Communication from Public

Name:	Dave Rand
Date Submitted:	11/01/2022 11:32 AM
Council File No:	22-1098
Comments for Public Posting:	Please see project applicant's 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 1, 2022

Planning and Land Use Management Committee
Los Angeles City Council
200 N Spring Street
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clerk.plumcommittee@lacity.org

Re: Response to 1022-1066 La Cienega Sustainable Communities Environmental Assessment ("SCEA"); ENV-2022-2280-SCEA ; City Council File No. 22-1098

Dear Honorable Chair Harris-Dawson and Committee Members:

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 is 100 percent compliant with the General Plan and zoning regulations and utilizes the City's Transit Oriented Communities ("TOC") Program to permissibly achieve increased floor area ratio and density.

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). 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

[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.]")

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.

This letter primarily responds to various comments made by the Channel Law Group, representing Friends of South Carthay, in a letter dated October 21, 2022 ("Friends of South Carthay Letter") and Adams Broadwell Joseph & Cardozo representing the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") in a letter dated October 21, 2022 ("CREED LA Letter"). We note as a preliminary matter that although the Friends of South Carthay Letter includes technical assertions that the Project would result in significant environmental impacts, it provides no technical analysis prepared by a qualified expert. In contrast, the Project SCEA is supported by technical analyses prepared by dozens of qualified experts and contained in the incorporated appendices. Additionally, expert supplemental reports and analyses have been prepared and are attached as exhibits to this letter in response to the historic, traffic, air quality/health risk assessment, hazards and noise related comments provided by the Friends of South Carthay Letter and CREED LA Letter. CAJA Environmental Services, LLC has also submitted a response to comments matrix that identifies responses to all comments submitted about the Project and Project SCEA, beyond the Friends of South Carthay Letter and CREED LA Letter (see **Exhibit A**, CAJA Response to Comments Matrix). However, we are still reviewing the approximately 2,000 pages of comments provided to us by the City on Thursday, October 27, and accordingly reserve the right to supplement and augment these responses as appropriate before the City Council's consideration of the Project.

I. 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 alleges that the Project is not consistent with the SCAG 2020-2045 RTP/SCS, and therefore an Environmental Impact Report ("EIR") as opposed to a SCEA must be prepared. First, the Friends of South Carthay Letter curiously argues that **no** project within the City that adds even a single additional unit can qualify as a TPP (and therefore no such project could rely on a SCEA for CEQA compliance) because "the City's adopted Housing Element will result in growth in excess of that analyzed in the RTP/SCS." Second, the Friends of South Carthay Letter baselessly asserts that the Project is inconsistent with various SCAG 2020-2045 RTP/SCS policies. As discussed in detail below, these arguments reveal a fundamental misunderstanding of both the RTP/SCS's role relative to local land use controls and the applicable standard of review for the City's RTP/SCS SCEA consistency determination.

The Project SCEA includes a detailed discussion of the Project's consistency with the SCAG 2020-2045 RTP/SCS general use designation, density, building intensity, and applicable policies for the Project area in Section 3 (SCEA Criteria and Transit Priority Project Consistency Analysis) and Section 5.VIII (Greenhouse Gas ["GHG"] Emissions). The Project Site and surrounding area is 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, Neighborhood Mobility Area, and Livable Corridor. The SCAG 2020-2045 RTP/SCS encourages compact development and concentration of density in these PGAs to reduce travel distances, increase mobility options, improve access to workplaces, reduce GHG emissions, and conserve the region's resource areas. While these areas account for only four percent of the region's total land area, with the implementation of SCAG's growth strategies they will accommodate an estimated 64 percent of forecasted household growth and 74 percent of forecasted employment

growth between 2020 and 2045. 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, and would be substantially consistent with the general use designation, density, and building intensity identified in the 2020-2045 RTP/SCS for the area in which the Project Site is located.

The Friends of South Carthay Letter's assertion that the City may not utilize a SCEA to achieve the type of CEQA streamlining encouraged by Senate Bill 375 because the City's recently adopted Housing Element anticipates more growth than the RTP/SCS is backwards, contrary to state housing policy that encourages housing production, and violates state housing laws.

First, under state law, General Plans, including Housing Elements, and other local jurisdictions' land use regulations inform the SCAG 2020-2045 RTP/SCS, not the other way around. Senate Bill ("SB") 375, which authorized the creation of RTP/SCSs, explicitly states that "[n]othing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region;" and that nothing in SB 375 "requires a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy."[4] The RTP/SCS's purpose is to establish a regional pattern of development, not a site-specific zoning ordinance."[5] In a recent case, *Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698 ("*Sacramentans for Fair Planning*"), where the plaintiff attempted to argue, much like the Friends of South Carthay Letter, that the increased density on the site at issue was not adequately covered by the applicable RTP/SCS, the court rejected such a narrow consistency evaluation noting that the RTP/SCS more broadly considered the effects of building over 300,000 new housing units in the six-county area, not just the 134 units proposed by the project at the site in question.[6] Here, consistent with the *Sacramentans for Fair Planning* holding, the City correctly determined consistency with the SCAG 2020-2045 RTP/SCS, not based upon a granular RTP/SCS site-specific evaluation, but rather based on: (1) the Project's ability to achieve the regional development pattern identified in the RTP/SCS through concentration of development within the PGAs and (2) consistency with the land use policies and objectives identified in Table 3-1 (Consistency with 2020-2045 RTP/SCS: Goals and Guiding Principles) of the Project SCEA.

Second, the City's Housing Element is required to accommodate all units allocated through the statewide Regional Housing Needs Assessment ("RHNA") process. Under the 6th RHNA Cycle spanning from 2021 to 2029, the City is required to accommodate 456,643 housing units,[7] and the Housing Element meets this requirement by planning for a total of 486,379 housing units for this Housing Element cycle. Accordingly, the argument that growth assumptions underlying the SCAG 2020-2045 RTP/SCS should control the scope of a Housing Element, let alone local land use decisions, not only violates SB 375, but also subverts state RHNA and Housing Element requirements.

Third, no matter the hierarchy of regional and local land use documents, the applicant's proposal to locate 290 residential units (including 29 extremely low income units) at the Site is consistent with both

[4] 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.
[5] *Id.*
[6] *Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698, 725.
[7] City Housing Element, Executive Summary, p. 19.

the 486,379 housing units assumed for the City between 2021 and 2029 under the City's Housing Element ***and*** the 426,000 housing units assumed for the City between 2016 and 2045 under the SCAG 2020-2045 RTP/SCS. The fact that these two growth projections are not precisely aligned does not change the fact that the Project, based on its location near transit, on a major corridor and in a PGA, is consistent with the general use designation, density, and building intensity identified in the 2020-2045 RTP/SCS for the Project Site.

Finally, the Friends of South Carthay Letter fails to meet the legal burden to overcome the City's substantial evidence presented in the Project SCEA regarding the Project's consistency with the SCAG 2020-2045 RTP/SCS. As noted, courts must review the City's decision to analyze and approve a TPP through a SCEA under the deferential substantial evidence standard.[8] They may not exercise their independent judgment on the evidence, but only determine whether the agency's decision is supported by substantial evidence considering the whole record.[9] The objecting party bears the burden of showing the City's findings are not supported by substantial evidence.[10] "[S]tate law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. [Citations.] Instead, a finding of consistency requires only that the proposed project be '*compatible* with the objectives, policies, general land uses, and programs specified in' the applicable plan. [Citation.] The courts have interpreted this provision as requiring that a project be ' "in agreement or harmony with" ' the terms of the applicable plan, not in rigid conformity with every detail thereof."[11] The essential question is whether the project is "compatible with" and "does not frustrate" the applicable goals and policies."[12] The Friends of South Carthay Letter does not – and could not – provide any evidence that the Project would frustrate the SCAG 2020-2045 RTP/SCS's goals and policies.

Therefore, the Friends of South Carthay Letter does not provide any evidence, let alone substantial evidence, to overcome the comprehensive consistency analysis provided in the Project SCEA that the Project is consistent with the SCAG 2020-2045 RTP/SC.

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

The Friends of South Carthay Letter alleges that the Project's height and tower configuration would result in impacts to historic resources due to shade and shadows cast on the adjacent South Carthay Historic Preservation Overlay Zone ("HPOZ"), yet cites to no expert historic opinion to support this conclusion. The Friends of South Carthay Letter confuses and conflates aesthetic versus historic impacts and seeks to create a new set of potential historic impacts that would only apply to TPPs predicated on inapplicable and outdated aesthetic impact thresholds.

TPPs and other transit-proximate projects are afforded certain streamlining benefits under CEQA, including an exemption from analyzing aesthetics and parking impacts, because they promote statewide

[8] Pub. Res. Code § 21155.2(b)(7).
[9] *Sacramentans for Fair Planning v. City of Sacramento* (2019) 37 Cal.App.5th 698, 722; Pub. Res. Code § 21168.
[10] *Id.*
[11] *Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 17-18; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678.
[12] *Id.*

land use and transportation goals. Under Senate Bill (SB) 743, aesthetic and parking impacts are not considered significant impacts on the environment for a mixed-use residential project on an infill site within a transit priority area ("TPA"), defined as an area within 0.5 miles of existing or planned major transit stop.[13] 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.

The Friends of South Carthay Letter misconstrues a provision of SB 743 that states "for the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources." This provision is solely intended to clarify that a TPP must still analyze potential direct and indirect impacts to the setting of historic resources that could affect historic designation eligibility. The Project SCEA and its historic resources technical report attached as Appendix D, prepared by Jenna Snow Historic Preservation Consulting, fully analyze whether the features of the Project, including its height and tower configuration, would impact the historic setting of the South Carthay HPOZ to the extent that the designation of the district would be compromised. Although the Project will introduce a new building visible throughout both South Carthay HPOZ and the Carthay Neighborhoods Historic District, the setting of these historic districts would nevertheless be retained. The high-rise Project would not materially impact any of the HPOZs' identified historic character-defining features, including the street pattern, setbacks, mature street trees, arrangement of single-family and multi-family residences, and period revival architectural styles. Thus, the South Carthay HPOZ and the Carthay Neighborhoods Historic District would remain eligible for designation after Project construction. The Project SCEA adequately and comprehensively provides substantial evidence in the form of a detailed expert historic analysis concluding that the Project would not result in any significant historic impacts.[14]

Furthermore, in response to the Friends of South Carthay Letter, Jenna Snow Historic Preservation Consulting has prepared the supplemental analysis attached as **Exhibit B**, Snow Response Letter ("Snow Response Letter"). The Snow Response Letter further concludes and reinforces that shading and shadows cast by the Project onto the nearby HPOZ would not result in any indirect impacts to the HPOZ's setting that would compromise any historic character-defining features and/or alter the district's eligibility as a historic resource.

