Communication from Public

Name:	Dave Rand
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Council File No:	22-1098
Comments for Public Posting:	Part 1 of 2. Please see supplemental responses to objections raised in connection with the Sustainable Communities Environmental Assessment (SCEA) for the proposed mixed use project at 1022-1066 La Cienega (ENV-2022-2280-SCEA; CF# 22-1098).

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November 21, 2022

City of Los Angeles
City Council
200 N. Spring Street, Los Angeles, CA 90012

Responses to Comments re: 1050 La Cienega Project (Project)

This letter is in addition to our previous Responses to Comments letter submitted to the Planning and Land Use Management Committee (PLUM) on November 1, 2022. This letter responds to additional and revised comment letters received since the previous submittal and supplements some previous responses.

We write in response to the comment letters submitted challenging the adoption of a Sustainable Communities Environmental Assessment (SCEA) in Case No. ENV-2022-2280-SCDEA (Related Case No. DIR-2022-2279-TOC-SPR-VHCA) for a new mixed-use development pursuant to the California Environmental Quality Act (CEQA).

As shown in **Table 1** below, the comment letters do not raise any new CEQA issues and do not require any change to any conclusion identified in the SCEA. The comment letters do not provide substantial evidence or a fair argument that further review under CEQA is required, or that the Project may have a significant environmental impact. As analyzed in the comment letters, the whole of the record supports the conclusion that the Project would result in impacts below a level of significance as correctly determined in the SCEA.

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Table 1
Comments and Responses Index

Commenter	CEQA Topics	Comment	Response in the SCEA
Adams Broadwell Joseph & Cardozo CREED LA October 21, 2022	Energy	The SCEA does not discuss feasibility of incorporating mitigation measures that would reduce natural gas consumption; or require electric or low-emission construction equipment; or prohibit landscaping equipment during operation.	CEQA only requires mitigation of significant impacts. As demonstrated by the SCEA (pages 5-45 to 5-66) the Project complies with all applicable regulatory requirements related to energy conservation imposed on the Project, and the Project would not result in any significant energy related impacts. Accordingly, no additional mitigation is required.
Channel Law Group Friends of South Carthay October 21, 2022	Land Use	The SCEA did not incorporate all feasible SCAG RTP/SCS mitigation measures, including PMM AQ-1, BIO-1 to BIO-6, GEO-1, GHG-1, HAZ-1 to HAZ-7, HYD-1 to HYD-5, LU-2, MIN-1, Noise-1 to Noise-2, PSP-1, PSS-1, PSL-1, TRA-2, USWW-1, USWS-1, etc.. The SCEA must incorporate all feasible mitigation from all prior EIRs, including: Wilshire Community Plan Update (SCH # 1997081033), Mobility Plan 2035 (SCH#2013041012), Housing Element 2021-2029 Update/Safety Element Update (SCH#20211010130).	As stated by SCAG, SCAG has no authority to impose mitigation measures on individual projects for which it is not the lead agency. However, for projects seeking to use CEQA streamlining and/or to tier from the Program EIR, project-level mitigation measures included in the Program EIR (or comparable measures) should be required by the local lead agency as appropriate and feasible. Many lead agencies have existing regulations, policies, and/or standard conditions of approval that address potential impacts. Nothing in the Program EIR is intended to supersede existing regulations and policies of individual jurisdictions. Since SCAG has no authority to impose mitigation measures, mitigation measures to be implemented by local jurisdictions are subject to a lead agency's independent discretion as to whether measures are applicable to projects in their respective jurisdictions. Lead agencies may use, amend, or not use measures identified in the Program EIR, as appropriate, to address project-specific conditions. The determination of significance and identification of appropriate mitigation is solely the responsibility of the lead agency. To comply with PRC Section 21151.2, the City has reviewed all mitigation measures contained in the SCAG MMRP (refer to SCEA Table 4-1) and determined their applicability to the Project. For each such mitigation measure, the City considered whether to incorporate the mitigation measure from SCAG's Program EIR or whether an equally effective existing City mitigation measure, standard condition of approval, or other City regulation or federal, state, or regional regulation would supersede SCAG's mitigation measures. A discussion of the City's applicability determination is found on SCEA Table 4-1. SCEAs are statutorily linked to the applicable RTP/SCS EIR, and thus those are

			the most applicable and relevant mitigation measures in SCEA analyses. As discussed above, the Project incorporates all applicable mitigation measures in the SCAG RTP/SCS. Further, the Project does not result in any significant impacts related to the impacts that are the subject of these EIRs. The Project would not result in any transportation, VMT, circulation or emergency access, and thus the Mobility Plan 2035 mitigation measures, which cover these impact areas, would not apply to the Project. The Project is also consistent with housing and transportation objectives of the City's Housing Element and the Project would not result in any population and housing and land use and planning impacts. Finally, the Wilshire Community Plan offers no additional mitigation than is already offered by the mitigation already incorporated into the Project.
Lozeau Drury SAFER November 1, 2022	Mitigation measures	The SCEA fails to impose all feasible mitigation measures	The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549.)
	Land Use	The SCEA must be consistent with applicable policies for the SCS.	Table VIII-4 of the SCEA provides the Project's consistency with SCAG 2020-2045 RTP/SCS. The letter does not provide substantial evidence that the Project is not consistent with the SCAG 2020-2045 RTP/SCS, which was accepted by CARB to achieve greenhouse gas emissions reduction targets.
Mitchel M. Tsai Southwest Regional Council of Carpenters November 1, 2022 *(Note this letter is nearly identical to their previous submittal dated October 10, 2022. That letter was responded to in our prior November 1,*	N/A	The city should require a local trained workforce The city should impose training requirements for The project's construction activities to prevent Community spread of covid-19 and other infectious diseases	The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549.)
	Energy	The SCEA Fails to Support its Energy and Utility Findings With Substantial Evidence	Pages 5-45 to 5-66 discuss the energy requirements of the Project and the various regulatory requirements imposed on the Project. The Utility Infrastructure Technical Report included as Appendix L also provides the substantial evidence that the Project is in compliance and would be adequately served and supplied by all utilities.

2022 letter.) *The responses here are similar and supplemented with additional detail.*			The comment does not provide substantial evidence that the energy demand during construction would be significant. The Utility Infrastructure Technical Report discussed energy demands during construction and noted that no natural gas is expected during construction. Electrical power is typically used for temporary lighting, equipment, and construction trailers and would be supplied with available supplies and infrastructure. The amount would be less than the Project's operational demands of approximately 1,8 million kwH/year. LADWP's will serve letter (included as part of the Utility Infrastructure Technical Report) indicates that LADWP has "planned sufficient resources to supply the electricity needs."
	Mitigation Measures	The SCEA Improperly Defers its Mitigation Measures related to hazards (Soils Management Plan and Dewatering), noise, and transportation.	The comment begins with a generic claim that the SCEA defers its mitigation measures. The specific comments on the deferred mitigation for hazards, noise, and transportation and our responses to each are included below. Deferred mitigation refers to the practice of putting off the precise determination of whether an impact is significant, or precisely defining required mitigation measures, until a future date.
	Hazards	Soils Management Plan mitigation missing details such at a timing of implementation and development. Dewater mitigation missing details on design specifications.	Here the Soils Management Plan mitigation measure and dewatering mitigation measures are not deferred. First, they are Project-specific based on the Phase I Environmental Site Assessment (ESA) and Phase II conclusions. Second, they include performance standards outlining the goals and steps for effective mitigation, oversight by applicable regulatory agencies, and, in the case of the dewatering, refer to specific LARWQCB requirements. Third, the Lead Agency, will adopt the mitigation as conditions of approval, require that a covenant be recorded on title and subject the applicant to the City's code enforcement requirements to ensure the mitigation will be enforced and implemented. The Mitigation Measure MM-HAZ-1 requires a Soils Management Plan, which complies with regulatory measures, and MM-HAZ-2 requires a dewatering system, which also complies with regulatory measures. Both of these measures are subject to compliance with regulatory requirements and detailed implementation timing procedures. The comment speculates and does not provide substantial evidence that additional details are missing.

	Noise	Mitigation measures must be revised to fully explain how noise barriers would be used to mitigate noise impacts at a minimum of 15 dBA for elevated sources during construction of the twenty eight-story building.	There is no heavy-duty construction equipment used on the upper levels of the building. The excavation and grading are the most impactful phase due to the equipment involved, and noise from this phase is addressed by the proposed mitigation measures. See also additional response from NTEC, the noise consultant, dated November 21, 2022: The commentor contends that the SCEA's noise mitigation measures are improperly deferred, but it is unclear how their example demonstrates this claim. The comment itself acknowledges how the noise mitigation measures contain specific, quantitative performance standards and requirements. For example, the commentor notes that MM-NOI-3 would "require sound barriers along the Project's western boundary" that are rated "to achieve a sound attenuation of at least 15 dBA" and shall be "a minimum of 7 feet in height." The comment's understanding of MM-NOI-1 is slightly inaccurate, but it nevertheless acknowledges the specific, quantitative performance standards required by MM-NOI-1, as well.[1] MM-NOI-1 through MM-NOI-7, the SCEA's "noise mitigation measures" in question, do not contain any proposals or procedures for deferring the formulation of details such as performance standards and implementation techniques to a later time. Thus, mitigation is not deferred at all, much less improperly deferred. The SCEA's noise mitigation measures commit to mitigation by requiring the use of sound barriers and other construction management techniques to reduce the Project's construction-related noise levels. The noise mitigation measures also rely on specific performance standards for mitigation such as the quantitative standards noted by the commentor. The commentor also claims the sound barriers required by the SCEA's mitigation measures "would not adequately mitigate noise sources elevated above the ground level as construction of the building progresses." However, the types of heavy-duty construction vehicles and equipment evaluated as part of the SCEA's analysis of the Project's bulk

[1] MM-NOI-1 does not require all sound barriers along the Project's eastern boundary to be 20 feet in height, only where the Project's boundary abuts the residence located at 1023 S. Alfred Street. In other locations along this boundary, MM-NOI-1 requires sound barriers to be a minimum 15 feet in height.

			excavation and pile installation phases would not operate above the heights of the sound barriers required by the SCEA's noise mitigation measures, within the upper levels of the Project's podium and tower. Furthermore, elevated construction noise sources that would operate within these upper levels (e.g., hand tools, compressors, etc.) would not result in significant noise impacts to surrounding receptors. Therefore, neither the noise barriers required by the SCEA's mitigation measures nor any other mitigation would be necessary to reduce noise impacts from these sources, because mitigation measures are not required for effects which are not found to be significant.[2] The comment contains no evidence, much less substantial evidence, demonstrating why "elevated sources" would be capable of causing significant noise impacts and why noise barriers would be required to reduce these purported impacts by "a minimum of 15 dBA."
	Vibration	Vibration mitigation requiring a pre-construction survey missing details	MM-NOI-10 requires a pre-construction survey and lays out the key objectives and steps for this. It is not deferred because it does not leave important requirements for a future date. It says that the monitoring program will be implemented for the excavation phase and any other phase that requires large earthmoving vehicles and/or vibratory rollers. It lists the specific threshold that cannot be exceeded and lists the process for monitoring and corrective actions if the monitoring threshold is exceeded. See also additional response from NTEC, the noise consultant, dated November 21, 2022: There are a number of issues with the commentor's claim that the SCEA's groundborne vibration mitigation measures are improperly deferred. First, the commentor fails to consider MM-NOI-8 and MM-NOI-9, which establish measurable setback requirements for large earthmoving vehicles and vibratory rollers. By prohibiting this equipment from operating within specific distances of nearby vibration-sensitive structures, MM-NOI-8 and MM-NOI-9 would protect these structures from exposure to vibration levels in excess of their respective thresholds

[2] CEQA Guidelines Section 15126.4(a)(3).

			of significance. The methods and performance standards employed by MM-NOI-8 and MM-NOI-9 are specific, enforceable, and satisfy requirements for mitigation under CEQA. This consideration alone refutes the commentor's claim that the SCEA's groundborne vibration mitigation measures are improperly deferred because MM-NOI-8 and MM-NOI-9 are sufficient to ensure that the Project's construction-related vibration impacts would not exceed threshold criteria at surrounding structures, with or without implementation of MM-NOI-10. Second, the methods and performance standards employed by MM-NOI-10 are also specific, enforceable, and satisfy requirements for mitigation under CEQA. MM-NOI-10 commits itself to mitigation by requiring pre-construction surveys, a real-time groundborne vibration monitoring system with alerts, and a protocol in the event that exceedances are detected. MM-NOI-10 relies on a specific performance standard, which is the 0.12 inches per second PPV threshold. And, MM-NOI-10, in collaboration with the requirements set forth by MM-NOI-8 and MM-NOI-9, identifies actions that would achieve the 0.12 inches per second PPV performance standard. The commentor acknowledges that MM-NOI-10 contains "objectives and performance standards." Third, the comment seems to insinuate that because the pre-construction surveys and vibration monitoring systems required by MM-NOI-10 have yet to be prepared, the SCEA has improperly deferred its mitigation. This is confusing because the purpose of the vibration monitoring system is to continuously measure vibration velocities during the Project's construction activities to detect potential exceedances of the 0.12 inches per second PPV threshold and alert construction supervisors if such exceedances occur. As the Project has not been approved and is not under construction, this component of MM-NOI-10 cannot be implemented at the current time – there is no construction-related vibration to measure. Regarding the pre-construction survey, it is recommended to perform this survey closer to the actual time of construction. If a survey is conducted at this time, it could be years until construction of the Project begins (as noted, the Project has not been approved). During this time, the condition of nearby South Carthay HPOZ structures could change. For example, structures could

			deteriorate, or they could be improved by their property owners. Therefore, performing the pre-construction survey closer to the commencement of construction activities would provide a more accurate appraisal of these structures' baseline conditions against which potential damages may be compared, should they unexpectedly occur.
	Transportation	Construction Traffic Management Plan mitigation has yet to be prepared	PDF-TRANS-1 provides for a construction traffic management plan and the key objectives and performance standards for the plan, along with the measures that can feasibly be used to achieve the objectives and performance standards, including changes at PLUM to add haul route specifically for the CTMP. The construction traffic management plan must be reviewed and approved by LADOT. The comment speculates and does not provide substantial evidence that additional details are missing.
Channel Law Group Friends of South Carthay October 21, 2022 *(Note this letter was responded to in our prior November 1, 2022 letter.). The responses here* supplements some previous responses.	Mitigation measures	The SCEA Improperly Defers its Mitigation Measures related to hazards (Soils Management Plan and Dewatering.	See Mitchel M. Tsai, Southwest Regional Council of Carpenters, response on deferred mitigation and hazards mitigation above.
	Project Description	Figure 2-3 in the SCEA needs to be corrected. As drawn, it appears to show the garages for properties along Alfred Street abutting the project site as set back from the shared property line.	The analysis was not based on this approximate architectural sheet. Nonetheless, the architect has clarified the distance of the adjacent garages to the property line. See revised sheet A1.01. Page 5-165 notes the garages for analysis purposes. The numerous garages and/or accessory structures that abut the Project's eastern property line are wood-framed or masonry structures with plaster finishes that do not possess physical or architectural qualities associated with typical Category IV structures. The 0.2 inches per second PPV Category III threshold for "Non-engineered timber and masonry buildings" that may contain plaster would be more consistent with these structures. Nevertheless, in order to maximize the safety afforded to these nearby historic structures and minimize potential Project-related groundborne vibration impacts to them, the FTA's most stringent threshold of 0.12 inches per second PPV Category IV threshold have been conservatively applied. See also additional response from NTEC, the noise consultant, dated November

			21, 2022: MM-NOI-1, 3, and 4[3] contain quantitative performance standards and requirements that are specific and enforceable and therefore satisfy requirements for mitigation under CEQA. The height requirements (i.e., "Sound barriers abutting the Project's boundary with the residence located at 1023 S. Alfred Street shall be a minimum 20 feet in height") and attenuation requirements (i.e., "shall also be rated to achieve a sound attenuation of at least 15 dBA") were devised, and their effectiveness was substantiated, based on extensive modeling of the Project's potential construction noise impacts, the results of which are contained in Appendix H to the SCEA. The conclusion that the Project's construction-related noise impacts would be less than significant after mitigation is supported by this substantial evidence. The commentor does not demonstrate (or even argue) any inadequacy related to this substantial evidence or explain why MM-NOI-1, 3, and 4 could fail to provide the "needed level of attenuation…" Ultimately, there is no factual foundation to the commentor's claims – only speculation that "the potential for significant sound impacts remains." Further, the SCEA's disclosure that unmitigated construction-related noise impacts to South Alfred Street Residences may exceed 15 dBA L_{eq} is not evidence that mitigated impacts to this receptor would remain significant. The SCEA demonstrates that with implementation of mitigation measures, construction-related noise impacts to this receptor would be less than a 5 dBA L_{eq} increase and therefore less than significant.
	Energy	The SCEA needs to address the Project's full impact on energy demand from non-solar sources in the Project area and the effect of the proposed Project on the	As discussed on page 2-11 of the SCEA, in the C2 zone and height district 1, maximum building height and stories are not limited. Therefore, the City's zoning code coupled with the Transit Oriented Communities (TOC) program, which allows for increased density and floor area ratio (FAR) for mixed income buildings near transit infrastructure, permit taller buildings on this parcel and corridor along

[3] It is understood that the commentator likely intended to reference MM-NOI-3, not MM-NOI-2. MM-NOI-3 concerns sound barriers installed along the Project's western boundary and specifies a required sound attenuation rating for these barriers. Thus, MM-NOI-3 is relevant to their comment that concerns "the required sound attenuation rating of sound barriers and equipment shielding." MM-NOI-2 does not involve the installation of sound barriers and therefore has no relevance to this comment.

		effectiveness of any solar systems installed within the Project's shadow area.	La Cienega. The height allowance allows for a higher density and intensification of uses in this area that is well served by transit, which is one component of the state and SCAG's efforts to reduce greenhouse gas emissions. Rooftop solar is another component of the multi-faceted strategy to combat climate change. One does not compete with another. Aesthetic impacts (including shade/shadow and solar access) for residential/mixed use residential projects located in transit priority areas, such as the subject property, are less than significant as a matter of law pursuant to Senate Bill 743 (California Government Code Section 21099(d)). See also additional response from Rand Paster Nelson, dated November 21, 2022, submitted to PLUM: > Accordingly, for qualifying transit-proximate projects, SB 743 supersedes the aesthetic impact thresholds in Appendix G of the CEQA Guidelines and the City's outdated 2006 City CEQA Thresholds Guide. The Project is a mixed-use residential project, as it provides 290 new housing units, including 29 units affordable to extremely low income households and 7,500 square feet of restaurant use. Further, as demonstrated in Figures 3-3 and 3-4 of the Project SCEA, the Project is located within 0.5 mile of three Major Transit Stops: Wilshire Boulevard and La Cienega Boulevard (future Metro D Line subway), Olympic Boulevard and La Cienega Boulevard (intersection of Metro Lines 105 and 28), and Pico Boulevard and La Cienega Boulevard (intersection of Metro Line 105 and BBB Line 7). Therefore, the Project's potential aesthetic effects are not significant impacts on the environment as a matter of law. Regardless, solar access is generally based on availability to the southern sky. In the northern hemisphere, the general rule for solar panel placement is, solar panels should face true south.[4] None of the residential buildings on Alfred Street would have the southern and southeastern solar trajectory blocked by the proposed building. In addition, the tower portion is situated on the northwest portion of the Site, furthest from the Alfred Street residences and would cover

