevard and Rinaldi Street. However, this proposed mitigation for the project itself requires further study as follows before it can be concluded that the traffic impacts of the Project will be mitigated to non-significance.

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic Comments
June 22, 2007

FURTHER ANALYSIS REQUIRED TO DETERMINE MITIGATION FEASIBILITY

Page 28 of the Traffic Study characterizes the proposed improvement at Laurel Canyon Boulevard and Rinaldi Street as "conceptual" and indicates "A conceptual design layout of the proposed improvement will be required in the preliminary design stage to determine whether widening and/or acquisition of right of way will be required." To the contrary, a conceptual design layout of the proposed improvements must be provided as part of the Traffic Study to determine if a second northbound left turn lane is feasible and can be added. Further analysis must address the following significant issues:

- 1) Alignment of Traffic Lanes on Laurel Canyon Boulevard – Providing two northbound left turn lanes directly opposite one southbound left turn lane will create significant offsets in the alignment of the through traffic lanes on Laurel Canyon Boulevard, at least 5 feet and as much as 10 feet across Rinaldi Street. The design needs to shift the through traffic lanes smoothly on Laurel Canyon Boulevard beginning at least 500 feet in advance of Rinaldi Street. Alignment of the two northbound left turn lanes opposed by the single southbound left turn lane must be evaluated to make sure adequate clearance and separation is provided between the opposing left turning vehicles on Laurel Canyon Boulevard.
- 2) Potential Right of Way Acquisition – If the second northbound left turn lane and the associated through traffic lane realignments cannot be accomplished within the existing right of way then property acquisition will be required. It would be very difficult, if not impossible, for Providence Holy Cross Medical Center to acquire any additional right of way from private property owners along Laurel Canyon Boulevard. In that case, it would become the responsibility of the City to acquire the necessary additional right of way. The MND and draft Conditions of Approval do not require the Applicant to provide the City with funding to accomplish this.
- 3) Traffic Signal Modifications – From the calculation sheets provided in the Traffic Study Appendix, it appears that northbound left turns are being made on a left turn green arrow and on a green ball. With the proposed addition of a second northbound left turn lane, northbound left turns would only be allowed with a left turn green arrow. In addition to requiring modification of the existing traffic signal, the capacity calculations must correctly reflect this revised traffic signal operation to determine the resulting volume/capacity ratio and corresponding Level of Service. The results of these calculations that were previously omitted from the Traffic Study Appendix must also be checked against the City's thresholds to make sure the Project traffic impacts will in fact be mitigated to non-significance by these measures.

6-85

The various traffic issues and concerns outlined above must be carefully studied before reaching the conclusion that the proposed project's significant impacts

Mr. Ted Franklin
Providence Holy Cross Expansion - Traffic Comments
June 22, 2007

can be mitigated. As they have not been studied, the proposed Project may have significant impacts that have not been mitigated to a level of non-significance. If you have questions regarding these comments, please call me at your convenience.

6-85

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal



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Comment Letter No. 6

Theodore Franklin
Weinberg, Roger & Rosenfeld
3435 Wilshire Boulevard, Suite 620
Los Angeles, California 90010
June 14, 2007

Response 6-1

Commentor Theodore Franklin of Weinberg, Roger & Rosenfeld represents Nick Krall, resident of the City of Los Angeles who lives in the vicinity of the project site and is concerned about the project's impacts on his community. The commentor requests that the comment period for the Draft IS/PMND be extended by an additional 30 days, to July 25, 2007. Section 15105(b) of the State CEQA Guidelines provides that the public review period for a Proposed MND shall be not less than 20 days, and not less than 30 days when the Proposed MND and Initial Study are submitted to the State Clearinghouse for review by state agencies. Because the Draft IS/PMND for the Proposed Project was submitted to the State Clearinghouse for review by state agencies, the lead agency established a 30 day review period, from May 24 to June 25, 2007, which met the requirements of Guidelines Sections 15073(a) and 15150(b). The lead agency determined that neither the Proposed Project nor the associated analysis contained in the Draft IS/PMND were sufficiently complex to warrant the need for an extension of the review period. Therefore, the commentor's request for an extension of the comment period was not granted.

Response 6-2

The commentor states that Mr. Krall has submitted previous letters commenting on various iterations of the Initial Study, traffic report, state and local planning zoning issues, and LADOT letter. The commentor states the purpose of the letter is to provide comments on the May 24, 2007 Draft IS/PMND and Technical Appendix., MND and Conditional Use approval. The comment is noted and will be considered by the decision makers.

The commentor states an opinion that the MND fails to comply with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code §21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14§ 15000 et seq. and the City cannot make the findings required under the state and local planning and zoning law to approve the project. The commentor states that they prepared these comments in conjunction with Greg Gilbert of Autumn Wind Associates, Inc., and Tom Brohard of Tom Brohard Associates, and Terrel Watt, AICP. The commentor states that Mr. Gilbert's and Mr. Brohard's comments are attached as Appendices A and B, respectively. The comment is noted and will be considered by the decision makers. Responses to specific comments provided by the commentor and the consultants identified by the commentor that are set forth in the remainder of the letter are contained in Response Nos. 6-3 through 6-85.

Response 6-3

The commentor notes that, since a previous MND was circulated, that the Proposed Project has been significantly revised. The commentor notes that such revisions would result in greater environmental impacts and re-evaluation of the previous environmental analysis was required. The commentor correctly notes that the Draft IS/PMND was released based on the revisions to the project. The comment is noted and will be considered by the decision makers.

Response 6-4

The commentor states that although the Initial Study now provides a more accurate description of the project, it is their opinion that it still does not provide a sufficient description of adequate environmental review under CEQA. The commentor's opinion is noted and will be considered by the decision makers.

Response 6-5

The commentor states that despite the projects potentially significant and unmitigated impacts to aesthetics, air quality, transportation, and land use, among other impacts, the City proposes to approve the Project without preparing an Environmental Impact Report. The commentor states that the City can not legally approve this project until it prepares an EIR to analyze the projects potentially significant environmental impacts and alternatives. The commentor's opinion is noted and will be considered by the decision makers. However, substantial evidence provided in the Draft IS/MND supports the conclusion that the Proposed Project would not generate significant and unmitigated impacts. Specific responses to comments raised by the commentor with respect to aesthetics, air quality, transportation and land use are addressed in Response Nos. 6-6 through 6-85 below. Therefore, a Mitigated Negative Declaration is the correct documentation for the Proposed Project and an EIR would not be required under CEQA. See also Response No. 6-7.

Response 6-6

The commentor contends that the proposed land use entitlements do not meet the requirements of zoning laws and cannot be approved. The commentor's opinion is noted and will be considered by the decision makers. See Response Nos. 6-30 through 6-34.

Response 6-7

The commentor contends that an EIR should be prepared for the Proposed Project, because substantial evidence supports a "fair argument" that the Proposed Project will have significant effects on the environment. The commentor's opinion is noted and will be considered by the decision makers. Section 15070 of the State CEQA Guidelines states: "a public agency shall prepare or have prepared a proposed ... mitigated negative declaration for a project subject to CEQA when: ... (b) the initial study identified potentially significant effects, but: (1) revisions to project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur,

and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.” The Draft IS/PMND contains mitigation measures, agreed to by the applicant prior to release of the IS/PMND for public review, that mitigate all potential significant effects of the Proposed Project to a point where clearly no significant effects would occur. Substantial evidence to support these conclusions is contained in the individual sections of the Draft IS/PMND. Although the commentor challenges numerous aspects of these analyses in the remainder of the comment letter, none of these challenges provides substantial evidence that the Proposed Project would have a significant effect on the environment (see Response Nos. 6-8 through 6-85). Therefore, in accordance with State CEQA Guidelines Sections 15070 and 15064(f)(2), a mitigated negative declaration was prepared for the Proposed Project.

The commentor also contends that an EIR is required where an agency fails to study an entire area of environmental impacts. The Draft IS/PMND addressed every area of potential environmental impacts contained in the City of Los Angeles Initial Study checklist, which is based on the Initial Study check list contained in Appendix G to the State CEQA Guidelines.

Response 6-8

The commentor contends that the project description contained in the Draft IS/PMND is inadequate because it does not contain information regarding specified essential aspects of the Proposed Project that have the potential to result in significant impacts. Section 15063(d) of the State CEQA Guidelines states that “(a)n Initial Study shall contain **in brief form**: (1) a description of the project including the location of the project.” Section 15071 of the State CEQA Guidelines states “(a) negative declaration circulated for public review shall include (a) **A brief description of the project**, including a commonly used name for the project, if any;” (emphasis added). The project description included in the Draft IS/PMND contains all information required by the State CEQA Guidelines and all information and assumptions required to adequately analyze the impacts of the Proposed Project is contained in the Draft IS/PMND. With respect to the specific areas identified by the commentor:

- Design details, including dimensions and total floor area ratio: Design information for the Proposed Project is contained in the Project Description section of the Draft IS/PMND in Figures II-10 through II-15 and a cross section showing building heights is contained in Figure II-16. This information was sufficient to perform the analyses provided in the Draft IS/PMND. With the proposed addition and new central plant and warehouse facilities, the total square footage of development on the PHCMC campus would be approximately 487,000 square feet. The land area of the PHCMC campus is approximately 875,000 square feet. The resulting Floor Area Ratio for the PHCMC campus with the proposed addition would be less than 1, well within the 3.0 FAR permitted under the A2 zoning that is applicable to the campus. This information has been included in the Final IS/MND.
- Construction activities: Construction phases and activities are discussed in the Project Description section of the Draft IS/PMND on page II-25. Detailed assumptions regarding construction location and activity relate to the construction air quality and noise and vibration

analyses contained in the Draft IS/PMND. These assumptions were stated in the Draft IS/PMND and are contained in the air quality technical report (Appendix A, pages 19 through 22 and in the modeling output sheets contained in Appendix D to the technical report), air quality section of the Draft IS/PMND (pages IV-12 through IV-15) and in the noise section of the Draft IS/PMND (pages IV-55 through IV-58 and IV-62 through IV-69).