It is also worth noting that the Friends of South Carthay Letter improperly applies outdated shade and shadow threshold criteria from the 2006 LA CEQA Thresholds Guide, which have been superseded by the most recent version of Appendix G of the CEQA Guidelines. Specifically, shade and shadow impacts used to be analyzed as part of a broader "visual character" analysis pursuant to a previous version of the Appendix G thresholds. However, in urban areas, such as the City and the Site, this more general "visual character" impact evaluation has been replaced with a more focused analysis of the Project's consistency with applicable zoning and other regulations governing scenic quality. Accordingly, urban projects, even

[13] Pub. Res. Code § 21099(d).
[14] Project SCEA, pp. 5-40 to 5-44; Project SCEA Appendix D.

those that do not qualify as TPPs, need not analyze shade and shadow impacts as part of a CEQA aesthetics analysis unless local zoning regulations specifically require it. The Project Site is not governed by any local land use plans or regulations (e.g., Specific Plan or HPOZ) that require a shade/shadow analysis. Therefore, an assessment of potential shade and shadow effects is not required by CEQA for the Project.

In conclusion, as demonstrated in the Project SCEA and the Snow Response Letter, the City correctly analyzed the potential indirect impacts to the setting of adjacent historic resources. Further, despite being exempt from such analysis, for informational purposes, the Project SCEA discusses and demonstrates that the Project would not result in any significant aesthetic impacts by conflicting with applicable zoning or other scenic quality related regulations.[15]

III. The Project identifies a haul route that will be utilized by the Project, and thus all associated impacts have been analyzed and no significant impacts would occur.

The CREED LA Letter alleges potential impacts associated with the construction haul route due to the failure to identify the route in the Project SCEA but provides no substantial evidence of such impacts. The Project SCEA assumes La Cienega Boulevard and the Santa Monica Freeway would serve as the construction haul route. The Project SCEA adequately analyzes impacts to sensitive receptors located across from the Project Site on La Cienega Boulevard, including Pressman Academy and Beverly Park Senior Apartments, which represent the most impacted sensitive receptors along the haul route. Specifically, the Project SCEA's off-site construction noise analysis assumed haul truck activity occurring along this haul route, and concludes that due to the existing ambient noise levels along the haul route, no significant impacts would occur.[16]

Notwithstanding the above, in response to the CREED LA Letter's concerns regarding haul route specificity, revisions to Project Design Feature PDF-Trans-1 have been made, which clarify the Construction Traffic Management Plan's haul route as follows (underlined text are additions):

> <u>PDF-Trans-1</u>: 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>.

Thus, the Project would be conditioned by the City under PDF-TRANS-1, which requires preparation of a detailed Construction Traffic Management Plan ("CTMP"). The CTMP outlines street closure information, detour plans, haul routes, and staging plans submitted to the City Department of Transportation ("DOT") for review and approval. Therefore, as demonstrated by the Project SCEA, the Project has committed to a specific haul route that is assumed in the Project SCEA, and substantial evidence has been provided demonstrating that the Project would not result in any significant impacts associated with construction hauling.

IV. The Project will comply with all applicable regulations to avoid or lessen potential hazard-related impacts, and thus would not result in significant impacts.

[15] Project SCEA, pp. 5-1 to 5-5.
[16] Project SCEA, p. 5-162.

Both the CREED LA Letter and the Friends of South Carthay Letter comment on the Project SCEA's hazardous impact analysis. The CREED LA Letter asserts that the Project SCEA fails to 1) adopt PMM HAZ-3, which is necessary to mitigate impacts from transport of hazardous materials; and 2) correlate the impacts from the Project's potential soil contamination impacts with the adverse health effects on workers, future residents, and surrounding community. Geosyntec Consultants, who prepared the Phase II Environmental Site Assessment ("ESA") [17], prepared a letter dated October 31, 2022 (attached as **Exhibit C**, Geosyntec Response Letter) that confirms the Phase II ESA determined that soil concentrations meet the criteria for non-hazardous waste through laboratory analytical testing. Accordingly, PMM HAZ-3 for the transportation of hazardous wastes is not applicable to the Project. Further, MM HAZ-1 requires the Project prepare a Soils Management Plan ("SMP") that would reduce potential community exposure to a less than significant risk classification. Therefore, the Project SCEA, which incorporates the Phase II ESA analysis, provides substantial evidence that the Project would not result in significant impacts related to transport of soil during Project construction.

The Friends of South Carthay Letter cites two recommendations in the Phase II ESA prepared for the Project[18]regarding oil well abandonment and design of the dewatering treatment system and argues they are unenforceable as mitigation measures. However, both recommendations are consistent with existing applicable regulatory measures and thus would be enforced through standard regulatory compliance. First, the Project SCEA states regarding the abandonment of the oil wells:

> On-Site Well Abandonment: Existing onsite monitoring wells and soil vapor probes should be properly destroyed prior to construction activities at the Site. Permits will need to be obtained from the Los Angeles Department of Public Health (LADPH) for the existing onsite wells MW-25, MW-25D, MW-25U, W-2, and W-5. This is a regulatory requirement and not a CEQA mitigation measure.[19]

The oil wells would be abandoned pursuant to all applicable local and state regulations, including Sections 57.5706.3.16.1 through 57.5706.3.16.4.3 of the LAMC and the requirement to obtain permits from the Los Angeles Department of Public Health. The Phase II confirms that the already applicable regulatory measures avoid potentially significant impacts.

Second, regarding dewatering, the Project SCEA incorporates Mitigation Measure HAZ-2, which requires:

> MM-HAZ-2 Dewatering Treatment System: Since building construction at the Site requires dewatering, a dewatering contractor shall be retained to design a treatment system to discharge to groundwater during construction pursuant to applicable Los Angeles Regional Water Quality Control Board requirements.

Under MM-HAZ-2, any dewatering treatment system needed for the Project would be designed to manage hydrocarbons and VOCs to meet limits for discharge (i.e., surface water or sanitary sewer) as required by local and state regulations.[20] Further, as noted in the Geosyntec Consultants letter (attached

[17] Project SCEA, Appendix F-2.
[18] Project SCEA, Appendix F-2.
[19] SCEA, p 5-113.
[20] SCEA, p 5-113.

as **Exhibit C**), the soil related impacts identified at the site will be handled during construction in accordance with a SMP, which will outline procedures to reduce public exposure to certain Constituents of Concern ("COC"). Regulations that will reduce public exposure to COCs include SCAQMD Rule 1166, which requires continuous soils monitoring and implementation of engineering controls, if necessary, and SCAQMD Rule 403, which governs how soils are removed and tracked out of the Project Site. Accordingly, both Phase II recommendations are fully enforceable against the Project, and the Project SCEA provides substantial evidence that the Project would not result in significant hazard impacts.

V. The Project's Health Risk Assessment, which complies with applicable guidance and standard industry practice, demonstrates that the Project would not result in health risk significant impacts.

The CREED LA Letter alleges that the Project SCEA's Health Risk Assessment ("Project HRA") fails to adequately analyze the health risk impacts on the young and the elderly populations by not employing "early life exposure adjustment factors" or "age sensitivity factors" (collectively, "ASFs"). As clarified in the supplemental analysis prepared by Bill Piazza of Air Quality Dynamics dated October 30, 2022 (attached as **Exhibit D**, HRA Response Letter) the Project HRA does in fact evaluate impacts to at-risk populations including children. However, contrary to the CREED LA Letter's suggestions, there is no applicable regulatory requirement to include the specific ASF adjustment factors in a CEQA analysis. As noted by Mr. Piazza, the CREED LA Letter misrepresents scientific fact and applicable regulatory guidance. ASFs are principally required by the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) which has no applicability or relevance to a construction HRA for a residential infill project at the Site. To ensure an appropriate quantification of exposure, the technical approach employed by the Project HRA follows all relevant and appropriate assessment and dispersion modeling methodologies presented by the U.S. Environmental Protection Agency, California Environmental Protection Agency and South Coast Air Quality Management District. The Project HRA quantifies both carcinogenic risk and noncarcinogenic hazards for the maximum exposed sensitive receptors adjoining the Project Site, including Pressman Academy and Beverly Park Senior Apartments. Results of the Project HRA demonstrate that the Project's carcinogenic risk and noncarcinogenic hazard estimates for the maximum exposed sensitive receptors would not exceed identified significance thresholds.[21] Therefore, the Project SCEA and the Project HRA provide substantial evidence that the Project would not result in significant health risk impacts.

VI. The Project adequately considered construction noise impacts to the single family homes of the South Carthay neighborhood, and the Project SCEA demonstrates no such impacts.

The CREED LA Letter further alleges the Project SCEA fails to properly establish the baseline noise level by only measuring noise at two locations – neither of which were taken at the property line bordering the HPOZ. However, per the note in Table XIII-5 of the Project SCEA, the ambient noise levels for the South Alfred Street Residences, specifically the west-facing portions of these residences that directly abut or face the Project Site, were adjusted downward by over 7dBA to account for the receptors' distance from La Cienega Boulevard, the area's primary source of ambient noise. A supplemental memorandum prepared by Noah Tanski Environmental Consulting dated Monday October 31, 2022 (attached as **Exhibit E**, Noise Response Letter) describes the Project SCEA's conservative and appropriate noise measurement methodology used to calculate and analyze potential Project construction noise related impacts.

[21] SCEA, pp. 5-25 to 5-26; see also SCEA Appendix B-2.

Accordingly, the Project SCEA provides substantial evidence that the Project would not result in any unmitigated Project impacts related to construction noise.

VII. The public comment period for the Project SCEA was available for more than CEQA's 30-day requirement.

The Friends of South Carthay Letter erroneously asserts that the City failed to properly circulate the Project SCEA for a full 30-day public comment period pursuant to Pub. Res. Code Section 21092. A link to access the Project SCEA was provided in the Notice of Availability that was published on September 8, 2022. While the City experienced initial technical issues uploading the SCEA documents to the Planning Department website, the linked Project SCEA documents became accessible to the public on September 21, 2022. The Planning Department website clearly notes that the comment period was correspondingly extended to October 21, 2022[22], thus allowing a full 30 days access to the SCEA document on the City website. Accordingly, the public comment period was properly extended and in fact exceeded the required 30 day statutory comment period.

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In summary, none of the allegations raised in the Friends of South Carthay Letter or the CREED LA Letter include substantial evidence of a Project-related impact. Accordingly, we respectfully request that the Planning and Land Use Management Committee of the City Council recommend that the City Council adopt the Project SCEA, thus allowing the Project entitlement process to continue. As noted above, we reserve the right to further supplement and augment responses to comments on the Project SCEA prior to City Council approval of the Project.