[4] https://energyeducation.ca/encyclopedia/Solar_panel_orientation

			less than ¼ of the overall site. Thus, solar access would still be attainable. Furthermore, the SCEA is not obliged to determine the effectiveness of a solar system on adjacent uses. Pages 5-55 through 5-64 discusses the Project's compliance with various regulations, codes, and plans for energy conservation, including CARB,, California Energy Code for solar ready buildings, CalGreen and Title 24, City's LA Green Building Code, and reducing VMT while complying with CAPCOA measures and RTP/SCS goals. As required by the 2022 CA Energy code (CEC) (for buildings applied for on or after January 1, 2023), the Project will provide solar PV panels on all areas of the roof space capable of structurally supporting a PV system and the area of all roof space, excluding: any roof area that has <70% annual solar access; occupied roof areas as specified by the California Building Code; and Roof area that is otherwise not available due to compliance with other building code requirements if confirmed by CEC. The Project would be in compliance with the requirements for solar from CalGreen and LA Green Building Code. In order to meet reduction goals in the LA Green Plan/ClimateLA, LADWP will continue to implement programs to emphasize water conservation and will pursue securing alternative supplies, including recycled water and stormwater capture.
	Noise	The noise mitigation measures provided for the construction noise impacts of the Project are not adequate to ensure that impacts would be less than significant.	Pages 5-159 to 5-162 and Tables XIII-8 to XIII-10 provide noise mitigation measures and demonstrate with substantial evidence that the mitigation measures are sufficient to reduce noise impacts to less than significant. See additional response from NTEC, the noise consultant, dated November 21, 2022: MM-NOI-2 contains a specific, measurable condition that is enforceable and therefore satisfies requirements for mitigation under CEQA. MM-NOI-2, as with all mitigation measures, will be imposed as a condition of approval of the Project's land use entitlements and recorded against the property. Those conditions of approval will be binding and enforceable and subject the applicant to the City's code enforcement

			procedures enforced by various city agencies such as the Planning Department, LADBS and LAPD. Violation(s) of construction related conditions of approval could lead to issuance of a stop work order and cessation of construction activity.
	Vibration	There are several problems with [vibration] mitigation measures which render them ineffective in avoiding impacts The impact of these vibrations on residents needs to be addressed	Pages 5-166 to 5-167 and Table XIII-13 provide vibration mitigation measures and demonstrate with substantial evidence that the mitigation measures are sufficient to reduce vibration impacts to less than significant. Human annoyance is not required under Appendix G or any CEQA threshold. See additional response from NTEC, the noise consultant, dated November 21, 2022: The Project's construction-related vibration impacts would not exceed threshold criteria after the implementation of MM-NOI-8 and MM-NOI-9. MM-NOI-10 has nevertheless been adopted in an abundance of a caution, even though the Project's construction-related vibration impacts would be less than significant based on MM-NOI-8 and MM-NOI-9 and without the implementation of MM-NOI-10. MM-NOI-10 simply provides an additional layer of protection by ensuring that any exceedance of the significance threshold, while unlikely and unanticipated for reasons explained in NTEC Response 8, is detected and work is stopped immediately. In addition, the methods and performance standards employed by MM-NOI-10 are specific, enforceable, and satisfy requirements for mitigation under CEQA. Additionally, the commentor's alleged deficiencies concerning MM-NOI-10 would have no effect on reducing the Project's construction-related groundborne vibration levels in the first instance. In other words, they have no bearing on the potential for construction of the Project to expose structures to groundborne vibration levels in excess of the 0.12 inches per second PPV threshold of significance, which is the relevant CEQA question. MM-NOI-10's required pre-construction surveys and mandate to stop work immediately should a vibration velocity of .12 inches per second PPV be detected are all designed to further ensure that building damage related impacts do not occur. Thus, requiring a compensation trust fund is unnecessary given the mitigation measure has been constructed to ensure that no such compensation will be necessary. Such a fund would

			be more appropriate if building damage impacts could not be mitigated to a level of less than significant. Furthermore, in the highly unlikely event that any damage occurs the owners of the neighboring structures would be able to seek legal recourse against the applicant to compensate for any loss. As such, neither additional mitigation measures nor an EIR are required. The equipment setback requirements established by MM-NOI-8 and MM-NOI-9 have been reviewed by the Project applicant and deemed feasible. Table XIII-13 of the SCEA demonstrates that smaller earthmoving vehicles may operate up to one foot from South Alfred Residences without exposing this receptor to significant groundborne vibration levels. Thus, these vehicles may safely operate within the 20-foot setback zone from South Alfred Street Residences in which large earthmoving vehicles are prohibited from operating, as established by MM-NOI-8. If compaction is required within the 45-foot setback zone from this receptor in which vibratory rollers are prohibited from operating, as established by MM-NOI-9, any number of static compaction techniques may be employed as an alternative. Furthermore, MMs-NOI-8 and NOI-9, as with all mitigation measures, will be imposed as a condition of approval of the Project's land use entitlements and recorded against the property. Those conditions of approval will be binding and enforceable and subject the applicant to the City's code enforcement procedures enforced by various city agencies such as the Planning Department, LADBS and LAPD. Violation(s) of construction related conditions of approval could lead to issuance of a stop work order and cessation of construction activity.
Colby Gonzales Lozeau Drury November 1, 2022	Hazards	Requesting the City send the Phase I Environmental Site Assessment	The entire SCEA and all technical appendices, including the Phase I and Phase II (as Appendices F-1 and F-2, respectively) are included on the City Planning website under SCEAs.
Juile Helmcamp October 31, 2022	N/A	Support	Noted.
B. Brown Martinez Mitchell Tsai Law November 1, 2022	N/A	Attaching the Mitchel Tsai of November 1, 2022	*(Letter is an email introduction for the Mitchell Tsai Law letter dated November 1, 2022, which is responded above).*

Michael Silvera October 20, 2022	Aesthetics	Project is too tall Project should reflect the previous versions proposed on the Site	As discussed on page 2-11 of the SCEA, in the C2 zone and height district 1 coupled with the TOC Program, maximum building height and stories are not limited. The current Project is the one proposed and for discussion. Aesthetic impacts, including visual character related impacts due to scale and size of a project are less than significant as a matter of law for residential/mixed use projects located in Transit Priority Areas (TPAs) such as the site (see California Government Code Section 21099(d)).
Helen Wachs October 31, 2022	N/A	Asking the City planner if the attachments are openable. City Planner said not opening. No further updates.	The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549.)
Victoria Yundt Lozeau Drury November 1, 2022	N/A	Attaching the Lozeau Drury of November 1, 2022	(*Letter is an email introduction for the Lozeau Drury letter dated November 1, 2022, which is responded above).*
Peter Merlin October 19, 2022	Historic review procedure	Has the Office of Historic Preservation in the Planning Department reviewed this Project?	The Project Site is not located within the South Carthay HPOZ or the Carthay Neighborhoods Historic District. Thus it is not governed by the City's HPOZ regulations. The City of Los Angeles Planning Department, which includes the Office of Historic Resources (OHR), has reviewed the Project historic report and as a result it was published as a technical appendix to the City lead agency's SCEA document. Based on the information contained in this report, potential indirect impacts to the setting of the South Carthay HPOZ and the Carthay Neighborhoods Historic District are analyzed in the SCEA page 5-40 to 5-41. The historic report and the SCEA conclude that although the Project will introduce a new building visible throughout both South Carthay HPOZ and the Carthay Neighborhoods Historic District, the setting of the historic districts would be retained. None of the identified character-defining features of the setting, including the street pattern, setbacks, mature street trees, arrangement of single-family and multi-family residences, and period revival architectural styles would

			be materially impaired. Both South Carthay HPOZ and the Carthay Neighborhoods Historic District would remain eligible for designation. Therefore, as expert evidence in the record demonstrates, the Project's indirect impacts on historical resources would be less than significant.
	Historic	How is the new building compatible with the HPOZ	See renderings viewing the Project from Alfred Street. The Project Site is not located within the South Carthay HPOZ or the Carthay Neighborhoods Historic District. Thus it is not governed by the City's HPOZ regulations. Potential indirect impacts to the setting of the South Carthay HPOZ and the Carthay Neighborhoods Historic District are analyzed in the SCEA page 5-40 to 5-41 and discussed in further detail in Appendix D of the SCEA. The SCEA analyzes whether the Project would: "cause material impairment to the character-defining features of a historical resource. The central issue for the proposed project is if a 28-story tower, which is substantially larger than the one- and two-story residential buildings within the Carthay Neighborhoods Historic District and South Carthay HPOZ, would significantly impact the setting of the historic districts such that the historic districts would no longer be eligible for designation. Specifically, would the proposed project introduce a visual, atmospheric or audible element that would diminish the integrity of the historic district's significant character-defining features." (Appendix D, p. 23.) The Project will not result in the loss of historic features or spaces surrounding the historical resources. South Carthay HPOZ has the feeling of an enclosed enclave. Within the serene street grid of the HPOZ, there is little immediate sense of the larger city surrounding it. However, the tranquility of the neighborhood abruptly shifts at the western and southern boundaries along La Cienega and Pico Boulevards. There is no buffer zone transitioning between the HPOZ and the larger community to the south and east. With its considerable height, the Project will certainly be visible within the South Carthay HPOZ and throughout the Carthay Neighborhoods Historic District, but, as demonstrated along a couple of streets in the Carthay Neighborhoods Historic District that are directly south of Wilshire Boulevard, visibility will not change the serenity of the HPOZ. (Appendix D, p. 23.)

			Seven tall towers (over 10-stories) that were constructed on the south side of Wilshire Boulevard between San Vicente Boulevard and Fairfax Avenue in the 1960s through 1980s are visible throughout the Carthay Neighborhoods Historic District. Despite these seven tall towers, Carthay Circle was adopted as an HPOZ in 1998. While distinct in size, mass, scale and proportion, the towers do not detract from the setting of either the Carthay Circle HPOZ or the Carthay Neighborhoods Historic District such that they were not eligible for designation. Rather, Carthay Circle HPOZ and the Carthay Neighborhoods Historic District have such a distinct setting and feeling that the tall towers on Wilshire Boulevard, adjacent to the historic district and Carthay Circle HPOZ, add to the sense of the neighborhood as a cohesive enclave, distinct from its surroundings. In the same way, the Project may also add to the distinct and special feeling of South Carthay HPOZ. Although the Project will introduce a new building visible throughout both South Carthay HPOZ and the Carthay Neighborhoods Historic District, the setting of the historic districts would be retained. None of the identified character-defining features of the setting, including the street pattern, set-backs, mature street trees, arrangement of single-family and multi-family residences, and period revival architectural styles would be destroyed. Both South Carthay HPOZ and the Carthay Neighborhoods Historic District would remain eligible for designation. Therefore, the Project would not pose a significant indirect impact. (Appendix D, p. 24.)
Kenneth Landon October 20, 2022	General	Construction schedule and impacts, delays, parking	The construction schedule is provided in Table 2-7 of the SCEA. Parking is not a CEQA impact. As noted on page 2-15 and Table 2-5 of the SCEA, the Project is actually providing parking in excess of the TOC Tier 3 minimum residential parking requirement of .50 space per unit. The Applicant is also utilizing the TOC Program to reduce the non-residential parking requirement by up to 30 percent. The Project would include a total of 426 parking spaces in one subterranean level, and above grade Level 1, Level 2, and Level 3. There would be 373 residential spaces and 53 commercial spaces. The TOC parking reductions are permitted if the Project provides the required threshold and type of affordable units and the Project site is located within a TPA (i.e., within half a mile of a light rail station or the intersection of two bus routes with 15 minute peak hour headways or less). The Project is within a TOC Tier 3 area which by definition means it is located within a TPA. The Project proposes

			290 dwelling units, of which 10 percent (29 dwelling units) would be reserved for Extremely Low Income (ELI) households. CEQA generally does not consider the adequacy of a project's parking or its "impacts on parking" unless it will result in significant secondary effects on the physical environment. In considering a project's parking impacts on the physical environment, understanding context is key. The Legislature also recognized that context is pivotal in assessing parking impacts when it exempted certain infill projects in transit priority areas. (See Pub. Resources Code, § 21099(d)(1)). In the context of infill development near transit, the Legislature confirmed that parking impacts are not significant impacts on the physical environment. As discussed in the SCEA, the Project Site is in a transit priority area. The related City of Los Angeles Department of City Planning Zoning Information File (ZI) No. 2452 provides further instruction concerning the definition of transit priority projects and that "visual resources, aesthetic character, shade and shadow, light and glare, and scenic vistas or any other aesthetic impact as defined in the City's CEQA Threshold Guide shall not be considered an impact for infill projects within TPAs pursuant to CEQA."
Edward Friedman October 20, 2022	Historic	How is the new building compatible with the HPOZ	**(***Similar claims as Peter Merlin letter. See response above).*
Walter Dominguez October 20, 2022	Historic	How is the new building compatible with the HPOZ	**(***Similar claims as Peter Merlin letter. See response above).*
CAJA, 2022.			

email: noah@ntenvironmental.net
call/text: 310-722-6346

To: Stacie Henderson,
CAJA Environmental Services, LLC

From: Noah Tanski,
NTEC

Date: November 21, 2022

RE: **Second Response to CREED LA Comments on the 1050 La Cienega Boulevard Project Sustainable Communities Environmental Assessment (ENV-2022-2280-SCEA)**

Dear Stacie,

Noah Tanski Environmental Consulting ("NTEC") has reviewed the comment letter submitted to the City of Los Angeles on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the 1050 La Cienega Boulevard Project ("Project"). This memo addresses CREED LA's claims, and the claims of their expert Ms. Jennifer Levins of Wilson Ihrig, regarding SCEA's analysis of the Project's noise-related impacts. Based on my technical review, CREED LA and Ms. Levins' comments do not raise any new CEQA issues and do not require any change to any conclusion identified in the SCEA.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

Noah Tanski, Principal

COMMENT 1

C. The SCEA Fails to Adequately Analyze and Mitigate Potentially Significant Noise Impacts

a. The SCEA Fails to properly Establish Baseline Noise Levels

NTEC RESPONSE 1

Note: NTEC previously responded to this comment as part of its memo titled "Response to CREED LA Comments on the 1050 La Cienega Boulevard Project Sustainable Communities Environmental Assessment," dated October 31, 2022.

CREED LA claims "[t]he SCEA fails to properly establish the baseline noise level by only measuring noise at two locations," noting that "no measurements were taken on S. Alfred Street, where there are numerous residential receptors abutting the Project site." CREED LA acknowledges that the SCEA "estimates the existing ambient noise level at the Alfred street residences [sic]," but claims "[t]he SCEA's noise study…does not explain how it arrived at its estimated existing noise level for the S. Alfred Street residence." However, the SCEA contains the following explanation:

> "The ambient noise level for South Alfred Street Residences, specifically the west-facing portions of these residences that directly abut or face the Project site, was estimated with respect to this receptor's distance from La Cienega Boulevard, its primary source of ambient noise."[1]

In other words, the SCEA establishes that the 62.1 dBA L_{eq} existing ambient noise level for the South Alfred Street Residences receptor was derived from the 69.2 dBA L_{eq} existing ambient noise level measured for La Cienega Boulevard. This significant reduction (over 7 dBA) accounts for this receptor's setback from La Cienega Boulevard, which is the primary source of ambient noise in the vicinity of the Project site. The Project site directly abuts the South Alfred Street Residences receptor to the west, along shared property lines with individual residential properties that comprise this receptor. Existing ambient noise levels could not be measured directly at this location at the time of the field noise measurement study because the Project site was being utilized as a construction materials storage and staging area for an unrelated construction project. While this utilization had no effect on surrounding ambient noise levels at the time the field noise measurement study was conducted, it nevertheless restricted access to this location.

CREED LA's suggestion that existing noise levels for the South Alfred Street Residences receptor should have been measured on South Alfred Street is inappropriate because existing noise levels on South Alfred Street are not representative of existing environmental conditions where the Project site abuts the South Alfred Street Residences receptor. As explained in the SCEA and restated above, the primary source of ambient noise affecting this location where west-facing portions of South Alfred Street Residences abut the Project site is La Cienega Boulevard. Accordingly, the existing ambient noise level used for analysis of the Project's noise impacts at this location was derived from the existing ambient noise level measured for La Cienega Boulevard. Noise levels along South Alfred Street are irrelevant towards the analysis because residential receptors along South Alfred Street do not interface the Project site along South Alfred Street, they interface the Project site along the shared property line.

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[1] SCEA, Page 5-156.

Two noise measurement reports for the noise measurements utilized by the SCEA's noise analysis are attached to this memo. The reports contain information such as the duration of the noise measurements, the time of day that the noise measurements were taken, and other statistical data.

COMMENT 2

b. The SCEA Fails to Analyze Potentially Significant Construction Noise Impacts on All Sensitive Receptors

NTEC RESPONSE 2

As an initial matter, a number of the commentor's claims are false. First, the commentor claims, "The SCEA fails to analyze potentially significant construction noise impacts on the upper floors of neighboring residences." Yet, Tables XIII-8, XIII-9, and XIII-10 clearly indicate that noise impacts to the upper floors of nearby sensitive receptors have been evaluated by the SCEA's construction noise impact analysis and determined to be less than significant. Second, the commentor also claims, "The SCEA's construction noise analysis only considers the grading phase." However, the SCEA provides a detailed assessment of three construction phases: bulk excavation (i.e., grading), auger-cast pile installation, and DSM column installation. Third, the commentor and Ms. Jennifer Levins of Wilson Ihrig, rely on a 75 dBA threshold of significance that they obtain from Section 112.05 of the LAMC, but the SCEA explicitly notes that this "LAMC Section 112.05 noise limit is not an adopted threshold of significance." The SCEA's comparison of the Project's construction noise levels with this limit "is provided for informational purposes and to demonstrate that the Project's construction would be consistent with LAMC Section 112.05."[2] Thus, the Project's alleged inconsistency with this noise limit is irrelevant as it pertains to the significance of its construction noise impact, and the commentor's claims that are founded on this alleged inconsistency are therefore moot.

As noted above, the SCEA evaluates construction noise impacts associated with three "worst case," high-impact scenarios: bulk excavation, auger-cast pile installation, and DSM column installation. As explained in the SCEA, noise impacts from other construction activities and phases would not exceed those that have been assessed for these three construction phases. That includes construction activities occurring within the upper levels of the Project's podium and tower, which would not involve the types of heavy-duty construction vehicles and equipment evaluated as part of the SCEA's analysis of the Project's bulk excavation and pile installation phases. Whereas the construction phases evaluated by the SCEA are characterized by extensive outdoor use of loud, high-powered diesel vehicles and equipment, construction occurring at the Project's upper levels would be largely limited to handheld tools and other smaller equipment. And as construction of the Project progressively reaches "dry-in" status (i.e., as the envelope or curtain wall of the Project is completed), the operations of these tools and smaller equipment would be increasingly confined to the sealed-off interior spaces of the Project, further reducing noise levels associated with upper-level construction activities. Hence, these upper-level activities would reasonably result in substantially reduced and less than significant noise impacts.

[2] SCEA, Page 5-159.

Additionally, the calculations provided by Ms. Levins do not constitute substantial evidence under CEQA as virtually every facet of her analysis contains inaccuracies, erroneous assumptions, and other significant issues. For example:

1. To begin with, Ms. Levins' analysis purportedly demonstrates that the Project's construction noise levels from "tower construction" would be in excess of 75 dBA at South Alfred Street Residences and therefore, according to Ms. Levins, "a potentially significant impact." However, as explained above, this 75 dBA criteria based on Section 112.05 of the LAMC is not an adopted threshold of significance for the Project. The applicable threshold utilized by the lead agency is whether the Project would cause an increase in construction noise of more than 5 dBA over ambient levels. Thus, the Project's alleged inconsistency with the 75 dBA criteria is irrelevant as it pertains to the significance of its construction noise impact.

2. Ms. Levins provides no explanation regarding her seemingly random selection of construction equipment, what specific construction phase they would be utilized for, how they would be utilized during this phase, and how they would ultimately generate noise impacts at South Alfred Street Residences. This is in stark contrast to the SCEA's detailed explanation of the Project's bulk excavation, auger-cast pile installation, and DSM column installation phases; the construction equipment utilized for these phases; the tasks that would be performed by this construction equipment; and how the simultaneous operation of construction equipment would correspond with estimated noise impacts at sensitive receptors.

3. Ms. Levins' calculations assume an unrealistic, theoretical scenario in which all equipment simultaneously and continuously operate for an entire workday at the same exact distance from an individual residence associated with the South Alfred Street Residences receptor. This is in contrast to the more-realistically structured, yet still conservative, SCEA analysis, which accounts for the fact that certain equipment would inherently operate in specific locations within and surrounding the Project site. For example, the SCEA's analysis of auger-cast pile installation evaluates a more factual scenario in which an auger drill rig and skid steer loader operate within the footprint of the Project's proposed tower where auger-cast piles would be installed, and concrete grout is delivered from mixing trucks stationed along La Cienega Boulevard.

4. Despite purporting to account for the height of elevated construction work, Ms. Levins' analysis seems to overlook the actual height of some equipment. For example, the base and central mast of the Project's tower crane may be positioned 90 feet from South Alfred Street Residences, but the primary noise-generating elements of a tower crane (i.e., the slewing unit and motors) are located atop the mast and in the counterjib (which is itself located atop the mast, as well). Given the 28-story height of the Project, these elements would be located much higher, and therefore much farther from South Alfred Street Residences, than accounted for by Ms. Levins' analysis.

5. Ms. Levins erroneously assumes that a generator rated at over 25 kVA would be utilized for upper-level construction work. Disregarding the fact that construction would utilize grid electricity, even a 25 kVA generator would be excessive to power the sort of hand tools and other equipment that would be utilized for upper-level construction work. The physical size and weight (usually over one ton) of the generator assumed by Ms. Levins would also preclude its use on upper levels of

the Project. These types of generators are usually mounted on truck trailers and operate on ground level. The large, unrealistic generator assumed by Ms. Levins is associated with an RCNM 1.1 reference equipment noise level of 81 dBA L_{max}, as shown in Table 1 of her comment letter. The more accurate RCNM 1.1 assumption would be to utilize the 73 dBA L_{max} figure associated with smaller generators rated less than 25 kVA. This appropriate reference equipment noise level is 8 dBA less than the level assumed by Ms. Levins. However, construction would utilize grid electricity, and any usage of generators within the Project's upper levels would be limited to smaller, more portable models that are less noisy than the models accounted for by RCNM 1.1.

6. Ms. Levins also erroneously assumes that a man lift would be utilized for upper-level construction work. Man lifts such as boom lifts and scissor lifts feature a caged platform that may be raised and/or positioned for workers to safely perform elevated tasks. They are typically utilized outdoors on ground level, or in open spaces. They would not operate in the confined spaces of the Project's upper levels.

7. Ms. Levins utilizes a vague "pneumatic tools" equipment assumption. She fails to substantiate the type of tools encompassed by this assumption and why they would generate the assumed 85 dBA L_{max} reference noise level. Such clarification is necessary to support Ms. Levins' use of this equipment because RCNM 1.1 construction equipment and noise data was compiled during the Central Artery/Tunnel megaproject in Boston, MA, which was constructed between 1991 and 2006.[3] This civil engineering project involved construction of extensive subterranean highway tunnels and a 14-lane bridge across the Charles River. The "pneumatic tools" utilized for the Central Artery/Tunnel project and incorporated within RCNM 1.1 may bear little resemblance to the types of pneumatic handheld tools that would be utilized for the Project because the Project's residential high-rise construction would differ dramatically from the types of construction performed for the Central Artery/Tunnel project.