- Cut and fill: As discussed in Response No. 6-37 below, because of the size of the project site and equipment to be utilized, cut and fill volumes were not relevant to the air quality analysis. However, specific grading assumptions, including cut and fill and haul volumes, have been included in the Final IS/MND.
- Off-site Soil Disposal: The Draft IS/PMND identifies that Haul Route Approval will be required for the Proposed Project (page II-27). The construction air quality analysis includes the effects of haul truck activity (see modeling output files contained in Appendix D to the Air Quality Technical Report). Construction mitigation measures 3-3, 3-4, 3-10 and 3-11 (Draft IS/PMND, pages IV-18 and IV-19) address mitigation measures for dirt and debris hauling. Mitigation Measure 11-14 (page IV-69) addresses noise and vibration associated with haul truck activity. Assumptions associated with these activities have been included in the Final IS/MND.
- Hazardous materials: Assumptions associated with hazardous materials use during construction and operations are contained in the Draft IS/PMND (page IV-32).
- New employee wages and housing affordability: Assumptions regarding growth in employees are contained in the Draft IS/PMND (Pages IV-70 through IV-71). Additional analysis of housing affordability has been included in the Final IS/PMND. This analysis demonstrates that considerations related to housing affordability for new employees would not constitute a new, avoidable significant effect that requires additional mitigation measures or project revisions in order to reduce the effect.

The commentor also states that the Initial Study contains material discrepancies that interfere with the ability of the public to test the analysis provided by the City that are detailed in Appendix A to the commentor's letter. See Response Nos. 6-36 through 6-85.

The commentor states that without a complete and consistent description, the public and decision makers will not be able to balance the project's benefits against its environmental costs and evaluate feasible alternatives and mitigation measures. The commentor's opinion is noted and will be considered by the decision makers. However, the process described by the commentor applies to EIRs, not MNDs (see State CEQA Guidelines Section 15093(a)). As discussed above in Response No. 6-7, adoption of an MND for the Proposed Project is fully justified by the substantial evidence contained in the Final IS/MND, which demonstrates that mitigation measures and project revisions have been included that would avoid or mitigate the effects to a point where no significant effects on the environment would occur.

Response 6-9

The commentor contends that the project setting of the Initial Study is inadequate and identifies areas where more information on the project setting is needed. Section 15063(d) of the State CEQA Guidelines states that “(a)n Initial Study shall contain **in brief form**: (2) an identification of the environmental setting.” (emphasis added) The Draft IS/PMND contains a description of surrounding uses (page II-5) and photos of the setting for the project site (Figures II-7 and II-8). In addition, each environmental analysis in the Draft IS/PMND contains the setting information required to provide appropriate context to the corresponding analysis. With respect to the specific items raised by the commentor:

- Cumulative Projects: Cumulative projects are addressed in the Draft IS/PMND on page IV-92 in the section of the Initial Study checklist that addresses cumulative impacts (Section 17(b)). The cumulative projects list is contained in the Draft IS/PMND on page 15 of the project traffic study (Appendix C).
- Availability of housing: See Response No. 6-8.
- Other uses that have received major modifications to height and setback requirements: This information is not relevant to the analysis of the environmental impacts of the Proposed Project. Impacts related to proposed height and setback parameters of the Proposed Project are addressed in the appropriate sections of the Draft IS/PMND. The City decision makers will make the decision to approve or disapprove the project based on these analyses.
- Other uses in the area that have received Vested CUPs and whether those projects entered into development agreements with the City: This information is not relevant to the analysis of the environmental impacts of the Proposed Project. The land use analysis of the Proposed Project was provided in the Draft IS/PMND on pages IV-45 through IV-48. The City decision makers will make the decision to approve or disapprove the project based on these analyses.
- Range of wages for new hospital employees: See Response No. 6-8.

The environmental setting information provided throughout the Draft IS/PMND was sufficient to perform the analyses provided in the Draft IS/PMND.

Response 6-10

The commentor contends that evidence in the administrative record supports a fair argument that the Proposed Project may have significant impacts on aesthetics, air quality, geology and soils, hazardous materials, hydrology and water quality, land use and planning, noise, transportation and circulation, population and housing, growth inducement and services and utilities. With respect to the commentor's contentions regarding aesthetics, see Response Nos. 6-11 through 6-17. With respect to air quality, see Response Nos. 6-18 through 6-26 and 6-36 through 6-79. With respect to traffic, see Response Nos. 6-27 through 6-29 and 6-80 through 6-85. With respect to land use, see Response Nos. 6-30 through 6-34. These responses demonstrate that the substantial evidence before the lead agency supports the conclusion

that the Proposed Project would not result in significant and unmitigated impacts and therefore preparation of an EIR for the Proposed Project is not necessary. The commentor did not submit specific comments related to the analyses provided in the Draft IS/PMND related to geology and soils, hazardous materials, hydrology and water quality, noise, population and housing, growth inducement and services and utilities.

Response 6-11

The commentor states that it is CEQA policy to take all action necessary to provide people of this state with enjoyment of aesthetic, natural, scenic, and historic environmental qualities. The commentor also states that the courts recognize that aesthetic issues are properly studied in the EIR to assess project impacts. The commentor states that the opinions of area residents may be relevant as to aesthetic impacts. The comment is noted and will be considered by the decision makers.

Response 6-12

The commentor states that the Draft IS/PMND's discussion of aesthetic impacts is inadequate, particularly with respect to the significant visual impacts that would accompany the Project's 97-foot tall tower and additional parking spaces. The commentor states that the Draft IS/PMND concedes that the building heights and massing would change the visual character on page IV-3. The commentor states that this is an understatement. The commentor's opinion is noted and will be considered by the decision makers. However, Figures II-17 through II-19 in Section II, Project Description of the Draft IS/PMND, demonstrate that the existing hospital campus is already occupied by buildings of substantial height and mass. Figure II-16 shows that the proposed addition would exceed the height of the existing main hospital building by only 16 feet. Although the Proposed Project would add height and mass to the existing buildings, the resulting visual appearance of the PHCMC campus would not represent a substantial change in the visual appearance of the campus. That is, the project site presently looks like it is occupied by a large institutional use and will remain so in the future, even if the building height and massing is marginally increased. In addition, as shown in the eastern and southern elevations, Figures II-18 and II-19, the proposed addition would be set back roughly 62 feet from Rinaldi Street and landscaping would provide a visual buffer between the proposed addition and the adjacent uses. Additionally, the height and massing of the Proposed Project would be visually consistent with land uses adjacent to the project site to the east which include multi-story medical and office uses (see Response No. 6-13). This information formed the basis for the conclusion in the Draft IS/PMND that impacts related to height and massing would be less than significant.

Response 6-13

The commentor states that the bottom plate of Figure II-18, II-17 and II-19 of the Draft IS/PMND shows the dramatic impact of the project on the visual appearance of the corner of Rinaldi Street and Indian Hills Road. The commentor also contends there is nothing like the project's height or mass anywhere in the neighborhood except the existing hospital which is sufficiently set back from Rinaldi Street and Indian Hills Road as to blend in. This contention is incorrect. The area surrounding the project site includes

numerous examples of mid-rise institutional buildings, in addition to the existing hospital campus. Figure II-8 in the Draft IS/PMND provides an example of one such use. Figure VI-1, Additional Views of Surrounding Land Uses, shows additional views of structures located on Rinaldi Street ranging in heights from one to four stories. Figures II-17 through II-19 show that the existing and proposed height and massing would constitute an appropriate addition to the existing visual character of the project vicinity. As shown in these figures trees and landscaping would continue to front Rinaldi and Indian Hills Road. Therefore, the development of the Proposed Project would be consistent with the surrounding area.

The proposed warehouse and central utility plant expansions would occur on the northwestern portion of the Proposed Project site. This area of the PHCMC campus slopes below the street level. As the proposed expansions would be consistent with the existing building heights, this element of the Proposed Project would not increase the overall height of the existing development on-site. The building expansions would slightly increase the amount of development on the project site. However, the proposed expansions would not create a substantial change in the overall massing of the project site.

Response 6-14

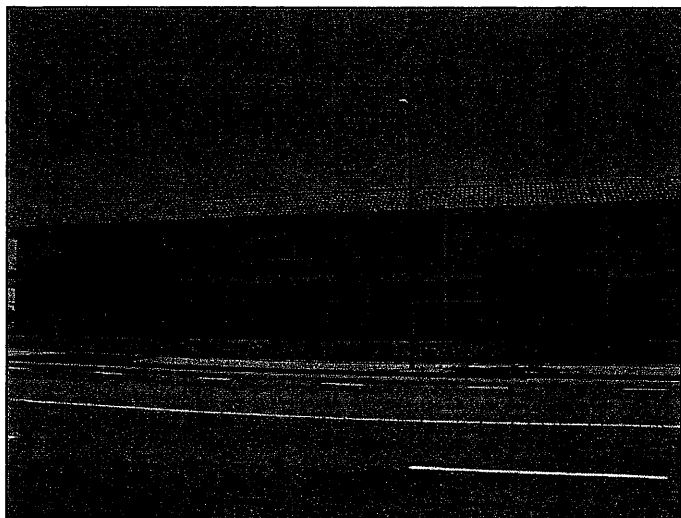
The commentor states that the new tower will thrust the hospital towards Rinaldi Street and Indian Hills Road creating a significant new impact on a neighborhood that generally maintains a low profile. As shown in Figure VI-1, there are structures located on Rinaldi Street ranging in heights from one to four stories. Further, Rinaldi Street is a major highway that visually defines the area more in accordance with the commercial and institutional uses located along the street than as a residential neighborhood. Therefore, the Draft IS/PMND concludes that development of the Proposed Project would be an appropriate addition to the existing visual character of the project vicinity and the impact would be less than significant.

