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Responses to Comments re: 8141 Van Nuys Project (Project)

We write in response to the comment letters received on the 8141 Van Nuys Project (DIR-2020-4227-CDO-SPR-HCA) (ENV-2020-4228-SCEA), which included a Sustainable Communities Environmental Assessment (SCEA) pursuant to the California Environmental Quality Act (CEQA).

The Project Site is located at 8141, 8155, 8159 N. Van Nuys Boulevard. 14528, 14550 W. Titus Street, Los Angeles, CA, 91402. The Project proposes a new 7-story mixed-use building to be constructed on the southeast portion of the Project Site, including 200 residential units and approximately 2,060 square feet of ground floor commercial on the southeast corner of the Project Site (Proposed Building). The 200 units would all be market-rate and consist of 159 1-bedroom units, 39 2-bedroom units, and 2 studio units. A 3-level 504 space parking structure (Parking Building) would be constructed on the western half of the Project Site. A 10,674 square foot warehouse space (not open to the public) would be located between the Parking Building and surface parking lot along Titus Street. A 12-space surface parking lot would be constructed on the north midpoint of the Project Site accessed from Titus. The Project includes a signage program. The Project Site is currently developed with an existing vacant 14-story building that is comprised of 194 residential units and 9,533 square feet of previously permitted commercial and retail spaces (Existing Building) and a 219-space surface parking lot located at the northeast corner of Van Nuys Boulevard and Titus Street. The Existing Building will remain on-site.

The following comment letters were received:

- Mitchell M. Tsai Law Firm representing the Southwest Mountain States Regional Council of Carpenters (SWMSRCC), dated March 29, 2023
- Lozeau Drury representing the Supporters Alliance for Environmental Responsibility (SAFER) (SAFER), dated April 3, 2023
- Los Angeles Conservancy, April 3, 2023

While the comment letters challenge the Project's analysis, they only makes generic arguments that do not address the Project or the SCEA. The comment letters, in fact, lack any evidence whatsoever in support of their generalized claims of CEQA violations.

SWMSRCC Comment 1

On behalf of the Southwest Mountain States Regional Council of Carpenters (“The Carpenters” or “SWMSRCC”), my Office is submitting these comments regarding the Sustainable Communities Environmental Assessment (“SCEA”) for the 8141 Van Nuys project (“Project”).

[...]

SWMSRCC incorporates by reference all comments raising issues regarding the Project’s environmental review submitted prior to approval of the Project. Citizens for Clean Energy v. City of Woodland (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Response to SWMSRCC Comment 1

This comment includes statements about the commentator and is not a comment on the SCEA.

The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

SWMSRCC Comment 2

SWMSRCC also requests that the City provide notice for any and all notices referring or related to the Project [...]

Response to SWMSRCC Comment 2

The City will provide all notices for the Project to the commentator.

SWMSRCC Comment 3

The city should require the use of a local workforce to benefit the community’s economic development and environment.

Response to SWMSRCC Comment 3

Community benefits are not a requirement of CEQA. Additionally, as discussed in the SCEA (pages 5-85 through 5-104), the Project would not result in any significant GHG emissions impacts.

CEQA Guidelines Section 15041 (Authority to Mitigate) states the following:

(a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law (Nollan v. California Coastal Commission (1987)

483 U.S. 825, *Dolan v. City of Tigard*, (1994) 512 U.S. 374, *Ehrlich v. City of Culver City*, (1996) 12 Cal. 4th 854.).[emphasis added]

Additionally, CEQA Guidelines Section 15126.4(3) states, “Mitigation measures are not required for effects which are not found to be significant.”

Additionally, as noted throughout the SCEA, the Project includes infill development located along the densely developed Van Nuys Boulevard, placing housing uses in proximity to regional and local transit, and accommodating visitors to the area. The Project is, by nature, the type of development that places a source of housing near commercial uses to allow for alternate forms of transportation (e.g., cycling, walking, transit, etc.) to-from work affecting overall reductions in VMT and associated pollutant emissions.

The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

SWMSRCC Comment 4

The city should impose training requirements for the project’s construction activities to prevent community spread of Covid-19 and other infectious diseases.

Response to SWMSRCC Comment 4

Public health risks such as COVID, are well outside the scope of CEQA.

The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

SWMSRCC Comment 5

The city should prepare an Environmental Impact Report for the project.

[...]

As there is a fair argument that the Project may cause significant environmental impacts, as explained below, the low threshold is met and the City should prepare an EIR for the Project.

Response to SWMSRCC Comment 5

This comment includes background information regarding CEQA and is not a comment on the SCEA.