8. Ms. Levins' analysis relies on reference construction equipment noise levels obtained from the FHWA's Roadway Construction Noise Model Version 1.1 (RCNM 1.1). As explained above, RCNM 1.1 reference construction equipment noise levels were compiled during the Central Artery/Tunnel project between 1991 and 2006. As noted in the SCEA, analysis of the Project's construction noise impacts instead utilizes updated reference construction equipment noise levels derived from the FHWA's latest RCNM Version 2.0 (RCNM 2.0). RCNM Version 2.0's updated reference construction equipment noise levels were compiled in the late 2010s. Therefore, Ms. Levins' analysis relies on outdated reference construction equipment noise level data. To demonstrate the effect of Ms. Levins' error, an updated analysis has been performed that utilizes Ms. Levins' assumptions in conjunction with the latest RCNM 2.0 reference construction equipment noise level data. The results of this updated analysis are shown below in Table 1. Because RCNM 2.0 does not contain a generalized "pneumatic tools" equipment assumption, the updated analysis relies on RCNM 2.0 reference construction equipment noise level data for nailguns, impact wrenches, and air compressors instead. It is important to note that the updated

[3] This project is also referred to as the "CA/T Project" or the "Big Dig."

analysis also does not correct any of the errors and other inaccuracies discussed in the preceding points, nor does it consider the effect of equipment usage factors.[4] As such, it demonstrates that had Ms. Levins' analysis simply utilized the most up-to-date RCNM 2.0 reference construction equipment noise level data, then notwithstanding its other significant errors, it would have estimated the Project's "tower construction" noise level to be below the criteria with which she associates a potentially significant impact.

Table 1

Equipment	Levins Analysis: RCNM 1.1 Noise Level at 90 Feet	Updated Analysis: RCNM 2.0 Noise Level at 90 Feet
Crane	68 dBA L_{eq}	69.1 dBA L_{eq}
Welder/Torch	64 dBA L_{eq}	66.1 dBA L_{eq}
Generator	73 dBA L_{eq}	62.0 dBA L_{eq}
Man Lift	63 dBA L_{eq}	67.0 dBA L_{eq}
Pneumatic Tools	77 dBA L_{eq}	N/A
Nailgun	N/A	64.4 dBA L_{eq}
Impact Wrench	N/A	63.2 dBA L_{eq}
Air Compressor	N/A	60.5 dBA L_{eq}
Combined Noise Level:	**79 dBA L_{eq}**	**74.2 dBA L_{eq}**

In summary, the SCEA unambiguously discloses the Project's construction-related impacts to upper-story residences from three "worst-case," high impact construction phases. There is no substantial evidence that other construction phases, including those occurring on the upper levels of the Project, would result in significant noise impacts to receptors. Moreover, Ms. Levins' analysis also lacks the requisite substantial evidence necessary to support such a conclusion. In contrast to Ms. Levins' analysis, the SCEA contains an in-depth, robust evaluation of the Project's three "worst-case," high impact construction phases that rely on factually accurate, yet conservative, assumptions and the latest RCNM 2.0 reference noise level data. Further, the mitigation measures proposed by the SCEA were devised, and their effectiveness was substantiated, based on extensive modeling of the Project's potential construction noise impacts, the results of which are contained in Appendix H to the SCEA. The conclusion that the Project's construction-related noise impacts would be less than significant after mitigation is supported by this substantial evidence. Given these considerations, neither additional mitigation measures nor a EIR are required.

COMMENT 3

c. The SCEA Does Not Identify All Mechanical Systems Reasonably Required for the Project.

NTEC RESPONSE 3

The commentor claims that additional mechanical equipment would be utilized for the Project, equipment that has not been addressed by the SCEA's operational noise analysis. Specifically, Ms. Levins claims "that this type of project" typically includes equipment such as an emergency generator, garage exhaust fans,

[4] In other words, the updated analysis assumes that the given construction equipment would operate continuously and without interruption for an entire workday at the distance specified by Ms. Levins.

and air handling units. Ms. Levins suggests that an emergency generator could cause an exceedance of the 5 dBA threshold of significance at South Alfred Street Residences, which she and the commentor allege to be a significant impact. However, Ms. Levins' superficial analysis is flawed in several respects.

First, Ms. Levins fails to substantiate any aspect of her analysis. As an example, she does not provide any evidence supporting her speculative claim that "[a]n emergency generator could have a typical sound rating of 105 sound power level."

Second, she erroneously speculates that an emergency generator would be located within 50 feet of South Alfred Residences. In fact, Ms. Levins' analysis essentially assumes that an emergency generator would be located outdoors in the open and with direct line of sight to sensitive receptors that are 50 feet away. However, as shown in the Project's plans contained in Appendix A to the SCEA, the Project's emergency mechanical equipment systems would be located within the envelope of the parking garage and oriented towards La Cienega Boulevard, over 100 feet from South Alfred Residences. As Ms. Levins' calculations rely on an erroneous 50 feet distance and no shielding whatsoever, her projected noise level is thus inaccurate and not evidence of a significant impact.

Third, the SCEA's operational thresholds of significance concern the day-to-day effect of the Project's noise increases, but the Project's emergency generator would not have a substantial daily effect on surrounding noise levels. In fact, most days, it would have no effect at all. Aside from emergency use, which would not constitute a significant impact, operations of the emergency generator would be limited to monthly testing cycles, at most. These brief testing cycles, which would last no longer than several minutes on average, would have a nominal effect on daily noise levels at off-site locations and would therefore neither cause nor materially contribute to significant operational noise impacts. On this basis, neither mitigation measures nor an EIR are required. Ms. Levins' insinuation that even the briefest exceedances of 5 dBA constitute a significant impact is a misinterpretation of the SCEA's operational thresholds of significance.

Regarding garage exhaust fans, this equipment would activate only if excess carbon monoxide concentrations are detected within the garage. These occurrences are sporadic, limited in duration, and therefore would not have a substantial effect on daily noise levels surrounding the Project. Neither the commentor nor Ms. Levins provide substantial evidence demonstrating how garage exhaust fans would result in potentially significant operational noise impacts. As no significant impact has been identified for this equipment, neither mitigation measures nor a SCEIR are required.

Regarding air handling units, the SCEA considers these to be synonymous with its references to "rooftop-mounted HVAC equipment" and "HVAC systems," as air handling units are components of HVAC systems. Thus, impacts associated with air handling units are addressed by the SCEA's analysis of the Project's HVAC systems. Neither the commentor nor Ms. Levins provide any substantial evidence demonstrating how air handling units or the Project's HVAC systems would result in potentially significant operational noise impacts. As no significant impact has been identified for this equipment, neither mitigation measures nor a SCEIR are required.

Overall, there is no substantial evidence that any mechanical equipment or systems associated with the Project would result in significant operational noise impacts. The SCEA addresses equipment with the greatest potential to result in significant impacts and determines that impacts would be less than significant. The SCEA is not required to conduct endless speculative analysis.

COMMENT 4

d. The SCEA Does Not Adequately Evaluate Operational Noise Impacts from Mechanical Systems

NTEC RESPONSE 4

Essentially, the commentor asserts that quantitative analyses are a mandatory requirement under CEQA. However, neither CEQA nor the CEQA Guidelines contain such a sweeping requirement, and the degree to which significance determinations "must be supported by accurate scientific and factual data" does not preclude the use of qualitative analyses or non-numerical considerations. It is possible, as well as reasonable and allowable, to rule out the potential for various significant impacts qualitatively. Moreover, screening criteria and other indicators are central to many analytical methodologies conducted pursuant to CEQA. Neither the commentor nor Ms. Levins provide substantial evidence demonstrating how the Project's mechanical systems would result in potentially significant operational noise impacts. And the comment does not argue that the SCEA's analysis is unsupported by substantial evidence, only that it is not supported by quantitative analysis. As no significant impacts have been identified for the Project's mechanical systems, neither mitigation measures nor a SCEIR are required.

COMMENT 5

e. The SCEA Fails to Adequately Evaluate Operational Noise Impacts from Recreation Areas

NTEC RESPONSE 5

The allegation that the SCEA's analysis "only considers the noise generated by a single person talking" is false. The SCEA discloses the typical range in noise levels from speech and conversation for informational purposes, and it explains why the open space area in nearest proximity to South Alfred Street Residences would not be expected to result in discernible noise increases at receptors.

The commentor relies on a flawed and speculative analysis by Ms. Levins in claiming that "noise impacts from the Project's open spaces are far greater than disclosed in the SCEA" and "potentially significant." These issues are addressed below:

First, Ms. Levins' entire analysis hangs on the speculative assumption that the Project's pool deck and terrace would be used for parties and large gatherings, and that these parties and large gatherings would occur throughout the day, evening, and late at night. In fact, later in her comment letter, Ms. Levins goes so far as to suggest that noise impacts from this space would be akin to "a hotel rooftop/poolside lounge" with loud, bass-heavy music. This is despite the fact that the pool deck and terrace area have been specifically (and sensitively) designed so that seating/gathering areas are modestly sized and spread across the entirety of the pool deck and terrace area to limit the clustering of large groups. Additionally, the pool deck and terrace area would not contain facilities or other installations for loud amplified music.

Second, Ms. Levins acknowledges that her analysis has excluded the effect of shielding. Her analysis is clearly inaccurate as a result, because the Project's pool deck and terrace area would be fenced in by tall glass walls, as shown in the Project's plans contained in Appendix A to the SCEA. These glass walls would attenuate noises emanating from the Project's pool deck and terrace, a fact that has been deliberately overlooked by Ms. Levins.

Third, Ms. Levins fails to substantiate the noise levels assumed by her analysis. For example, she does not provide any evidence supporting her speculative claim that "25 voices in 'normal' conversation would generate 59 dBA at a distance of 30 feet," or that "a sound level of 72 dBA would be generated by 5 people shouting." Further, she unreasonably assumes that these noise levels would be generated continuously. In other words, she assumes that the Project's pool deck and terrace would be continuously occupied by large gatherings, parties, or shouting people which is inaccurate and unrealistic.

Fourth, Ms. Levins makes a dubious and unsupported claim that "existing ambient sound levels are elevated and may cause people to speak louder to be heard over traffic noise." The SCEA establishes that existing noise levels at ground level surrounding the Project site are dominated by traffic noise from La Cienega Boulevard. However, the Project's pool deck and terrace area would be elevated atop the Project's podium structure, and seating/gathering areas would not possess any line of sight to La Cienega Boulevard. As a result, ambient noise levels in these areas would be substantially lower than those measured and disclosed in the SCEA.

Finally, Ms. Levins fails to grasp the three-dimensional nature of the Project. She estimates the alleged conversational and shouting noise impacts at a distance of 30 feet, but the pool deck and terrace area would be located atop the Project's podium structure, which is nearly 40 feet above ground level and setback from nearby residential properties. Therefore, there are no receptors located within 30 feet of the Project's pool deck and terrace area.

Given these deficiencies, the commentor and Ms. Levins' claims that noise from the Project's pool deck and terrace area would be potentially significant and require mitigation are inaccurate and are not supported with substantial evidence.

COMMENT 6

f. The City's Operational Noise Significance Thresholds Are Not Supported by Substantial Evidence

NTEC RESPONSE 6

The commentor contends, "The Project's operational noise significance thresholds are not supported by substantial evidence because they do not reflect sleep disturbance impacts." They add that the Project's "[c]ompliance with the SCEA's significance thresholds" for operational noise impacts therefore "does not constitute substantial evidence that sleep disturbance impacts are less-than-significant." However, the SCEA's operational noise significance thresholds do in fact address and protect receptors from potential sleep disturbance impacts. First, the SCEA's thresholds address whether "Project operations would cause ambient noise levels at off-site locations to increase by 3 dBA CNEL or more to or within 'normally unacceptable' or 'clearly unacceptable' noise and land use compatibility categories, as defined by the City's General Plan Noise Element."[5] Consistent with State guidelines for the preparation of general plan reports, the Noise Element's noise and land use compatibility categories specifically consider the degree to which noise may interfere with sleep. Therefore, by measuring operational noise increases against the City's noise and land use compatibility categories, the SCEA's operational noise significance thresholds

[5] SCEA, Page 5-154.

inherently account for the potential of the Project to result in unacceptable sleeping environments. Second, as explained in the SCEA, the CNEL metric utilized by the SCEA's operational noise thresholds accounts for humans' increased sensitivity to evening and nighttime noise by penalizing evening noise levels between 7:00 P.M. and 10:00 P.M. by an additional 5 dBA and nighttime noise levels between 10:00 P.M. and 7:00 A.M. by an additional 10 dBA.[6] Therefore, use of the CNEL metric – both by the Noise Element's noise and land use compatibility categories (which are defined using CNEL) and the SCEA's thresholds – inherently protects against sleep disturbance impacts.

Next, the commentor references two cases, *Oro Fino Gold Mining Corp. v. County of El Dorado* and *Citizens for Responsible & Open Government v. City of Grand Terrance*, to assert that "compliance with noise regulations alone is not substantial evidence of a less-than-significant impact," and that "conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects." Any relevance to the SCEA is unclear because the SCEA's operational noise thresholds are whether Project operations would cause noise increases of 3 dBA or 5 dBA, depending on whether such increases would result in an exceedance of the Noise Element's "normally unacceptable" or "clearly unacceptable" noise and land use compatibility categories. The SCEA's operational noise thresholds are not the Noise Element's "normally unacceptable" or "clearly unacceptable" standards themselves, and the SCEA's analysis does not rely on compliance with Noise Element standards or LAMC regulations as evidence that the Project's impacts would be less than significant. Ironically, it is this commentor and Ms. Levins who repeatedly and erroneously insinuate that construction noise impacts in excess of the City's noise ordinance (LAMC 112.05 75 dBA) criteria would constitute a significant impact. Again, the commentor has not provided substantial evidence to challenge the City's operational noise thresholds of significance or the SCEA's noise analysis and conclusions.

The commentor alleges "The SCEA also states that impacts would be less-than-significant because LAMC Section 112.02 prohibits noise from mechanical equipment, including HVACs, from exceeding 5 decibels at receptors," but this is a mischaracterization of the SCEA, which states the following:

> "Given this regulation [LAMC Section 112.02], elevated ambient noise levels due to the surrounding urbanized environment, and the relatively quiet operation of modern HVAC systems, it is unlikely that the Project's HVAC systems would be capable of increasing off-site noise levels by a discernable degree. Additionally, the Project's residential tower would be setback over 60 feet from the site's eastern property line that abuts South Alfred Street Residences."[7]

The SCEA adds:

> "Furthermore, many surrounding land uses, including commercial and residential uses, also contain rooftop-mounted HVAC equipment. Yet, noise from HVAC equipment was not audible at the time of the field noise study, most likely due to the presence of elevated ambient noise levels in the area surrounding the Project. Given these considerations, the Project's HVAC systems would not have a substantial effect on surrounding ambient noise conditions, nor would they introduce a new major source of noise to the location."[8]

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6 SCEA, Page 5-144.

7 SCEA, Page 5-162.

8 SCEA, Page 5-162.

Clearly, the SCEA bases its determination that noise from HVAC equipment would result in less than significant impacts on a range of considerations – not solely LAMC Section 112.02, as erroneously alleged by the commentor.

Utilizing criteria from the WHO and additional calculations by Ms. Levins, the commentor then contends that "[t]he Project has potentially significant sleep disturbance impacts on nearby residential receptors," specifically due to "music played from the Project's terraces" and "low-frequency bass notes." However, the commentor's claims and Ms. Levins' analysis are both deeply flawed.

First, the City of Los Angeles is the lead agency for CEQA review of the Project and therefore has the discretion to apply thresholds of significance and correspondingly appropriate methodologies used for impact analysis. The SCEA's operational noise analysis adheres to the City Department of Planning's preferred thresholds of significance, which for this Project involve evaluating the potential of its operational noise sources to cause ambient noise increases of 3 dBA or 5 dBA, depending on whether such increases would result in an exceedance of the Noise Element's "normally unacceptable" or "clearly unacceptable" noise and land use compatibility categories. Accordingly, the SCEA's operational noise analysis utilizes these thresholds and demonstrates that the Project's operational noise impacts would be below the threshold limits and therefore less than significant. The WHO criteria referenced by the commentor have not been adopted by the lead agency for CEQA review of the Project, and as previously explained, the SCEA's operational noise thresholds already account for potential sleep disruption impacts. Thus, the Project's alleged inconsistency with the WHO criteria is irrelevant as it pertains to the significance of the Project's operational noise impacts.

Second, Ms. Levins' calculations are speculative, erroneous, inaccurate, and lack virtually every quality of substantial evidence under CEQA. For example:

1. Ms. Levins erroneously speculates that there would be "excessive noise from rooftop activities occurring between 10 PM and 7 AM" from loud amplified music, particularly "low frequency bass notes" from "subwoofers." However, the Project does not propose any amplified music systems for its residential terrace areas, much less the type of subwoofers insinuated by Ms. Levins.

2. Ms. Levins also speculates that music played on the Project's residential amenity terrace would be similar in magnitude to the noise levels of a "hotel rooftop/poolside lounge" where "the low frequency pulse of the music" was found to be in excess of ambient noise levels even when measured "several blocks away." Essentially, Ms. Levins assumes that the Project's rooftop terrace would be akin to a rooftop hotel club with loud, bass-driven dance music as opposed to a residential apartment building amenity area. As such, Ms. Levins founds her analysis upon evidence that is clearly inaccurate and erroneous. As noted, the Project does not propose any amplified music systems for its rooftop terrace areas. Moreover, the Project's residential amenity terrace would not bear any resemblance in form or function to a "hotel rooftop/poolside lounge."

3. Ms. Levins fails to demonstrate how music "at a level of 85 dBA on the terrace" would correlate with a noise level of "78 dBA at a distance of 30 feet." This is particularly important because in her previous analysis of the Project's alleged pool deck and terrace impacts she acknowledges that her analysis excludes the effect of shielding. As explained earlier, the Project's pool deck and terrace area would be fenced in by tall glass walls, as shown in the Project's plans contained in

Appendix A to the SCEA. These glass walls would attenuate noises emanating from the Project's pool deck and terrace.

4. Ms. Levins mischaracterizes the WHO's guidance, which contains neither the outdoor 45 dBA L_{eq} nor the outdoor 60 dBA L_{max} criteria she cites. The WHO does not identify these criteria at all. Rather, the WHO states that "the equivalent sound pressure level should not exceed 30 dBA indoors for continuous use." The WHO adds that "[n]oise events exceeding 45 dBA should…be limited if possible."[9]

5. Ms. Levins measures the alleged impact from amplified music at a distance of 30 feet, but the Project's pool deck and terrace area would be located atop the Project's podium structure, nearly 40 feet above ground level and setback from nearby residential properties. There are no receptors located within 30 feet of the Project's pool deck and terrace area. Additionally, the WHO's criteria are based on interior, not exterior, noise levels. Therefore, Ms. Levins' speculative and erroneous calculations of the Project's noise impact at an arbitrary exterior location 30 feet from the residential amenity terrace are irrelevant as to whether the WHO's indoor criteria would be exceeded at residential receptors.

It is worth noting that the commentor and Ms. Levins overlook the fact that the Project proposes a predominantly residential land use. As such, residents within the Project itself would be sensitive to the same noise sources alleged by the commentor and Ms. Levins. This is not a consideration within the SCEA's analysis. As typical of any apartment building the Project will have onsite management and operational regulations designed to promote safety and to reduce disturbances, including excessive noise from outdoor amenity areas, to building residents. This further demonstrates the unreasonable nature of the commentor and Ms. Levins' arguments: the Project's own residents would be the most vulnerable "receptors" to the noise levels alleged by the commentor and Ms. Levins.

In summary, the SCEA's operational noise thresholds do in fact address the potential for sleep disruption. The alternative WHO criteria raised by the commentor and Ms. Levins are not adopted thresholds of significance for the Project and therefore are not applicable to the SCEA's analysis or determination of significance in any way. Further, Ms. Levin's analysis is not even substantial evidence demonstrating that the WHO's indoor noise criteria would be exceeded, much less substantial evidence that the lead agency's actual adopted thresholds of significance properly utilized in the SCEA would be exceeded. Therefore, neither mitigation measures nor a SCEIR are required.

[9] World Health Organization, Guidelines for Community Noise, 1999.