Sincerely,

Dave Rand

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)

[22] 1050 La Cienega Boulevard Project | Los Angeles City Planning (lacity.org)

EXHIBIT A

CAJA Environmental Services, LLC

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Phone 310-469-6700

November 1, 2022

City of Los Angeles
Planning and Land Use Management Committee

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

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	Air Quality Noise Transportation	The SCEA lacks any further description of the haul route	Page 5-23 and Table III-4 analyzed excavation, including hauling as part of the air quality modeling. As shown, the maximum regional and localized emissions would not exceed the thresholds of significance. Page 5-162 analyzed the noise impacts from hauling 48,913 cubic yards of export using trucks routed from the Project Site to the I-10 (Santa Monica) Freeway using La Cienega Boulevard, which is the route committed to in revised Project Design Feature PDF-Trans-1. Using field measurements and modeling, the increase in noise would not exceed the 5 dBA Leq threshold of significance. Page 5-207 references Project Design Feature PDF-Trans-1, Construction Traffic Management Plan. The final bullet point requires the preparation of a haul truck route program. No haul route approval is necessary since the Site is not in a BOE Special Grading Area. However, revisions to Project Design Feature PDF-Trans-1 have been made, which clarify the Construction Traffic Management Plan's haul route as follows: • 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>.
	Air Quality	Health Risk Assessment fails to adequately analyze the health risk impacts on especially vulnerable receptors like young children and the elderly The City did not conduct a HRA for the Project's operations The Project Conflicts With Policies Regarding Air Quality and Health Risk	Page 5-25 to 5-26 summarizes the results of the Project-specific Health Risk Assessment (HRA) prepared by Air Quality Dynamics and included in Appendix B-2 of the SCEA. See also additional response from Air Quality Dynamics dated October 30, 2022. Page 5-20 and Table III-3 provide the Project's consistency with the Air Quality Element. As shown, the Project is substantially consistent with the applicable measures. Under well-established case law, it is not a requirement to be 100% compliant with every policy.

			Under the legal standard governing consistency determinations, a project must only be in general "harmony" with the applicable land use plan to be consistent with that plan; perfect conformity with each and every provision and requirement of a plan is not required. and A lead agency such as the City has significant discretion over such a determination.[1] The Project also adopts the applicable SCAG mitigation measures if the SCEA demonstrates a specific Project-level impact through its analysis.
	Energy	The SCEA does not include sufficient investigation into energy conservation measures that might be available or appropriate for the Project	Page 2-16 notes the Project would provide 128 EV spaces with EVSE, including 43 EV spaces with EVCS, in compliance with LAMC requirements. Pages 5-55 through 5-64 discusses the Project's compliance with various regulations, codes, and plans for energy conservation, including 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), 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.
	Noise	The SCEA Fails to Properly Establish Baseline Noise Levels The SCEA Fails to Analyze Potentially Significant Construction Noise Impacts on All Sensitive Receptors	Page 5-151 lists the closest noise-sensitive receptors to the Project Site, including the residences on South Alfred Street. Page 5-152 identifies existing ambient noise levels, which primarily result from vehicular traffic along La Cienega. See also additional response from NTEC, the noise consultant, dated October 31, 2022. Page 5-155 notes that "noise from grading activities is typically the foremost concern when evaluating a project's construction noise impact, as grading activities often

[1] See Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 717-18 [upholding a city's determination that a subdivision project was consistent with the applicable general plan]). As the Court explained in Sequoyah, "state law does not require an exact match between a proposed subdivision and the applicable general plan." To be "consistent" with the general plan, a project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning, the project must be "in agreement or harmony with the applicable plan." (see also Greenebaum v. City of Los Angeles (1984) 153 Cal.App.3d 391, 406; San Franciscans Upholding the Downtown Plan v City And County Of San Francisco, 102 Cal.App.4th at p. 678.) Further, "[a]n action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (Friends of Lagoon Valley v. City of Vacaville (2007) 154 Cal.App.4th 807, 817.) Courts also recognize that general plans "ordinarily do not state specific mandates or prohibitions," but instead provide "policies and set forth goals." (Friends of Lagoon Valley.)

		The SCEA fails to analyze potentially significant impacts on upper story residences The SCEA Does Not Identify All Mechanical Systems Reasonably Required for the Project The SCEA Fails to Adequately Evaluate Operational Noise Impacts from Recreation Areas The City's Operational Noise Significance Thresholds Are Not Supported by Substantial Evidence	require use of heavy-duty, diesel-powered earthmoving equipment. Given this consideration, the following analysis assesses noise impacts that may result from the Project's grading phase, specifically its bulk excavation activities. The analysis also addresses noise impacts that may result from the Project's foundation pile installation." 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. Page 5-162 discussed the operational noise sources including mechanical equipment, which must comply with LAMC 112.02, and amenity and open spaces. The Project's operational noise levels would not exceed the significance threshold of 3 dBA, and impacts would be less than significant.
	Hazards	The SCEA Fails to Identify Adequate Mitigation for the Project's Significant Hazards Impacts The SCEA Fails to Disclose Health Effects Due to Soil Contamination	Page 5-110 notes that the types of hazardous materials that would be found on the Project Site during the Project's operational phase would be those typically associated with residential and commercial land uses – paints, cleaning supplies, small amounts of petroleum products, etc. The use of these materials would comply with all applicable federal, state, and local regulations. See also Geosyntec Consultants response dated October 31, 2022. The Phase I and Phase II Environmental Site Assessments (included as Appendices F-1 and F-2) disclose the residual petroleum fuel-related and chlorinated VOCs in soil, soil vapor, and/or groundwater. The Mitigation Measure MM-HAZ-1 requires a Soils Management Plan, which complies with regulatory measures. Accordingly, both Phase II recommendations are fully enforceable against the Project, and the Project SCEA provides substantial evidence that the Project would not result in significant hazard impacts.
Adams Broadwell Joseph & Cardozo CREED LA	N/A	Request for Mailed Notice of Actions and Hearings	**Topical Response: No specific concern.** The comment does not state a specific concern or question regarding the adequacy

September 21, 2022			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.)
Adams Broadwell Joseph & Cardozo CREED LA September 21, 2022	N/A	Request for Immediate Access to Documents	**See Topical Response: No specific concern.**
Channel Law Group Friends of South Carthay October 21, 2022	Land Use	The Project is Not Consistent with the RTP/SCS The Project Fails to Incorporate All of the Applicable Mitigation Measures from the RTP/SCS EIR	Table 3-1 and Table 3-2 demonstrate the Project's consistency with the SCAG goals and guiding principles, and strategy, respectively. Table 4-1 provides the Project's consistency with the SCAG program EIR mitigation measures for the 2020-2045 RTP/SCS. As shown, the Project is generally consistent with the applicable items. The Project also adopts the applicable SCAG mitigation measures if the SCEA demonstrates a specific Project-level impact through its analysis. The Project is not required to be 100% compliant with every policy. See also Rand, Paster & Nelson response dated November 1, 2022.
	Hazards	The SCEA does not fully address the Project's potential to result in hazards impacts	The Phase I and Phase II Environmental Site Assessments (included as Appendices F-1 and F-2) disclose the residual petroleum fuel-related and chlorinated VOCs in soil, soil vapor, and/or groundwater. 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 that would address residual petroleum fuel-related and chlorinated VOCs in groundwater. See also Rand, Paster & Nelson response dated November 1, 2022.
	N/A	The City has failed to properly circulate the SCEA for a 30 day public comment period.	**See Topical Response: No specific concern.** See also Rand, Paster & Nelson response dated November 1, 2022.

	Project Description	The Project Description needs to include the foundation system as this will affect noise and vibration impacts during construction, the nature and design of the methane mitigation system, and dewatering requirements	The building process was modeled for noise and vibration impacts. The most impactful phase of grading and excavation was detailed in the SCEA. Page 5-155 notes that "noise from grading activities is typically the foremost concern when evaluating a project's construction noise impact, as grading activities often require use of heavy-duty, diesel-powered earthmoving equipment. Given this consideration, the following analysis assesses noise impacts that may result from the Project's grading phase, specifically its bulk excavation activities. The analysis also addresses noise impacts that may result from the Project's foundation pile installation." Page 5-113 discloses the Site is in a Methane Zone. Based on the location of the Site within the Methane Zone, LADBS Methane Mitigation Site Design Level I will most likely be required for the Project. This is a regulatory requirement and not a CEQA mitigation measure. MM-HAZ-2 requires a dewatering system, which complies with regulatory measures.
	Hazards	Required on-site well abandonment-related permits required for the Project need to be specified	Page 5-112 notes that onsite wells are not anticipated to be used in the future, Geosyntec recommends proper abandonment per regulatory requirements.
	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. 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 Category IV thresholds have been conservatively applied.
	Historic	SCEA Page 2-12 creates the false impression that there are similar tall buildings in close proximity to the historic district and HPOZ abutting the Project site	Page 2-12 lists the buildings within 0.5 miles of the Site that are tall and similar to the proposed Project. The list includes addresses and approximate distances from the Project Site, and does not claim that the other buildings abut the Project Site or HPOZ. Page 5-41 discusses how the taller buildings along Wilshire Boulevard are visible

			throughout the Cathay Neighborhood Historic District (also in Cultural Resources Technical Appendix, included as Appendix D). 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 proposed project may also add to the distinct and special feeling of South Carthay HPOZ.
	Cumulative	The cumulative impacts analysis is inadequate	Page 2-19 lists the reasonably foreseeable related projects within 0.5 miles of the Site, which is in compliance with the methodology of the LADOT Transportation Assessment Guidelines (August 2022), page 2-3. Page 5-44 notes that none of the related projects are within the Carthay Neighborhoods Historic District, including the 3 HPOZs.
	Aesthetics	The SCEA therefore needed to address the potential aesthetic impacts of the proposed Project on the Historic District and it's contributing resources and adjacent HPOZ, including shade and shadows, and light and glare impacts.	**Topical Response: Historic:** As the quality of light is not a character-defining feature of either the Carthay Neighborhoods Historic District or the South Carthay HPOZ, introduction of a shadow would not destroy a character-defining feature of the larger National Register-listed Carthay Neighborhoods Historic District or the HPOZ. The shadow would not cause materially impairment, the threshold for a historical resource impact, and would therefore not be an indirect impact on historical resources. See also Jenna Snow Historic Preservation Consulting response dated October 31, 2022 and Rand, Paster & Nelson response dated November 1, 2022. **Topical Response: Aesthetics, Shadows, Light and Glare:** 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." Shadows do not affect the integrity of the historic resources or setting.