The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

SWMSRCC Comment 6

THE CITY MUST REVISE AND RECIRCULATE THE SCEA

[...]

The SCEA fails to support its greenhouse gas findings with substantial evidence.

Response to SWMSRCC Comment 6

The arguments are not supported by substantial evidence, as required by CEQA to suggest potential significant greenhouse gas impacts at the Project Site.

In 2019 CEQA Guidelines Section 15064.4 was amended to incorporate the holding in the Center for Biological Diversity case as well as others. Based on this, the City finds that analyzing the Project's GHG emissions through consistency with the plans, policies, and regulations identified above that have been adopted to reduce GHG emissions is the appropriate methodology to analyze the Project's GHG impacts in the context of the GHG threshold questions set forth in Appendix G. Using consistency with AB 32's statewide goal for GHG reduction, and subsequently adopted plans, programs, policies, standards, and regulations as identified above, rather than a numerical threshold, as a significance criterion is also consistent with the broad guidance provided by Section 15064.4 of the CEQA Guidelines to reflect that there is no iron-clad definition of significance pertaining to this matter. Section 15064.4 was not intended to restrict agency discretion in choosing a method for assessing GHG emissions, but rather to assist lead agencies in investigating and disclosing all that they reasonably can regarding a project's GHG emissions impact.

Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with regulatory programs to reduce GHG emissions.

In the absence of an adopted significance threshold from the California Air Resources Board (CARB), SCAQMD, the City, or any other relevant agency, the analysis of the Project's impacts related to GHG emissions in the SCEA meets the requirements of CEQA Guidelines Section 15064.4(b)(3) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. This analysis evaluates the consistency of the Project with several plans that define state, regional, and local goals to reduce GHG emissions, in addition to including an estimation of the Project's GHG emissions associated with construction and operational activities. This includes the Project's consistency with SCAG's 2020-2045 RTP/SCS, which is designed to achieve regional GHG emissions reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals, and the Climate Change Scoping Plan.

Table 5.8-3 of the SCEA provides the Project's consistency with 2017 Scoping Plan. Table 5.8-4 of the SCEA provides the Project's consistency with SCAG 2020-2045 RTP/SCS. The comment does not provide substantial evidence that the Project is not consistent with the SCAG 2020-2045 RTP/SCS, which was accepted by CARB to achieve greenhouse gas emissions reduction targets.

The following is an updated discussion for the 2022 Scoping Plan.

The Scoping Plan is a greenhouse gas emission (GHG) reduction roadmap developed and updated by the California Air Resources Board (CARB) at least once every five years, as required by Assembly Bill (AB) 32. It lays out the transformations needed across various sectors to reduce GHG emissions and reach the State's climate targets. CARB published the Final 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan Update) in November 2022, as the third update to the initial plan that was adopted in 2008. The initial 2008 Scoping Plan laid out a path to achieve the AB 32 target of returning to 1990 levels of GHG emissions by 2020, a reduction of approximately 15 percent below business as usual activities. The 2008 Scoping Plan included a mix of incentives, regulations, and carbon pricing, laying out the portfolio approach to addressing climate change and clearly making the case for using multiple tools to meet California's GHG targets. The 2013 Scoping Plan Update (adopted in 2014) assessed progress toward achieving the 2020 target and made the case for addressing short-lived climate pollutants (SLCPs). The 2017 Scoping Plan Update, shifted focus to the newer Senate Bill (SB) 32 goal of a 40 percent reduction below 1990 levels by 2030 by laying out a detailed cost-effective and technologically feasible path to this target, and also assessed progress towards achieving the AB 32 goal of returning to 1990 GHG levels by 2020. The 2020 goal was ultimately reached in 2016, four years ahead of the schedule called for under AB 32.

The 2022 Scoping Plan Update is the most comprehensive and far-reaching Scoping Plan developed to date. It identifies a technologically feasible, cost-effective, and equity-focused path to achieve new targets for carbon neutrality by 2045 and to reduce anthropogenic GHG emissions to at least 85 percent below 1990 levels, while also assessing the progress California is making toward reducing its GHG emissions by at least 40 percent below 1990 levels by 2030, as called for in SB 32 and laid out in the 2017 Scoping Plan. The 2030 target is an interim but important stepping stone along the critical path to the broader goal of deep decarbonization by 2045. The relatively longer path assessed in the 2022 Scoping Plan Update incorporates, coordinates, and leverages many existing and ongoing efforts to reduce GHGs and air pollution, while identifying new clean technologies and energy. Given the focus on carbon neutrality, the 2022 Scoping Plan Update also includes discussion for the first time of the natural and working lands sectors as sources for both sequestration and carbon storage, and as sources of emissions as a result of wildfires.