1. La Cienega Boulevard, near Project Site

Summary

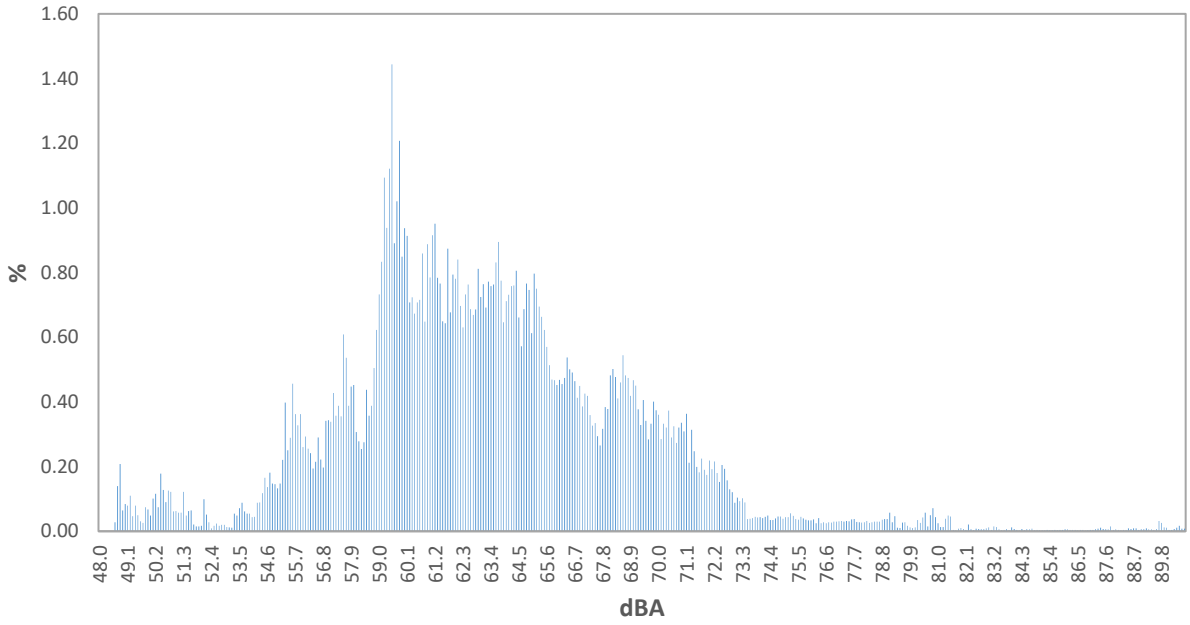
Date	Thursday, July 29, 2021
Start Time	2:02pm
End Time	2:17pm
File Name	831_Data.032
Device Model	Larson Davis Model 831
Weighting	A
Response	Slow

Results

Description	Value	Description	Value
L_{eq}	69.2dB	L_{10}	70.3dB
L_{max}	90.7dB	L_{50}	62.8dB
L_{min}	48.6dB	L_{90}	56.9dB

LAS > 65.0 dBA (Exceedance Count/Duration):	34, 389.5s
LAS > 85.0 dBA (Exceedance Count/Duration):	1, 4.1s

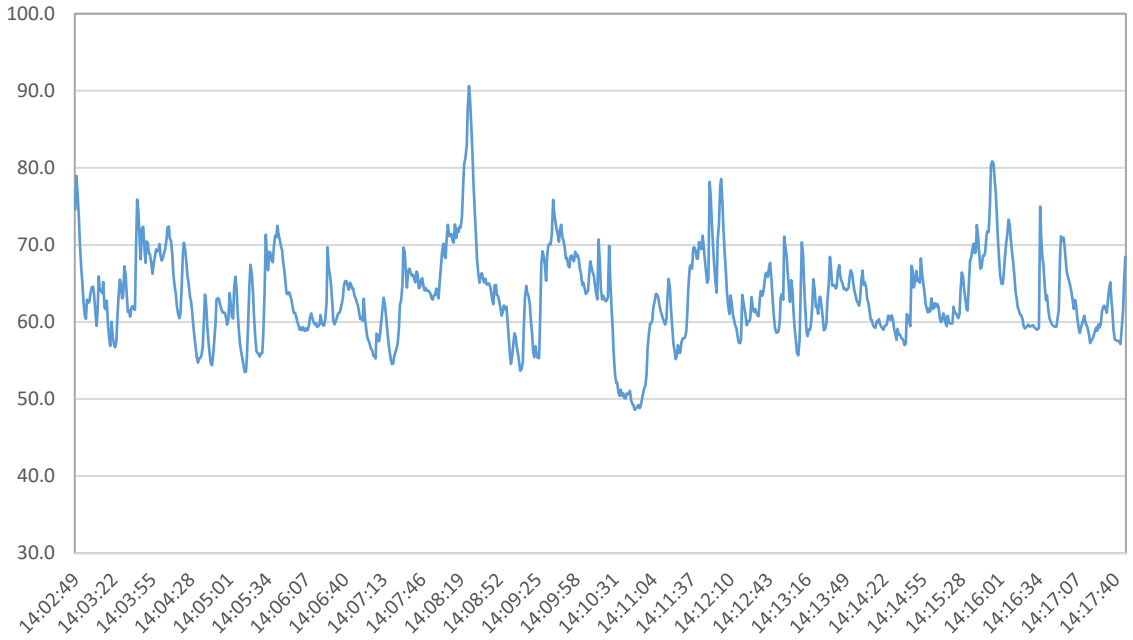
Statistics Chart



Statistics Table

dB	0.0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	%
48.0	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.14	0.21	0.06	0.4
49.0	0.08	0.08	0.11	0.05	0.08	0.05	0.03	0.03	0.07	0.07	0.6
50.0	0.05	0.10	0.12	0.07	0.18	0.13	0.09	0.13	0.12	0.06	1.04
51.0	0.06	0.06	0.06	0.12	0.05	0.06	0.06	0.02	0.01	0.01	0.53
52.0	0.02	0.10	0.05	0.03	0.01	0.02	0.02	0.02	0.02	0.02	0.30
53.0	0.01	0.01	0.01	0.05	0.05	0.07	0.09	0.06	0.05	0.05	0.47
54.0	0.04	0.04	0.09	0.09	0.12	0.17	0.14	0.18	0.15	0.15	1.16
55.0	0.13	0.15	0.22	0.40	0.25	0.29	0.46	0.36	0.33	0.36	2.95
56.0	0.26	0.29	0.26	0.24	0.19	0.21	0.29	0.22	0.20	0.34	2.51
57.0	0.34	0.34	0.43	0.36	0.39	0.36	0.61	0.54	0.39	0.45	4.19
58.0	0.45	0.31	0.28	0.25	0.28	0.44	0.36	0.39	0.50	0.62	3.88
59.0	0.73	0.83	1.09	0.94	1.12	1.44	0.89	1.02	1.21	0.85	10.13
60.0	0.94	0.91	0.71	0.72	0.67	0.71	0.72	0.86	0.65	0.89	7.77
61.0	0.78	0.92	0.95	0.78	0.77	0.65	0.64	0.87	0.68	0.79	7.84
62.0	0.78	0.84	0.70	0.63	0.73	0.76	0.69	0.67	0.69	0.81	7.30
63.0	0.72	0.76	0.69	0.77	0.76	0.76	0.83	0.89	0.77	0.65	7.62
64.0	0.71	0.73	0.76	0.76	0.81	0.66	0.57	0.69	0.77	0.75	7.20
65.0	0.61	0.80	0.75	0.69	0.66	0.62	0.57	0.51	0.47	0.47	6.16
66.0	0.45	0.47	0.46	0.47	0.54	0.50	0.49	0.46	0.41	0.45	4.71
67.0	0.39	0.43	0.42	0.36	0.33	0.33	0.29	0.27	0.32	0.38	3.51
68.0	0.38	0.48	0.50	0.48	0.41	0.46	0.54	0.48	0.47	0.42	4.63
69.0	0.47	0.45	0.38	0.33	0.41	0.34	0.28	0.33	0.40	0.37	3.76
70.0	0.36	0.29	0.33	0.32	0.37	0.29	0.32	0.27	0.32	0.34	3.22
71.0	0.31	0.36	0.21	0.31	0.25	0.20	0.18	0.22	0.19	0.17	2.42
72.0	0.22	0.19	0.22	0.18	0.15	0.20	0.19	0.16	0.13	0.12	1.77
73.0	0.09	0.10	0.09	0.10	0.09	0.04	0.04	0.04	0.04	0.04	0.68
74.0	0.04	0.04	0.04	0.05	0.03	0.03	0.04	0.05	0.05	0.04	0.42
75.0	0.04	0.04	0.06	0.05	0.04	0.04	0.04	0.04	0.04	0.03	0.42
76.0	0.03	0.04	0.02	0.04	0.02	0.03	0.02	0.03	0.03	0.03	0.30
77.0	0.03	0.03	0.03	0.03	0.03	0.03	0.04	0.04	0.03	0.03	0.32
78.0	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.04	0.04	0.30
79.0	0.04	0.06	0.03	0.05	0.01	0.01	0.03	0.03	0.02	0.01	0.27
80.0	0.01	0.01	0.03	0.03	0.04	0.06	0.01	0.05	0.07	0.04	0.36
81.0	0.02	0.01	0.01	0.04	0.05	0.05	0.00	0.00	0.01	0.01	0.21
82.0	0.01	0.00	0.02	0.01	0.00	0.01	0.01	0.01	0.01	0.01	0.08
83.0	0.01	0.00	0.01	0.01	0.01	0.00	0.00	0.01	0.00	0.01	0.08
84.0	0.01	0.00	0.00	0.01	0.00	0.01	0.01	0.01	0.00	0.00	0.05
85.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.04
86.0	0.01	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.04
87.0	0.00	0.00	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.00	0.07
88.0	0.01	0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.01	0.00	0.06
89.0	0.01	0.01	0.01	0.01	0.01	0.00	0.01	0.03	0.03	0.00	0.10
90.0	0.01	0.00	0.00	0.01	0.01	0.02	0.01	0.01	0.00	0.00	0.07

Logged Data Chart



2. Intersection of La Cienega Blvd. and Whitworth Dr.

Noise Report

Summary

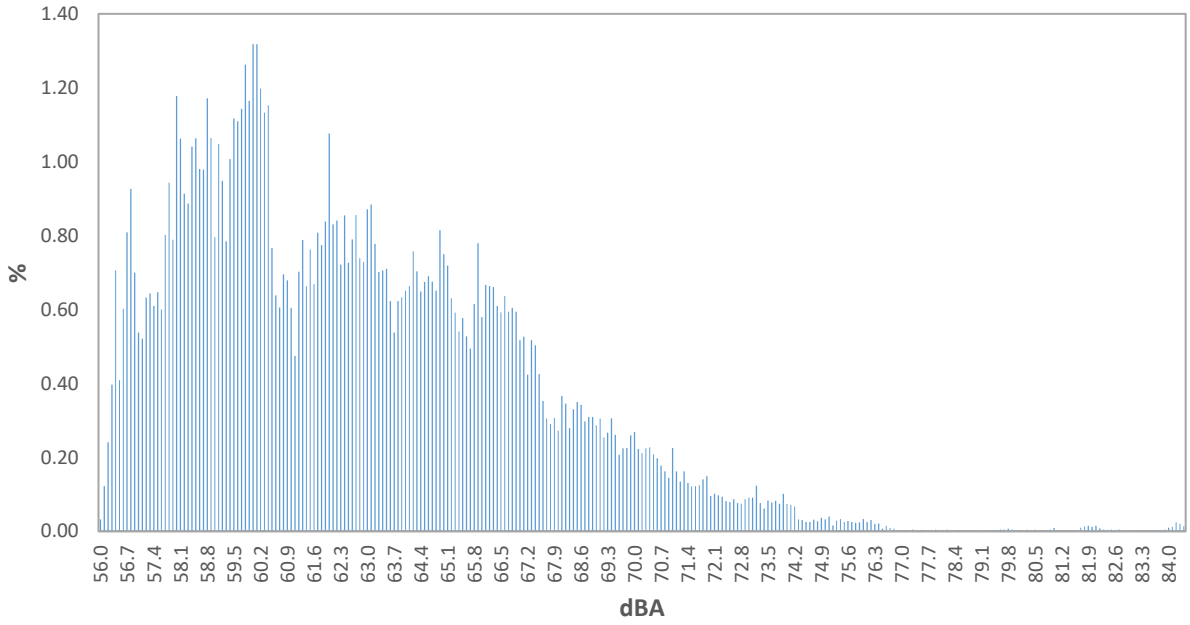
Date	Thursday, July 29, 2021
Start Time	2:20pm
End Time	2:35pm
File Name	831_Data.033
Device Model	Larson Davis Model 831
Weighting	A
Response	Slow

Results

Description	Value	Description	Value
L_{eq}	65.7dB	L_{10}	68.6dB
L_{max}	84.4dB	L_{50}	62.0dB
L_{min}	56.0dB	L_{90}	57.8dB

LAS > 65.0 dBA (Exceedance Count/Duration):	30, 332.5s
LAS > 85.0 dBA (Exceedance Count/Duration):	0, 0s

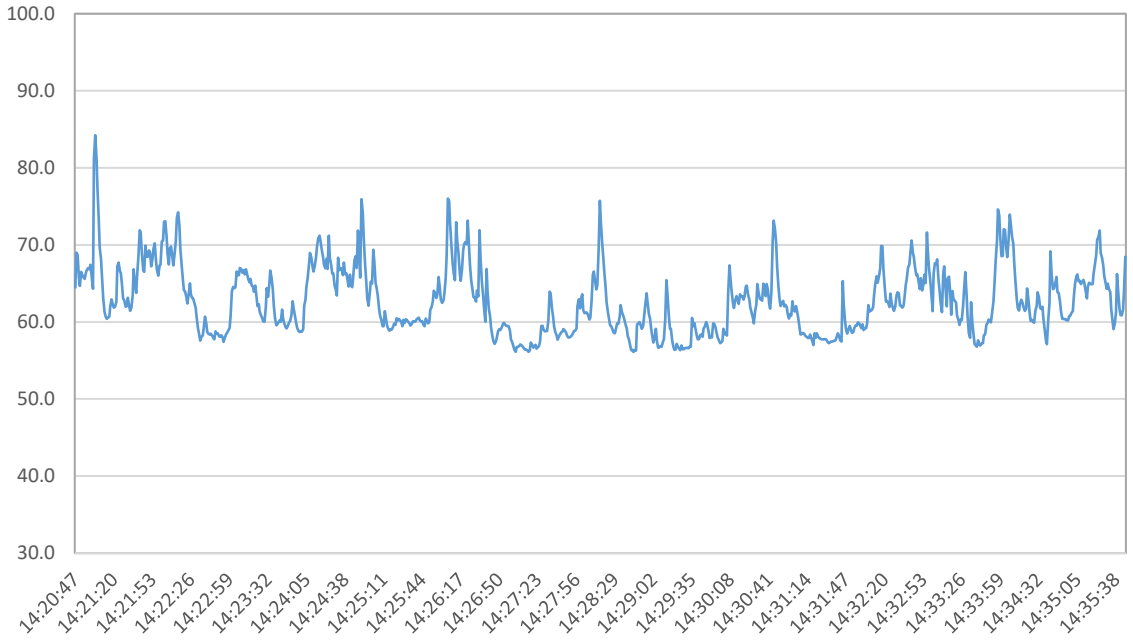
Statistics Chart



Statistics Table

dB	0.0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	%
56.0	0.03	0.12	0.24	0.40	0.71	0.41	0.60	0.81	0.93	0.70	4.9
57.0	0.54	0.52	0.63	0.64	0.61	0.65	0.60	0.80	0.94	0.79	6.7
58.0	1.18	1.06	0.91	0.89	1.04	1.06	0.98	0.98	1.17	1.06	10.34
59.0	0.80	1.05	0.95	0.78	1.01	1.12	1.11	1.14	1.26	1.16	10.38
60.0	1.32	1.32	1.20	1.13	1.15	0.77	0.64	0.61	0.70	0.68	9.50
61.0	0.60	0.47	0.70	0.79	0.66	0.76	0.67	0.81	0.77	0.84	7.08
62.0	1.08	0.83	0.84	0.72	0.85	0.73	0.79	0.86	0.74	0.73	8.16
63.0	0.87	0.88	0.78	0.70	0.71	0.71	0.62	0.54	0.62	0.63	7.07
64.0	0.65	0.66	0.76	0.70	0.65	0.67	0.69	0.68	0.65	0.81	6.93
65.0	0.75	0.72	0.63	0.59	0.54	0.58	0.53	0.49	0.61	0.78	6.22
66.0	0.58	0.67	0.66	0.66	0.61	0.59	0.64	0.59	0.60	0.59	6.20
67.0	0.52	0.53	0.42	0.52	0.50	0.43	0.35	0.30	0.29	0.31	4.17
68.0	0.27	0.37	0.35	0.28	0.33	0.35	0.34	0.30	0.31	0.31	3.20
69.0	0.29	0.30	0.25	0.27	0.31	0.26	0.21	0.22	0.23	0.26	2.59
70.0	0.27	0.22	0.21	0.22	0.23	0.21	0.20	0.18	0.16	0.14	2.04
71.0	0.23	0.16	0.13	0.16	0.13	0.12	0.12	0.12	0.14	0.15	1.47
72.0	0.10	0.10	0.10	0.09	0.08	0.08	0.09	0.08	0.07	0.09	0.87
73.0	0.09	0.09	0.12	0.08	0.06	0.08	0.08	0.08	0.07	0.10	0.86
74.0	0.07	0.07	0.07	0.03	0.03	0.03	0.03	0.03	0.03	0.04	0.42
75.0	0.03	0.04	0.02	0.03	0.03	0.03	0.03	0.03	0.02	0.02	0.28
76.0	0.03	0.03	0.03	0.02	0.02	0.01	0.01	0.01	0.01	0.00	0.17
77.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03
78.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03
79.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.00	0.04
80.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03
81.0	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.01	0.07
82.0	0.01	0.01	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.06
83.0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03
84.0	0.01	0.01	0.02	0.02	0.01	0.00	0.00	0.00	0.00	0.00	0.08

Logged Data Chart



email: noah@ntenvironmental.net
call/text: 310-722-6346

To: Stacie Henderson,
CAJA Environmental Services, LLC

From: Noah Tanski,
NTEC

Date: November 21, 2022

RE: **Response to Channel Law Group Comments on the 1050 La Cienega Boulevard Project Sustainable Communities Environmental Assessment (ENV-2022-2280-SCEA)**

Dear Stacie,

Noah Tanski Environmental Consulting ("NTEC") has reviewed the comment letter submitted to the City of Los Angeles by Channel Law Group, LLP, on behalf of Friends of South Carthay, regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the 1050 La Cienega Boulevard Project ("Project"). This memo addresses Channel Law Group's claims regarding SCEA's analysis of the Project's noise and vibration-related impacts. Based on my technical review, Channel Law Group's comments do not raise any new CEQA issues and do not require any change to any conclusion identified in the SCEA.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

Noah Tanski, Principal

COMMENT 1

Noise and Vibration Impacts

"The proposed Project is located in a liquefaction and methane hazards zone. Based on the geotechnical calculations, the recommendation is for a building foundation system consisting of either ground improvement or use of deep foundations to address the liquefaction hazard. The SCEA and noise/vibration analysis needs to disclose the details of the proposed building foundation system and the location, nature and depth of any deep foundation system. It is important that the SCEA disclose the limits of excavation and construction activity and its proximity to the property line shared with the historic resources."

NTEC RESPONSE 1

The commentor asserts the SCEA's noise and vibration analysis must describe the Project's building foundation system and disclose information surrounding its construction, but the SCEA already provides detailed explanation of the Project's proposed foundation systems, their construction, and other key factors that are relevant to the noise and vibration analysis. The commentor is referred to page 5-155 of the SCEA, which discloses two options for the Project's foundation system:

> "The analysis also addresses noise impacts that may result from the Project's foundation pile installation. The Project would utilize either auger-cast piles or deep soil mixed columns (DSM columns), neither of which are "driven" piles that require impact hammering."[1]

The SCEA's noise and vibration analysis describes the construction of these foundation systems in detail. For auger-cast piles, the SCEA contains the following explanation:

> "If the Project utilizes auger-cast piles, they would be installed under the footprint of the proposed tower. Installation of the Project's auger-cast piles would last approximately two months and require an auger drill rig, a skid steer loader, a crane, a concrete pump, and concrete deliveries (via mixing trucks). During this process, an auger drill rig would bore a cavity that is filled with concrete grout. The concrete grout would be pumped to the drill rig from concrete mixing trucks stationed along La Cienega Boulevard. A crane would then lower a pre-assembled rebar assembly into the grout-filled cavity, and a skid steer loader would remove any loose soils."[2]

For DSM columns:

> "If the Project utilizes DSM columns, they would be installed under the footprint of the proposed tower. Installation of DSM columns is estimated to last up to approximately two months and would require a drill rig, a loader, an excavator, a slurry batch plant, and a grout pump. During this process, a drill rig would advance a rotating mixing toll into the ground. Cement grout mixed at the batch plant would be pumped to the drill rig and ejected from the bottom of the rig's mixing tool, which would mechanically mix this grout with soil to form 'soilcrete.' A skid steer loader and excavator would remove spoils generated by this mixing operation."[3]

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1 SCEA, Page 5-155.
2 SCEA, Page 5-156.
3 SCEA, Page 5-157.

Further, numerous plans illustrating the proposed tower location and other Project limits in relation to surrounding properties can be found in the SCEA's Project Description and Appendix A. Thus, the SCEA already contains the information referenced by the commentor.

COMMENT 2

Noise

"The noise mitigation measures provided for the construction noise impacts of the Project are not adequate to ensure that impacts would be less than significant. While MM-NOI-1, 2, 4 specify the required sound attenuation rating of sound barriers and equipment shielding, this is no guarantee that the needed level of attenuation will actually be achieved. An additional mitigation measure is required that specifies required monitoring of actual sound levels at the key receptor sites and requires that all work be stopped if the specified level of sound attenuation at the receptor sites is not achieved. In the absence of such a mitigation, the potential for significant sound impacts remains, given the more than 15 dBA Leq increases in noise expected at the South Alfred Street Residences as a result of Project construction activity and the thresholds of significance."

NTEC RESPONSE 2

It should be noted at the outset that the commentor has provided no evidence of their qualifications (i.e., educational background, work experience, or professional accreditations, etc.). In the subjects of noise or vibration, "[a] lay person's opinion based on technical information that requires expertise does not qualify as substantial evidence."[4]

MM-NOI-1, 3, and 4[5] contain quantitative performance standards and requirements that are specific and enforceable and therefore satisfy requirements for mitigation under CEQA. The height requirements (i.e., "Sound barriers abutting the Project's boundary with the residence located at 1023 S. Alfred Street shall be a minimum 20 feet in height") and attenuation requirements (i.e., "shall also be rated to achieve a sound attenuation of at least 15 dBA") were devised, and their effectiveness was substantiated, based on extensive modeling of the Project's potential construction noise impacts, the results of which are contained in Appendix H to the SCEA. The conclusion that the Project's construction-related noise impacts would be less than significant after mitigation is supported by this substantial evidence. The commentor does not demonstrate (or even argue) any inadequacy related to this substantial evidence or explain why MM-NOI-1, 3, and 4 could fail to provide the "needed level of attenuation…" Ultimately, there is no factual foundation to the commentor's claims – only speculation that "the potential for significant sound impacts remains."