	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 effectiveness of any solar systems installed within the Project's shadow area.	The Project would be in compliance with the requirements for solar from CalGreen and LA Green Building Code. **See Topical Response: Aesthetics, Shadows, Light and Glare.**
	Hazards	The SCEA has thus failed to identify a significant unmitigated impact associated with the routine disposal of hazardous materials or the handling of hazardous materials within ono-quarter mile of an existing school.	Transport of hazardous materials would comply with all applicable federal, state, and local regulations. The federal Hazardous Materials Transportation Act (HMTA) is the principal federal law regulating the transportation of hazardous materials. Additional regulations are provided by the California Department of Toxic Substances Control (DTSC). Page 5-117 notes the two nearby schools, Pressman Education Center and Academy and St. Mary Magdalen Catholic School. However, as discussed above, the Project would use minor amounts of paints, cleaning supplies, and small amounts of petroleum products consistent with other mixed-use residential and commercial properties, and in accordance with all applicable federal, state, and local regulations.
	Hydrology	The need for ongoing dewatering has not been properly identified in the SCEA for the Project and the impacts of any ongoing dewatering properly addressed.	MM-HAZ-2 requires a dewatering system, which complies with regulatory measures. The comment speculates and does not provide substantial evidence of a significant impact.
	Land Use	Lack of Consistency with Mobility Element Lack of Consistency with Wilshire Community Plan Framework Element	Table XI-1 provides the Project's consistency with the Framework Element. Table XI-2 provides the Project's consistency with the Wilshire Community Plan. Table XVII-1 provides the Project's consistency with the Mobility Plan. As shown, the Project is generally consistent with the applicable items. The Project also adopts the applicable SCAG mitigation measures if the SCEA demonstrates a specific Project-level impact through its analysis. The Project is not required to be 100% compliant with every policy.
	Noise	The noise mitigation measures provided for the construction noise impacts of the Project are not	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.

		adequate to ensure that impacts would be less than significant.	
	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
	Transportation	The SCEA fails to include any real analysis of the potential of the proposed Project to result in significant additional bicycle accidents as a result of the additional bicycle parking provided as part of the Project and the introduction of additional bicycle use in an area of the City which is not bicycle-friendly.	The Project would support alternative transportation via bicycle travel by providing bicycle parking spaces to comply with the short-term and long-term bicycle requirements of the LAMC. Bicycle facilities are not currently provided and are not proposed by the City as part of Mobility Plan 2035 adjacent to the Project Site or in the immediate Project area. However, as detailed on page 5-206 of the SCEA, the Project would be designed to enhance bicycle safety by providing separate access points for bicycles/pedestrians. The vehicular driveways would also be designed in accordance with City standards to provide visibility between vehicles, pedestrians, and bicyclists. Refuge areas would also be provided between the two vehicular driveways to limit interruptions to bicycle/pedestrian safety and flow. Thus, the Project is not anticipated to increase bicycle safety hazards and conflicts in the Project area.
Lozeau Drury SAFER August 3, 2022	N/A	Request for Notices of Actions and Hearings	**See Topical Response: No specific concern.**
Lozeau Drury SAFER October 20, 2022	Land Use	The Project fails to comply with numerous goals and policies of SCAG 2020-2045 RTP/SCS The proposed Project will have several significant unmitigated environmental impacts The proposed Project fails to include numerous mitigation measures that are required by the SCS EIR	Table 3-1 and Table 3-2 provides the Project's consistency with the SCAG goals and guiding principles, and strategy, respectively. Table 4-1 provides the provide the Project's consistency with the SCAG program EIR mitigation measures for the 2020-2045 RTP/SCS. As shown, the Project is generally consistent with the applicable items. The Project also adopts the applicable SCAG mitigation measures if the SCEA demonstrates a specific Project-level impact through its analysis. The Project is not required to be 100% compliant with every policy.

Mitchel M Tsai Southwest Regional Council of Carpenters October 10, 2022	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	**See Topical Response: No specific concern.**
	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.
	Hazards	SMP mitigation missing details Dewater mitigation missing details	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. The comment speculates and does not provide substantial evidence that additional details are missing. See also Rand, Paster & Nelson response dated November 1, 2022.
	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.
	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. The comment speculates and does not provide substantial evidence that additional details are missing.
	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 for this. The comment speculates and does not provide substantial evidence that additional details are missing.

Roger Leib October 18, 2022	General	Oppose the Project	**See Topical Response: No specific concern.**
Allan Brooks October 18, 2022	General Aesthetics Traffic	Building will block solar access, create traffic, could damage foundation of home	**See Topical Response: No specific concern.** Access to solar for non-Project off-site uses is not a CEQA topic.
Michelle Wolf October 18, 2022	Traffic	Traffic on Alfred Street, handicap access on La Cienega, dedicated retail parking	**See Topical Response: No specific concern.** Level of Service (LOS) or traffic congestion is no longer a CEQA topic. In 2013 Governor Jerry Brown signed SB 743, which created a process to change the way transportation impacts are analyzed under CEQA. Specifically, SB 743 required the Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to the level of service (LOS) methodology for evaluating transportation impacts. Particularly within areas served by transit, the required alternative criteria must promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Transportation impact metrics may include vehicle miles traveled (VMT), VMT per capita, automobile trip generation rates, or automobile trips generated.
Peter Merlin October 19, 2022	Historic	How is the new building compatible with the HPOZ	**See Topical Response: Historic.**
Miriam Prum Hess Mark Hess October 20, 2022	Aesthetics Historic Noise Transportation	Building will block solar access, new source of light and glare How is the new building compatible with the HPOZ Construction noise Traffic and cut-through	**See Topical Response: Historic.** **See Topical Response: No specific concern.** **See Topical Response: Aesthetics, Shadows, Light and Glare.** Access to solar for non-Project off-site uses is not a CEQA topic. **Topical Response: Traffic and cut-through.** Level of Service (LOS) or traffic congestion is no longer a CEQA topic. Residential street cut-through is no longer a CEQA topic. For informational purposes (non-CEQA analysis), the Transportation Analysis included a residential street cut-through discussion. The daily trips generated by the Project are not projected to lead to trip diversion from the adjacent and nearby streets to alternative routes along residential Local Streets that are not located adjacent to the Project Site or that provide direct access to the Project driveways; nor is the Project projected to add a substantial amount of automobile traffic to congested Arterial Streets that could

			potentially cause a shift to residential Local Streets; nor is there a nearby local residential street that provides a viable alternative route to the Project Site.
Mayer Brenner October 19, 2022	Aesthetics Historic Transportation	Building will block solar access, new source of light and glare How is the new building compatible with the HPOZ Traffic and cut-through	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: Traffic and cut-through.**
Andrew Marton October 17, 2022	Aesthetics Traffic Noise	How is the new building compatible with the HPOZ Traffic and cut-through Construction noise	**See Topical Response: Historic.** **See Topical Response: Traffic and cut-through.** **See Topical Response: No specific concern.**
Joe Pica October 17, 2022	Aesthetics Historic Noise Transportation	Building will block solar access, new source of light and glare How is the new building compatible with the HPOZ Construction noise Traffic and cut-through	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through.**
Jeffrey Gold October 26, 2022	General	Support	Noted.
Andrea Harley October 21, 2022	Aesthetics Historic Noise Vibration Transportation	Building will block solar access, new source of light and glare How is the new building compatible with the HPOZ Construction noise Construction vibration Traffic and cut-through, parking	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: No specific concern.** **See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through**

		impacts	
Eddie Devall October 18, 2022	Aesthetics Noise Traffic	Height and blocking views, sunlight Construction noise Traffic and cut-through, parking impacts	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through** Parking is not a CEQA impact.
Lisa Kaye October 17, 2022	Traffic	Traffic	**See Topical Response: Traffic and cut-through**
Wayne Moore October 25, 2022	Aesthetics	Height and blocking views, sunlight	**See Topical Response: Aesthetics, Shadows, Light and Glare.**
Susan Goldstein	Traffic Noise Aesthetics	Traffic and need for Transportation Assessment for accidents Cut-through traffic Construction noise Height and blocking views, sunlight	**See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through** **See Topical Response: No specific concern.** **See Topical Response: Aesthetics, Shadows, Light and Glare.**
LLoyd and Margaret Rose Robinson October 26, 2022	Aesthetics Historic Transportation	Building will block solar access, new source of light and glare How is the new building compatible with the HPOZ Traffic and cut-through	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: Traffic and cut-through**
Kenneth Landon October 20, 2022	Aesthetics Historic General	Height and blocking views, sunlight How is the new building compatible with the HPOZ Construction schedule and impacts, delays, parking	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** The construction schedule is provided in Table 2-7. Parking is not a CEQA impact.
Edward Friedman October 20, 2022	Historic	How is the new building compatible with the HPOZ	**See Topical Response: Historic.**
Karen Smalley October 21, 2022	Traffic	Traffic on La Cienega and Olympic	**See Topical Response: Traffic**

Rob Kutner October 20, 2022	Noise Traffic Hazards	Construction noise Parking Hazards of building materials	**See Topical Response: No specific concern.** Parking is not a CEQA impact. **See Topical Response: No specific concern.**
Craig Lewis Lipsey October 19, 2022	Aesthetics Air Quality Noise	Height and blocking views, sunlight, light and glare Construction pollution Construction noise	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: No specific concern.** **See Topical Response: No specific concern.**
Cary Berman	Aesthetics Historic Noise Traffic	Height and blocking views, sunlight, light and glare How is the new building compatible with the HPOZ Construction noise traffic	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: No specific concern.** **See Topical Response: Traffic**
Sheryl Zohn October 17, 2022	Noise Traffic	Construction noise Traffic, cut-through, parking	**See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through.** Parking is not a CEQA impact.
Sarah Benor October 16, 2022	Aesthetics Geology Noise	Height and blocking views, shadows Shifting land Construction noise	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: No specific concern.** **See Topical Response: No specific concern.**
Irene Lipsey October 19, 2022	Aesthetics Historic	Height and blocking views, sunlight How is the new building compatible with the HPOZ	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.**
Toyer Grear October 20, 2022	General	Attaching the Lozeau Drury SAFER letter of October 20, 2022	Noted. The Letter is responded to above.
Aidan Marshall	General	When does the comment period	The City responded to the comment.

September 22, 2022		end?	
Jamie Hall October 21, 2022	General	Attaching the Channel Law Group letter of October 21, 2022	Noted. The Letter is responded to above.
Qihui Liu October 19, 2022	Aesthetics Traffic	Height and blocking views, sunlight Parking	**See Topical Response: Aesthetics, Shadows, Light and Glare.** Parking is not a CEQA impact.
Kevin Monroe October 17, 2022	Aesthetics Vibration Traffic Utilities	Shadows Construction vibration Traffic Power supply	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through.** **See Topical Response: No specific concern.**
Ann Rubin October 21, 2022	Aesthetics Historic	Height and blocking views, sunlight, light and glare How is the new building compatible with the HPOZ	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.**
Michael Silvera October 20, 2022	Aesthetics	Height and design	**See Topical Response: Aesthetics, Shadows, Light and Glare.**
Josh Berenbaum October 17, 2022	General	Support	
Julie Goler October 17, 2022	Aesthetics Noise Vibration Traffic	Height and shadows Construction noise Construction vibration Cut-through traffic, parking	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: No specific concern.** **See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through.**
Peter Persic October 21, 2022	Aesthetics Traffic	Height and scale, shadows Traffic, parking	**See Topical Response: Aesthetics, Shadows, Light and Glare.**
Hillary Lief October 21, 2022	Noise Traffic Utilities	Construction noise Traffic, parking Water supply and drought	**See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through.** Page 5-221 notes the ongoing drought and references the 2020 Urban Water

			Management Plan which was based on drought and dry years. There would be no water shortages.
Lorrie Lele September 21, 2022	General	Attaching the CREED LA letter of September 21, 2022 for PRAs	Noted. The Letter is responded to above.
Lorrie Lele September 21, 2022	General	Attaching the CREED LA letter of September 21, 2022 for notices	Noted. The Letter is responded to above.
Bennett Pozil	Aesthetics Air Quality Historic Noise Traffic	Height and shadows How is the new building compatible with the HPOZ Construction pollution Construction noise Cut-through traffic, parking	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: No specific concern.** **See Topical Response: No specific concern.** **See Topical Response: Traffic and cut-through.**
B. Brown Martinez October 10, 2022	General	Attaching the Mitchel Tsai of October 10, 2022	Noted. The Letter is responded to above.
Walter Dominguez October 20, 2022	Aesthetics Historic Noise	Height and blocking views, sunlight, massing, scale How is the new building compatible with the HPOZ Construction vibration	**See Topical Response: Aesthetics, Shadows, Light and Glare.** **See Topical Response: Historic.** **See Topical Response: No specific concern.**
CAJA, 2022			

EXHIBIT B

MEMORANDUM

Date: October 31, 2022

To: Stacie Henderson
CAJA Environmental Services, LLC
9410 Topanga Canyon Blvd., Suite 101
Chatsworth, CA 91311

From: Jenna Snow

Re: 1050 La Cienega Boulevard, Los Angeles, CA
Public Comments on SCEA

In April 2022, I prepared a Cultural Resources Technical Report that evaluated potential direct and indirect impacts of a proposed residential development at 1050 La Cienega Boulevard in Los Angeles on historical resources in support of a Sustainable Communities Environmental Assessment (SCEA). The proposed project includes construction of a 28-story multi-family residential building with one level of below grade parking and ground floor retail along La Cienega Boulevard. While there are no historical resources located at the project site, it is located adjacent to the west of a locally designated historic district, South Carthay Historic Preservation Overlay Zone (HPOZ), as well as adjacent to the larger Carthay Neighborhoods Historic District, which was listed in the California Register of Historical Resources (California Register) in January 2022 and listed in the National Register of Historic Places (National Register) in March 2022. The report concluded that while the proposed project has potential to cause direct impacts to adjacent garages within the historic districts, it is anticipated that these impacts would be less than significant if precautions are taken during planning, excavation, and construction. Furthermore, the proposed project will not cause material impairment of the historic districts' significant character-defining features and will thus not cause an indirect impact.