Table 1
Estimated Statewide Greenhouse Gas Emissions Reductions in the 2022 Scoping Plan

Emissions Scenario	GHG Emissions (MMTCO₂e)
2019	
2019 State GHG Emissions	404
2030	
2030 BAU Forecast	312
2030 GHG Emissions without Carbon Removal and Capture	233
2030 GHG Emissions with Carbon Removal and Capture	226
2030 Emissions Target Set by AB 32 (i.e., 1990 level by 2030)	260

Reduction below Business-As-Usual necessary to achieve 1990 levels by 2030	52 (16.7%) ^a
2045	
2045 BAU Forecast	266
2045 GHG Emissions without Carbon Removal and Capture	72
2045 GHG Emissions with Carbon Removal and Capture	(3)
MMTCO ₂ e = million metric tons of carbon dioxide equivalents; parenthetical numbers represent negative values.	
^a 312 – 260 = 52. 52 / 312 = 16.7%	
Source: CARB, Final 2022 Climate Change Scoping Plan, November 2022.	

The 2022 Scoping Plan Update reflects existing and recent direction in the Governor’s Executive Orders and State Statutes, which identify policies, strategies, and regulations in support of and implementation of the Scoping Plan. Among these include Executive Order B-55-18 and AB 1279 (The California Climate Crisis Act), which identify the 2045 carbon neutrality and GHG reduction targets required for the Scoping Plan.

Table 2 below provides a summary of major climate legislation and executive orders issued since the adoption of the 2017 Scoping Plan.

Table 2
Major Climate Legislation and Executive Orders Enacted Since the 2017 Scoping Plan

Bill/Executive Order	Summary
Assembly Bill 1279 (AB 1279) (Muratsuchi, Chapter 337, Statutes of 2022) <i>The California Climate Crisis Act</i>	AB 1279 establishes the policy of the state to achieve carbon neutrality as soon as possible, but no later than 2045; to maintain net negative GHG emissions thereafter; and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced at least 85 percent below 1990 levels. The bill requires CARB to ensure that the Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO ₂ removal solutions and carbon capture, utilization, and storage (CCUS) technologies. This bill is reflected directly in the 2022 Scoping Plan Update.
Senate Bill 905 (SB 905) (Caballero, Chapter 359, Statutes of 2022) <i>Carbon Capture, Removal, Utilization, and Storage Program</i>	SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate CCUS and carbon dioxide removal (CDR) projects and technology. The bill requires CARB, on or before January 1, 2025, to adopt regulations creating a unified state permitting application for approval of CCUS and CDR projects. The bill also requires the Secretary of the Natural Resources Agency to publish a framework for governing agreements for two or more tracts of land overlying the same geologic storage reservoir for the purposes of a carbon sequestration project. The 2022 Scoping Plan Update modeling reflects both CCUS and CDR contributions to achieve carbon neutrality.
Senate Bill 846 (SB 846) (Dodd, Chapter 239, Statutes of 2022) <i>Diablo Canyon Powerplant: Extension of Operations</i>	SB 846 extends the Diablo Canyon Power Plant’s sunset date by up to five additional years for each of its two units and seeks to make the nuclear power plant eligible for federal loans. The bill requires that the California Public Utilities Commission (CPUC) not include and disallow a load-serving entity from including in their adopted resource plan, the energy, capacity, or any attribute from the Diablo Canyon power plant.