Response 6-15

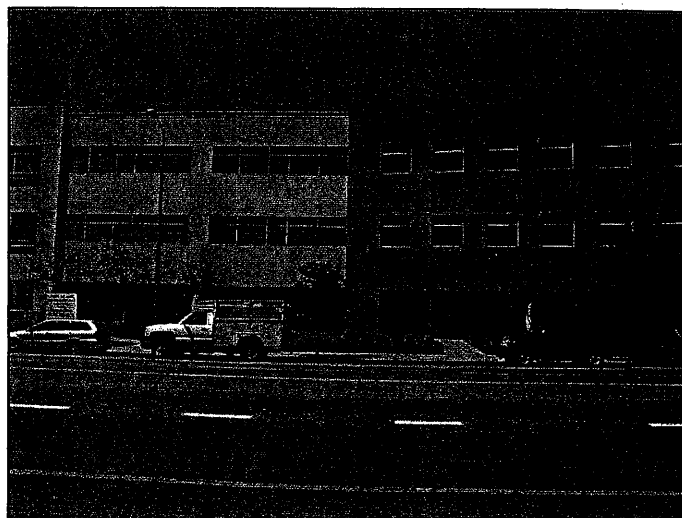
The commentor states that the Draft IS/PMND disingenuously states that the proposed expansions would be consistent with the existing building heights, this element of the Proposed Project would not increase overall height of the existing development on-site. The commentor states that the issue is whether there is a significant aesthetic impact and the street-level impact is undeniable. The commentor's opinion is noted and will be considered by the decision makers. See Response Nos. 6-13 and 6-14.

Response 6-16

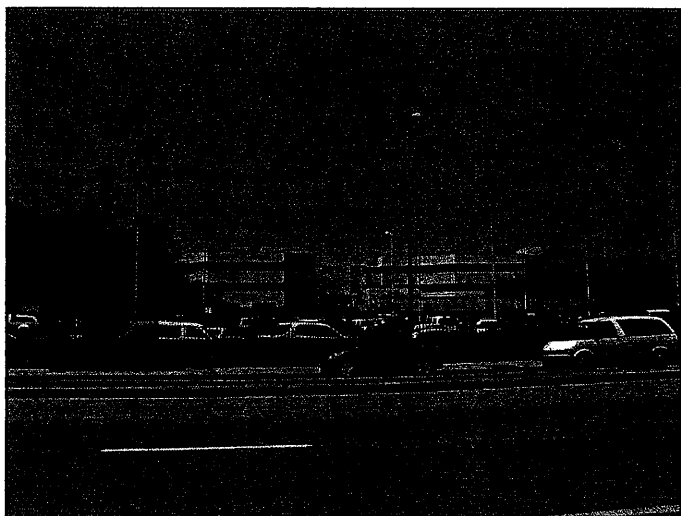
The commentor states that the applicant seeks a Zoning Administrator's Determination to allow a reduction of the side yard on Indian Hills Road from 25 feet to 7 feet. The commentor states that in the Draft IS/PMND the edge of the property will be treated with landscaping and that as a result of this mitigation, the visual impacts for the reduced side yard would be less than significant. The commentor states that the Draft IS/PMND's conclusion that the height and massing of the new structure will create an insignificant aesthetic impact in a neighborhood is unsupported by the facts. The commentor's opinion is



View 1: View to the south of the two-story North Valley Occupational Center.



View 2: View to the north across Rinaldi Street of a multi-story structure.



View 3: View to the north across Rinaldi Street of a multi-story structure.

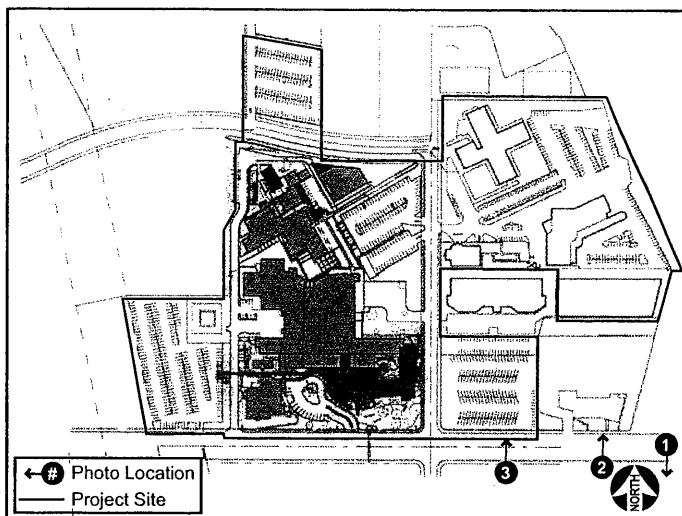


PHOTO LOCATION MAP

Source: Christopher A. Joseph & Associates, 2007.



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Figure VI-1
Views of Surrounding Land Uses
Views 1, 2 and 3

noted and will be considered by the decision makers. However, as noted in the Draft IS/PMND, the 7-foot side yard would only occur along approximately 25% of the project's Indian Hills frontage (see Figures II-12 and II-17). The remainder of this edge would have variable setbacks of 7 to 25 feet. City site plan review will required development of a landscape plan that treats such the entire building edge along Indian Hills Road with landscaping, which reduces the visual impact of the building. The visual impacts associated with the reduced setback are primarily related to building height and massing, which would be less than significant, as discussed in Response Nos. 6-13 and 6-14. Moreover, the height and setback requirements of the LAMC are for the most part intended to regulate structures normally associated by right in the A2 zone, specifically single family dwellings. The Proposed Project is an expansion/addition of an existing hospital that is currently 81 feet in height. The side yard along Indian Hills Road does not abut residential uses and is across the street from an existing surface parking lot (see Response No. 6-31). A 25-foot setback is not necessary to avoid significant aesthetic or view impacts from public view points. As such, the Draft IS/PMND correctly concludes that the aesthetic impact of the proposed 7-foot setback would be less than significant.

Response 6-17

The commentator states that a fair argument exists that significant aesthetic impacts may occur as a result of this project, and therefore the City must prepare an EIR to analyze impacts and to consider alternatives. The commentator's opinion is noted and will be considered by the decision makers. However, as noted in Response Nos. 6-12 through 6-16, even though the Proposed Project would introduce a new visually prominent structure into the project area, the impacts of the structure would be less than significant since they would be an appropriate addition to the existing visual character of the project vicinity. Therefore, preparation of an EIR would not be required to address potentially significant aesthetic effects.

Response 6-18

The commentator contends that, as detailed in the attached letter from Mr. Greg Gilbert, an air quality consultant (Attachment A to Comment Letter No. 6), the Proposed Project would have potentially significant air quality impacts that are not adequately analyzed, disclosed or mitigated. The comment is noted and will be considered by the decision makers. See Response Nos. 6-36 through 6-75 which provide responses to Mr. Gilbert's specific comments.

Response 6-19

The commentator suggests that the City has failed to require even a basic analysis of greenhouse gas (GHG) emissions in its environmental documents related to the Proposed Project. This suggestion is incorrect. The air quality study, which was included in the Draft IS/PMND as Appendix A, included an analysis of global warming and greenhouse gas emissions (pages 7, 9 and 28). In addition, the Final IS/MND has been supplemented with calculations of Project-related GHG emissions, which demonstrate that no new avoidable, significant effect would result from the Proposed Project.

The Proposed Project would be required to achieve LEED Basic Certification (Draft IS/PMND, page IV-87), with design features that promote Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials

& Resources, Indoor Environmental Quality and Innovation & Design Process. The United States Green Building Council has indicated that LEED Basic Certification will exceed Title 24 energy efficiency standards by at least 14 percent (<http://www.usgbc.org>). The design and operational features incorporated into the Proposed Project will reduce the Proposed Project's carbon footprint and greenhouse gas emissions when compared to a non-LEED certified building. Because the Proposed Project would increase energy efficiency beyond the Title 24 standards and incorporate environmentally friendly design, the Proposed Project would have a less-than-significant cumulative impact to global climate change. No additional mitigation measures are required.

Worldwide population growth and the consequent use of energy is the primary reason for GHG emission increases. The market demand for goods and services and the use of land is directly linked to population changes and economic development trends within large geographies (e.g., regional, national, worldwide). Individual site-specific projects have a negligible effect on these macro population-driven and growth demand factors. Whether an individual site-specific project is constructed or not has little effect on global GHG emissions. This is because the demand for goods and services in question would be provided in some other location to satisfy the demands of a growing population if not provided on the project site. The only exception to this basic relationship between population growth, development, energy consumption and GHG emissions would occur if the site-specific project (1) embodied features that were not typical of urban environment or developing communities, and (2) generated a disproportionate amount of vehicle miles of travel or had other unique and disproportionately high fuel consumption characteristics. The proposed project does not fall within these exceptions as is a typical institutional project located in an urban area. No further analysis is necessary.

Response 6-20

The commentator states that Mr. Gilbert's comments identify strategies adopted by the Governor's Climate Action Team to reduce GHG emissions. The Proposed Project includes design features that would substantially reduce the Proposed Project's carbon footprint compared to similar uses. See Response No. 6-19.

Response 6-21

The commentator states that the Draft IS fails to address global warming seriously and should include a revised regional setting discussion which includes background information on global warming and climate change, State, regional and local targets and the status of any regional inventory. The commentator's opinion is noted and will be considered by the decision makers. However, the air quality study included in the Draft IS/PMND included a comprehensive background discussion of global warming and climate change (Draft IS/PMND, Appendix A, pages 7, 9 and 28). Some additional information discussing California Executive Order S-3-05 and the Green LA Action Plan has been added to the Final IS/MND to supplement the existing analysis. Executive Order S-3-05 sets a goal of reducing GHG emissions to 2000 levels by 2010, 1990 emission levels by 2020, and 80 percent below 1990 emission levels by 2050. The goal of the Green LA Action Plan is to reduce greenhouse gas emissions 35 percent below 1990 levels by 2030. However, this information merely clarifies and amplifies the information provided in the Draft IS/PMND.