You have asked me to address a comment from Jamie Hall with the Channel Law Group, LLP regarding potential historical resources impacts of shadows resulting from the proposed project on the adjacent National Register-listed Historic District and HPOZ. Specifically, the commenter asserts that "substantial evidence supports the Project's potential to result in significant shadow impacts on the Historic District and HPOZs as shadows move from north to east" (page 21). Similar to visibility of the proposed project within the HPOZ, the proposed project will indeed cast a shadow within the Historic District and HPOZ. However, for a shadow to meet the threshold of an impact to historical resources, it must first be shown that the quality of light within the Historic District and HPOZ are character-defining features that will be materially impaired by the proposed project.

As described in the Cultural Resources Technical Report, the Carthay Neighborhoods Historic District in general and South Carthay HPOZ specifically are significant under criterion A/1/1 for their association with community planning and development as well as under criterion C/3/3 for their architectural design. Character-defining features, or the physical features that convey the historic significance of the property, or in this case, the Historic District and HPOZ are described on pages 19 and 20 in the Technical Report. Extrapolated from the "Carthay Neighborhoods

Historic District" National Register nomination and South Carthay Preservation Plan, character-defining features of the Carthay Neighborhoods Historic District include:

- Cohesive grouping of single-family and multi-family residences
- Skewed residential street grid pattern
- Long blocks
- Relatively wide streets
- Six pedestrian walkways
- Modest, uniform setbacks
- Shallow front lawns
- Concrete sidewalks
- Mature street trees
- Automobile accommodations, including driveways, curb cuts, alleys, and rear detached garages
- Period-revival architectural styles

Character-defining features specific to South Carthay HPOZ include:

- Skewed grid pattern with triangular central portion
- Two-story duplexes and two-story multi-family residences on perimeter streets
- Primarily one-story single-family residences on interior streets

As a residential subdivision within a larger urban context, the National Register nomination for the Carthay Neighborhoods Historic District does not include any discussion of the quality of light or shadow within the historic district. Likewise, neither the South Carthay HPOZ Preservation Plan nor the City's description of the HPOZ includes a discussion of the quality of light or shadow within the HPOZ. The commenter quotes the City's description of the HPOZ (see pages 18-19):[1]

> South Carthay HPOZ is located on the site of the former vegetable fields for Ralph's Market. Residential development in the area began during the early 1930s. Almost half of the single-family dwellings in South Carthay were designed and built by Greek developer Spyros George Ponty, who built homes throughout Los Angeles and Beverly Hills. Ponty and other contractors constructed homes in the Spanish Colonial Revival style. The characteristic use of low-pitched red tile roofs, arched doors and windows, and smooth stucco exterior finishes provides visual continuity and cohesiveness to the neighborhood. South Carthay residences are exceptional for their quality construction, skilled craftsmanship, decorative detailing, and individuality — no two homes are exactly alike. The South Carthay HPOZ was adopted by City Council in 1985.

No place within this description is the quality of light or shadow mentioned.

For other historical resources, both individual buildings and sites as well as other historic districts, the quality of light can be an important character-defining feature. In those situations, a shadow generated by a taller building could be a significant indirect impact. However, because the quality of

[1] https://planning.lacity.org/preservation-design/overlays/south-carthay.

light within the Carthay Neighborhoods Historic District and South Carthay HPOZ has not been documented as a character-defining feature, a shadow generated by the proposed project will not destroy a character-defining feature. The significance of the Carthay Neighborhoods Historic District and South Carthay HPOZ will not be materially impaired by the proposed project.

As the quality of light is not a character-defining feature of either the Carthay Neighborhoods Historic District or the South Carthay HPOZ, introduction of a shadow would not destroy a character-defining feature of the larger National Register-listed Carthay Neighborhoods Historic District or the HPOZ. The shadow would not cause materially impairment, the threshold for a historical resource impact, and would therefore not be an indirect impact on historical resources.

EXHIBIT C

Geosyntec Consultants, Inc.
2355 Northside Dr. Suite 250
San Diego, CA 92108
www.geosyntec.com

31 October 2022

Mr. Ed Tung
Carmel Partners, Inc.
429 Santa Monica Boulevard, Suite 700
Santa Monica, California 90410

Subject: Response to Comments – SCEA Report
1022-1060 La Cienega Boulevard
Los Angeles, California

Dear Mr. Tung,

Geosyntec Consultants, Inc. (Geosyntec) is pleased to submit this letter to Carmel Partners, Inc. (CPI) in response to public comments received regarding the Sustainable Communities Environmental Assessment (SCEA) Report prepared for the 1050 La Cienega Boulevard Project (the Site or Project). CPI received comments on the report regarding concerns over the Project's impact of handling hazardous wastes and potential health effects due to soil contamination. This letter summarizes the party's comments and Geosyntec's responses to those comments.

BACKGROUND

Phase II ESA

Geosyntec conducted a Phase II Environmental Site Assessment (P2ESA) Report dated 22 August 2022 in support of a potential property transaction of the Site. Based on the results of the P2ESA performed at the Site, Geosyntec had the following conclusions regarding identified impacts at the Site:

- **Undocumented Fill Material:** Soil sampling conducted in undocumented fill materials throughout the Site indicated that concentrations of Constituents of Concern (COCs) exceeding residential screening levels are limited to the upper 1-2 feet below ground surface (ft bgs) in select areas of the Site. While considered a Recognized Environmental Concern (REC) for the Site, the limited impacts to undocumented fill will be effectively managed through soil management activities during the construction phase of the project.
- **Hydraulically Upgradient Properties:** An historical automotive service station had operated on the property approximately 100 feet north of the Site (1004 La Cienega Boulevard), and a historical dry cleaner operated on the northwest-adjoining property (8500 West Olympic Boulevard).

- No dry cleaning related COCs were detected in soil, soil vapor or groundwater samples collected at the Site.
- Based on current and historical data collected at the Site, impacts to soil, soil vapor and groundwater from the upgradient automotive service station appear to be limited to the northern and western margins of the Site. These findings are considered a REC; however, impacted soil in this area of the Site will be effectively managed through soil management activities and will likely require segregation and off-site disposal as **non-hazardous waste** during the construction phase of the project.

SUMMARY OF SCEA COMMENTS

In response to the SCEA and the P2ESA results, the party had the following statements:

1. **The SCEA Fails to Identify Adequate Mitigation for the Project's Significant Hazards Impacts; and**

~~3.~~2. **The SCEA Fails to Disclose Health Effects Due to Soil Contamination.**

Under the first statement, the authors assert "the SCEA fails to adopt mitigation necessary to mitigate impacts from transport of hazardous materials" and that "transport of contaminants removed from the Project site is thus a potentially-significant health risk."

Under the second statement, the authors assert that "the City fails to correlate the impacts from the Project's potential soil contamination impacts with adverse health effects on workers, future residents, and surrounding community."

RESPONSE TO COMMENTS

Comment number 1 asserts that mitigation is necessary to mitigate impacts from the transportation of hazardous materials removed from the Project site. However, the soil impacts identified in the PS2 report were determined to meet the criteria for non-hazardous waste through laboratory analytical testing of the soil. Elevated concentrations of chromium in select samples were additionally analyzed to determine the Soluble Threshold Limit Concentration (STLC), and elevated concentrations of lead in select samples were additionally analyzed under to determine the STLC and Toxicity Characteristic Leaching Procedures (TCLP) concentration to determine if the soils meet the definition of a hazardous waste. The maximum concentrations of STLC for lead was 0.29 milligrams per liter (mg/L) and TCLP results were below laboratory reporting limits. The STLC and TCLP concentrations for chromium and lead were below the hazardous waste threshold

of 5 mg/L[1], therefore, the detected concentration of lead and chromium in soil would be classified as a nonhazardous waste.

Total Petroleum Hydrocarbons (TPH) Diesel Range Organics (DRO) were also detected in soil at a maximum concentration of 430 milligrams per kilogram (mg/kg). While the detected concentrations of TPH DRO exceed residential screening levels, the impacts to soil are not considered a hazardous waste because TPH DRO is not a Listed Waste or a Characteristic Waste[2] under Environmental Protection Agency (EPA) regulations. Additionally, TPH DRO is not listed as a hazardous waste under California Health and Safety Codes (HSC)[3]. Therefore, the detected concentrations of COCs in soil do not meet the criteria to be considered a hazardous waste and adoption of PMM HAZ-3 for the transportation of hazardous wastes is not applicable to the project.

Comment number 2 asserts that the SCEA fails to disclose health effects associated with exposure to these contaminants. However, in accordance with PMM HAZ-2, the soil impacts identified at the Site will be handled during construction in accordance with a soil management plan (SMP), which will outline procedures to reduce public exposure to COCs including:

- South Coast Air Quality Management District (SCAQMD) Rule 1166 monitoring, which includes continuous monitoring of soils and implementation of engineering controls if contaminated soils exceed certain thresholds;
- SCAQMD Rule 403, which requires that no emissions of visible dust remain in the atmosphere beyond the property line and outlines procedures for implementing dust control procedures (e.g. moisture conditioning of soil) and additionally requires any soils tracked out of the project to be removed from surface streets in a timely manner.

In addition, the project applicant anticipates entering into a voluntary cleanup agreement with an appropriate regulatory agency and submitting the SMP to the agency for review and approval prior to the commencement of construction activities, as described in PMM HAZ-1. The SMP will include Community Health and Safety procedures, which include public notification to adjoining property owners and signage on the perimeter fence educating the surrounding community of the hazards posed during construction activities in accordance with Proposition 65 requirements.

In summary, the COCs detected in soil and groundwater at the Project site are classified as a non-hazardous waste and soil handling procedures outlined in the SMP prepared for the project will reduce potential community exposure to a less than significant risk classification. As such, the preparation of a PMM HAZ-3 document or an SCEIR is not required for the project.