Bill/Executive Order	Summary
	The 2022 Scoping Plan Update explains the emissions impact of this legislation.
Senate Bill 1020 (SB 1020) (Laird, Chapter 361, Statutes of 2022) <i>Clean Energy, Jobs, and Affordability Act of 2022</i>	<p>SB 1020 adds interim renewable energy and zero carbon energy retail sales of electricity targets to California end-use customers set at 90 percent in 2035 and 95 percent in 2040. It accelerates the timeline required to have 100 percent renewable energy and zero carbon energy procured to serve state agencies from the original target year of 2045 to 2035. This bill requires each state agency to individually achieve the 100 percent goal by 2035 with specified requirements. This bill requires the CPUC, California Energy Commission (CEC), and CARB, on or before December 1, 2023, and annually thereafter, to issue a joint reliability progress report that reviews system and local reliability.</p> <p>The bill also modifies the requirement for CARB to hold a portion of its Scoping Plan workshops in regions of the state with the most significant exposure to air pollutants by further specifying that this includes communities with minority populations or low-income communities in areas designated as being in extreme federal non-attainment.</p> <p>The 2022 Scoping Plan Update describes the implications of this legislation on emissions.</p>
Senate Bill 1137 (SB 1137) (Gonzales, Chapter 365, Statutes of 2022) <i>Oil & Gas Operations: Location Restrictions: Notice of Intention: Health protection zone: Sensitive receptors</i>	<p>SB 1137 prohibits the development of new oil and gas wells or infrastructure in health protection zones, as defined, except for purposes of public health and safety or other limited exceptions. The bill requires operators of existing oil and gas wells or infrastructure within health protection zones to undertake specified monitoring, public notice, and nuisance requirements. The bill requires CARB to consult and concur with the California Geologic Energy Management Division (CalGEM) on leak detection and repair plans for these facilities, adopt regulations as necessary to implement emission detection system standards, and collaborate with CalGEM on public access to emissions detection data.</p>
Senate Bill 1075 (SB 1075) (Skinner, Chapter 363, Statutes of 2022) <i>Hydrogen: Green Hydrogen: Emissions of Greenhouse Gases</i>	<p>SB 1075 requires CARB, by June 1, 2024, to prepare an evaluation that includes: policy recommendations regarding the use of hydrogen, and specifically the use of green hydrogen, in California; a description of strategies supporting hydrogen infrastructure, including identifying policies that promote the reduction of GHGs and short-lived climate pollutants; a description of other forms of hydrogen to achieve emission reductions; an analysis of curtailed electricity; an estimate of GHG and emission reductions that could be achieved through deployment of green hydrogen through a variety of scenarios; an analysis of the potential for opportunities to integrate hydrogen production and applications with drinking water supply treatment needs; policy recommendations for regulatory and permitting processes associated with transmitting and distributing hydrogen from production sites to end uses; an analysis of the life-cycle GHG emissions from various forms of hydrogen production; and an analysis of air pollution and other environmental impacts from hydrogen distribution and end uses.</p> <p>This bill would inform the production of hydrogen at the scale called for in the 2022 Scoping Plan Update.</p>
Assembly Bill 1757 (AB 1757) (Garcia, Chapter 341, Statutes of 2022)	<p>AB 1757 requires the California Natural Resources Agency (CNRA), in collaboration with CARB, other state agencies, and an expert advisory committee, to determine a range of targets for natural carbon sequestration, and for nature-based climate solutions, that reduce GHG</p>

Bill/Executive Order	Summary
<p><i>California Global Warming Solutions Act of 2006: Climate Goal: Natural and Working Lands</i></p>	<p>emissions in 2030, 2038, and 2045 by January 1, 2024. These targets must support state goals to achieve carbon neutrality and foster climate adaptation and resilience.</p> <p>This bill also requires CARB to develop standard methods for state agencies to consistently track GHG emissions and reductions, carbon sequestration, and additional benefits from natural and working lands over time. These methods will account for GHG emissions reductions of CO₂, methane, and nitrous oxide related to natural and working lands and the potential impacts of climate change on the ability to reduce GHG emissions and sequester carbon from natural and working lands, where feasible.</p> <p>This 2022 Scoping Plan Update describes the next steps and implications of this legislation for the natural and working lands sector.</p>
<p>Senate Bill 1206 (SB 1206) (Skinner, Chapter 884, Statutes of 2022) <i>Hydrofluorocarbon gases: sale or distribution</i></p>	<p>SB 1206 mandates a stepped sales prohibition on newly produced high-global warming potential (GWP) HFCs to transition California's economy toward recycled and reclaimed HFCs for servicing existing HFC-based equipment. Additionally, SB 1206 also requires CARB to develop regulations to increase the adoption of very low-, i.e., GWP < 10, and no-GWP technologies in sectors that currently rely on higher-GWP HFCs.</p>
<p>Senate Bill 27 (SB 27) (Skinner, Chapter 237, Statutes of 2021) <i>Carbon Sequestration: State Goals: Natural and Working Lands: Registry of Projects</i></p>	<p>SB 27 requires CNRA, in coordination with other state agencies, to establish the Natural and Working Lands Climate Smart Strategy by July 1, 2023. This bill also requires CARB to establish specified CO₂ removal targets for 2030 and beyond as part of its Scoping Plan. Under SB 27, CNRA is to establish and maintain a registry to identify projects in the state that drive climate action on natural and working lands and are seeking funding.</p> <p>CNRA also must track carbon removal and GHG emission reduction benefits derived from projects funded through the registry.</p> <p>This bill is reflected directly in the 2022 Scoping Plan Update as CO₂ removal targets for 2030 and 2045 in support of carbon neutrality.</p>
<p>Senate Bill 596 (SB 596) (Becker, Chapter 246, Statutes of 2021) <i>Greenhouse Gases: Cement Sector: Net-zero Emissions Strategy</i></p>	<p>SB 596 requires CARB, by July 1, 2023, to develop a comprehensive strategy for the state's cement sector to achieve net-zero-emissions of GHGs associated with cement used within the state as soon as possible, but no later than December 31, 2045. The bill establishes an interim target of 40 percent below the 2019 average GHG intensity of cement by December 31, 2035. Under SB 596, CARB must:</p> <ul style="list-style-type: none"> Define a metric for GHG intensity and establish a baseline from which to measure GHG intensity reductions. Evaluate the feasibility of the 2035 interim target (40 percent reduction in GHG intensity) by July 1, 2028. Coordinate and consult with other state agencies. Prioritize actions that leverage state and federal incentives. Evaluate measures to support market demand and financial incentives to encourage the production and use of cement with low GHG intensity. <p>The 2022 Scoping Plan Update modeling is designed to achieve these outcomes.</p>
<p>Executive Order N-82-20</p>	<p>Governor Newsom signed Executive Order N-82-20 in October 2020 to combat the climate and biodiversity crises by setting a statewide goal to conserve at least 30 percent of California's land and coastal waters by</p>