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[4] *Newtown Preservation Society v. County of El Dorado* (2021) 65 Cal.App.5th 771, 781.

[5] It is understood that the commentator likely intended to reference MM-NOI-3, not MM-NOI-2. MM-NOI-3 concerns sound barriers installed along the Project's western boundary and specifies a required sound attenuation rating for these barriers. Thus, MM-NOI-3 is relevant to their comment that concerns "the required sound attenuation rating of sound barriers and equipment shielding." MM-NOI-2 does not involve the installation of sound barriers and therefore has no relevance to this comment.

Further, the SCEA's disclosure that unmitigated construction-related noise impacts to South Alfred Street Residences may exceed 15 dBA L_{eq} is not evidence that mitigated impacts to this receptor would remain significant. The SCEA demonstrates that with implementation of mitigation measures, construction-related noise impacts to this receptor would be less than a 5 dBA L_{eq} increase and therefore less than significant.

COMMENT 3

"Mitigation Measure MM-NOI-2 is central to achieving adequate noise mitigation, yet the measure provides no mechanism for ensuring compliance with the mitigation measure or penalty for non-compliance. The mitigation must be augmented to require an on-site monitor and a substantial penalty for non-compliance. In addition, residents must be provided with a realistic mechanism for reporting failure to comply with the mitigations, given the City's acknowledged failure to conduct mitigation monitoring."

NTEC RESPONSE 3

MM-NOI-2 contains a specific, measurable condition that is enforceable and therefore satisfies requirements for mitigation under CEQA.

MM-NOI-2, as with all mitigation measures, will be imposed as a condition of approval of the Project's land use entitlements and recorded against the property. Those conditions of approval will be binding and enforceable and subject the applicant to the City's code enforcement procedures enforced by various city agencies such as the Planning Department, LADBS and LAPD. Violation(s) of construction related conditions of approval could lead to issuance of a stop work order and cessation of construction activity.

COMMENT 4

"Even with successful implementation of the mitigation measures, project construction will result in an increase in ambient noise levels of as much as 4 dBA per SCEA tables XIII-8 through XIII-10. The environmental document therefore needs to discuss the potential health and annoyance impacts of on-going construction activity in close proximity to sensitive uses. It is widely acknowledged that: "(e)xposure to noise constitutes a health risk. There is sufficient scientific evidence that noise exposure can induce hearing impairment, hypertension and ischemic heart disease, annoyance, sleep disturbance, and decreased school performance." The environmental document needs to identify the potential noise-related health impacts of Project construction. For example, SCEA Tables XIII-9 and 10 show mitigated sound levels of 70 dBA or higher at Pressman Academy and Temple Beth Am. These levels can result in hearing loss and increased risk of hypertension. Project construction thus has the potential to result in significant health impacts due to construction noise which have not been addressed or mitigated in the SCEA. An EIR is therefore required for the Project."

NTEC RESPONSE 4

The SCEA's construction-related noise analysis adheres to the City Department of Planning's preferred methodology. For this Project, that involves assessing the potential of its construction activities to cause 5 dBA L_{eq} or greater exterior ambient noise increases at noise-sensitive uses, which would be equated with a significant effect on the environment. As reflected in SCEA tables XIII-8 through XIII-10, mitigated construction noise increases at sensitive receptors would be less than 5 dBA L_{eq} and therefore less than significant under the proper methodology.

Regarding noise-related health concerns, the SCEA references the National Institute of Health's (NIH) guidance on noise-induced hearing loss. As explained in the SCEA, "extended or repeated exposure to sounds at or above 85 dB can cause hearing loss. Sounds of 75 dBA or less, even after continuous and repeated exposure, are unlikely to cause hearing loss."[6] "75 dBA" (underlined for emphasis) is an error and is corrected to "70 dB," which is the actual figure reported by the NIH. The SCEA also acknowledges that relationships "between long-term exposure to noise levels of 65 to 70 dBA L_{eq} or greater and cardiovascular effects, including ischaemic heart disease and hypertension" are "largely inconclusive." The relationship between noise-exposure and cardiovascular effects is not as well-understood and established as the relationship between noise-exposure and hearing loss, for example. Evidence of a relationship exists, but research is ongoing and has yet to coalesce into well-defined findings.

The study referenced by the commentor contains similar guidance. It reports that noise-induced hearing loss is observed for long-term occupational exposure to noise levels of 75 dBA $L_{eq\ 8\text{-}hrs}$ and long-term environmental exposure to noise levels of at least 70 dBA $L_{eq\ 24\text{-}hrs}$. In other words, it reports that long-term, repeated exposure to noise levels of 75 dBA L_{eq} during eight-hour work shifts may result in noise-induced hearing loss. Long-term, repeated exposure to daily 24-hour noise levels of at least 70 dBA L_{eq} may also result in noise-induced hearing loss. Regarding hypertension, the study reports that effects are observed for long-term environmental exposure to 24-hour noise levels of 70 dBA L_{dn}.

There is no evidence that construction of the Project would result in significant noise-related health impacts when considering either the SCEA's or the commentor's figures. The commentor notes that the Project's mitigated construction noise impacts to Pressman Academy would be in excess of 70 dBA and asserts that "[t]hese levels can result in hearing loss and increased risk of hypertension." As a result, the commentor contends that "Project construction thus has the potential to result in significant health impacts due to construction noise…" However, this superficial analysis is refuted by a number of considerations:

1. Construction of the Project would not generate noise levels in excess of 70 dBA at Pressman Academy or Temple Beth Am repeatedly and for a long-term period necessary to cause chronic noise-induced hearing loss or hypertension. As noted in the SCEA, bulk excavation, auger-cast pile installation, and DSM column installation noise impacts at these receptors were modeled by assuming that all involved construction vehicles and equipment would spend an entire workday operating at fixed, minimum equipment-to-receptor distances, a conservative approach that results in maximum "worst-case" noise projections. However, over the course of these construction phases, "construction noise levels at sensitive receptors would fluctuate depending on the distances of these vehicles from sensitive receptors."[7] Most times, given the 1.83-acre size of the Project Site, construction vehicles would operate at farther distances from Pressman Academy and Temple Beth Am, meaning that, outside of temporary instances when construction activity occurs at minimum "worst-case" distances, construction noise levels at these receptors would be below the 70 dBA figure associated with long-term noise-induced hearing loss or hypertension.

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[6] National Institute of Health, National Institute on Deafness and Other Communication Disorders. www.nidcd.nih.gov/health/noise-induced-hearing-loss.

[7] SCEA, Page 5-155.

2. The SCEA's analysis demonstrates that exterior construction-related noise levels at the easternmost facades of Pressman Academy and Temple Beth Am (facing the Project site) would be up to 71.7 dBA L_{eq}. However, neither receptor contains outdoor facilities at these locations that would be occupied by individuals for durations associated with long-term noise-induced hearing loss and hypertension, which involve repeated exposures of a minimum eight hours per day. Individuals utilizing building entrances and sidewalks at these locations therefore would not experience requisite exposure for long-term health effects.

3. Individuals within these receptors would experience construction-related interior noise levels that are well-below the 70 dBA figure associated with long-term noise-induced hearing loss or hypertension, as the exterior-to-interior attenuation in noise levels would be at least 20 dBA, conservatively.

Given these considerations, the fact that Project construction may sporadically expose Pressman Academy or Temple Beth Am to exterior construction noise levels up to 71.7 dBA L_{eq} is not evidence that Project construction would result in noise-induced hearing loss or hypertension-related health impacts to individuals at these receptors. Because the comment contains no evidence beyond this highly speculative and erroneous claim, it lacks the requisite substantial evidence necessary to support any fair argument that construction of the Project would result in hearing loss or increased risk of hypertension to individuals at Pressman Academy and Temple Beth Am. As explained, such health impacts would not occur as a result of the Project's construction. Therefore, neither additional mitigation measures nor an EIR are required.

COMMENT 5

Vibration

"In assessing the potential vibration impacts of the proposed Project, the SCEA uses the FTAs 2018 Transit Noise and Vibration Impact Assessment Manual for the South Alfred Residences of 0.12 inches per second PPV as the threshold of significance. Similar guidance is provided by the California Department of Transportation in its 2020 Update of the Transportation and Construction Vibration Guidance Manual ("Vibration Manual"). As detailed in that publication several studies have identified vibration damage criteria for historic and sensitive buildings, including (Konan (1985), Whiffen (1971), Siskind (1980), Dowding (1996) and the American Associated of State Highway and Transportation Officials ("AASHTO") based on Peak Particle Velocity ("PPV") in inches per second ("in/sec"). The following table shows the AASHTO thresholds."

"In assessing the potential for impacts to a National Register listed Historic District and City designated HPOZ the more protective AASHTO standard of 0.1 should be used to accurately assess and avoid impacts."

NTEC RESPONSE 5

The City of Los Angeles is the lead agency for CEQA review of the Project and therefore has the discretion to apply thresholds of significance and correspondingly appropriate methodologies used for impact analysis. The City has adopted the FTA criteria shown in Table XIII-3 of the SCEA as thresholds of significance to aid in the determination of whether the Project's construction-related groundborne vibration impacts would be potentially damaging and therefore significant at nearby buildings and structures. Accordingly, the SCEA's construction-related vibration analysis utilizes these thresholds and

demonstrates that, after mitigation, the Project's construction-related vibration impacts to nearby structures associated with the South Carthay HPOZ would be below the FTA's most stringent 0.12 inches per second PPV criteria, which is used to assess building damage to the most sensitive types of historic structures.

Further, it is worth noting that this most stringent 0.12 inches per second PPV criteria has been applied to structures associated with the South Carthay HPOZ as a conservative measure. As explained in the SCEA, the 0.12 inches per second PPV criteria corresponds with the FTA's Category IV designation for "Buildings extremely susceptible to vibration damage," such as extremely fragile historic buildings, ruins, ancient monuments, and similarly sensitive structures. However:

> "Nearby structures associated with the [South Carthay HPOZ], specifically the numerous garages and/or accessory structures that abut the Project's eastern property line, are wood-framed or masonry structures with plaster finishes that do not possess the physical or architectural qualities associated with typical Category IV structures. The 0.2 inches per second PPV Category III threshold for 'Non-engineered timber and masonry buildings' that may contain plaster would be more consistent with these structures. Nevertheless, in order to maximize the safety afforded to these nearby historic structures and minimize Project-related groundborne vibration impacts to them, the Category IV thresholds have been conservatively applied."[8]

Thus, based on the FTA's description of building categories and their significance criteria, the HPOZ structures are not actually sensitive to vibration levels of even 0.12 inches per second PPV, much less the 0.1 inches per second PPV standard referenced by the commentor. Based on the above, the lead agency's use of the FTA's 0.12 inches per second PPV threshold remains an extremely conservative and protective approach given the type of structures that abut the project site.

COMMENT 6

"As acknowledged in the SCEA at page 5-165, "Project's construction activities by earthmoving vehicles and vibratory rollers could expose South Alfred Street Residences and a commercial building at 1080 La Cienega Boulevard to groundborne vibration levels in excess of their respective thresholds of significance." Mitigation Measures NOI-8 and NOI-9 establish setback requirements for large earthmoving vehicles (at least 20 feet) and vibratory rollers (at least 45 feet) respectively from the residences on South Alfred residences [sic]. This is based on the fact that large earthmoving vehicles such as excavators which will "be utilized extensively to dig for the Project's' foundation and one subterranean level" can produce groundborne vibration levels up to 0.089 inches per second PPV at a reference distance of 25 feet and vibratory rollers, used to compact soils and/or asphalt, can produce groundborne vibration levels up to 0.210 inches per second PPV at a reference distance of 25 feet."

"There are several problems with these mitigation measures which render them ineffective in avoiding impacts. First, the calculated setback is based on the 1.2 inches per second threshold, rather than the more protective threshold of 1.0. As shown in SCEA Table XIII-13, even with successful implementation of the specified mitigation measures vibration levels at the South Alfred Street Residences (0.114 post mitigation) would still exceed the more protective threshold of significance."

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[8] SCEA, Page 5-164.

NTEC RESPONSE 6

The commentor is incorrect when stating that "the calculated setback is based on the 1.2 inches per second threshold." As discussed in NTEC Response 5, the adopted threshold of significance for South Alfred Street Residences is the FTA's most stringent 0.12 inches per second PPV threshold. The SCEA demonstrates that, after mitigation, the Project's construction-related vibration impacts to nearby structures associated with the South Carthay HPOZ would be below this threshold.

As also discussed in NTEC Response 5, the City of Los Angeles is the lead agency for CEQA review of the Project and therefore has the discretion to apply thresholds of significance and correspondingly appropriate methodologies used for impact analysis. The City has adopted the FTA criteria shown in Table XIII-3 of the SCEA as thresholds of significance to aid in the determination of whether the Project's construction-related groundborne vibration impacts would be potentially damaging and therefore significant at nearby buildings and structures. Accordingly, the SCEA's construction-related vibration analysis utilizes these thresholds and demonstrates that, after mitigation, the Project's construction-related vibration impacts to nearby structures associated with the South Carthay HPOZ would be below the FTA's most stringent 0.12 inches per second PPV criteria. The alternative threshold suggested by the commentor has not been adopted by the City of Los Angeles for CEQA review of the Project and therefore has no relevance concerning the alleged significance of the Project's' construction-related vibration impacts or the effectiveness of the Project's mitigation measures. Furthermore, the commentor is an attorney and not a noise and/or vibration expert and the suggestion that construction vibration impacts would result is not supported by substantial evidence. As such, neither additional mitigation measures nor an EIR are required.

COMMENT 7

"Second, large earth moving vehicles (NOI-8) and vibratory rollers are not the only types of construction equipment that generate vibration at the levels of concern, as shown in Table 18 from the Vibration Manual."

"Additional information on vibration due to pile driver and clam shovel operations is provided in Table 7.4 of the Federal Transit Administration's ("FTA [sic]) Transit Noise and Vibration Impact Assessment Manual dated September 2018."

"The mitigation measures must therefore provide setback requirements for all of the possible construction equipment which may be used on the site if damage is to be avoided."

NTEC RESPONSE 7

The SCEA provides a "worst-case" analysis by assessing impacts associated with large earthmoving vehicles and vibratory rollers at minimum Project site-to-receptor distances. As noted in the SCEA, "[o]ther equipment would result in lower groundborne vibration levels at surrounding structures."[9] The additional equipment referenced by the commentor would not have the potential to generate groundborne vibration levels in excess of the adopted significance thresholds at nearby structures or would not be utilized for construction of the Project at all. For example, deep foundation auger drilling (i.e., "caisson drilling") for the Project's proposed tower foundation would generate groundborne

[9] SCEA, Page 5-165.

vibration levels that are similar to large earthmoving equipment (0.089 inches per second PPV at 25 feet), but such auger drilling would not occur within 60 feet of South Alfred Street Residences. Given this distance, groundborne vibration levels from auger drilling would be less than 0.05 inches per second at South Alfred Street Residences, below its 0.12 inches per second PPV threshold and below the 0.156 inches per second impact associated with large earthmoving vehicles. And other equipment, such as impact or sonic pile drivers, would not be utilized by the Project at all. As explained in the SCEA, the Project's foundation pile installation would utilize either auger-cast piles or deep soil mixing columns. Neither of these techniques would require impact or sonic pile drivers.

The SCEA properly analyzes, discloses, and mitigates the Project's groundborne vibration-related impacts. After mitigation, the Project's construction-related vibration impacts would be less than significant. As discussed, other equipment referenced by the commentor would not have the potential to generate groundborne vibration levels in excess of the adopted significance thresholds at nearby structures or would not be utilized for construction of the Project at all. "Mitigation measures are not required for effects which are not found to be significant."[10] As such, neither additional mitigation measures nor an EIR are required.

COMMENT 8

"Third, these mitigation measures do not address the potential vibration impacts of multiple equipment operating at the same time."

NTEC RESPONSE 8

Generally, multiple vibration sources result in additional vibration peaks (i.e., PPV groundborne vibration signals or events), not necessarily higher (i.e., more damaging) peaks, because the probabilities of constructive wave interference are extremely small. This is also due to the fact that two pieces of construction equipment cannot occupy the same space at the same time, which could otherwise contribute to potential constructive interference. In reality, large earthmoving construction equipment and vibratory rollers would be spread across the 1.83-acre site when operating, not clustered at the minimum allowable receptor distances. Additionally, different equipment would be performing different activities, further reducing the potential for their individual groundborne vibrations to result in substantial constructive interference.

Even though the Project's construction-related vibration impacts would not exceed threshold criteria after the implementation of MM-NOI-8 and MM-NOI-9, the Project has nevertheless and in an abundance of caution committed to a construction vibration monitoring program to continuously measure for any potential exceedances of the 0.12 inches per second PPV threshold at South Alfred Street Residences. Detailed in MM-NOI-10, this measure would immediately alert a construction supervisor or representative to stop work in the vicinity of the affected area if a vibration velocity of 0.12 inches per second or greater is detected. In this way, MM-NOI-10 would protect against any threshold exceedances that could result from constructive wave interference, notwithstanding the unlikelihood of this phenomenon to result in substantial increases in groundborne vibration levels. However, as explained, it is not anticipated that the simultaneous operation of multiple construction equipment would expose receptors to groundborne vibration levels in excess of their respective thresholds of significance. "Mitigation measures are not

[10] CEQA Guidelines Section 15126.4(a)(3).

required for effects which are not found to be significant."[11] As such, neither additional mitigation measures nor an EIR are required.

COMMENT 9

"Fourth, although Mitigation Measure NOI-10 provides for pre-construction surveys, a vibration monitoring system and a work stoppage if the threshold velocity is reached, NOI-10 fails to specify the qualifications required for the person(s) who would do the specified work, or to provide for real-time monitoring by an on-site person. In addition, the measure fails to require post-construction surveys to assess if any damage has occurred, to require a compensation trust fund for repairs should damage occur, or to provide a mechanism for homeowners to receive compensation and repairs should damage occur."

NTEC RESPONSE 9

As explained in NTEC Response 8, the Project's construction-related vibration impacts would not exceed threshold criteria after the implementation of MM-NOI-8 and MM-NOI-9. MM-NOI-10 has nevertheless been adopted in an abundance of a caution, even though the Project's construction-related vibration impacts would be less than significant based on MM-NOI-8 and MM-NOI-9 and without the implementation of MM-NOI-10. MM-NOI-10 simply provides an additional layer of protection by ensuring that any exceedance of the significance threshold, while unlikely and unanticipated for reasons explained in NTEC Response 8, is detected and work is stopped immediately. In addition, the methods and performance standards employed by MM-NOI-10 are specific, enforceable, and satisfy requirements for mitigation under CEQA. Additionally, the commentor's alleged deficiencies concerning MM-NOI-10 would have no effect on reducing the Project's construction-related groundborne vibration levels in the first instance. In other words, they have no bearing on the potential for construction of the Project to expose structures to groundborne vibration levels in excess of the 0.12 inches per second PPV threshold of significance, which is the relevant CEQA question. MM-NOI-10's required pre-construction surveys and mandate to stop work immediately should a vibration velocity of 0.12 inches per second PPV be detected are all designed to further ensure that building damage related impacts do not occur. Thus, requiring a compensation trust fund is unnecessary given the mitigation measure has been constructed to ensure that no such compensation will be necessary. Such a fund would be more appropriate if building damage impacts could not be mitigated to a level of less than significant. Furthermore, in the highly unlikely event that any damage occurs the owners of the neighboring structures would be able to seek legal recourse against the applicant to compensate for any loss. As such, neither additional mitigation measures nor an EIR are required.

COMMENT 10

"Fifth, the SCEA has not demonstrated that such setbacks are feasible, given that the Project podium will be constructed within 15 feet of the property line abutting the HPOZ and its garages, as shown in Figure 8. Given that the SCEA lacks any kind of enforcement mechanism for Mitigations NOI-8 and NOI-9 and no substantial penalties for non-compliance, the potential for significant unmitigated vibration impacts remains."

[11] CEQA Guidelines Section 15126.4(a)(3).

NTEC RESPONSE 10

The equipment setback requirements established by MM-NOI-8 and MM-NOI-9 have been reviewed by the Project applicant and deemed feasible. Table XIII-13 of the SCEA demonstrates that smaller earthmoving vehicles may operate up to one foot from South Alfred Residences without exposing this receptor to significant groundborne vibration levels. Thus, these vehicles may safely operate within the 20-foot setback zone from South Alfred Street Residences in which large earthmoving vehicles are prohibited from operating, as established by MM-NOI-8. If compaction is required within the 45-foot setback zone from this receptor in which vibratory rollers are prohibited from operating, as established by MM-NOI-9, any number of static compaction techniques may be employed as an alternative. Furthermore, MMs-NOI-8 and NOI-9, as with all mitigation measures, will be imposed as a condition of approval of the Project's land use entitlements and recorded against the property. Those conditions of approval will be binding and enforceable and subject the applicant to the City's code enforcement procedures enforced by various city agencies such as the Planning Department, LADBS and LAPD. Violation(s) of construction related conditions of approval could lead to issuance of a stop work order and cessation of construction activity.

COMMENT 11

"Mitigation Measures NOI-8 to NOI-10 are thus insufficient to ensure that vibration impacts to homes in the HPOZ will not occur. Given that impacts are not mitigated to a level considered less than significant, an EIR is required."