Response 6-22

The commentor suggests that a significance threshold should be included and that it should be “any increase in GHG emissions over existing levels.” No federal, State, or regional agency has developed significance thresholds for GHG emissions. Similarly, neither the SCAQMD nor the CARB has published guidance for assessing greenhouse gas emissions in environmental documents. The footnote included with this comment refers to the Marin County General Plan Draft EIR. This is a regional planning document that institutes a significance threshold that would identify a significant impact upon “any increase in GHG emissions over existing levels.” This threshold is in no way the accepted CEQA global warming significance threshold and is entirely inappropriate for the Proposed Project. This threshold may be relevant to regional growth projects that can reduce large-scale emissions through transportation planning and energy conservation. However, this threshold does not apply to urban infill projects because they cannot control regional transportation projects or regional electricity generation. The existing significance discussion is accurate (see Response No. 6-19).

Response 6-23

The commentor suggests that an inventory of GHG emissions generated by the Proposed Project and related projects should be provided. Greenhouse gas emissions have been quantified for mobile and stationary sources (i.e., electricity and natural gas) and are presented in Table IV-25 of the Final IS/MND. Greenhouse gas regulations are focused on controlling long-term operational emissions, not emissions associated with short-term construction activity. Accordingly, the analysis presented in the Final IS/MND (including Appendix A) focuses on long-term operational emissions. Mobile source emissions were calculated based on emission factors from EMFAC2007 and project-related vehicle mile traveled from URBEMIS2002. Natural gas emissions were calculated based on usage rates from Table A9-12-A of the SCAQMD *CEQA Air Quality Handbook* (April 1993) and emission rates from the California Climate Action Registry’s *General Reporting Protocol* (March 2007). Electricity emissions were calculated based on usage rates from Table A9-11-A of the SCAQMD *CEQA Air Quality Handbook* (April 1993) and emission rates from the California Climate Action Registry’s *General Reporting Protocol* (March 2007). The Proposed Project would result in net carbon equivalent emissions of 5,384 tons per year (tpy) of carbon dioxide, 14 tpy of methane, and 75 tpy of nitrous oxide. Refer to Appendix A of the Final IS/MND for greenhouse gas emission calculations.

As discussed in Response to Comment 6-38, no federal, State, or regional agency has developed GHG significance thresholds. Therefore, there are no thresholds to determine the significance of project and/or cumulative GHG emissions and cumulative GHG emissions were not calculated. However, project-related GHG emissions were quantified for informational purposes and are presented in the Final IS/MND. This information merely clarifies and amplifies the information provided in the Draft IS/PMND.

Response 6-24

The commentor suggests that an analysis of project direct and indirect increase in vehicle miles traveled (VMT) as well as cumulative VMT should be provided. The GHG calculations discussed in Response No.

6-23 were partially based on the VMT obtained from URBEMIS2002. The URBEMIS2002 VMT is based on the average daily traffic volume calculated in the traffic study. Project-related mobile sources would result in net carbon equivalent emissions of 2.3 tpy of carbon dioxide, 3.6 tpy of methane, and 71 tpy of nitrous oxide.

Response 6-25

The commentor suggests that an analysis of project and cumulative contributions to GHG emissions be provided. See Response Nos. 6-23 and 6-24.

Response 6-26

The commentor suggests that mitigation to reduce the project's contribution to "carbon neutral". See Response No. 6-19.

Response 6-27

The commentor contends that the Initial Study contains a misleading table based on the implementation of Automated Traffic Surveillance and Control and Adaptive Traffic Control System (ATSAC/ATCS) improvements at one intersection. The table contained in the Draft IS/PMND was based on information developed by the City of Los Angeles Department of Transportation (LADOT), which is the City agency responsible for overseeing preparation of traffic impact studies in the City and for analyzing and operating the City's street system. See Response No. 6-82.

Response 6-28

The commentor contends that the manner in which ATSAC/ATCS improvements were reflected in the analysis was intended to avoid responsibility for a mitigation measure identified in the traffic study prepared by the project applicant's consultant. This contention is incorrect. The analysis provided by LADOT demonstrated that implementation of ATSAC/ATCS improvements at the affected intersection would be the only mitigation required to address the significant traffic impact of the Proposed Project at that intersection. Nonetheless, upon further review, LADOT determined that the proposed mitigation measure identified in the Draft IS/PMND would be required to be implemented by the project applicant. See Response No. 6-83.

Response 6-29

The commentor contends that the Proposed Project will have significant unmitigated traffic impacts on one intersection and therefore an EIR should be prepared. The commentor's opinion is noted and will be considered by the decision makers. However, as indicated in Response Nos. 6-27 and 6-28, and 6-80 through 6-85, the Proposed Project would fully mitigate the significant impact at the Laurel Canyon Boulevard & Rinaldi Street intersection.

Response 6-30

The commentor contends that the project is inconsistent with the City's Planning and zoning code and appears to be inconsistent with the General Plan. The zoning of the project site is A2-1, which is classified as an Agricultural Zone in the Los Angeles Municipal Code. Permitted uses include the growing of agricultural field crops, and keeping of livestock. Non-agricultural uses permitted include parks and playgrounds operated by a government agency, golf courses and single family residences. Although the site is zoned A2-1, the General Plan, through the Mission Hills-Panorama City Community Plan designates the site for Community Commercial which permits a range of zones including the C2 zone, which would allow the hospital as a by-right use. In addition, the Code specifically allows applicants to request a Conditional Use Permit for a hospital in the A Zones. In this case, the applicant has opted to request Conditional Use approval (Section 12.24.U.12) to allow for the expansion of an existing hospital currently operating under a Conditional Use granted in 1958. There is no loss of agricultural land since the site is currently not being used for agricultural purposes and the A2-1 zone is not being changed. The Proposed Project does comply with the land use designation for the site as Community Commercial since hospitals are permitted in that designation. In addition, the applicant is seeking discretionary approval of a Conditional Use permit which requires findings to be made that the project is in compliance with the General Plan.

Response 6-31

The commentor contends that the project does not satisfy requirements of the City's Planning and Zoning code related to granting of variances or adjustments. As part of the Conditional Use approval for the hospital expansion, the project applicant has requested deviations from the height limitation and side yard setback requirement of the A2-1 zone that the hospital is currently regulated under. Specifically, Section 12.21.1 of the Los Angeles Municipal Code limits the height of structures in the A2 zone to 45 feet. Section 12.06.C.1 of the Code requires structures in the A2 zone to maintain side yards the same as the A1 zone which requires a side yard of 10 percent of the width of the lot but not to exceed 25 feet. Since the width of the lot is in excess of 600 feet, the maximum side yard required for this lot is 25 feet.

The proposed South Addition has a maximum building height of 97 feet, which is 52 feet higher than the 45 foot height limit of the A2-1 zone. The proposed addition will create, at the narrowest portion of the side yard, a seven foot side yard from the Indian Hills Road property line, or 18 feet less than the required 25 feet. The height and setback requirements are for the most part intended to regulate structures normally associated by right in the A2 zone, specifically single family dwellings. The Proposed Project is an expansion/addition of an existing hospital that is currently 81 feet in height. The side yard along Indian Hills Road does not abut residential uses and is across the street from an existing surface parking lot.

Since the proposed height and yard (setback) is part of an overall project design under review, the decision maker, in this case the City Planning Commission, can state that height and area regulations required by the Municipal Code shall not apply as part of the Conditional Use (Conditions of Approval) if such modifications are appropriate and in harmony with the General Plan (Section 12.24.F of the LAMC).

In order for the City Planning Commission to adequately review the modification requests, variance findings for height and setback modifications have been included as part of the Conditional Use findings (Finding #6, page F-3 of the Staff Report to the City Planning Commission). If there were no Conditional Use request under review, the applicant would be required to file for a separate Zone Variance for height or Adjustment for the yard to permit such deviations.

Response 6-32

The commentor contends that the City cannot make the findings required to grant a variance needed for project approval. The commentor's opinion is noted and will be considered by the decision makers. The findings and justifications therefore that the City Planning Commission will consider are contained in the Planning Department Staff Report to the City Planning Commission.

Response 6-33

The commentor contends that the City cannot make the findings required to grant an adjustment needed for project approval. The commentor's opinion is noted and will be considered by the decision makers. The findings and justifications therefore that the City Planning Commission will consider are contained in the Planning Department Staff Report to the City Planning Commission.

Response 6-34

The commentor contends that the City cannot make the findings required to grant a conditional use permit or conditional use modification needed for project approval. The commentor's opinion is noted and will be considered by the decision makers. The findings and justifications therefore that the City Planning Commission will consider are contained in the Planning Department Staff Report to the City Planning Commission.

Response 6-35

The commentor suggests that the only prudent course of action for the City is to defer action on the project and prepare an EIR. The commentor's opinion is acknowledged and will be considered by the decision makers. However, based upon the information provided in the Draft IS/PMND and in the comments provided by the commentor and others and responses thereto, substantial evidence before the decision makers indicates, notwithstanding the commentor's assertions, that the Proposed Project will not have a significant effect on the environment after implementing the mitigation measures identified to address the project's significant impacts and, therefore, preparation of an EIR is not required.

Response 6-36

Commentor Greg Gilbert, of Autumn Wind Associates, an air quality consultant, summarizes the entire comment letter (Attachment A to Comment Letter No. 6). Responses to specific comments raised in this letter are provided in Response Nos. 6-37 through 6-79.