[1] https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261#261.24
[2] https://www.epa.gov/hw/defining-hazardous-waste-listed-characteristic-and-mixed-radiological-wastes
[3] https://dtsc.ca.gov/defining-hazardous-waste/

Geosyntec consultants

CLOSURE

We appreciate the opportunity to support this important project. Please do not hesitate to contact the undersigned should you have questions.

Sincerely,
Geosyntec Consultants

Brian Pierce, PG 9411
Project Geologist
bpierce@geosyntec.com

ATTACHMENTS

SCEA 1050 La Cienega Boulevard Project Comments and Exhibits 10.21.22

References:

Geosyntec Consultants Inc., 2022. Phase II Environmental Site Assessment, 1022-1060 La Cienega Boulevard, Los Angeles, California, dated 22 August.

In sum, the City's operational noise thresholds do not account for the Project's potential sleep disturbance impacts. Meanwhile, substantial evidence shows that noise impacts on sleep are potentially significant. An SCEIR must be prepared to analyze and mitigate this impact.

D. The SCEA Fails to Disclose and Mitigate the Project's Significant Hazards Impacts

a. The SCEA Fails to Identify Adequate Mitigation for the Project's Significant Hazards Impacts

EIRs and SCEAs must mitigate significant impacts through measures that are "fully enforceable through permit conditions, agreements, or other legally binding instruments."[141] Here, the SCEA fails to adopt mitigation necessary to mitigate impacts from transport of hazardous materials. The SCEA claims that adoption of PMM HAZ-3 is inapplicable.[142] PMM HAZ-3 provides: "[w]here the construction and operation of projects involves the transport of hazardous materials, avoid transport of such materials within one-quarter mile of schools, when school is in session, wherever feasible."[143] The City reasons, "[t]he Project does not include the shipment of flammable liquids and other hazardous materials and does not include any rail transportation… Thus, incorporation of this mitigation measure is not required."[144] But the City's conclusion is not supported by substantial evidence.

The Project's Phase II Environmental Site Assessment ("Phase II ESA") identified significant levels of soil contamination. Soil sampling conducted in undocumented fill materials throughout the Site detected lead, chromium, and concentrations of Total Petroleum Hydrocarbons ("TPH") exceeding residential screening levels.[145] The Phase II ESA also identified impacts to soil, soil vapor, and groundwater from the upgradient automotive service station in the northern margin and western margin of the site.[146] The SCEA states that with implementation of the MM HAZ-1, Project impacts related to risk of upset would be less than significant.[147] MM HAZ-1 provides, in part, that all contaminated soil would be

[141] CEQA Guidelines, § 15126.4, subd. (a)(2).
[142] SCEA, pg. 4-47.
[143] SCEA, pg. 4-48.
[144] *Id.*
[145] SCEA, pg. 5-113.
[146] SCEA, pg. 5-113.
[147] SCEA, pg. 5-114.

segregated and removed from the site to an approved treatment/disposal facility.[148] Since the Project acknowledges, in its adoption of PMM HAZ-1, that it would require transport of contaminated soil and toxics from the Project site, the Project creates potential impacts due to transport of hazardous materials.

The Project's transport of contaminants from the Project requires adoption of the 2020-2045 RTP/SCS's PMM HAZ-3, which provides: "[w]here the construction and operation of projects involves the transport of hazardous materials, avoid transport of such materials within one-quarter mile of schools, when school is in session, wherever feasible."[149] Here, the Project involves transport of hazardous materials. Exposure to TPH can cause health impacts such as fatigue, headache, nausea, and drowsiness, nerve disorders, peripheral neuropathy, and death.[150] Exposure to Chromium or Lead can cause various respiratory, cardiovascular, gastrointestinal, immunological, reproductive effects, etc.[151] Transport of these contaminants, among others, would occur within one-quarter mile of schools. These schools include Pressman Education Center and Academy, located at 1055 La Cienega Boulevard, 90 feet west of the site, and St. Mary Magdalen Catholic School, located at 1223 Corning Street, 1,320 feet southwest of the site.[152] Transport of contaminants removed from the Project site is thus a potentially-significant health risk that requires adoption of PMM HAZ-3. An SCEIR must be prepared to resolve this currently unmitigated impact.

b. The SCEA Fails to Disclose Health Effects Due to Soil Contamination

The City fails to correlate the impacts from the Project's potential soil contamination impacts with the adverse health effects on workers, future residents, and surrounding community.

The court in *Bakersfield Citizens for Local Control* held that to properly analyze an impact, it must be correlated with the adverse health effects it

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[148] SCEA, pg. 5-116.
[149] SCEA, pg. 4-48.
[150] Agency for Toxic Substances and Disease Registry ("ATSDR"), Public Health Statement for TPH, (September 1999), https://www.atsdr.cdc.gov/ToxProfiles/tp123-c1-b.pdf; ATSDR, Toxicological Profile for Total Petroleum Hydrocarbons, https://wwwn.cdc.gov/TSP/ToxProfiles/ToxProfiles.aspx?id=424&tid=75.
[151] ATSDR, Toxicological Profile for Chromium, (September 2012), https://www.atsdr.cdc.gov/toxprofiles/tp7.pdf; ATSDR, Toxicological Profile for Lead, (August 2020), https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf.
[152] SCEA, pg. 5-117.

creates.[153] The court in *Bakersfield* reviewed EIRs that showed that two projects would have significant and unavoidable adverse impacts on air quality. However, these projects failed to disclose the health consequences that necessarily result from the identified adverse air quality impacts:

> Buried in the description of some of the various substances that make up the soup known as "air pollution" are brief references to respiratory illnesses. However, there is no acknowledgement or analysis of the well-known connection between reduction in air quality and increases in specific respiratory conditions and illnesses. After reading the EIR's, the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin. On remand, the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIR's.[154]

Here, the SCEA acknowledges that the Project has a risk of disturbing soil contaminants, including lead, chromium, and TPH. But the SCEA does not correlate these risks to the health consequences of exposure to these contaminants. As in *Bakersfield*, there may be brief references to health risks associated with exposure to contaminants on the Project site in the SCEA's Appendix F, which contains 6,430 pages relating to the Environmental Site Assessments prepared for the Project. But as in *Bakersfield*, any information that may be in this Appendix is scattered and inaccessible.[155] Further, these brief, general references to health effects of certain contaminants do not educate the public regarding the particular impacts of this Project on this particular community. An SCEIR must be prepared the specific health consequences of this Project's activities.

VII. CONCLUSION

The Project would result in potentially significant impacts to public health from TACs and hazards, which were not adequately analyzed and mitigated to less than significant levels. The Project also failed to adequately analyze and mitigate impacts to energy and noise. Moreover, the SCEA violates CEQA by failing to adequately explain the significance of impacts on people and the environment.

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[153] *Bakersfield Citizens for Local Control v. City of Bakersfield* ("*Bakersfield*") (2004) 124 Cal.App.4th 1184.
[154] *Bakersfield Citizens for Local Control* 124 Cal.App.4th 1184.
[155] *See* SCEA, Appendix F, pg. 2342 (a non-project-specific document discussing lead hazards).

EXHIBIT D

October 30, 2022

CAJA Environmental Services, LLC
9410 Topanga Canyon Blvd., Suite 101
Chatsworth, CA 91311
Attn: Stacie Henderson

Re: 1050 La Cienega Boulevard Project - Response to Comments on the Construction Health Risk Assessment

Per your request, Air Quality Dynamics has reviewed the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) comments as presented by Adams Broadwell Joseph & Cardozo and associated comments by Clark & Associates, which allege the Sustainable Communities Environmental Assessment (SCEA) prepared for the proposed project fails to disclose and mitigate significant health risks from construction emissions, whereby, the Health Risk Analysis (HRA) inaccurately assumes that an age sensitivity factor (ASF), accounting for the mutagenicity of diesel particulate, is not included in the HRA resulting in an underestimation of the risks from diesel particulate matter (DPM). The following discussion disputes CREED LA's claims and provides substantial evidence to attest to the relevant and appropriate assessment methodology utilized in the HRA.

Clark & Associates begins by referencing City of Los Angeles Air Quality and Health Effects guidance, which states that "exposure to DPM may be a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems" and that this statement "clearly indicates that the City is aware that age of exposure to DPM has a significant impact on the potential health outcomes".

Air Quality Dynamics agrees with the commenter. As such, the HRA utilized the relevant age specific exposure variates recommended by the Office of Health Hazard Assessment (OEHHA) to quantify contaminant dose and risk. As stated in the HRA:

> For residential occupancies, point estimates for daily breathing rates representing the 95th percentile of 361, 1090 and 861 L/kg-day for the identified age groups were utilized (i.e., 0.25 years for the third trimester, 2 years for the 0 to 2 year age group and 0.41 years for ages 2 to 9). The 95th percentile value of 290 L/kg-day was assigned for residents of the senior apartment complex. A breathing rate of 640 L/kg-day representing an eight-hour breathing rate associated with moderate intensity activities was utilized for the Pressman Academy Early Childhood Center (ages 2 to 4 years) and Elementary School (ages 5 to 10 years). An eight-hour breathing rate of 520 L/kg was assigned for middle school students (ages 11 to 13 years). To quantify dose, the above values were incorporated into the following algorithm for each identified occupancy and age group.

$$Dose_{air} = C_{air} \times \{BR/BW\} \times A \times EF \times 10^{-6}$$

Where:

$Dose_{air}$ = *dose through inhalation (mg/kg/day)*
C_{air} = *concentration of contaminant in air (µg/m^3)*
$BR/BW\}$ = *daily breathing rate normalized to body weight (L/kg body weight/day)*
A = *inhalation absorption factor (unitless)*
EF = *exposure frequency (days/365 days)*
10^{-6} = *micrograms to milligrams conversion*

The above inhalation dose estimates and residential fractional time adjustments (i.e., 0.85 for the third trimester and ages 0 to 2 years, 0.72 for ages 2 to 16 years and 0.73 for 16 to 70 years) were incorporated into the following equation to produce carcinogenic risk estimates for ages associated with the reported exposure durations. No fractional adjustments were considered for the school-based occupancies.

$$Risk_{inh} = Dose_{air} \times CPF \times ED/AT \times FAH$$

Where:

$Risk_{inh}$ = *inhalation cancer risk*
$Dose_{air}$ = *daily inhalation dose (mg/kg/day)*
CPF = *inhalation cancer potency factor (mg/kg/day^{-1})*
ED = *exposure duration for specified age group (years)*
AT = *averaging time (years)*
FAH = *fraction of time at home (unitless)*

Clark & Associates continues by reporting that the City's guidance states that "potential TAC (toxic air contaminant) impacts are evaluated by conducting a qualitative analysis consistent with CARB and SCAQMD guidance, and may be followed by a *more detailed analysis* utilizing CARB's Hotspots Analysis and Reporting Program (HARP) model and that the City's guidance "clearly indicates that the use of the HARP model (without restrictions) and its algorithms which incorporate the use of ASFs for carcinogens to derive project specific health risk impacts is appropriate".