NTEC RESPONSE 11

As discussed in NTEC Response 6 through 10 and demonstrated within the SCEA, Mitigation Measures NOI-8 to NOI-10 would reduce the Project's construction-related groundborne vibration levels at South Alfred Street Residences (i.e., "homes in the HPOZ") to below the FTA's most stringent vibration damage criteria for "Buildings extremely susceptible to vibration damage." As explained in NTEC Response 5, the City has adopted the FTA criteria as thresholds of significance to aid in the determination of whether the Project's construction-related groundborne vibration impacts would be potentially damaging and therefore considered significant at nearby buildings and structures. Therefore, the Project's construction-related groundborne vibration would be mitigated to a level considered less than significant by the lead agency, based on a highly conservative and protective threshold reserved for the most sensitive type of historic structures, and neither additional mitigation measures nor an EIR are required.

COMMENT 12

"The Transportation and Construction Vibration Guidance Manual also provides information on the human response to vibration. As detailed in the Tables 4 [sic] from the manual, Project construction-related vibration levels above the level that is strongly perceptible would be felt by adjacent residents along South Alfred Street abutting the Project site. The impact of these vibrations on residents needs to be addressed in the environmental document for the Project."

NTEC RESPONSE 12

There are numerous issues regarding the commentor's claim that "residents along South Alfred Street abutting the Project site" would experience "construction-related vibration levels above the level that is strongly perceptible," based on the vibration levels and human responses shown in Table 4 of Caltrans' Transportation and Construction Vibration Guidance Manual.

First, the City has not adopted the Table 4 vibration levels as thresholds of significance for assessing the impact of construction-related groundborne vibrations. The City is the lead agency for CEQA review of the Project and therefore has the discretion to apply thresholds of significance and correspondingly appropriate methodologies used for impact analysis. The City has analyzed the Project's construction-related vibration impacts to nearby structures associated with the South Carthay HPOZ using the FTA's most stringent 0.12 inches per second PPV criteria.

Second, the table referenced by the commentor does not indicate whether steady state vibration levels of 0.10 inches per second PPV are actually annoying, disruptive, unhealthy, or otherwise indicative of a significant effect on the environment, merely that they are "strongly perceptible." The table indicates that steady state vibration levels between 0.17 and 0.7 inches per second PPV are "disturbing" and that steady state levels between 0.4 and 3.6 inches per second PPV are "very disturbing." These vibration levels are substantially greater than the 0.10 inches per second PPV "strongly perceptible" level singled out by the commentor.

Third, as shown in the image of Table 4 included by the commentor, Table 4 summarizes human responses that are associated with various levels of <u>steady state</u> vibration. Steady state vibration is characterized by continuous vibration at an unchanging frequency and, as such, has little to no commonalities with construction-related groundborne vibration, which is typically more dynamic and intermittent or transient in nature. Human responses to vibration can vary greatly depending on the characteristics of the vibration. Generally, human responses to transient vibration sources are less severe than for continuous or frequent sources. Thus, the steady-state vibration thresholds referenced by the commentor imply that equivalent human responses to construction-related vibrations would occur at greater, i.e. less stringent, levels.

Fourth, notwithstanding the previous considerations, the Project's generation of construction-related groundborne vibration levels in excess of 0.10 inches per second PPV at South Alfred Street Residences would be extremely limited. Please note the following analysis is being offered for informational purposes only, and to provide a complete response to the commentor's concern, not to suggest or concede that the Project is subject to a CEQA vibration human annoyance impact/significance threshold of 0.10 inches per second PPV, which it is not:

1. After mitigation, large earthmoving vehicles would maintain a setback of at least 20 feet from South Alfred Street Residences, and their groundborne vibration levels at this receptor would not exceed 0.114 inches per second PPV. At a distance of 23 feet, their impacts to this receptor would be below 0.10 inches per second PPV. Therefore, only activities occurring within a three-feet-wide portion of the Project site would be capable of exposing South Alfred Street Residences to groundborne vibration levels in excess of 0.10 inches per second PPV. Given the 1.83-acre area of the Project site, this demonstrates that any exceedances would be sporadic in nature and not continuous or frequent – much less steady state.

2. Small earthmoving vehicles operating within one foot of South Alfred Street Residences (a distance that is unlikely to occur in practice) could expose this receptor to groundborne vibration levels up to 0.103 inches per second PPV. At a distance of two feet, their impacts to this receptor would be below 0.10 inches per second PPV. Therefore, only activities occurring within a one-foot-wide portion of the Project site would be capable of exposing South Alfred Street Residences to groundborne vibration levels in excess of 0.10 inches per second PPV. Given the 1.83-acre area of the Project site, this demonstrates that any exceedances would be extremely limited, sporadic in nature and not continuous or frequent – much less steady state.

3. After mitigation, vibratory rollers would maintain a setback of at least 45 feet from South Alfred Street Residences, and their groundborne vibration levels at this receptor would not exceed 0.110 inches per second PPV. At a distance of 50 feet, their impacts to this receptor would be below 0.10 inches per second PPV. Therefore, only activities occurring within a five-feet-wide portion of the Project site would be capable of exposing South Alfred Street Residences to groundborne vibration levels in excess of 0.10 inches per second PPV. Given the 1.83-acre area of the Project site, this demonstrates that any exceedances would be extremely limited, sporadic in nature and not continuous or frequent – much less steady state.

4. The three analyses above estimate construction-related groundborne vibration levels at the property line between the Project site and South Alfred Street Residences, meaning that groundborne vibration levels disclosed by the analyses could only be perceived by an individual standing directly on that property line. Individuals located just five feet east of this property line would not be exposed to groundborne vibration levels in excess of 0.10 inches per second PPV, even when construction equipment operates at the minimum allowable setbacks. Thus, only an exceedingly limited, five-feet-wide portion of South Alfred Street Residences could be exposed to short-term, temporary and highly intermittent groundborne vibration levels in excess of 0.10 inches per second PPV.

The extremely narrow set of conditions required for individuals at South Alfred Street Residences to experience potential construction-related groundborne vibrations in excess of 0.10 inches per second PPV demonstrates that any exceedances of this vibration level would be infrequent, and therefore would not constitute a potential significant effect on the environment (even if the lead agency chose to impose such a vibration human annoyance related threshold), contrary to the commentor's erroneous claims.

email: noah@ntenvironmental.net
call/text: 310-722-6346

To: Stacie Henderson,
CAJA Environmental Services, LLC

From: Noah Tanski,
NTEC

Date: November 21, 2022

RE: **Response to Mitchell M. Tsai Comments on the 1050 La Cienega Boulevard Project Sustainable Communities Environmental Assessment (ENV-2022-2280-SCEA)**

Dear Stacie,

Noah Tanski Environmental Consulting ("NTEC") has reviewed the comment letter submitted to the City of Los Angeles by Mitchell M. Tsai, on behalf of Southwest Regional Council of Carpenters (SWRCC), regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the 1050 La Cienega Boulevard Project ("Project"). This memo addresses Mr. Tsai's claims regarding SCEA's analysis of the Project's noise and vibration-related impacts. Based on my technical review, Mr. Tsai's comments do not raise any new CEQA issues and do not require any change to any conclusion identified in the SCEA.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

Noah Tanski, Principal

COMMENT 1

ii. Noise Mitigation Measures

The SCEA's noise mitigation measures, implemented to mitigated the Project's significant noise levels on nearby sensitive receptors such as a temple, school, park, senior living community, and residences, are also improperly deferred. SCEA at 5-157."

"For example, the SCEA implements MM-NOI-1 to require sound barriers along the Project's eastern boundary which are "to achieve a sound attenuation of at least 15 dBA" and which shall be "a minimum of 20 feet in height." SCEA at 5-159. Similarly, the SCEA implements MM-NOI-3 to require sound barriers along the Project's western boundary which are also "to achieve a sound attenuation of at least 15 dBA" and which shall be "a minimum of 7 feet in height." Id. However, assuming the barriers sit on the ground at the perimeter of the Project, the barriers would not adequately mitigate noise sources elevated above the ground level as construction of the building progresses. The mitigation measures must be revised to fully explain how noise barriers would be used to mitigate noise impacts at a minimum of 15 dBA for elevated sources during construction of the twenty eight-story building.

NTEC RESPONSE 1

The commentor contends that the SCEA's noise mitigation measures are improperly deferred, but it is unclear how their example demonstrates this claim. The comment itself acknowledges how the noise mitigation measures contain specific, quantitative performance standards and requirements. For example, the commentor notes that MM-NOI-3 would "require sound barriers along the Project's western boundary" that are rated "to achieve a sound attenuation of at least 15 dBA" and shall be "a minimum of 7 feet in height." The comment's understanding of MM-NOI-1 is slightly inaccurate, but it nevertheless acknowledges the specific, quantitative performance standards required by MM-NOI-1, as well.[1] MM-NOI-1 through MM-NOI-7, the SCEA's "noise mitigation measures" in question, do not contain any proposals or procedures for deferring the formulation of details such as performance standards and implementation techniques to a later time. Thus, mitigation is not deferred at all, much less improperly deferred. The SCEA's noise mitigation measures commit to mitigation by requiring the use of sound barriers and other construction management techniques to reduce the Project's construction-related noise levels. The noise mitigation measures also rely on specific performance standards for mitigation such as the quantitative standards noted by the commentor.

The commentor also claims the sound barriers required by the SCEA's mitigation measures "would not adequately mitigate noise sources elevated above the ground level as construction of the building progresses." However, the types of heavy-duty construction vehicles and equipment evaluated as part of the SCEA's analysis of the Project's bulk excavation and pile installation phases would not operate above the heights of the sound barriers required by the SCEA's noise mitigation measures, within the upper levels of the Project's podium and tower. Furthermore, elevated construction noise sources that would operate within these upper levels (e.g., hand tools, compressors, etc.) would not result in significant noise impacts to surrounding receptors. Therefore, neither the noise barriers required by the SCEA's mitigation

[1] MM-NOI-1 does not require all sound barriers along the Project's eastern boundary to be 20 feet in height, only where the Project's boundary abuts the residence located at 1023 S. Alfred Street. In other locations along this boundary, MM-NOI-1 requires sound barriers to be a minimum 15 feet in height.

measures nor any other mitigation would be necessary to reduce noise impacts from these sources, because mitigation measures are not required for effects which are not found to be significant.[2] The comment contains no evidence, much less substantial evidence, demonstrating why "elevated sources" would be capable of causing significant noise impacts and why noise barriers would be required to reduce these purported impacts by "a minimum of 15 dBA."

COMMENT 2

Noise

Moreover, to "ensure that the Project's construction does not expose South Alfred Street Residences and a commercial building at 1080 La Cienega Boulevard to potentially damaging levels of groundborne vibration", [sic] the SCEA implements a number of mitigation measures such as requiring a pre-construction survey to be performed and implementation of a groundborne vibration and structural/architectural monitoring program (MM-NOI-10). SCEA at 5-166. However, although the SCEA provides objectives and performance standards for the survey and program, it also notes that such measures have yet to be prepared. Id. ([p]re-construction surveys shall be performed to document the existing conditions of contributing structures that are part of the Sought [sic] Carthay HPOZ… [and a] groundborne vibration and structural/architectural monitoring program shall be implemented and recorded during the Project's excavation and any other phases that require the use of large earthmoving vehicles and/or vibratory rollers to ensure that groundborne vibration levels at the boundary of the Project Site adjacent to these Contributing Structures do not exceed 0.12 inches per second" (emphases added)).

NTEC RESPONSE 2

There are a number of issues with the commentor's claim that the SCEA's groundborne vibration mitigation measures are improperly deferred.

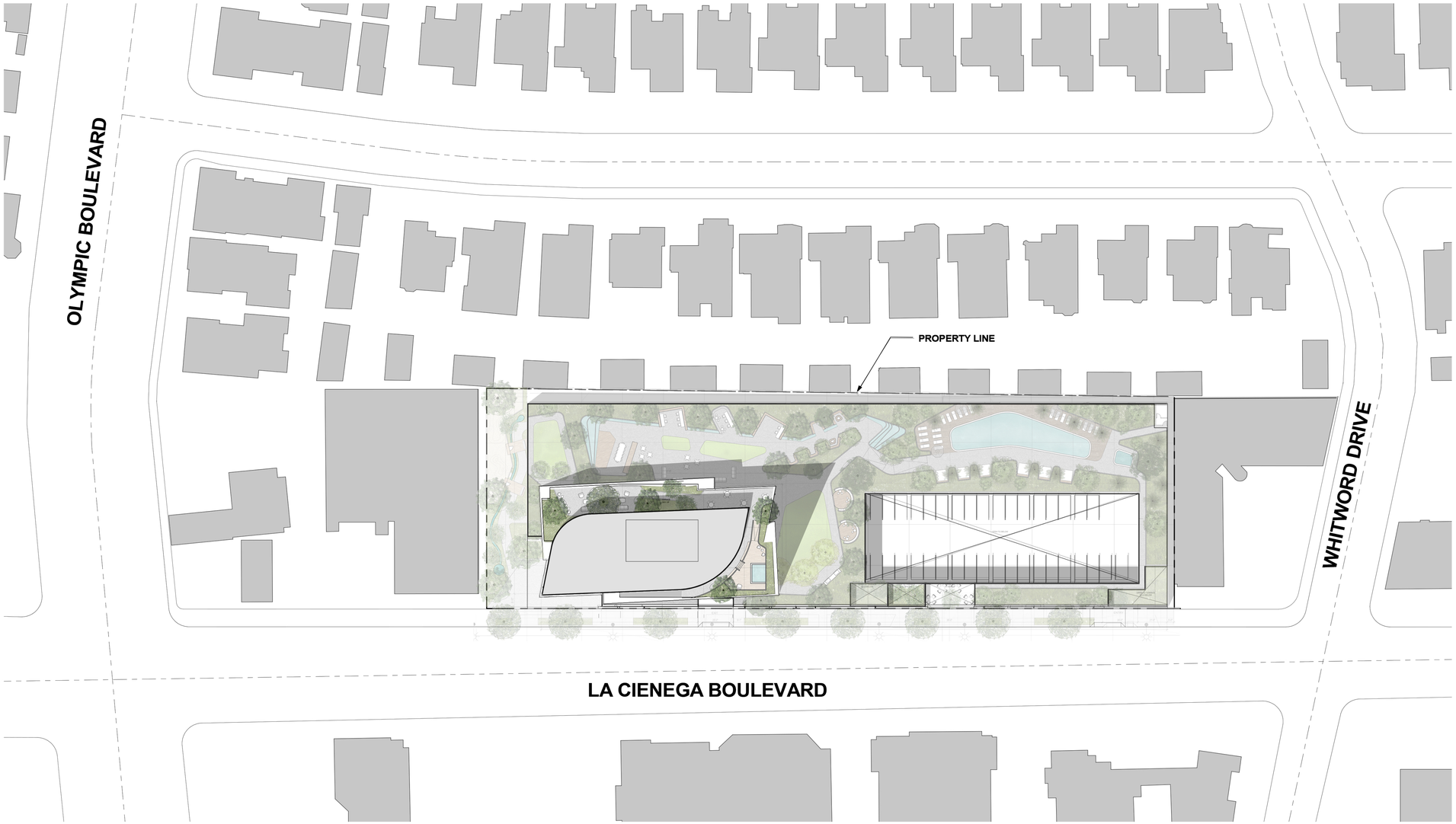
First, the commentor fails to consider MM-NOI-8 and MM-NOI-9, which establish measurable setback requirements for large earthmoving vehicles and vibratory rollers. By prohibiting this equipment from operating within specific distances of nearby vibration-sensitive structures, MM-NOI-8 and MM-NOI-9 would protect these structures from exposure to vibration levels in excess of their respective thresholds of significance. The methods and performance standards employed by MM-NOI-8 and MM-NOI-9 are specific, enforceable, and satisfy requirements for mitigation under CEQA. This consideration alone refutes the commentor's claim that the SCEA's groundborne vibration mitigation measures are improperly deferred because MM-NOI-8 and MM-NOI-9 are sufficient to ensure that the Project's construction-related vibration impacts would not exceed threshold criteria at surrounding structures, with or without implementation of MM-NOI-10. In the interest of producing the most conservative analysis and highest level of protection to abutting structures associated with the South Alfred Street Residences receptor, the Project's vibration impacts are subject to the most stringent FTA 0.12 inches per second PPV threshold, which is usually reserved for highly sensitive historic structures that are most susceptible to building damage.

Second, the methods and performance standards employed by MM-NOI-10 are also specific, enforceable, and satisfy requirements for mitigation under CEQA. MM-NOI-10 commits itself to mitigation by requiring

[2] CEQA Guidelines Section 15126.4(a)(3).

pre-construction surveys, a real-time groundborne vibration monitoring system with alerts, and a protocol in the event that exceedances are detected. MM-NOI-10 relies on a specific performance standard, which is the 0.12 inches per second PPV threshold. And, MM-NOI-10, in collaboration with the requirements set forth by MM-NOI-8 and MM-NOI-9, identifies actions that would achieve the 0.12 inches per second PPV performance standard. The commentor acknowledges that MM-NOI-10 contains "objectives and performance standards."

Third, the comment seems to insinuate that because the pre-construction surveys and vibration monitoring systems required by MM-NOI-10 have yet to be prepared, the SCEA has improperly deferred its mitigation. This is confusing because the purpose of the vibration monitoring system is to continuously measure vibration velocities during the Project's construction activities to detect potential exceedances of the 0.12 inches per second PPV threshold and alert construction supervisors if such exceedances occur. As the Project has not been approved and is not under construction, this component of MM-NOI-10 cannot be implemented at the current time – there is no construction-related vibration to measure. Regarding the pre-construction survey, it is recommended to perform this survey closer to the actual time of construction. If a survey is conducted at the current time, it could be years until construction of the Project begins (as noted, the Project has not been approved). During this time, the condition of nearby South Carthay HPOZ structures could change. For example, structures could deteriorate, or they could be improved by their property owners. Therefore, performing the pre-construction survey closer to the commencement of construction activities would provide a more accurate appraisal of these structures' baseline conditions against which potential damages may be compared, should they unexpectedly occur.



1 SITE PLAN

SCALE: 1" = 40'-0"

0 20 40 80

1" = 40'-0"

NORTH

Solomon Cordwell Buenz
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San Francisco
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www.scb.com

DAVID EVANS AND ASSOCIATES INC.

RIOS

NO.	DATE	DESCRIPTION

1050 LA CIENEGA

1066 LA CIENEGA BLVD
LOS ANGELES, CA 90035

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SITE PLAN

Drawn By: YOUR INITIALS
Project Number:

Checked By: PM/PD (edit this)

Sheet Number: **A1.01**

Communication from Public

Name:	Dave Rand
Date Submitted:	11/21/2022 04:41 PM
Council File No:	22-1098
Comments for Public Posting:	Part 2 of 2. Please see supplemental responses to objections raised in connection with the Sustainable Communities Environmental Assessment (SCEA) for the proposed mixed use project at 1022-1066 La Cienega (ENV-2022-2280-SCEA; CF# 22-1098).

Communication from Public

Name:	Dave Rand
Date Submitted:	11/22/2022 08:40 AM
Council File No:	22-1098
Comments for Public Posting:	Please see supplemental responses to objections raised in connection with the Sustainable Communities Environmental Assessment (SCEA) for the proposed mixed use project at 1022-1066 La Cienega (ENV-2022-2280-SCEA; CF# 22-1098).

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November 22, 2022

VIA E-MAIL

Los Angeles City Council
c/o City Clerk
200 N Spring Street, Suite 415
Los Angeles, CA 90012

Re: 1022-1066 La Cienega (City Council File No. 22-1098) - Response to Channel Law Group Comment Letter dated November 21, 2022

Dear President Krekorian and Members of the City Council:

This firm represents 1050 La Cienega, LLC, the applicant for a mixed-use project located at 1022-1066 S. La Cienega Boulevard ("Project Site") in the City of Los Angeles ("City"). The project would construct 290 residential units, including 29 extremely low income units, and 7,500 square feet of restaurant use in a 28-story building with 426 vehicle parking spaces, 184 bicycle parking spaces (164 long-term and 20 short-term) and 54,540 square feet of open space, as well as an approximately 4,500 square-foot publicly accessible pocket park ("Project").

The Project qualifies for streamlined processing under the California Environmental Quality Act ("CEQA")[1] and the CEQA Guidelines[2] pursuant to Public Resources Code Sections 21155 and 21155.2(b) ("SCEA Statute"). The Sustainable Communities Environmental Assessment ("SCEA") prepared for the Project (Case No. ENV-2022-2280-SCEA) ("Project SCEA") demonstrates with ample substantial evidence[3] that the Project qualifies as a Transit Priority Project ("TPP") and incorporates all applicable mitigation from previously certified Environmental Impact Reports ("EIRs"), including the EIR for the Southern California Association of Governments ("SCAG") 2020-2045 Regional Transportation Plan / Sustainable Communities Strategy ("RTP/SCS"), and other mitigation as necessary to avoid or lessen any potentially significant impacts to less-than-significant levels. On November 1, 2022, the Planning and

[1] Pub. Res. Code § 21000 *et seq*.
[2] 14 C.C.R. § 15000 *et seq*.
[3] Unlike mitigated negative declarations, which are subject to the less deferential "fair argument" standard, SCEAs are subject to the highly deferential "substantial evidence" standard. (*Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698, 722 ["We review the City's decision to analyze and approve a transit priority project through an SCEA under the substantial evidence standard. (Pub. Resources Code, § 21155.2, subd. (b)(7).) We do not exercise our independent judgment on the evidence but only determine whether the agency's decision is supported by substantial evidence considering the whole record. (Pub. Resources Code, § 21168.]")