Bill/Executive Order	Summary
	<p>2030. The Executive Order also instructed the CNRA, in consultation with other state agencies, to develop a Natural and Working Lands Climate Smart Strategy that serves as a framework to advance the state's carbon neutrality goal and build climate resilience. In addition to setting a statewide conservation goal, the Executive Order directed CARB to update the target for natural and working lands in support of carbon neutrality as part of this Scoping Plan, and to take into consideration the NWL Climate Smart Strategy.</p> <p>CO2 Executive Order N-82-20 also calls on the CNRA, in consultation with other state agencies, to establish the California Biodiversity Collaborative (Collaborative). The Collaborative shall be made up of governmental partners, California Native American tribes, experts, business and community leaders, and other stakeholders from across the state. State agencies will consult the Collaborative on efforts to:</p> <ul style="list-style-type: none"> Establish a baseline assessment of California's biodiversity that builds upon existing data and can be updated over time. Analyze and project the impact of climate change and other stressors in California's biodiversity. Inventory current biodiversity efforts across all sectors and highlight opportunities for additional action to preserve and enhance biodiversity. <p>CNRA also is tasked with advancing efforts to conserve biodiversity through various actions, such as streamlining the state's process to approve and facilitate projects related to environmental restoration and land management. The California Department of Food and Agriculture (CDFA) is directed to advance efforts to conserve biodiversity through measures such as reinvigorating populations of pollinator insects, which restore biodiversity and improve agricultural production.</p> <p>The Natural and Working Lands Climate Smart Strategy informs the 2022 Scoping Plan Update.</p>
<p>Executive Order N-79-20</p>	<p>Governor Newsom signed Executive Order N-79-20 in September 2020 to establish targets for the transportation sector to support the state in its goal to achieve carbon neutrality by 2045. The targets established in this Executive Order are:</p> <ul style="list-style-type: none"> 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. 100 percent of medium- and heavy-duty vehicles will be zero-emission by 2045 for all operations where feasible, and by 2035 for drayage trucks. 100 percent of off-road vehicles and equipment will be zero-emission by 2035 where feasible. <p>The Executive Order also tasked CARB to develop and propose regulations that require increasing volumes of zero- electric passenger vehicles, medium- and heavy-duty vehicles, drayage trucks, and off-road vehicles toward their corresponding targets of 100 percent zero-emission by 2035 or 2045, as listed above.</p> <p>The 2022 Scoping Plan Update modeling reflects achieving these targets.</p>
<p>Executive Order N-19-19</p>	<p>Governor Newsom signed Executive Order N-19-19 in September 2019 to direct state government to redouble its efforts to reduce GHG emissions and mitigate the impacts of climate change while building a</p>