As stated in the HRA, the South Coast Air Quality Management District (SCAQMD), as a commenting agency, has not provided guidance nor developed policy relating to the applicability of applying early life exposure adjustment factors for projects prepared by other public/lead agencies subject to CEQA. To further clarify, in comments presented to the SCAQMD Governing Board (Meeting Date: June 5, 2015, Agenda No. 28) relating to toxic air contaminant exposures under Rules 1401, 1401.1, 1402 and 212 revisions, use of the revised OEHHA guidelines and their applicability for projects subject to CEQA as they relate to the incorporation of early life exposure adjustments, it was reported that:

> The Proposed Amended Rules are separate from the CEQA significance thresholds. The Response to Comments Staff Report PAR 1401, 1401.1, 1402, and 212 A - 8 June 2015 SCAQMD staff is currently evaluating how to implement the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will evaluate a variety of options on how to evaluate health risks under the Revised OEHHA Guidelines under CEQA. The SCAQMD staff will conduct public workshops to gather input before bringing recommendations to the Governing Board.

In consideration of Clark & Associates recommendation that SCAQMD guidance be followed, the SCAQMD, as a commenting agency, has not conducted public workshops nor developed policy relating to the applicability of applying ASF's for projects prepared by other public/lead agencies subject to CEQA. In is also relevant to note that with the exception of the incorporation of ASF's, the HRA utilized the exposure variates and dose/risk algorithms commensurate with the HARP model.

As noted in the HRA, discussion was provided to discount the incorporation of ASFs in the quantification of carcinogenic risk. Regulatory applicability for risk assessments conducted under the auspices of The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly, Statutes of 1987; Health and Safety Code Section 44300 et seq.) and guidance from the U.S. Environmental Protection Agency (U.S. EPA) were cited to document the validity of the HRA's assessment methodology for projects prepared under CEQA.

Notwithstanding the HRA's discussion regarding the omission of ASFs, Clark & Associates cites that the HRA misstates the State of California's guidance on the health impacts of diesel exhaust in which "in its 1998 Report On Diesel Exhaust, the Scientific Review Panel (SRP) staffed by members of the California Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment (OEHHA) explicitly states that "Diesel exhaust contains genotoxic compounds in both the vapor phase and the particle phase. Diesel exhaust particles or extracts of diesel exhaust particles are mutagenic in bacteria and in mammalian cell systems, and can induce chromosomal aberrations, aneuploidy, and sister chromatid exchange in rodents and in human cells *in vitro*. Diesel exhaust particles induced unscheduled DNA synthesis *in vitro* in mammalian cells" whereby it is "clear from the line of evidence above that the use of ASFs in the health analysis of risks from TACs associated with the Project is appropriate and necessary"

The commenter, however, fails to note that although *in vitro* studies utilizing exhaust extracts showed evidence of genotoxic effects, the SRP also reports:

> Results of inhalation bioassays in the rat, and with lesser certainty in mice, have demonstrated the carcinogenicity of diesel exhaust in test animals, although the mechanisms by which diesel exhaust induces lung tumors in animals remains uncertain.

In addition, the SRP further clarifies in its executive summary for the *Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant* the extent of uncertainty associated with the identified *in vitro* studies. As stated:

> In general, risk assessments can use carcinogenicity data from animal or human studies. While data exist for the carcinogenicity of diesel exhaust in the rat, the uncertainty in the application of the rat findings to humans is substantial. The scaling of such important characteristics as clearance rates, the presence or absence of a threshold for onset of carcinogenic effects, or the possible presence of multiple carcinogenic mechanisms all contribute to the uncertainty. The present lack of knowledge about how the carbon core of the diesel exhaust particle contributes to

> carcinogenicity also adds to the uncertainty about the scaling from rats to humans. For example, it has been suggested that rodent lung tumor induction by particles such as carbon black and titanium dioxide may not be relevant to human cancer risk if due to an overwhelming of particle clearance and no other tumor responses are noted.
>
> There are data from occupationally exposed populations useful for quantitative risk assessment. The principal uncertainties in using the human data are the representativeness of the study populations for the general population, the choice of the analytical models, and the actual exposure that resulted in the increased incidence of cancer.
>
> On balance, the human data lend more confidence in the prediction of human risks than the data from the rat studies because of the uncertainties of extrapolating from rats to humans, especially in the context of the substantial particle effect. Thus, OEHHA preferred to derive the human risk estimates based only upon the epidemiological findings and not the rat data.

In its Integrated Risk Information System (IRIS) Chemical Abstract Summary, the U.S. EPA provides additional commentary on the weight-of-evidence associated with the extrapolation of negative health outcomes via animal exposure studies. As reported:

> It is noted that there are also several well conducted studies in rats that show that inhalation exposure to diesel exhaust results in lung tumors, while results in other traditional rodent test species are equivocal or not positive for inhalation induced lung tumors. There is a substantial body of evidence showing that the rat is more responsive than other species to the induction of lung tumors by poorly soluble particles, with diesel exhaust particles being one example. While directly comparable human data are lacking, some human cohorts exposed to very high levels of poorly soluble particles (e.g., coal miners) do not show the sequence of events leading to lung tumors that has been seen in rats. This mode-of-action information for the rat, involving particle overload and consequent persistent inflammation and cell proliferation, supports a nonlinear mode of action for lung cancer in the rat.
>
> The nonlinear cancer response is further characterized as occurring at relatively high exposures of diesel exhaust (>3500 μg DPM/m³ DPM), which is far beyond the range of environmental levels. The rat tumor occurrences, thus, are not particularly influential in judging the hazards at environmental levels of exposure.
>
> In addition, while the mode of action for lung tumors in rats at high DE exposures is sufficiently understood, the mode of action for the DE lung cancer risk in humans is not known. To date, available evidence for the role of both the adsorbed organics and the carbon core particle has only been shown under high-exposure experimental animal test conditions. There is virtually no information about the relative role of DE constituents in mediating carcinogenic effects at the low-exposure levels or in humans.

As noted above, the commerter's assertion that diesel exhaust exhibits a mutagenic mode of action is incorrect and not supported by scientific evidence.

Notwithstanding the supporting evidence to forgo consideration of whole diesel exhaust as a mutagenic compound, legal council for CREED LA cites the U.S. EPA's Chemical Assessment Summary asserting that it "plainly states that DPM is mutagenic". As reported, "[D]iesel exhaust (DE) is likely to be carcinogenic to humans by inhalation from environmental exposures. The basis for this conclusion includes the following lines of evidence: […] extensive supporting data including the demonstrated mutagenic and/or chromosomal effects of DE **a**nd its organic constituents, and knowledge of the known mutagenic and/or carcinogenic activity of a number of individual organic compounds that adhere to the particles and are present in the DE gases".

The commenter is citing the weight-of-evidence determination previously referenced but fails to note the U.S. EPA discounts diesel exhaust's mutagenic potential based upon documented uncertainties under animal test conditions.

To end further debate on the U.S. EPA's position on diesel exhaust, a list of compounds that exhibit a mutagenic mode of action are available at https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide. The commenter is encouraged to refer to Section 5.17 which provides a list of identified mutagenic compounds. Upon review, the commenter will note diesel exhaust does not appear on U.S. EPA's list of identified compounds.

As documented above, CREED LA's assertion that the HRA fails to disclose and mitigate significant health risks from construction emissions and that the HRA inaccurately excludes incorporation of ASFs is incorrect based upon the misrepresentation of scientific fact and misunderstanding of regulatory guidance. As such, revision to the HRA and its conclusion which demonstrates that construction of the proposed project will not result in unacceptable localized impacts is not warranted.

I can be reached at (818) 703-3294 should you have any questions or require additional information.

Sincerely,

Bill Piazza

Attachment A: List of References Cited

Attachment A
List of References Cited

Adams Broadwell Joseph & Cardozo, 2022. Comments of the Sustainable Communities Environmental Assessment for the 1050 La Cienega Boulevard Project (SCH No. 2022090143; Case Nos. ENV-2022-2280-SCEA; DIR-2022-2279-TOC-SPR-VHCA.

Air Quality Dynamics, 2022. 1050 La Cienega Boulevard Project – Construction Health Risk Assessment.

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California Air Resources Board, 2022. Hot Spots Analysis and Reporting Program (HARP).

City of Los Angeles, Department of City Planning, 2019. Air Quality And Health Effects - Sierra Club v. County of Fresno.

Clark & Associates, 2022. Comments On Sustainable Communities Environmental Assessment (SCA) For The 1050 La Cienega Boulevard Project, Los Angeles, CA 90035 Case Number ENV-2022-2280-SCEA.

South Coast Air Quality Management District (SCAQMD), 2015. Staff Report – Proposed Amended Rules: 212–Standards for Approving Permits and Issuing Public Notice, 1401–New Source Review of Toxic Air Contaminants, 1401.1–Requirements for New and Relocated Facilities Near Schools, and 1402–Control of Toxic Air Contaminants from Existing Sources.

U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) Chemical Assessment Summary: Diesel engine exhaust; CASRN N.A. Website: https://iris.epa.gov/static/pdfs/0642_summary.pdf.

U.S Environmental Protection Agency, Regional Screening Levels (RSLs) - Users Guide. Website: https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide.

EXHIBIT E

**Air Quality,
Greenhouse Gases,
Noise Analysis**

noah tanski environmental consulting

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

To: Stacie Henderson,
CAJA Environmental Services, LLC

From: Noah Tanski,
NTEC

Date: October 31, 2022

RE: 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 the baseline ambient noise levels utilized by the SCEA's noise analysis.

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

[1] SCEA, Page 5-156.

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.

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.