Land Use Management ("PLUM") Committee of the City Council recommended approval of the Project to the full City Council.

This letter responds to new comments made by the Channel Law Group on behalf of Friends of South Carthay in a letter dated November 21, 2022 ("Friends of South Carthay Letter"), which was submitted to the City only hours before the Project is to be considered by this Council. Our previous response letter dated November 1, 2022 ("Previous Project Response Letter") adequately responds to comments and refutes allegations contained in the letter previously submitted by the Channel Law Group on behalf of the Friends of South Carthay on October 21, 2022 ("Previous Friends of South Carthay Letter"). Further, as mentioned in our Previous Project Response Letter, although the Friends of South Carthay Letters include technical assertions that the Project would result in significant environmental impacts, they provide no technical analysis prepared by a qualified expert. In contrast, the Project SCEA is supported by technical analyses prepared by dozens of qualified experts, which are contained in the incorporated appendices. Additionally, expert supplemental reports and analyses have been prepared and submitted in response to the historic, traffic, air quality/health risk assessment, hazards and noise related comments on the Project SCEA, and have been submitted to administrative record prior to today's City Council hearing.

As demonstrated in the Project SCEA and responses to comments, including this letter, the Project SCEA was prepared in full accordance with the requirements of CEQA and we therefore respectfully request that the City Council adopt the Project SCEA and allow the Project to move forward with the entitlement process.

I. The Friends of South Carthay Letter cites to inapplicable and irrelevant statutory requirements for a Sustainable Communities Project Exemption under Pub. Res. Code Section 21155.1.

The Friends of South Carthay Letter states: "[T]he proposed Project is not eligible for use of an Sustainable Communities Exemption in part because the Project contains too many residential units, **is not** 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations and the buildings and landscaping are **not** designed to achieve 25 percent less water usage than the average household use in the region... A SCEA or EIR is therefore required for the proposed Project" (emphasis original).

However, the Friends of South Carthay Letter confuses the statutory requirements for a Sustainable Communities Project Exemption ("SCPE") pursuant to Pub. Res. Code Section 21155.1, for those of a SCEA. A SCPE is a full CEQA exemption and therefore increased environmental measures and a cap of 200 units are baked into the statutory criteria for qualification. The SCEA, authorized by Pub. Res. Code Section 21155.2 on the other hand, offers streamlined CEQA analysis but not a full exemption, and does not contain either a unit cap (200 units or otherwise) or a requirement that the Project's buildings be 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations or 25 percent more water efficient than the average household use in the region. Accordingly, the standards referenced by the Friends of South Carthay Letter are irrelevant to a SCEA and the Project.

II. The Project is consistent with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies specified for the Project area.

The Friends of South Carthay Letter reiterates its previous allegations about the Project being inconsistent with the 2020-2045 SCAG RTP/SCS due to inconsistent growth assumptions underlying that document and the City's 2021-2029 Housing Element. The Friends of South Carthay Letter continues to confuse and conflate Senate Bill 375 and state law governing the RTP/SCS.

The Project SCEA demonstrates with substantial evidence that the Project is consistent with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies for the Project area.[4] The Project Site and surrounding area are located within the following identified Priority Growth Areas ("PGAs") within the SCAG 2020-2045 RTP/SCS: Job Center, Transit Priority Area ("TPA"), High Quality Transit Area ("HQTA"), Neighborhood Mobility Area, and Livable Corridor. As discussed in exhaustive detail in the Project SCEA, the Project's 290 housing units, including 29 units affordable to extremely low income households, would contribute to the SCAG 2020-2045 RTP/SCS's regional planning goals to reduce GHG emissions by concentrating growth in identified PGAs. Further, the increase in housing units and population associated with the Project was assumed and adequately accounted for in both the 2020-2045 SCAG RTP/SCS and the City's 2021-2029 Housing Element. In other words, the Project's 290 new units and associated population increase – near transit and job - is consistent with the 486,379 new units assumed for the City between 2021 and 2029 under the City's Housing Element and the 426,000 new units assumed for the City between 2016 and 2045 under the SCAG 2020-2045 RTP/SCS. The comments in the Friends of South Carthay Letter provides no evidence that the City has approved more units than that assumed in the 2020-2045 SCAG RTP/SCS (i.e., 426,000) since 2016. The fact that the recently revised 2021-2029 Housing Element assumes more growth than the 2020-2045 SCAG RTP/SCS does not make the Project's housing units concentrated in various PGAs inconsistent with the SCAG RTP/SCS. Instead, it merely indicates that the next update to the SCAG RTP/SCS will assume greater increases in units and population for the City as the SCAG RTP/SCS assumptions are based on local zoning and other considerations contained in local housing elements.[5]

Finally, in arguing that the Project does not meet the definitions of a HQTA and or a Livable Corridor because it does not provide context sensitive densities, the Friends of South Carthay Letter 1) ignores the fact that the Project Site is unambiguously located within these areas as shown on the maps contained with the 2020-2045 SCAG RTP/SCS, 2) confuses aspirational goals with mandatory ones, and 3) provides no evidence that the Project does not provide context sensitive densities. First, the 2020-2045 SCAG RTP/SCS identifies that the Project Site is located within the following PGAs according to: Job Center per Figure 3.6; TPA per Figure 3.7; HQTA per Figure 3.8; Neighborhood Mobility Area per Figure 3.9; and Livable Corridor per Figure 3.10. Second, nothing in the 2020-2045 SCAG RTP/SCS *requires* that projects within these PGAs provide context sensitive densities to qualify as within a PGA. In discussing HQTA's the RTP/SCS only states that "[a]ctive transportation and new developments *should* be context-sensitive, responding to the existing physical conditions of the surrounding area. Sensitively designed [Transit-Oriented Developments] *can* preserve existing development patterns and neighborhood character while providing a balance of modal and housing choices."[6] However, to actually qualify as a

---

[4] See Section 3 and Section 5 of the Project SCEA.
[5] Gov. Code § 14522.1(b)(2)(J); Gov. Code § 65080(b)(2)(K); *Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698, 723.
[6] SCAG RTP/SCS, p. 51.

HQTA, a site must only be located within one half mile of an existing or planned fixed guideway transit stop or a bus transit corridor where buses pick up passengers at a frequency of every 15 minutes (or less) during peak commuting hours. The Project satisfies this criteria due to its proximity to light rail and multiple bus lines as noted in the SCEA and its technical appendices. Finally, there is nothing to suggest the Project is not "context sensitive." The Project Site is 100 percent consistent with the City's zoning and the Transit Oriented Communities ("TOC") Program, which is specifically designed to promote increased density near transit. The Project is a high-rise with ground floor commercial uses to activate the street level along a major commercial corridor outside of the South Carthay Historic Preservation Overlay Zone ("HPOZ"). The Project SCEA contains substantial evidence that the Project would not create a direct or indirect impact on the neighboring historic district and would mitigate all other environmental impacts as well. None of the other PGAs which support the Project's consistency with the SCAG RTP/SCS general use designation, density and building intensity (i.e, Job Center, TPA, Neighborhood Mobility Area and Livable Corridor) mention context sensitive densities. Therefore, contrary to the Friends of South Carthay Letter allegation, the SCEA demonstrates the Project is consistent with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies.

III. The Project is exempt from analysis of aesthetic impacts and would not result in significant historic or aesthetic impacts.

Residential and mixed use infill developments located in TPAs such as the Project are exempt from aesthetic impacts (including shade/shadow impacts) under Senate Bill ("SB") 743.[7] However, SB 743 specifies that the general exemption for aesthetic impacts does not extend to impacts to historic resources. The Previous Friends of South Carthay Letter argued that the Project cannot utilize the SB 743 exemption because shading and shadows cast by the Project would result in an impact to the neighboring HPOZ. Our firm's response included expert evidence from Jenna Snow, a reputable historic consultant, demonstrating that the Project would not impact the adjacent historic resource because the building's shade and shadows would not negate any of the HPOZ's character defining features or render the HPOZ ineligible for historic designation.

The Friends of South Cathay Letter now claims that the Project's shade and shadows would be purely an aesthetic impact, and that general Appendix G language and the City's 2006 CEQA shade shadow thresholds must therefore apply. This is entirely inconsistent with SB 743 which clearly exempts residential/mixed-use projects in TPAs from shade shadow analysis – unless the Project's shading would impact a historic resource, which the record clearly demonstrates it would not. Mere proximity to a historic resource – without actually creating an impact – does not waive the SB 743 statutory protection which in this case renders the Project's aesthetic impacts (including shade shadow impacts) less than significant as a matter of law. The Friends of South Carthay Letter's reference to the Sportsmen's Lodge Project (another SCEA pending in the City) is not analogous or relevant given that particular development does not rely on SB 743 to exempt aesthetic impacts, and as a result, that SCEA includes a more detailed shade shadow analysis based on the City's 2006 Thresholds.

The Friends of South Carthay Letter also curiously cites Wilshire Community Plan Goal 5, which promotes open space and recreational areas, to suggest that shade shadow impacts must be evaluated notwithstanding SB 743. Goal 5 is not a land use regulation that requires a shade shadow analysis. In

[7] Gov. Code § 21099.

fact, Goal 5 does not even mention shading or shadows (unlike other City land use regulations such as some Specific Plans, not applicable at the Project Site). Instead, Goal 5 includes four distinct policies all which promote open space and recreational areas. For example, Policy 5.1.4 states:

> 5-1.4 Unused or underutilized public lands should be considered for open space and recreational purposes. Program:
>
> ***Encourage the development of Neighborhood Parks and Pocket Parks along public right-of-ways and vacant public parcels.*** (Emphasis added).

The Project directly promotes this policy of Goal 5 by including a purely ***voluntary*** publicly accessible pocket park at the ground level. In fact, is the very proposed tower configuration and Project site planning, which concentrates the Project's floor area in a taller building rather than spreading the building mass across the entire Project Site, thus allowing public open space to be provided at the ground floor in furtherance of Goal 5. The Project is both consistent with this Goal, as well as the vast majority of other plan and policy goals as outlined in the Project SCEA, and in no way does this Goal 5 override SB 743's exemption of the Project's aesthetic and shade shadow impacts.

IV. The Project SCEA was available on the City's website.

Despite the Friends of South Carthay Letter's allegations to the contrary, the City properly circulated the Project SCEA for a full 30-day public comment period pursuant to Pub. Res. Code Section 21092. The video linked in the attachment to this letter (**Attachment A**) clearly demonstrates that the link on the City's website provides the Project SCEA and all associated documents in a readily accessible format. This video demonstrates the ease of access to the Project SCEA and all associated documents, requiring just a few clicks. The Friends of South Carthay Letter's allegations of an "endless loop between the City's SCEA page and the NOA" is simply inaccurate.

V. There was no prejudicial lack of notice as made apparent by the submittal of the Friends of South Carthay Letter.

The Friends of South Carthay Letter argues that the City's failure to provide notice to the Channel Law Group violates the Friends of South Carthay's due process rights. However, the Friends of South Carthay Letter clearly received notice of the hearing as demonstrated by its second comment letter on the Project. Further, members of the Channel Law Group's client, the Friends of South Carthay (who are comprised of South Carthay neighbors), received notice by virtue of being adjacent to the Project, and also submitted additional comments on the Project. Finally, the Channel Law Group was aware of the Council File Number for the Project and, as experienced land use counsel in the City, is aware (or should be aware) of the City's Council File System, which provides documentation for projects being considered by the City Council. Finally, the responses in our Previous Project Response Letter do not introduce substantial new information, but instead clarify what was already stated in the Project SCEA. Therefore, the Channel Law Group was not prejudicially deprived of an opportunity to respond to newly presented information.

VI. The City Council has adequately considered public comments on the Project SCEA.

The Friends of South Carthay Letter argues that the PLUM Committee failed to consider and review the comments prior to recommending approval to the City Council and argues a staff report should have been prepared. First, there is no requirement in the SCEA statute or otherwise that City staff prepare a staff report for a SCEA. Staff presented the SCEA at the PLUM hearing as is customary. Second, all of the public comments submitted in connection with the Project SCEA, including the Previous Project Response Letter, have been available as part of the public record for weeks in the City Council File. Finally, as evidence that the public comments were considered during the PLUM Committee hearing, the Committee made a specific recommendation to revise a Project design feature in response to public comments. Specifically, a letter from the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") dated November 1, 2022 alleges (without substantial evidence to support) that the Project would result in potential impacts associated with the construction haul route due to the alleged failure of the Project SCEA to identify the route. The Project SCEA did in fact assume a specific haul route and the PLUM Committee – in response to this comment – made the recommendation to revise PDF-TRANS-1 to clarify the Construction Traffic Management Plan's haul route assumed in the Project SCEA analysis (underlined text are additions):

> **PDF-Trans-1**: Prepare a haul truck route program that specifies the construction truck routes to and from the Project site <u>that minimizes travel on local streets. Construction trucks would take the most direct route and travel along La Cienega Boulevard between the Project Site and the I-10 ramps</u>.

These revisions are evidence that that PLUM Committee considered and reviewed the public comments and even modified the recommendation to the full Council in response to those comments.

VII. The Project SCEA can be properly considered prior to the underlying Project entitlements.

The Friends of South Carthay Letter challenges the approval of the SCEA by the City Council prior to and separate from the Project entitlements as a violation of CEQA. However, nothing in the SCEA Statute requires that a SCEA be approved at the same time by the same decision-makers as the underlying project approvals. In fact, if anything, CEQA requires that environmental review precede project approval.[8] The SCEA Statute requires that the CEQA document be approved by either the jurisdictions legislative body or a Planning Commission. Here the Project SCEA is properly being considered by the City Council (i.e., the City's legislative body) before the Director of Planning acts on the Project's TOC and Site Plan Review entitlements. This approval sequencing ensures a proper CEQA clearance – consistent with the SCEA's statutory requirements – for the Planning staff to utilize and rely on before any discretionary actions are considered or approved as required by CEQA.

VIII. The PLUM Committee, a committee of the City Council, is authorized to hold public hearings on SCEAs.

The Friends of South Carthay Letter argues that either the City Council or the Planning Commission must hold the required public hearing to consider SCEAs pursuant to Pub. Res. Code Section 21155.2(b)(6), but not the PLUM Committee of the City Council. Nothing in Pub. Res. Code Section

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[8] *POET, LLC v. California Air Resources Board* (2013) 217 Cal.App.4th 1214; CEQA Guidelines, § 15004(a).

21155.2 nor the City's Municipal Code prohibits a committee of the City Council from holding the required public hearing to consider a SCEA. This is obviously a standard procedure for legislative bodies of large cities such as Los Angeles. Therefore, the public hearing held by the PLUM Committee on November 1, 2022 fulfills the statutory obligation that a SCEA be considered by the legislative body at a public hearing.

***

The Project SCEA was prepared in full accordance with the requirements of CEQA and we therefore respectfully request that the City Council adopt the SCEA and allow the Project to move forward with the entitlement process.

Sincerely,

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

DR:smd
cc: Oliver Netburn, City Planning (Oliver.Netburn@lacity.org)
Dylan Sittig, Council District 5 (Dylan.sittig@lacity.org)

EXHIBIT A

1050 La Cienega Boulevard Proje

planning.lacity.org/development-services/environmental-review/scea/1050-la-cienega-boulevard-project

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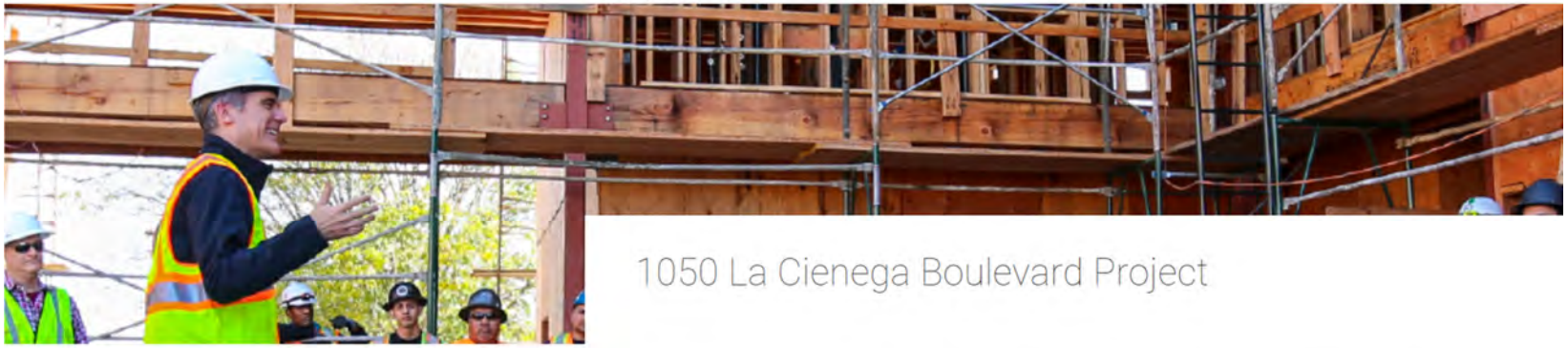

1050 La Cienega Boulevard Project

Case Number: *ENV-2022-2280-SCEA*
Related Case Number: *DIR-2022-2279-TOC-SPR-VHCA*
Project Location: *1022, 1024, 1028, 1034, 1036, 1038, 1044, 1048, 1054, 1056, 1060, 1066 S. La Cienega Boulevard, Los Angeles, CA 90035*
Council District: *5 - Koretz*
Community Plan Areas: *Wilshire*

Link to SCEA

PROJECT DOCUMENTS: SCEA with Appendices

Project Description: The Project would construct a mixed-use development with 290 residential units (36 studio units, 158 1-bedroom units, and 96 2-bedroom units) and 7,500 square feet of restaurant commercial use in a 28-story, 297,690-square-foot building. The Project would include a total of 426 vehicle parking spaces, 184 bicycle parking spaces (164 long term and 20 short term), and 54,540 square feet of open space, as well as an approximately 4,500 square-foot publicly accessible pocket park located at the northern portion of the Project Site

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS: Pursuant to PRC Section 21155.2 a Project evaluated as a SCEA shall not have significant and unavoidable impacts. Based on the analysis included in the SCEA, the Project would not result in significant and unavoidable impacts. All potential impacts would be less than significant or mitigated to less-than-significant levels. Further, pursuant to PRC Section 21155.2(b), the SCEA has considered all possible impacts and incorporated Mitigation Measures for the following impact areas: Cultural Resources, Geology and Soils, Hazardous Materials, and Noise.

FILE REVIEW AND COMMENTS:

Coronavirus (COVID-19) Update

Los Angeles City Planning recognizes the unprecedented nature of COVID-19, and having been identified as an essential City service, continues to work and respond to all inquiries pertaining to our ongoing efforts to process entitlement applications and study updates to our community plans and citywide policies.

The SCEA is available online at Los Angeles City Planning's website at https://planning.lacity.org/development-

https://planning.lacity.org/development-services/environmental-review/scea/1050-la-cienega-boulevard-project-0

1050 La Cienega Boulevard Proj... | 1050 La Cienega Boulevard Proj...

planning.lacity.org/development-services/environmental-review/scea/1050-la-cienega-boulevard-project-0

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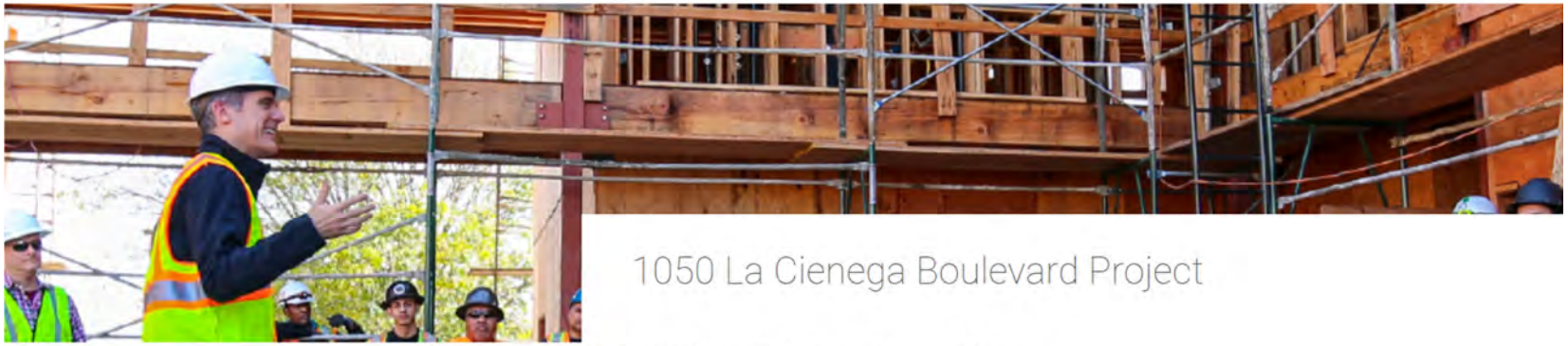

1050 La Cienega Boulevard Project

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Appendices:

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Available on the App Store

Link to video:

https://carmelpartners.sharefile.com/d-s463be021967a4e359cfb306fd7b72fc4

Communication from Public

Name:	Dave Rand
Date Submitted:	11/22/2022 08:46 AM
Council File No:	22-1098
Comments for Public Posting:	Please see supplemental responses to objections raised by Friends of South Carthay in a letter dated November 21, 2022 in connection with the Sustainable Communities Environmental Assessment (SCEA) for the proposed mixed use project at 1022-1066 La Cienega (ENV-2022-2280-SCEA; CF# 22-1098).