Bill/Executive Order	Summary
	<p>sustainable, inclusive economy. This Executive Order instructs the Department of Finance to create a Climate Investment Framework that:</p> <ul style="list-style-type: none"> Includes a proactive strategy for the state's pension funds that reflects the increased risks to the economy and physical environment due to climate change. Provides a timeline and criteria to shift investments to companies and industry sectors with greater growth potential based on their focus of reducing carbon emissions and adapting to the impacts of climate change. Aligns with the fiduciary responsibilities of the California Public Employees' Retirement System, California State Teachers' Retirement System, and the University of California Retirement Program. <p>Executive Order N-19-19 directs the State Transportation Agency to leverage more than \$5 billion in annual state transportation spending to help reverse the trend of increased fuel consumption and reduce GHG emissions associated with the transportation sector. It also calls on the Department of General Services to leverage its management and ownership of the state's 19 million square feet in managed buildings, 51,000 vehicles, and other physical assets and goods to minimize state government's carbon footprint. Finally, it tasks CARB with accelerating progress toward California's goal of five million ZEV sales by 2030 by:</p> <ul style="list-style-type: none"> Developing new criteria for clean vehicle incentive programs to encourage manufacturers to produce clean, affordable cars. Proposing new strategies to increase demand in the primary and secondary markets for ZEVs. Considering strengthening existing regulations or adopting new ones to achieve the necessary GHG reductions from within the transportation sector. <p>The 2022 Scoping Plan Update modeling reflects efforts to accelerate ZEV deployment.</p>
<p>Senate Bill 576 (SB 576) (Umberg, Chapter 374, Statutes of 2019) <i>Coastal Resources: Climate Ready Program and Coastal Climate Change Adaptation, Infrastructure and Readiness Program</i></p>	<p>Sea level rise, combined with storm-driven waves, poses a direct risk to the state's coastal resources, including public and private real property and infrastructure. Rising marine waters threaten sensitive coastal areas, habitats, the survival of threatened and endangered species, beaches, other recreation areas, and urban waterfronts. SB 576 mandates that the Ocean Protection Council develop and implement a coastal climate adaptation, infrastructure, and readiness program to improve the climate change resiliency of California's coastal communities, infrastructure, and habitat. This bill also instructs the State Coastal Conservancy to administer the Climate Ready Program, which addresses the impacts and potential impacts of climate change on resources within the conservancy's jurisdiction.</p>
<p>Assembly Bill 65 (AB 65) (Petrie-Norris, Chapter 347, Statutes of 2019) <i>Coastal Protection: Climate Adaption: Project Prioritization: Natural Infrastructure: Local General Plans</i></p>	<p>This bill requires the State Coastal Conservancy, when it allocates any funding appropriated pursuant to the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, to prioritize projects that use natural infrastructure in coastal communities to help adapt to climate change. The bill requires the conservancy to provide information to the Office of Planning and Research on any projects funded pursuant to the above provision to be considered for inclusion into the clearinghouse for climate adaptation information. The</p>

Bill/Executive Order	Summary
	bill authorizes the conservancy to provide technical assistance to coastal communities to better assist them with their projects that use natural infrastructure.
Executive Order B-55-18	<p>Governor Brown signed Executive Order B-55-18 in September 2018 to establish a statewide goal to achieve carbon neutrality as soon as possible, and no later than 2045, and to achieve and maintain net negative emissions thereafter. Policies and programs undertaken to achieve this goal shall:</p> <p>Seek to improve air quality and support the health and economic resiliency of urban and rural communities, particularly low-income and disadvantaged communities.</p> <p>Be implemented in a manner that supports climate adaptation and biodiversity, including protection of the state's water supply, water quality, and native plants and animals.</p> <p>This Executive Order also calls for CARB to:</p> <p>Develop a framework for implementation and accounting that tracks progress toward this goal.</p> <p>Ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.</p> <p>The 2022 Scoping Plan Update is designed to achieve carbon neutrality no later than 2045 and the modeling includes technology and fuel transitions to achieve that outcome.</p>
Senate Bill 100 (SB 100) (De León, Chapter 312, Statutes of 2018) <i>California Renewables Portfolio Standard Program: emissions of greenhouse gases</i>	<p>Under SB 100, the CPUC, CEC, and CARB shall use programs under existing laws to achieve 100 percent clean electricity. The statute requires these agencies to issue a joint policy report on SB 100 every four years. The first of these reports was issued in 2021.</p> <p>The 2022 Scoping Plan Update reflects the SB 100 Core Scenario resource mix with a few minor updates.</p>
Assembly Bill 2127 (AB 2127) (Ting, Chapter 365, Statutes of 2018) <i>Electric Vehicle Charging Infrastructure: Assessment</i>	<p>This bill requires the CEC, working with CARB and the CPUC, to prepare and biennially update a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5 million zero-emission vehicles on California roads by 2030 and of reducing emissions of GHGs to 40 percent below 1990 levels by 2030. The bill requires the CEC to regularly seek data and input from stakeholders relating to electric vehicle charging infrastructure.</p> <p>This bill supports the deployment of ZEVs as modeled in the 2022 Scoping Plan Update.</p>
Senate Bill 30 (SB 30) (Lara, Chapter 614, Statutes of 2018) <i>Insurance: Climate Change</i>	<p>This bill requires the Insurance Commissioner to convene a working group to identify, assess, and recommend risk transfer market mechanisms that, among other things, promote investment in natural infrastructure to reduce the risks of climate change related to catastrophic events, create incentives for investment in natural infrastructure to reduce risks to communities, and provide mitigation incentives for private investment in natural lands to lessen exposure and reduce climate risks to public safety, property, utilities, and infrastructure. The bill requires the policies recommended to address specified questions.</p>
Assembly Bill 2061 (AB 2061) (Frazier, Chapter 580, Statutes of 2018)	<p>Existing state and federal law sets specified limits on the total gross weight imposed on the highway by a vehicle with any group of two or more consecutive axles. Under existing federal law, the maximum gross</p>