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

Sincerely,

Noah Tanski, Principal

1. La Cienega Boulevard, near Project Site

Noise Report

Summary

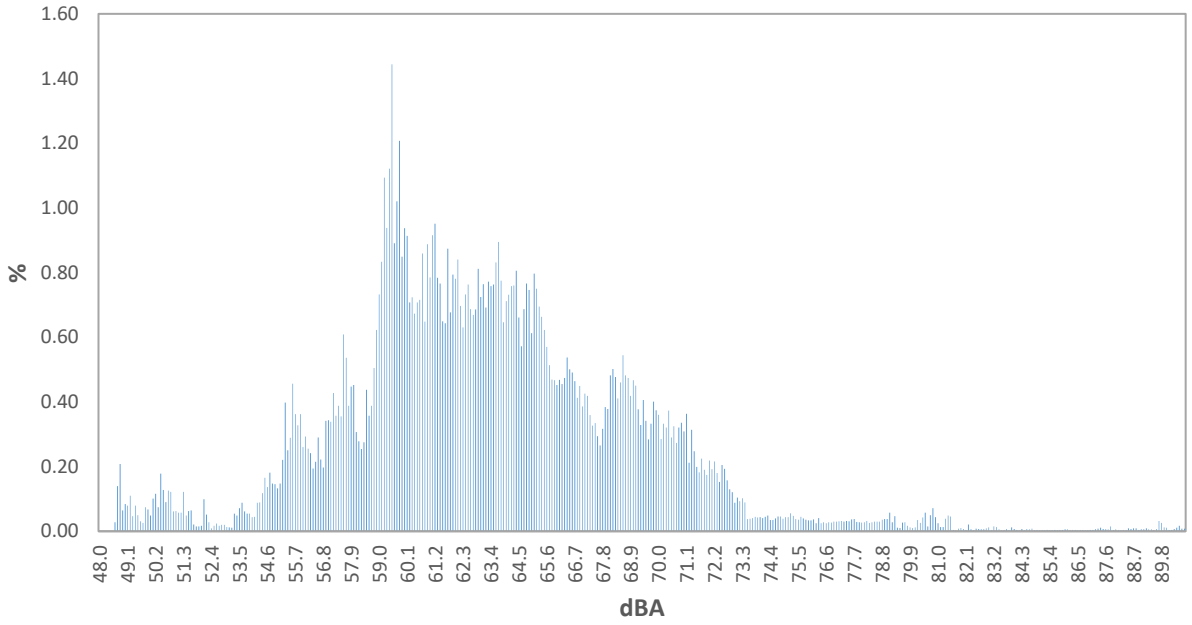
Date	Thursday, July 29, 2021
Start Time	2:02pm
End Time	2:17pm
File Name	831_Data.032
Device Model	Larson Davis Model 831
Weighting	A
Response	Slow

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

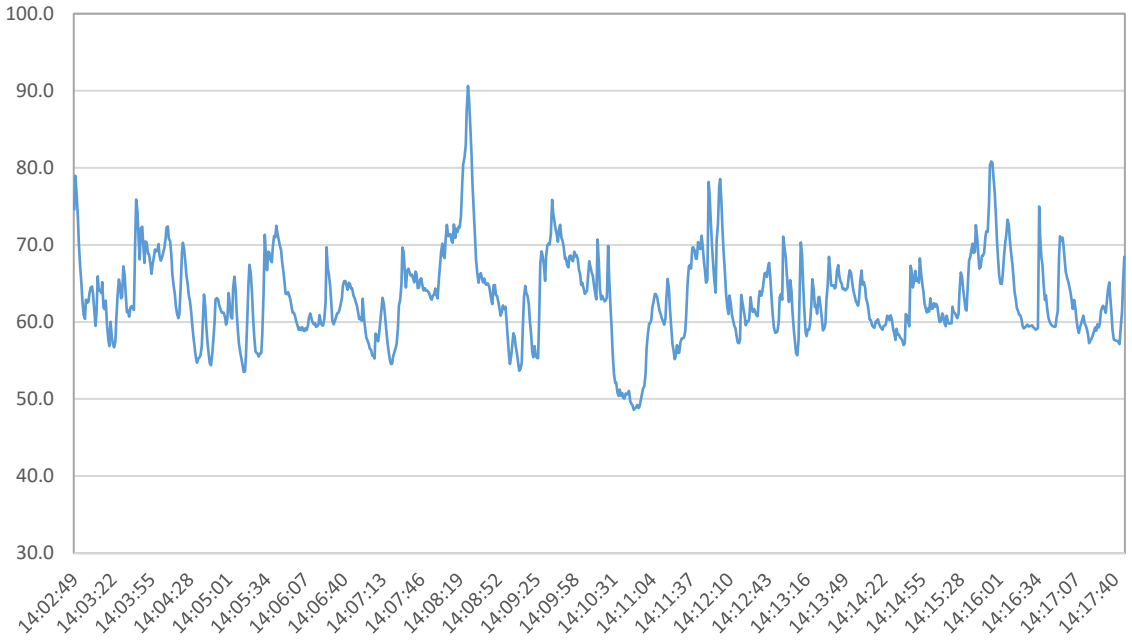
Statistics Chart



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

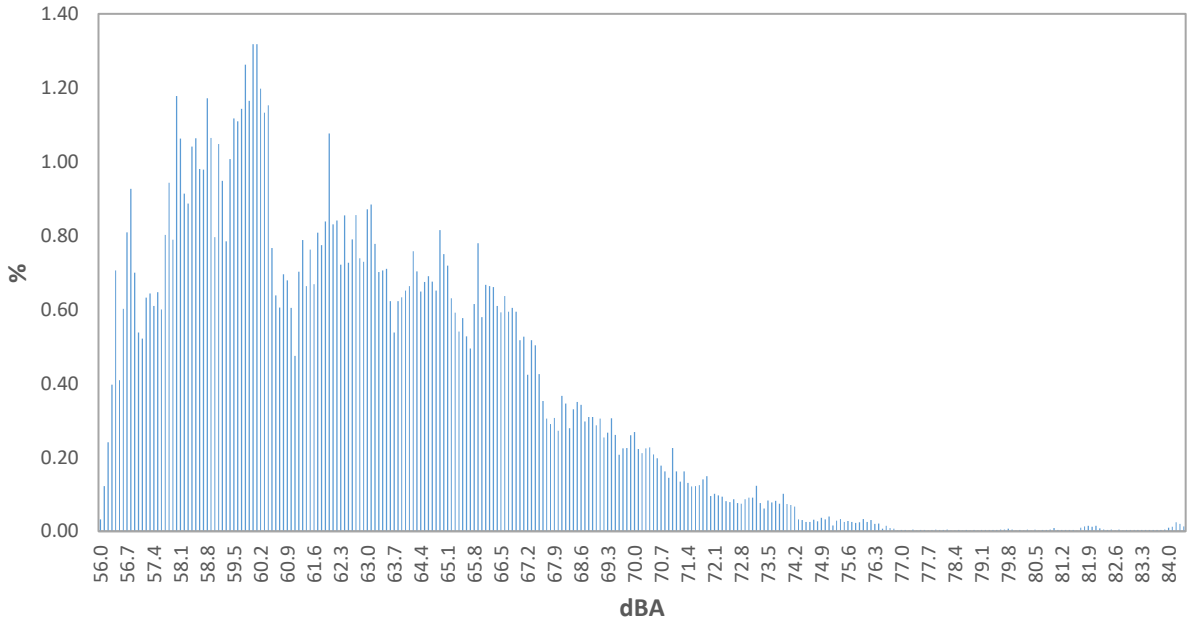
Date	Thursday, July 29, 2021
Start Time	2:20pm
End Time	2:35pm
File Name	831_Data.033
Device Model	Larson Davis Model 831
Weighting	A
Response	Slow

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

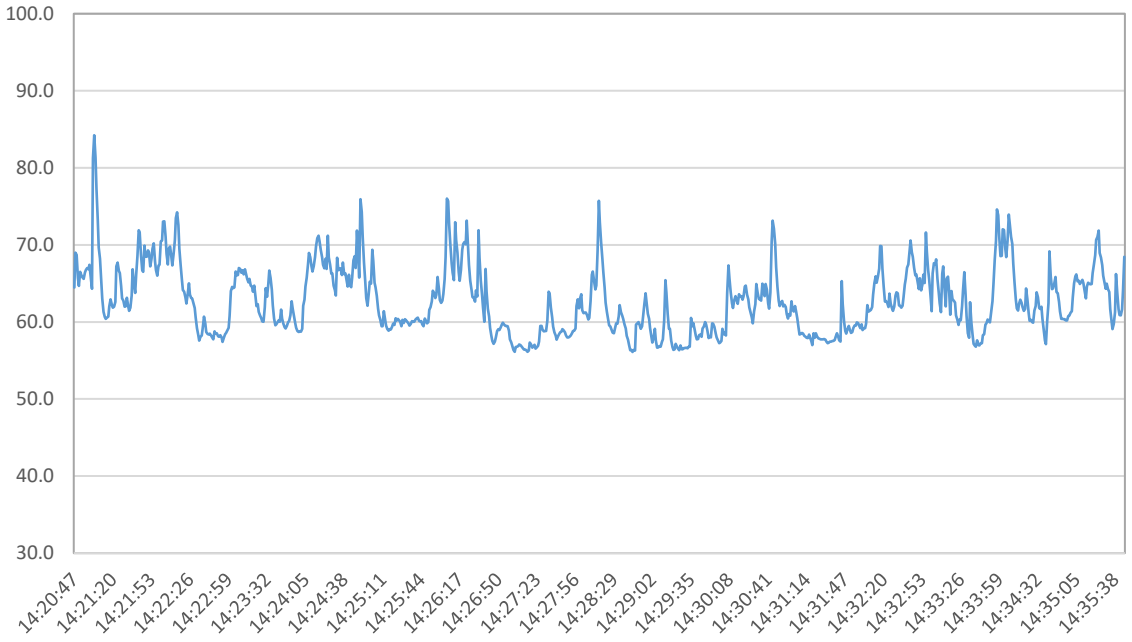
Statistics Chart



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



Communication from Public

Name:	Victoria Yundt, Lozeau Drury LLP
Date Submitted:	11/01/2022 12:56 PM
Council File No:	22-1098
Comments for Public Posting:	Dear Chair Harris-Dawson, Councilmembers Blumenfield, Lee, Rodriguez, Ms. Rosales, and Mr. Netburn: On behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), please find comments attached regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the 1060 La Cienega Boulevard Mixed Use Project (DIR-2022-2279-TOC-SPR-VHCA; ENV-2022-2280-EAF; SCH 2022090143), to be heard as Agenda Item No. 15 at today's PLUM Committee Meeting. Thank you for considering these comments. Sincerely, Victoria -- Victoria Yundt Lozeau | Drury LLP 1939 Harrison St., Suite 150 Oakland, CA 94612 P: 510.836.4200 C: 510.607.8242 F: 510.836.4205 victoria@lozeaudrury.com

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November 1, 2022

Via E-mail and Online Submission Form

Marqueece Harris-Dawson, Chair
Bob Blumenfield, Councilmember
John S. Lee, Councilmember
Monica Rodriguez, Councilmember
Planning and Land Use Management Committee
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Re: Comment on Sustainable Communities Environmental Assessment, 1060 La Cienega Boulevard Mixed Use Project (DIR-2022-2279-TOC-SPR-VHCA; ENV-2022-2280-EAF; SCH 2022090143); PLUM Committee Meeting Agenda Item No. 15

Dear Chair Harris-Dawson, Councilmembers Blumenfield, Lee, Rodriguez, Ms. Rosales, and Mr. Netburn:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the 1050 La Cienega Boulevard Mixed Use Project (DIR-2022-2279-TOC-SPR-VHCA; ENV-2022-2280-EAF; SCH 2022090143), including all actions related or referring to the proposed construction of a mixed-use development consisting of 290 apartment units, 7,500 square feet of commercial space, and approximately 300,000 square feet of total floor area located at 1022 – 1066 South La Cienega Boulevard in the City of Los Angeles ("Project").

After reviewing the SCEA, we conclude the SCEA fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. Therefore, we request that the City of Los Angeles ("City") prepare an Environmental Impact Report

("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq.

Pursuant to California Public Resources Code Section 21155, a SCEA may only be used if the proposed project is consistent with the applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the California Air Resources Board (CARB) has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets established by CARB.

Pursuant to Public Resources Code section 21155.2(b)(2), the Project must have no significant unmitigated environmental impacts.

Pursuant to Public Resources Code section 21155.2(a), the Project must impose all mitigation measures required by the SCS EIR.

We reserve the right to supplement these comments, including but not limited to at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist*., 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Victoria Yundt
LOZEAU | DRURY LLP