Response 6-37

The commentor suggests that the Draft IS/PMND fails to supply essential information to verify the effectiveness and accuracy of the construction emissions analysis provided in the Draft IS/PMND. The Proposed Project would be constructed in a typical manner for institutional projects. Project-specific information obtained from the Applicant indicated that 11,600 cubic yards of soil would be exported, 3,500 cubic yards of soil would be imported, approximately 0.5 acres would be graded, 23,350 square feet of land would be paved, and construction activity would occur for eight hours per day. The exact types of equipment to be used for construction were unknown at the time the analysis was completed. However, based on experience with similar projects, it is reasonable to assume that construction activity would require the construction equipment listed in the URBEMIS2002 output file (e.g., excavator, dozer, backhoe, crane, loader, etc.). Cut/fill activity typically requires the use of large scraping equipment. Due to the size of the project site, project construction would not require cut-and-fill activity associated with scrapers. As such, the URBEMIS2002 cut-and-fill methodology is not the appropriate methodology for estimating construction emissions associated with the Proposed Project. With respect to specific questions presented in the comment:

Comment 6-37 Responses

Question	Response
Cut-and-fill required?	No scraper activity, which is typical of cut-and-fill methodology. There will be excavation and minor grading.
Imported soil	Approximately 3,500 cubic yards
Exported soil	Approximately 11,600 cubic yards
Grading/excavation required?	The proposed project would include minor grading activity (0.5 acres). Approximately 11,600 cubic yards of soil would be excavated.
Distance of soil export	20 miles roundtrip
Handling of demolition materials	Demolition materials would be transported off-site.
Concrete pouring required?	Approximately 308 cubic yards of concrete would be used for the foundation and flat work.
Pile driving required?	No

Comment 6-37 Responses

Question	Response
Dimensions of proposed building	Please refer to the Final IS/MND Project Description for building dimensions and site plans.
Basement included?	Yes

Response 6-38

The commentor suggests that the questions posed previously pertain to construction activities directly related to project-related emissions levels and is relevant because of poor air quality in the South Coast Air Basin and because construction activities emit proportionally higher levels of toxic diesel particulate matter. Construction-related diesel particulate emissions were discussed on page IV-14 and IV-15 of the Draft IS/PMND. See Response No. 6-61 for a discussion on diesel particulate matter exposure from freeway sources.

Response 6-39

The commentor suggests that lack of detail in the Draft IS/PMND jeopardizes the accuracy of the air quality analysis presented in the Draft IS/PMND. The air quality analysis followed all guidelines and methodology recommended by the SCAQMD in order to present a complete construction and operational analysis. In addition, the Draft IS/PMND and the air quality analysis contained in Appendix A to the Draft IS/PMND included all descriptive information needed to properly analyze potential impacts. However, in response to this comment, additional relevant descriptive information has been added to the Final IS/MND. The commentor has correctly identified discrepancies between the project description and the construction air emissions analysis provided in the Draft IS/PMND. Based on public comments provided on the air quality analysis, the construction analysis has been revised and updated in the Final IS/MND. See Response Nos. 6-40 and 6-53 for a detailed description of modifications to the construction analysis and construction emissions estimates. To summarize the modified construction analysis, regional and localized construction emissions would still not exceed applicable SCAQMD thresholds and would continue to result in a less-than-significant impact. As such, the impact conclusion presented in the Draft IS/PMND remains accurate and the air quality analysis is adequate.

Response 6-40

The commentor suggests discrepancies between the Draft IS/PMND and the air quality technical report contained in Appendix A to the Draft IS/PMND. In a document titled, *Department of City Planning Recommendation Report (March 22, 2007)*, the Planning Department alludes to public confusion concerning the number of beds included in the Proposed Project and the dimensions of proposed buildings.

To be clear, the Proposed Project would include 136 new beds and 123,652 square feet of new construction, as indicated in the Draft IS/PMND (Section II, Project Description). All related aspects of the air quality analysis have been updated to reflect these numbers. See Response No. 6-41.

The commentor also states that the analysis should address the project's proximity to nearby freeway diesel particulate matter. See Response No. 6-61.

Response 6-41

The commentor notes discrepancies between the project description contained in the Draft IS/PMND and the project description contained in the air quality technical report (Appendix A). The commentor is correct in noting a discrepancy of approximately 11,860 square feet between the Air Quality Report and the Draft IS/PMND Project Description. Construction emissions were calculated based on the amount of square feet to be constructed, and not on the number of beds included in the expansion. Although these numbers are related, the URBEMIS2002 model only requires input of either the square footage or number of beds. The construction emissions have been recalculated utilizing the revised number of 123,652 square feet of new construction and included in the Final IS/MND. Similar to the conclusion presented in the Draft IS/PMND, the updated construction emissions would remain below the SCAQMD thresholds and, as such, would result in a less-than-significant impact related to construction emissions. Regarding operations, emissions in the Draft IS/PMND were generated based on the 1,606 daily vehicle trips presented in the traffic analysis. Project-related daily trips were correctly represented in the air quality analysis and revisions to operational emissions estimates are not necessary.

The commentor correctly notes that the Air Quality Report discusses 860 new parking spaces. This aspect of the Proposed Project was a previously identified element that had been subsequently removed from the Proposed Project (see Response No. 6-40) and therefore was not included in the Draft IS/PMND Project Description section. Instead, the Proposed Project would include the removal of an existing 78-space surface parking lot. The demolition analysis has been revised to account for up to 15 heavy-duty truck trips per day during the demolition phase. The 15 truck trips per day assumption was selected as a reasonable assumption based on the project size. Similar to the conclusion presented in the Draft IS/PMND, the revised estimated construction emissions would remain below the SCAQMD thresholds and, as such, would result in a less-than-significant impact.

The commentor also notes that the Draft IS/PMND project description identifies 121,028 square feet of new hospital structure and the air quality analysis model reflects 111,792 square feet. As explained above, the construction analysis has been revised to account for 123,652 square feet of new construction. This is consistent with the project-specific information presented in the Draft IS/PMND. Page II-2 of the Draft IS/PMND states that there will be 121,028 net new square feet of development. This number is a net value and newly constructed buildings would total 123,652 square feet. Regarding operational emissions, the URBEMIS2002 output file has also been adjusted from 180,000 square feet of development to 123,652 square feet of development. Regardless of the square footage input into URBEMIS2002 for operations, the majority of operational emissions result from mobile sources. The average daily trips that were input into the URBEMIS2002 model, as reflected in Appendix A to the Draft IS/PMND were consistent with the daily

trips presented in the project traffic study (Appendix C to the Draft IS/PMND). Therefore, the operational emissions analysis as presented in the Draft IS/PMND is accurate.

Response 6-42

The commentor provides a revised URBEMIS2002 construction analysis that demonstrates a significant NO_x impact during the demolition phase. This analysis does not accurately reflect the demolition activity associated with the Proposed Project such that the commentor's analysis drastically overestimates demolition NO_x emissions. The commentor's analysis assumed that all demolition activity would occur in one day and that the demolition material would all be hauled off-site in one day. This is not a realistic assumption because, as indicated in the analysis in Appendix A to the Draft IS/PMND, demolition activity would take place over the course of one month. The demolition NO_x emissions presented by the commentor would have resulted in a less-than-significant impact if they had been spread out over the correct time period, as calculated in the project air quality analysis.

Response 6-43

The commentor provides a modeling example that asserts that construction activity associated with demolition of a 31,212-square-foot building would result in significant NO_x emissions. This conclusion is incorrect for two reasons. The equipment mix provided by the commentor is similar to the equipment mix utilized by the SCAQMD to demolish a 41,000-square-foot building. However, the SCAQMD suggests that, under this scenario, the dozer is only operated for one hour per day while the commentor operates the dozer for eight hours per day. Therefore, the equipment NO_x emissions are substantially overestimated. In addition, the commentor's analysis assumes that all 31,212 square feet would be demolished in the same day. This is a substantial overestimation as the demolition phase is projected to take place over the course of one month. The demolition emissions have more realistically been revised in the Final IS/MND using a combination of URBEMIS2002 and SCAQMD spreadsheet methodology. The resulting analysis demonstrates that demolition emissions would remain below SCAQMD thresholds and would result in a less-than-significant impact.

Response 6-44

The commentor suggests that large quantities of concrete will be needed to construct the Proposed Project and the Draft IS/PMND analysis unrealistically reflects the use of only one concrete saw. To be conservative, four concrete/industrial saws have been added to the construction emissions analysis. The resulting analysis indicated the maximum regional VOC emissions would be 67 pounds per day. As such, VOC emissions would be less than the SCAQMD significance threshold of 75 pounds per day. VOC mitigation measures were not explored as the URBEMIS2002 modeling indicated a less-than-significant impact.

Response 6-45

The commentor notes that construction emissions estimates for new parking are not substantiated in the Draft IS/PMND. As noted in Response No. 6-41, reference to the construction of parking areas in Draft

IS/PMND Appendix A was incorrect and has been removed from the Air Quality Report project description and deleted from the construction analysis in the Final IS/MND. The removal of one aspect of a project generally results in less construction emissions. However, the revised construction analysis presented in the Final IS/MND shows increased construction emissions. The increased emissions are a result of changes made in response to other comments raised by the commentor (e.g., Comment No. 6-48). Regardless, and similar to the construction emissions analysis presented in the Draft IS/PMND, construction emissions would remain below the SCAQMD thresholds and would result in a less-than-significant impact.

Response 6-46

The commentor merely repeats what was discussed in Comment No. 6-41. See Response No. 6-41. Refined construction emissions estimates would remain below the SCAQMD significance thresholds and, as such, would still be less than significant.