Bill/Executive Order	Summary
<i>Near-zero-emission and Zero-emission Vehicles</i>	vehicle weight of that vehicle may not exceed 82,000 pounds. AB 2061 authorizes a near-zero- emission vehicle or a zero-emission vehicle to exceed the weight limits on the power unit by up to 2,000 pounds. This bill supports the deployment of cleaner trucks as modeled in this 2022 Scoping Plan Update.

The 2022 Scoping Plan Scenario identifies the need to accelerate AB32's 2030 target, from 40 percent to 48 percent below 1990 levels. Cap-and-Trade regulation continues to play a large factor in the reduction of near-term emissions for meeting the 2030 reduction target. Every sector of the economy will need to begin to transition in this decade to meet these GHG reduction goals and achieve carbon neutrality no later than 2045. The 2022 Scoping Plan Update approaches decarbonization from two perspectives, managing a phasedown of existing energy sources and technologies, as well as increasing, developing, and deploying alternative clean energy sources and technology. The Scoping Plan Scenario is summarized in Table 2-1 starting on page 72 of the Scoping Plan. It includes references to relevant statutes and Executive Orders, although it is not comprehensive of all existing new authorities for directing or supporting the actions described. Table 2-1 identifies actions related to a variety of sectors such as: smart growth and reductions in Vehicle Miles Traveled (VMT); light-duty vehicles (LDV) and zero-emission vehicles (ZEV); truck ZEVs; reduce fossil energy, emissions, and GHGs for aviation ocean-going vessels, port operations, freight and passenger rail, oil and gas extraction; and petroleum refining; improvements in electricity generation; electrical appliances in new and existing residential and commercial buildings; electrification and emission reductions across industries such as the for food products, construction equipment, chemicals and allied products, pulp and paper, stone/clay/glass/cement, other industrial manufacturing, and agriculture; retiring of combined heat and power facilities; low carbon fuels for transportation, business, and industry; improvements in non-combustion methane emissions, and introduction of low GWP refrigerants.

Achieving the targets described in the 2022 Scoping Plan Update will require continued commitment to and successful implementation of existing policies and programs, and identification of new policy tools and technical solutions to go further, faster. California's Legislature and state agencies will continue to collaborate to achieve the state's climate, clean air, equity, and broader economic and environmental protection goals. It will be necessary to maintain and strengthen this collaborative effort, and to draw upon the assistance of the federal government, regional and local governments, tribes, communities, academic institutions, and the private sector to achieve the state's near-term and longer-term emission reduction goals and a more equitable future for all Californians. The Scoping Plan acknowledges that the path forward is not dependent on one agency, one state, or even one country. However, the State can lead by engaging Californians and demonstrating how actions at the state, regional, and local levels of governments, as well as action at community and individual levels, can contribute to addressing the challenge.

Aligning local jurisdiction action with state-level priorities to tackle climate change and the outcomes called for in the 2022 Scoping Plan Update is identified as critical to achieving the statutory targets for 2030 and 2045. The 2022 Scoping Plan Update discusses the role of local governments in meeting the State's GHG reductions goals. Local governments have the primary authority to plan, zone, approve, and permit how and where land is developed to accommodate population growth, economic growth, and the changing needs of their jurisdictions. They also make critical decisions on how and when to deploy transportation infrastructure, and can choose to support transit, walking, bicycling, and neighborhoods that do not force people into cars. Local governments also have the option to adopt building ordinances that exceed

statewide building code requirements, and play a critical role in facilitating the rollout of ZEV infrastructure. As a result, local government decisions play a critical role in supporting state-level measures to contain the growth of GHG emissions associated with the transportation system and the built environment—the two largest GHG emissions sectors over which local governments have authority.