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November 22, 2022

VIA E-MAIL

Los Angeles City Council
c/o City Clerk
200 N Spring Street, Suite 415
Los Angeles, CA 90012

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[1] Pub. Res. Code § 21000 *et seq*.
[2] 14 C.C.R. § 15000 *et seq*.
[3] Unlike mitigated negative declarations, which are subject to the less deferential "fair argument" standard, SCEAs are subject to the highly deferential "substantial evidence" standard. (*Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698, 722 ["We review the City's decision to analyze and approve a transit priority project through an SCEA under the substantial evidence standard. (Pub. Resources Code, § 21155.2, subd. (b)(7).) We do not exercise our independent judgment on the evidence but only determine whether the agency's decision is supported by substantial evidence considering the whole record. (Pub. Resources Code, § 21168.]")

Land Use Management ("PLUM") Committee of the City Council recommended approval of the Project to the full City Council.

This letter responds to new comments made by the Channel Law Group on behalf of Friends of South Carthay in a letter dated November 21, 2022 ("Friends of South Carthay Letter"), which was submitted to the City only hours before the Project is to be considered by this Council. Our previous response letter dated November 1, 2022 ("Previous Project Response Letter") adequately responds to comments and refutes allegations contained in the letter previously submitted by the Channel Law Group on behalf of the Friends of South Carthay on October 21, 2022 ("Previous Friends of South Carthay Letter"). Further, as mentioned in our Previous Project Response Letter, although the Friends of South Carthay Letters include technical assertions that the Project would result in significant environmental impacts, they provide no technical analysis prepared by a qualified expert. In contrast, the Project SCEA is supported by technical analyses prepared by dozens of qualified experts, which are contained in the incorporated appendices. Additionally, expert supplemental reports and analyses have been prepared and submitted in response to the historic, traffic, air quality/health risk assessment, hazards and noise related comments on the Project SCEA, and have been submitted to administrative record prior to today's City Council hearing.

As demonstrated in the Project SCEA and responses to comments, including this letter, the Project SCEA was prepared in full accordance with the requirements of CEQA and we therefore respectfully request that the City Council adopt the Project SCEA and allow the Project to move forward with the entitlement process.

I. The Friends of South Carthay Letter cites to inapplicable and irrelevant statutory requirements for a Sustainable Communities Project Exemption under Pub. Res. Code Section 21155.1.

The Friends of South Carthay Letter states: "[T]he proposed Project is not eligible for use of an Sustainable Communities Exemption in part because the Project contains too many residential units, **is not** 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations and the buildings and landscaping are **not** designed to achieve 25 percent less water usage than the average household use in the region... A SCEA or EIR is therefore required for the proposed Project" (emphasis original).

However, the Friends of South Carthay Letter confuses the statutory requirements for a Sustainable Communities Project Exemption ("SCPE") pursuant to Pub. Res. Code Section 21155.1, for those of a SCEA. A SCPE is a full CEQA exemption and therefore increased environmental measures and a cap of 200 units are baked into the statutory criteria for qualification. The SCEA, authorized by Pub. Res. Code Section 21155.2 on the other hand, offers streamlined CEQA analysis but not a full exemption, and does not contain either a unit cap (200 units or otherwise) or a requirement that the Project's buildings be 15 percent more energy efficient than required by Chapter 6 of Title 24 of the California Code of Regulations or 25 percent more water efficient than the average household use in the region. Accordingly, the standards referenced by the Friends of South Carthay Letter are irrelevant to a SCEA and the Project.

II. The Project is consistent with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies specified for the Project area.

The Friends of South Carthay Letter reiterates its previous allegations about the Project being inconsistent with the 2020-2045 SCAG RTP/SCS due to inconsistent growth assumptions underlying that document and the City's 2021-2029 Housing Element. The Friends of South Carthay Letter continues to confuse and conflate Senate Bill 375 and state law governing the RTP/SCS.

The Project SCEA demonstrates with substantial evidence that the Project is consistent with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies for the Project area.[4] The Project Site and surrounding area are located within the following identified Priority Growth Areas ("PGAs") within the SCAG 2020-2045 RTP/SCS: Job Center, Transit Priority Area ("TPA"), High Quality Transit Area ("HQTA"), Neighborhood Mobility Area, and Livable Corridor. As discussed in exhaustive detail in the Project SCEA, the Project's 290 housing units, including 29 units affordable to extremely low income households, would contribute to the SCAG 2020-2045 RTP/SCS's regional planning goals to reduce GHG emissions by concentrating growth in identified PGAs. Further, the increase in housing units and population associated with the Project was assumed and adequately accounted for in both the 2020-2045 SCAG RTP/SCS and the City's 2021-2029 Housing Element. In other words, the Project's 290 new units and associated population increase – near transit and job - is consistent with the 486,379 new units assumed for the City between 2021 and 2029 under the City's Housing Element and the 426,000 new units assumed for the City between 2016 and 2045 under the SCAG 2020-2045 RTP/SCS. The comments in the Friends of South Carthay Letter provides no evidence that the City has approved more units than that assumed in the 2020-2045 SCAG RTP/SCS (i.e., 426,000) since 2016. The fact that the recently revised 2021-2029 Housing Element assumes more growth than the 2020-2045 SCAG RTP/SCS does not make the Project's housing units concentrated in various PGAs inconsistent with the SCAG RTP/SCS. Instead, it merely indicates that the next update to the SCAG RTP/SCS will assume greater increases in units and population for the City as the SCAG RTP/SCS assumptions are based on local zoning and other considerations contained in local housing elements.[5]

Finally, in arguing that the Project does not meet the definitions of a HQTA and or a Livable Corridor because it does not provide context sensitive densities, the Friends of South Carthay Letter 1) ignores the fact that the Project Site is unambiguously located within these areas as shown on the maps contained with the 2020-2045 SCAG RTP/SCS, 2) confuses aspirational goals with mandatory ones, and 3) provides no evidence that the Project does not provide context sensitive densities. First, the 2020-2045 SCAG RTP/SCS identifies that the Project Site is located within the following PGAs according to: Job Center per Figure 3.6; TPA per Figure 3.7; HQTA per Figure 3.8; Neighborhood Mobility Area per Figure 3.9; and Livable Corridor per Figure 3.10. Second, nothing in the 2020-2045 SCAG RTP/SCS *requires* that projects within these PGAs provide context sensitive densities to qualify as within a PGA. In discussing HQTA's the RTP/SCS only states that "[a]ctive transportation and new developments *should* be context-sensitive, responding to the existing physical conditions of the surrounding area. Sensitively designed [Transit-Oriented Developments] *can* preserve existing development patterns and neighborhood character while providing a balance of modal and housing choices."[6] However, to actually qualify as a

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[4] See Section 3 and Section 5 of the Project SCEA.
[5] Gov. Code § 14522.1(b)(2)(J); Gov. Code § 65080(b)(2)(K); *Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698, 723.
[6] SCAG RTP/SCS, p. 51.

HQTA, a site must only be located within one half mile of an existing or planned fixed guideway transit stop or a bus transit corridor where buses pick up passengers at a frequency of every 15 minutes (or less) during peak commuting hours. The Project satisfies this criteria due to its proximity to light rail and multiple bus lines as noted in the SCEA and its technical appendices. Finally, there is nothing to suggest the Project is not "context sensitive." The Project Site is 100 percent consistent with the City's zoning and the Transit Oriented Communities ("TOC") Program, which is specifically designed to promote increased density near transit. The Project is a high-rise with ground floor commercial uses to activate the street level along a major commercial corridor outside of the South Carthay Historic Preservation Overlay Zone ("HPOZ"). The Project SCEA contains substantial evidence that the Project would not create a direct or indirect impact on the neighboring historic district and would mitigate all other environmental impacts as well. None of the other PGAs which support the Project's consistency with the SCAG RTP/SCS general use designation, density and building intensity (i.e, Job Center, TPA, Neighborhood Mobility Area and Livable Corridor) mention context sensitive densities. Therefore, contrary to the Friends of South Carthay Letter allegation, the SCEA demonstrates the Project is consistent with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies.

III. The Project is exempt from analysis of aesthetic impacts and would not result in significant historic or aesthetic impacts.

Residential and mixed use infill developments located in TPAs such as the Project are exempt from aesthetic impacts (including shade/shadow impacts) under Senate Bill ("SB") 743.[7] However, SB 743 specifies that the general exemption for aesthetic impacts does not extend to impacts to historic resources. The Previous Friends of South Carthay Letter argued that the Project cannot utilize the SB 743 exemption because shading and shadows cast by the Project would result in an impact to the neighboring HPOZ. Our firm's response included expert evidence from Jenna Snow, a reputable historic consultant, demonstrating that the Project would not impact the adjacent historic resource because the building's shade and shadows would not negate any of the HPOZ's character defining features or render the HPOZ ineligible for historic designation.

The Friends of South Cathay Letter now claims that the Project's shade and shadows would be purely an aesthetic impact, and that general Appendix G language and the City's 2006 CEQA shade shadow thresholds must therefore apply. This is entirely inconsistent with SB 743 which clearly exempts residential/mixed-use projects in TPAs from shade shadow analysis – unless the Project's shading would impact a historic resource, which the record clearly demonstrates it would not. Mere proximity to a historic resource – without actually creating an impact – does not waive the SB 743 statutory protection which in this case renders the Project's aesthetic impacts (including shade shadow impacts) less than significant as a matter of law. The Friends of South Carthay Letter's reference to the Sportsmen's Lodge Project (another SCEA pending in the City) is not analogous or relevant given that particular development does not rely on SB 743 to exempt aesthetic impacts, and as a result, that SCEA includes a more detailed shade shadow analysis based on the City's 2006 Thresholds.

The Friends of South Carthay Letter also curiously cites Wilshire Community Plan Goal 5, which promotes open space and recreational areas, to suggest that shade shadow impacts must be evaluated notwithstanding SB 743. Goal 5 is not a land use regulation that requires a shade shadow analysis. In

[7] Gov. Code § 21099.

fact, Goal 5 does not even mention shading or shadows (unlike other City land use regulations such as some Specific Plans, not applicable at the Project Site). Instead, Goal 5 includes four distinct policies all which promote open space and recreational areas. For example, Policy 5.1.4 states:

> 5-1.4 Unused or underutilized public lands should be considered for open space and recreational purposes. Program:
>
> ***Encourage the development of Neighborhood Parks and Pocket Parks along public right-of-ways and vacant public parcels.*** (Emphasis added).

The Project directly promotes this policy of Goal 5 by including a purely ***voluntary*** publicly accessible pocket park at the ground level. In fact, is the very proposed tower configuration and Project site planning, which concentrates the Project's floor area in a taller building rather than spreading the building mass across the entire Project Site, thus allowing public open space to be provided at the ground floor in furtherance of Goal 5. The Project is both consistent with this Goal, as well as the vast majority of other plan and policy goals as outlined in the Project SCEA, and in no way does this Goal 5 override SB 743's exemption of the Project's aesthetic and shade shadow impacts.

IV. The Project SCEA was available on the City's website.

Despite the Friends of South Carthay Letter's allegations to the contrary, the City properly circulated the Project SCEA for a full 30-day public comment period pursuant to Pub. Res. Code Section 21092. The video linked in the attachment to this letter (**Attachment A**) clearly demonstrates that the link on the City's website provides the Project SCEA and all associated documents in a readily accessible format. This video demonstrates the ease of access to the Project SCEA and all associated documents, requiring just a few clicks. The Friends of South Carthay Letter's allegations of an "endless loop between the City's SCEA page and the NOA" is simply inaccurate.

V. There was no prejudicial lack of notice as made apparent by the submittal of the Friends of South Carthay Letter.

The Friends of South Carthay Letter argues that the City's failure to provide notice to the Channel Law Group violates the Friends of South Carthay's due process rights. However, the Friends of South Carthay Letter clearly received notice of the hearing as demonstrated by its second comment letter on the Project. Further, members of the Channel Law Group's client, the Friends of South Carthay (who are comprised of South Carthay neighbors), received notice by virtue of being adjacent to the Project, and also submitted additional comments on the Project. Finally, the Channel Law Group was aware of the Council File Number for the Project and, as experienced land use counsel in the City, is aware (or should be aware) of the City's Council File System, which provides documentation for projects being considered by the City Council. Finally, the responses in our Previous Project Response Letter do not introduce substantial new information, but instead clarify what was already stated in the Project SCEA. Therefore, the Channel Law Group was not prejudicially deprived of an opportunity to respond to newly presented information.

VI. The City Council has adequately considered public comments on the Project SCEA.

The Friends of South Carthay Letter argues that the PLUM Committee failed to consider and review the comments prior to recommending approval to the City Council and argues a staff report should have been prepared. First, there is no requirement in the SCEA statute or otherwise that City staff prepare a staff report for a SCEA. Staff presented the SCEA at the PLUM hearing as is customary. Second, all of the public comments submitted in connection with the Project SCEA, including the Previous Project Response Letter, have been available as part of the public record for weeks in the City Council File. Finally, as evidence that the public comments were considered during the PLUM Committee hearing, the Committee made a specific recommendation to revise a Project design feature in response to public comments. Specifically, a letter from the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") dated November 1, 2022 alleges (without substantial evidence to support) that the Project would result in potential impacts associated with the construction haul route due to the alleged failure of the Project SCEA to identify the route. The Project SCEA did in fact assume a specific haul route and the PLUM Committee – in response to this comment – made the recommendation to revise PDF-TRANS-1 to clarify the Construction Traffic Management Plan's haul route assumed in the Project SCEA analysis (underlined text are additions):

> **PDF-Trans-1**: Prepare a haul truck route program that specifies the construction truck routes to and from the Project site <u>that minimizes travel on local streets. Construction trucks would take the most direct route and travel along La Cienega Boulevard between the Project Site and the I-10 ramps</u>.

These revisions are evidence that that PLUM Committee considered and reviewed the public comments and even modified the recommendation to the full Council in response to those comments.

VII. The Project SCEA can be properly considered prior to the underlying Project entitlements.

The Friends of South Carthay Letter challenges the approval of the SCEA by the City Council prior to and separate from the Project entitlements as a violation of CEQA. However, nothing in the SCEA Statute requires that a SCEA be approved at the same time by the same decision-makers as the underlying project approvals. In fact, if anything, CEQA requires that environmental review precede project approval.[8] The SCEA Statute requires that the CEQA document be approved by either the jurisdictions legislative body or a Planning Commission. Here the Project SCEA is properly being considered by the City Council (i.e., the City's legislative body) before the Director of Planning acts on the Project's TOC and Site Plan Review entitlements. This approval sequencing ensures a proper CEQA clearance – consistent with the SCEA's statutory requirements – for the Planning staff to utilize and rely on before any discretionary actions are considered or approved as required by CEQA.

VIII. The PLUM Committee, a committee of the City Council, is authorized to hold public hearings on SCEAs.

The Friends of South Carthay Letter argues that either the City Council or the Planning Commission must hold the required public hearing to consider SCEAs pursuant to Pub. Res. Code Section 21155.2(b)(6), but not the PLUM Committee of the City Council. Nothing in Pub. Res. Code Section

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[8] *POET, LLC v. California Air Resources Board* (2013) 217 Cal.App.4th 1214; CEQA Guidelines, § 15004(a).

21155.2 nor the City's Municipal Code prohibits a committee of the City Council from holding the required public hearing to consider a SCEA. This is obviously a standard procedure for legislative bodies of large cities such as Los Angeles. Therefore, the public hearing held by the PLUM Committee on November 1, 2022 fulfills the statutory obligation that a SCEA be considered by the legislative body at a public hearing.

***

The Project SCEA was prepared in full accordance with the requirements of CEQA and we therefore respectfully request that the City Council adopt the SCEA and allow the Project to move forward with the entitlement process.

Sincerely,

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

DR:smd
cc: Oliver Netburn, City Planning (Oliver.Netburn@lacity.org)
Dylan Sittig, Council District 5 (Dylan.sittig@lacity.org)

EXHIBIT A

1050 La Cienega Boulevard Proje

planning.lacity.org/development-services/environmental-review/scea/1050-la-cienega-boulevard-project

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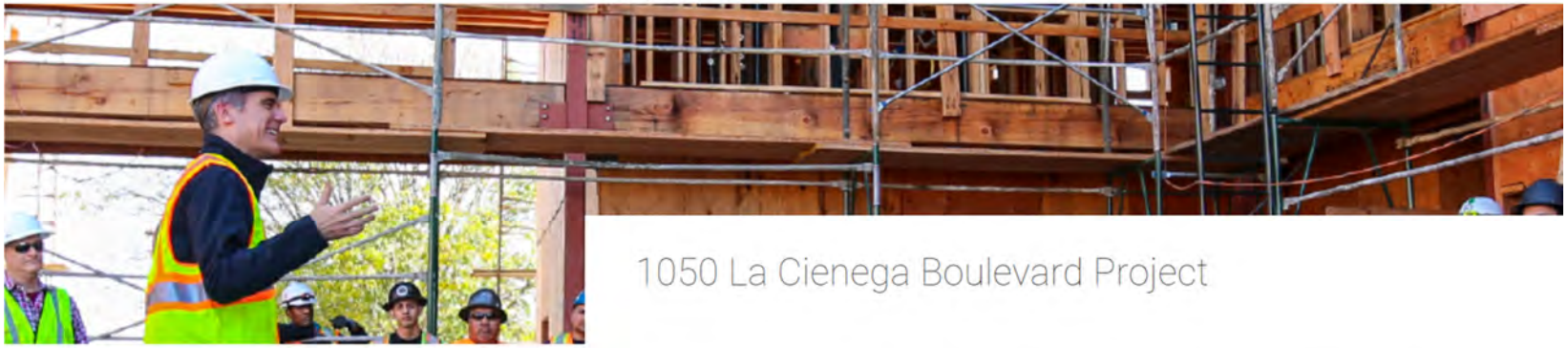

1050 La Cienega Boulevard Project

Case Number: *ENV-2022-2280-SCEA*
Related Case Number: *DIR-2022-2279-TOC-SPR-VHCA*
Project Location: *1022, 1024, 1028, 1034, 1036, 1038, 1044, 1048, 1054, 1056, 1060, 1066 S. La Cienega Boulevard, Los Angeles, CA 90035*
Council District: *5 - Koretz*
Community Plan Areas: *Wilshire*

Link to SCEA

PROJECT DOCUMENTS: SCEA with Appendices

Project Description: The Project would construct a mixed-use development with 290 residential units (36 studio units, 158 1-bedroom units, and 96 2-bedroom units) and 7,500 square feet of restaurant commercial use in a 28-story, 297,690-square-foot building. The Project would include a total of 426 vehicle parking spaces, 184 bicycle parking spaces (164 long term and 20 short term), and 54,540 square feet of open space, as well as an approximately 4,500 square-foot publicly accessible pocket park located at the northern portion of the Project Site

ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS: Pursuant to PRC Section 21155.2 a Project evaluated as a SCEA shall not have significant and unavoidable impacts. Based on the analysis included in the SCEA, the Project would not result in significant and unavoidable impacts. All potential impacts would be less than significant or mitigated to less-than-significant levels. Further, pursuant to PRC Section 21155.2(b), the SCEA has considered all possible impacts and incorporated Mitigation Measures for the following impact areas: Cultural Resources, Geology and Soils, Hazardous Materials, and Noise.

FILE REVIEW AND COMMENTS:

Coronavirus (COVID-19) Update

Los Angeles City Planning recognizes the unprecedented nature of COVID-19, and having been identified as an essential City service, continues to work and respond to all inquiries pertaining to our ongoing efforts to process entitlement applications and study updates to our community plans and citywide policies.

The SCEA is available online at Los Angeles City Planning's website at https://planning.lacity.org/development-

https://planning.lacity.org/development-services/environmental-review/scea/1050-la-cienega-boulevard-project-0

1050 La Cienega Boulevard Proj... | 1050 La Cienega Boulevard Proj...

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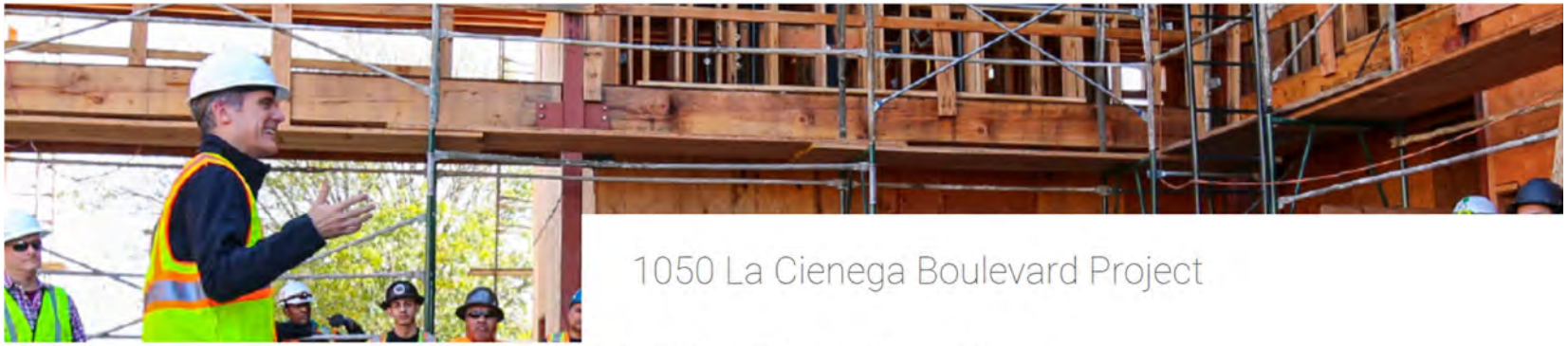

1050 La Cienega Boulevard Project

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