Response 6-47

The commentor states that construction equipment reflected in the construction air emissions model in the Draft IS/PMND were not explained in Appendix A. The exact construction specifications associated with the Proposed Project are not known at this point in the development process. As is often the case in an air quality analysis, equipment assumptions were partially based on experience with similar projects and partially based on project information obtained from the Applicant. For instance, the Applicant noted that the Proposed Project would require an excavator, bulldozer, and backhoe. However, the construction analysis also reflected emissions from loaders, cranes, and forklifts as these pieces of equipment are commonly used during construction. Based on refined estimates of construction equipment usage provided by the applicant's construction manager, a grader and a compactor have been added to the site preparation equipment mix and these emissions are included in the revised analysis. In addition, the construction analysis has been revised to account for a 30-month construction schedule. The adjustment to the construction schedule did not significantly alter the emission calculations. This is because construction emissions are based on the maximum activity (e.g., equipment operations) that would occur in one day. The air quality analysis included in the Draft IS/PMND resulted in a conservative analysis that calculated emissions from multiple pieces of construction equipment operating simultaneously for eight hours per day. The shorter construction schedule did not result in a change to the maximum assumed equipment mix. In addition, the Applicant provided information that approximately 0.5 acres of the Project site would be paved. Based on the above discussion, the revised construction emissions would still result in a less-than-significant impact and the impact conclusions discussed in the Draft IS/PMND remain accurate.

Response 6-48

The commentor suggests that the Localized Significant Thresholds (LST) analysis should utilize the SCAQMD profile for a five acre site, rather than the one-acre LST profile. The comment reflects a basic misunderstanding of SCAQMD methodology. The LST one-acre profile was utilized to obtain the significance threshold and was not used as a substitute for emission calculations. The SCAQMD LST methodology, *Sample Construction Scenarios for Projects Less than Five Acres in Size (February 2005)*,

presents profiles and significance thresholds for project sites of one to five acres in size. The localized significance threshold is dependent upon the size of the project site. As shown in the guidance, a smaller project site has a lower significance threshold than a larger project site. Therefore, it is more conservative to use a one-acre profile than to use a larger profile with a higher significance threshold. The LST analysis included in the Draft IS/PMND utilizes the most stringent threshold available and, as such, is the correct analysis. In addition, the estimated emissions presented in the analysis were not obtained from the generalized analysis presented in the LST guidance. The construction emissions were properly obtained from URBEMIS2002 and SCAQMD spreadsheet methodology.

Response 6-49

The commentor questions the source of fugitive dust calculations provided in the Draft IS/PMND. Fugitive dust emissions were calculated utilizing methodology promulgated by the SCAQMD in *Sample Construction Scenarios for Projects Less than Five Acres in Size (February 2005)*. Fugitive dust emissions were not estimated utilizing SCAQMD spreadsheet methodology and were included in the construction analysis. The project Applicant provided information indicating that 15,100 cubic yards of soil would be imported/exported during construction activity. The construction analysis conservatively assumed that half of this amount, 7,550 cubic yards, would be moved in one day. This was used to represent the maximum daily emissions and has been added as a footnote in the Final IS/MND. The Proposed Project would not include cut-and-fill site work associated with scraper activity. The majority of soil movement would result from excavation activity. As noted in Response No. 6-47, a grader and compactor have been added to the construction analysis. However, it is unlikely that an excavator, a grader, and a compactor would operate simultaneously on the project site and, as such, the revised equipment emissions are a conservative estimation.

Response 6-50

The commentor suggests that impacts from concrete trucks and diesel delivery/vendor vehicles are not reflected in the Draft IS/PMND construction emissions analysis. Construction emissions were calculated utilizing URBEMIS2002. URBEMIS2002 is recommended by the SCAQMD for calculating construction emissions. The SCAQMD has not published guidance requiring construction emissions analysis to be supplemented with additional calculations. However, the construction analysis has been revised to include emissions associated with 15 delivery/concrete truck trips per day with a 20-mile round trip distance. The 15 truck trips per day assumption was selected as a reasonable assumption based on the project size. The resulting heavy-duty truck emissions would be approximately one pound per day of VOC, 14 pounds per day of NO_x, four pounds per day of CO, and less than one pound per day of PM₁₀, PM_{2.5}, and SO_x. These emissions were added to the standard URBEMIS2002 analysis. As presented in the revised air quality analysis in the Final IS/MND, construction emissions would continue to result in a less-than-significant impact.

Response 6-51

The commentor suggests that delivery and haul truck emissions are a significant source of emissions. The construction analysis has been revised to include delivery and haul truck emissions. See Response No. 6-50.

Response 6-52

The commentor suggests parameters for reflecting the effects of concrete trucks in the construction emissions analysis. As discussed in Response No. 6-50, the construction analysis has been revised to include delivery truck emissions. However, the methodology presented in the comment for estimating the concrete needs of the Proposed Project is incorrect. Construction-related project specifications have not yet been developed. However, it is known that the project would be erected utilizing steel and not poured-in-place concrete. As such, floor and wall concrete would not be required and Autumn Wind Associates has greatly overestimated emissions associated with this activity. Foundation and flat work would require approximately 308 cubic yards of concrete, not the 2,287 cubic yards suggested by the commentor. The correct estimate is approximately 86 percent less concrete than estimated by the commentor. This would result in 31 concrete truck trips based on a truck capacity of ten cubic yards of concrete, and not 229 trips as suggested by the commentor. Resulting emissions for 31 truck trips would be:

Concrete Truck VOC = 31 round trips x 2.7 pounds VOC per truck = 84 pounds VOC

Concrete Truck NO_x = 31 round trips x 10.55 pounds NO_x per truck = 327 pounds NO_x

Concrete Truck CO = 31 round trips x 7.05 pounds CO per truck = 219 pounds CO

Concrete Truck PM = 31 round trips x 0.4 pounds PM per truck = 12 pounds PM

Response 6-53

The commentor indicates that the emissions from concrete trucks would need to be added to other building construction phase emissions. Utilizing the same methodology described by the commentor, concrete delivery truck emissions would result in approximately 0.84 pounds per day of VOC, 3.3 pounds per day of NO_x, 2.2 pounds per day of CO, and 0.12 pounds per day of PM. However, it would be more accurate to calculate concrete and delivery truck emissions utilizing EMFAC2007 emission factors published by the SCAQMD. This is because the commentor's methodology averages the concrete and delivery truck trips over the entire construction schedule while the methodology utilized below assumes a certain number of trips per day. Project-specific information regarding concrete/delivery truck trips is not available at this point in the project analysis. However, 15 truck trips per day is a reasonable assumption based on the proposed size of development. The resulting emissions would be approximately one pound per day of VOC, 14 pounds per day of NO_x, four pounds per day of CO, and less than one pound per day of PM₁₀, PM_{2.5}, and SO_x. The resulting emissions were added to the construction analysis. This methodology is conservative because it is unlikely that equipment and material deliveries would overlap with concrete pouring activity. Nonetheless, these emissions have been added together and were determined to be below the SCAQMD significance thresholds. As such, the construction emissions would still result in a less-than-significant impact.

Response 6-68

The commentor notes that the Draft IS/PMND states that the proposed project to countywide VMT ratio is not greater than the proposed project to countywide population ratio. The sentence should read, "As shown in Table 3-9, the Proposed Project to countywide VMT ratio is not greater than the Proposed Project to countywide **population employment** ratio." The text has been updated to correct this typographical error.

The cumulative CO analysis should refer to Table 3-8. The text has been updated to correct this typographical error. The traffic report provided in Appendix C of the Draft IS/PMND identified 13 related projects within a two-mile radius of the project site. The Future With Project (2010) traffic volumes presented in the traffic report and utilized in the CO analysis included traffic volumes associated with the Proposed Project and the 13 related projects. Therefore, the CO concentrations presented in Table 3-8 accurately reflect the cumulative CO concentrations and cumulative conditions would not result in CO hotspot.

Response 6-69

The commentor suggests that the Draft IS/PMND does not include meaningful discussion, analysis or mitigation for global warming impacts. The Draft IS/PMND (Appendix A, pages 7, 9 and 28) includes a detailed discussion of global warming background information, regulations, and potential impacts. The determination of a less-than-significant impact is accurate and revisions to the conclusion are not necessary. However, new information has been added to the Final IS/MND to clarify and amplify the existing information and analysis related to this topic. See Response Nos. 6-70 through 6-79.

Response 6-70

The commentor describes an approach suggested by the Association of Environmental Professionals (AEP) for addressing greenhouse gas and global warming impacts. The AEP report on global warming provides many different methods for discussing greenhouse gas emissions in environmental documents. However, the AEP report is in no way the industry standard and has not been adopted by any State or regional air agency. Neither the SCAQMD nor the CARB has published guidance for assessing greenhouse gas emissions in environmental documents.

As a response to the comment, greenhouse gas emissions have been quantified for mobile and stationary sources (i.e., electricity and natural gas) and are presented in Table IV-25 of the Final IS/MND. Greenhouse gas regulations are focused on controlling long-term operational emissions, not emissions associated with short-term construction activity. Accordingly, the analysis presented in the Final IS/MND focuses on long-term operational emissions. Mobile source emissions were calculated based on emission factors from EMFAC2007 and project-related vehicle mile traveled from URBEMIS2002. Natural gas emissions were calculated based on usage rates from Table A9-12-A of the SCAQMD *CEQA Air Quality Handbook* (April 1993) and emission rates from the California Climate Action Registry's *General Reporting Protocol* (March 2007). Electricity emissions were calculated based on usage rates from Table A9-11-A of the SCAQMD *CEQA Air Quality Handbook* (April 1993) and emission rates from the California Climate Action Registry's *General Reporting Protocol* (March 2007). The Proposed

Project would result in net carbon equivalent emissions of 5,384 tons per year (tpy) of carbon dioxide, 14 tpy of methane, and 75 tpy of nitrous oxide. Refer to Appendix A of the Final IS/MND to view greenhouse gas emission calculations.

Response 6-71

The commentor described another aspect of the AEP approach for addressing greenhouse gas and global warming impacts that stresses inclusion of mitigation strategies. The Draft IS/PMND notes that the project applicant is pursuing LEED certification for the project. The project is targeting LEED Basic Certification, with design features that promote Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, Indoor Environmental Quality and Innovation & Design Process. The United States Green Building Council has indicated that LEED Basic Certification will exceed Title 24 energy efficiency standards by at least 14 percent (<http://www.usgbc.org/>). The mitigation measures identified for the Proposed Project require the project to achieve a minimum LEED Basic certification (Draft IS/PMND, page IV-87).

Response 6-72

The commentor notes that, in the opinion of AEP, if a project complies with measures identified by the California Climate Action Team, the project could be considered as having a less than significant cumulative impact related to global climate change. As discussed above, the Proposed Project must achieve LEED Basic Certification. The design and operational features incorporated into the Proposed Project will act as mitigation measures and will reduce the Proposed Project's carbon footprint and greenhouse gas emissions when compared to a non-LEED certified building. Because the Proposed Project would increase energy efficiency beyond the Title 24 standards and incorporate environmentally friendly design, the Proposed Project could be considered to have a less-than-significant cumulative impact to global climate change.

Response 6-73

The commentor notes the greenhouse gas reduction targets established by the Governor and the Mayor's Green LA initiative. The text of the Final IS/MND has been revised to include a discussion of Governor Schwarzenegger's Executive Order S-3-05 and Mayor Villaraigosa's Green LA Action Plan. This information clarifies and amplifies the information provided in the Draft IS/PMND.

Response 6-74

The commentor notes that the State's former and current Attorneys General have encouraged local governments to include analysis of global warming impact in environmental documents because it is required by CEQA. The Draft IS/PMND includes a discussion of greenhouse gas emissions and potential global warming impacts. As discussed above, the AEP report on global warming provides many different methods for discussing greenhouse gas emissions in environmental documents. However, this report is in no way the industry standard and has not been adopted by any State or regional air agency. Neither the

SCAQMD nor the CARB has published guidance for assessing greenhouse gas emissions in environmental documents.

Response 6-75

The commentator suggests that the Draft IS/PMND fails to adequately address greenhouse gas emissions and suggests revisions to correct the omissions. See Response Nos. 6-70 through 6-72.

Response 6-76

The commentator attaches air quality model runs prepared by the commentator to support contentions of the commentator related to calculation of construction emissions. The comment has been addressed in the responses for which this data was included in specific comments. No additional response is necessary.

Response 6-77

This commentator attaches the resume of Greg Gilbert of Autumn Wind Associates Inc. No additional response is necessary.

Response 6-78

The commentator attaches the Association of Environmental Professionals White Paper on Global Climate Change used by the commentator to support contentions of the commentator related to analysis of greenhouse gas emissions and global warming impacts. The comment has been addressed in the responses for which this information was included in specific comments. No additional response is necessary.

Response 6-79

The commentator attaches a comment letter from Kathryn Egolf, Deputy Attorney General of the State of California, Department of Justice on the Draft Program EIR for the Orange County Transportation Authority (OCTA) 2006 Long-Range Transportation Plan. The letter provides comments on the OCTA's Draft Program EIR related to the analysis of greenhouse gases and global climate change. The letter provides no specific comments related to the Draft IS/PMND for the Proposed Project. The comment is noted and will be considered by the decision makers. No additional response is necessary.

Response 6-80

The commentator correctly summarizes the conclusion of the Draft IS/PMND and the traffic analysis prepared by the project applicant with respect to traffic. See Response Nos. 6-81 through 6-85.

Response 6-81

The commentator correctly notes that the traffic study prepared for the applicant by Katz, Okitsu & Associates (KOA) was required to be prepared in accordance with LADOT traffic study guidelines and that the KOA traffic study assumed ATSAC/ATCS improvements to be in place at project opening in

2010. The commentor further correctly notes that the KOA study identifies a significant impact at the intersection of Laurel Canyon Boulevard and Rinaldi Street and proposes an improvement to mitigate this impact. However, under LADOT policies and procedures for conducting traffic studies in the City of Los Angeles, the KOA study does not provide the official statement on project impacts and mitigation measures until after it is approved by LADOT. See Response No. 6-83.

Response 6-82

The commentor questions how a previously existing plan to implement ATSAC/ATCS at the Laurel Canyon/Rinaldi intersection can be utilized as mitigation for a project impact. Implementation of ATSAC/ATCS improvements is used as mitigation for project-related traffic impacts throughout the City of Los Angeles, under existing LADOT policy and practice. Developer contributions are a key element in financing these improvements. In all areas of the City, LADOT allows projects to make fair share contributions to improvements at specific intersections and take credit for the intersection capacity enhancements that result from the improvements that those contributions fund. In order to effectively improve traffic flow, ATSAC/ATCS improvements, which consist of interconnected computerized traffic signal controls, must be implemented in "corridors" or in other specified geographic subareas within the City. Therefore, these improvements are planned, constructed and made operational over an extended period of time. Under LADOT's long-established program for funding ATSAC/ATCS improvements, developers are permitted to make contributions to the installation of ATSCA/ATCS improvements at significantly impacted intersection as mitigation for project impacts beginning at the time that the need for the ATSAC/ATCS program improvements is identified and remains open until the developer contribution portion of the program is funded. The commentor states that "a project under construction would also have been fully funded". This statement is incorrect. While LADOT may temporarily transfer funds from other programs or projects that are covered by the departmental budget in order to allow construction of these improvements to commence, these funds must be reimbursed or other vital programs in the City would be affected. The developer contributions provide the permanent funding for these improvements and LADOT relies upon and accepts all such contributions until the program is completely funded, which can extend beyond the completion of construction of the improvements. As such, as long as LADOT is accepting developer contributions, which was the case for the Proposed Project's contribution to the Laurel Canyon/Rinaldi improvements, this measure may be used as feasible mitigation for project-related traffic impacts.

Response 6-83

The commentor contends that the Draft IS/PMND evades the conclusion of the traffic study that mitigation will be necessary by removing ATSAC/ATCS from the level of service analysis at Laurel Canyon/Rinaldi. The commentor further contends that since ATSAC/ATCS improvements have been implemented, the baseline conditions will be as anticipated in the KOA study. This contention is incorrect. After the KOA study was submitted to LADOT for review, LADOT performed a revised and updated analysis to accurately reflect the level of service methodology and significant impact criteria utilized by LADOT (Draft IS/PMND, page IV-78). The commentor states "the Initial Study evades the conclusion of the Traffic studies that mitigation will be necessary". On the contrary, as clearly stated in

than it is now, forever. I know that Katz, Okitsu and Associates (KOA) say that there is no problem but that is what they are paid to do.(encl#5)

7-2

J-walking on Indian Hills Road is an accepted practice by PHCMC and no attempt is being made to correct it. Hospital Police could be stationed on Indian Hills Road to encourage everyone to use the brand new crosswalk, which after a month or so would become habitual. I know that the Hospital Police have no power to enforce traffic rules but just their presence will suffice.

7-3

Why is it necessary for PHCMC to build the addition so close to Indian Hills Road when there is so much unused land between the present Hospital and Rinaldi Street??

7-4

I will speak of the loading docks influence on traffic later.

7-5

Mike Young of The Department of Transportation also says " The Department recommends that if tentative tract 52539 (encl#2,3,&4), which consists of 116 single family homes, is developed, a new traffic study that studies the cumulative traffic impact of both projects together be conducted in order to fully analyze the traffic's impact."

7-6

I will enclose a copy of a letter (encl#6) written in 2000 by Kerry Carmody then Clinical Operations Officer, now Administrator of PHCMC , in order to show that traffic on Indian Hills Road was bad then and worse now.

2. **The Conditional Use Modification to allow a 95 foot high addition instead of the limit if 45 feet.** This allows for greater risk of earthquake damage. It also blocks my view of the San Fernando Valley from my home which I have enjoyed for 45 years only now to be removed by PHCMC.

7-7

3. **Parking at PHCMC is extremely tight at present (Encl#7,8,&9)** and will only get worse after the addition. I know that PHCMC says that the law only requires 2 parking spaces for each hospital bed but this is a very old regulation, 1999 upgraded in 2003, and not supported by just walking around the parking lots and seeing that they are all over parked, that is cars parked in red zones, cars parked in unmarked spots (the Hospital does not enforce parking regulations in the parking lots). All parking spaces on Mission Hills Road and Indian Hills Road are full every week day. Hospital employees also park on the curb in the housing development across Rinaldi Street. I think that a Parking structure should be built to accommodate the new employees, not on the east side of Indian Hills Road so that the J-walk traffic increases, but on the present campus.

7-8

4. **The Loading Dock**, which is not even mentioned once in the MND, is located on Indian Hills Road and therefore every time an eighteen wheeler backs into the dock it completely blocks the traffic on Indian Hills Road. (encl#10,11,&12) This dock should be entered from Mission Hills Road, the exit can remain on Indian Hills Road, to solve this problem and this could be easily done. I know that a bridge would have to be built across the tunnel under Mission Hills Road to the Extended Care Facility but this would be of little expense and bother when compared to the relief to traffic congestion.

7-9

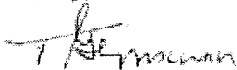
5. **The brand new and enlarged emergency room (ER) is seeing more and more trauma** victims but the access road is still very, very narrow (same as in 1961) and ambulance traffic is increasing. There are times when five ambulances are parked at the ER and one can't get out. The road to the ER should be 50 feet wide instead of the present 24 feet (encl #13,14,&15). The road should be extended so that the exit to the ER is to Mission Hills Road and ambulances cannot be trapped. This would be easy and inexpensive.

7-10

These are only a few of the problems with the **MND** and would get thoroughly addressed by an **Environmental Impact Report**. The addition needs to be built but it needs to be built in an intelligent way so as not to negatively impact the neighborhood **for ever**. For instance, the loading dock was not even mentioned in the MND but was discussed in the EIR written in 2000 for Tentative Tract 52539, which is for the 116 house tract behind PHCMC. This EIR should be reviewed by the Department of City Planning before any thing is decided about the presently discussed MND.

7-11

Sincerely,



Timothy D. Germann M.D.

Comment Letter No. 7

Timothy Germann M.D.
15001 Mission Hills Road
Mission Hills, California 91345
June 14, 2007

Response 7-1

Commentor Timothy D. Germann, MD, indicates that he submitted a comment letter in October 6, 2006 regarding this project and has the same comments about the Proposed Project as indicated in October, 2006. The commentor indicates agreement that Providence Holy Cross Medical Center (PHCMC) needs to be expanded with proper planning. The commentor indicates that he has lived in the area and seen the rebuilding of the PHCMC twice due to earthquake damages. This comment is noted and will be considered by the decision makers.

Response 7-2

The commentor states that to build the addition this close to Indian Hills Road will keep Indian Hills road at its present 40 foot width forever. The commentor states that this will make the traffic problem on Indian Hills Road even worse than it is now. See Response No. 3-3.

Response 7-3

The commentor states that J-walking in Indian Hills Road is an accepted practice by PHCMC and no attempt is being made to correct it. The commentor states that Hospital police should be stationed on Indian Hills Road to encourage everyone to use the new crosswalk. The commentor refers to existing conditions that are not part of the Proposed Project. No mitigation measures are required to address this condition. However, the project applicant has voluntarily agreed to establish and regularly meet with a community advisory panel to address community issues related to parking and other ongoing operational activities associated with existing and proposed PHCMC facilities. This measure has been added to the Final IS/MND. However, this mitigation measure is not required by CEQA, does not create new significant environmental effects and is not necessary to mitigate an avoidable significant effect.

Response 7-4

The commentor states questions the location of the proposed addition relative to Indian Hills Road. The site plan for the Proposed Project represents the minimum footprint required to accommodate the proposed addition's structural and interior space requirements and to properly relate to the existing Main Hospital Building. The project edge adjacent to Indian Hills Road does not abut residential uses and is across the street from an existing surface parking lot. The proposed design is aesthetically and functionally appropriate to meet the objectives of the Proposed Project.

Response 7-5

The commentor indicates later comments on the loading dock's influence on traffic. See Response No. 7-9.

Response 7-6

The commentor states Mike Young of the Department of Transportation recommends that if tentative tract 52539 which consists of 116 single family homes is developed, a new traffic study that studies the cumulative traffic impact of both projects together should be prepared. This comment is noted and will be considered by the decision makers. However, the Draft IS/PMND addresses this concern on page IV-96. As noted in the Draft IS/PMND, the traffic studies prepared for the Proposed Project considered the cumulative traffic impact of the Proposed Project together with Tentative Tract 52539, even though TT-52539 has not been approved and is not currently under active consideration by the City.

Response 7-7

The commentor states the Conditional Use Modification to allow a 95 foot high addition instead of the 45 limit allows for greater risk of earthquake damage. The Draft IS/PMND, page IV-30, states "as with all properties in the seismically active Southern California region, the project site is susceptible to ground shaking during a seismic event. The faults closest to the project site are the Sierra Madre-San Fernando Fault approximately one mile from the project site and the Oak Ridge (Easter Blind) Fault approximately one mile from the project site. These and other active and potentially active known faults in the region are close enough to the project site to cause significant ground shaking.

Potential impacts from seismic ground shaking are present throughout Southern California and would be of comparable intensity at the project site as it would be for large parts of the City of Los Angeles and the region. Also, the CBC contains construction requirements to assure inhabitable structures are built to a level such that they can withstand acceptable seismic risk. The Proposed Project would be required to comply with existing codes which reduce seismic risks to an acceptable level. With code compliance, as assured by OSHPD, impacts related to seismic ground shaking would be less than significant."

The commentor further states that the view of the San Fernando Valley from his home would be blocked. The comment is noted and will be considered by the decision makers. The blockage of private views, however, is not considered to be a significant impact under the City's CEQA Thresholds Guide. Moreover, the existing main hospital building currently extends to approximately 81 feet in height. The existing building and landscaping already affects panoramic views of the San Fernando Valley from areas north of the project site.

Response 7-8

The commentor states that parking at PHCMC is presently tight and will only get worse after the addition. See Response No. 4-2.

Response 7-9

The commentor states that the loading dock which is not mentioned in the MND is located on Indian Hills Road and when 18 wheelers back into the loading dock completely blocks traffic on Indian Hills Road. The commentor discusses plans for where the loading dock should be located, and a possible bridge to the Extended Care Facility. See Response No. 3-2.

Response 7-10

The commentor states that the brand new emergency room is seeing more trauma victims but the access road is narrow and ambulance traffic is increasing. The commentor states that the road should be 50 feet wide instead of 24 feet, and extended so that the exit to the ER is Mission Hills Road. See Response No. 5-8.

Response 7-11

The commentor states that these are only a few of the problems with the MND and would get thoroughly addressed in an EIR. See Response Nos. 5-2 and 6-7. The commentor states that the addition needs to be built in an intelligent way so it doesn't impact the neighborhood. The comment is noted and will be considered by the decision makers. The commentor also states that the loading dock needs to be discussed in the EIR. See Response No. 3-2.

The commentor states that EIR needs to be reviewed by the Department of City Planning before anything is decided on the presently discussed MND. The Final IS/MND represents the independent judgment of the Department of City Planning as to the appropriate environmental document that should be prepared for the Proposed Project and will be considered by the decision makers in the course of considering approval or disapproval of the Proposed Project. The commentor's comments regarding preparation of an EIR for the Proposed Project are noted and will be considered by the decision makers.

TRANSMITTAL TO CITY COUNCIL

Case No.	Planning Staff Name(s) and Contact No.	C.D. No. 7 ✓
CPC 2005-0041-CU-ZAA-1A	Jim Tokunaga – (213) 978-1309	
Related Case No(s).	Last Day to Appeal	
None	September 4, 2007	

Location of Project (Include project titles, if any).
Project is located at 15031 Rinaldi Street

Applicant(s) and Representative(s) Name(s) and Contact Information, if available.
Applicant: Waldo T. Romero – Providence Holy Cross Medical Center - (818) 847-3340
Representative: Lee Ambers – California Property Consultant – (818) 996-0042

Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.
Appellant No. 1: Timothy D. Germann, M.D. – (818) 365-6371
Appellant No. 2: Theodore Franklin on behalf of Community Advocates for Responsible Expansion; Nick Krall (510) 337-1001

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description <u>only</u> those items which are appealable to Council.)

Conditional Use subject to the attached Modified Conditions of Approval for a hospital located in an A2-1 (agricultural) zoned property. Conditional Use modifications from the Municipal Code to permit a maximum building height of 97-feet for the expansion portion, and to permit an easterly minimum side yard of seven feet.
Items Appealable to Council
CU

Fiscal Impact Statement *If determination states administrative costs are recovered through fees, indicate "Yes." Yes	Env. No. ENV-2005-0042-MND	Commission Vote: 6 - 0
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In addition to this transmittal sheet, City Clerk needs:

- (1) One original & two copies of the Commission, Zoning Administrator or Director of Planning Determination
- (2) Staff recommendation report
- (3) Appeal, if applicable;
- (4) Environmental document used to approve the project, if applicable;
- (5) Public hearing notice;
- (6) Commission determination mailing labels
- (7) Condo projects only: 2 copies of Commission Determination mailing labels (includes project's tenants; and 500 foot radius mailing list)

 Gabriele Williams, Commission Executive Assistant City Planning Commission	Date SEP 07 2007
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Organizations and Individuals

- | | | |
|----|---|------------------------------------|
| 3. | Ararat Home of Los Angeles
Armen Hamper, Chairman (Page VI-13) | June 22, 2007 |
| 4. | Granada Hills North Neighborhood Council
Anne Ziliak, Planning and Land Use Chair (Page VI-16) | June 25, 2007 |
| 5. | North Valley Coalition of Concerned Citizens Inc.
Wayde Hunter, President NVC (Page VI-22) | June 22, 2007 |
| 6. | Theodore Franklin (Page VI-27) | June 14, 2007, July 25, 2007 (sic) |
| 7. | Timothy Germann M.D. (Page VI-141) | June 14, 2007 |

Table IV-1
Comments on the Draft EIR

SUMMARY OF COMMENTS Providence Holy Cross Medical Center Expansion Project	Letter Number	Aesthetics	Agriculture	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Hazards & Hazardous Materials	Hydrology/Water Quality	Land Use/Planning	Mineral Resources	Noise	Population/Housing	Public Services	Recreation	Transportation/Traffic	Utilities/Service Systems	Other	Explanation of Other
CEQA Environmental Review Process																			
Regional Agencies																			
SCAG	1																	•	Project is not regionally significant. No further comment warranted.
City of Los Angeles Officials, Agencies & Departments																			
Los Angeles Unified School District (LAUSD)	2		•									•				•		•	Mitigation measures suggested
Organizations and Individuals																			
Ararat Home of Los Angeles	3																		
Granada Hills North Neighborhood Council	4																		
North Valley Coalition of Concerned Citizens Inc.	5																	•	Cumulative impacts.

SUMMARY OF COMMENTS Providence Holy Cross Medical Center Expansion Project CEQA Environmental Review Process	Letter Number	Aesthetics	Agriculture	Air Quality	Biological Resources	Cultural Resources	Geology/Soils	Hazards & Hazardous Materials	Hydrology/Water Quality	Land Use/Planning	Mineral Resources	Noise	Population/Housing	Public Services	Recreation	Transportation/Traffic	Utilities/Service Systems	Other	Explanation of Other
Theodore Franklin	6	•		•						•						•		•	Extension of comment period requested
Timothy Germann M.D.	7	•								•						•			