The City has taken the initiative in combating climate change by developing programs and regulations such as the Green New Deal and Green Building Code. Each of these is discussed further in the SCEA (Section 5.8 of the SCEA).

SWMSRCC Comment 7

The SCEA Defers its Transportation Mitigation Measures.

Response to SWMSRCC Comment 7

Mitigation measures have been found legally adequate under CEQA where an agency has merely committed to performance standards which would mitigate the significant effect of the project. See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 418 (upholding mitigation measure by which noise levels will be kept within performance standard).

LADOT generally considers construction-related traffic to cause adverse but not significant impacts because, while sometimes inconvenient, construction-related traffic effects are temporary. LADOT requires implementation of worksite traffic control plans to ensure that any construction-related effects are minimized to the greatest extent possible. To be conservative, a Construction Traffic Management Plan (CTMP) will be implemented (see MM-TRAN-2).

MM-TRAN-2 provides for a construction traffic management plan and the key objectives and performance standards for the plan, along with the measures that can feasibly be used to achieve the objectives and performance standards. The construction traffic management plan must be reviewed and approved by LADOT.

Because LADOT has acknowledged that there would be no significant impacts, the CTMP would ensure that construction issues are further reduced or avoided, in compliance with the general requirements of the LADOT as noted in their approval letter. Further the CTMP includes specific measures that could be considered.

SWMSRCC Comment 8

The SCEA fails to specify that it will comply with the 2022 Building Code Solar Requirements.

Response to SWMSRCC Comment 8

CEQA assumes compliance with all required regulations. As noted on page 2-18 of the SCEA, the Project would comply with the applicable Los Angeles Green Building Code (LAGBC, effective January 1, 2023) and the applicable California Green Building Standards Code (CalGreen, 2022 version effective January 1, 2023). The applicability is determined when the Project is submitted and accepted by plan check. Thus there is no additional requirement to note that the Project will comply with the 2022 Building Code Solar Requirements. This does not require that the SCEA be revised and recirculated.

SWMSRCC Comment 9

In sum, SMSWRCC requests that the City require a local workforce, that the City impose training requirements for the Project's construction activities to prevent community spread of COVID-19 and other infectious diseases, and that the City prepare an EIR for the Project or, at the very least, revise the SCEA to address the aforementioned concerns.

Response to SWMSRCC Comment 9

This comment is a conclusion and is not a comment on the SCEA.

SAFER, April 3, 2023

SAFER Comment 1

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”), regarding the Sustainable Communities Environmental Assessment (“SCEA”) prepared for the project known as 8141 Van Nuys Boulevard Project [...]

Response to SAFER Comment 1

This comment includes statements about the commentator and is not a comment on the SCEA.

The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

SAFER Comment 2

LEGAL BACKGROUND

I. Sustainable Communities Environmental Assessment under SB 375.

CEQA allows for the streamlining of environmental review for “transit priority projects” meeting certain criteria. [...]

Response to SAFER Comment 2

This comment includes background information regarding CEQA and is not a comment on the SCEA.

The comment does not state a specific concern or question regarding the adequacy of the SCEA in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. Therefore, this comment does not require a detailed response. (CEQA Guidelines, § 15088(c); *Citizens for East Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

SAFER Comment 3

The SCEA is not adequate under CEQA because it fails to properly analyze health risks and the State’s long-term climate goals.

[...]

The City did not prepare a quantitative evaluation of health risks to nearby sensitive receptors exposed to DPM emissions because (1) they found that the project’s particulate emissions would not exceed SCAQMD thresholds, and (2) based on the Project’s anticipated 27-month construction period, they concluded that health risk analysis was not necessary.

Response to SAFER Comment 3

The Project does not propose typical sources of acutely and chronically hazardous toxic air contaminants (TACs) such as industrial manufacturing processes, automotive repair facilities, or warehouse distribution facilities (the proposed warehouse use would be private and would not constitute a commercial, industrial, or public use).

The comment ignores the substantial evidence in record supporting the conclusion that the Project would not result in significant impacts, found in the SCEA (pages 5-33 to 5-34).

The City's decision to not prepare an operational HRA is consistent with the direction from SCAQMD. SCAQMD recommends that health risk assessments (HRAs) be conducted for substantial individual sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units). Operation of the Project would not generate or attract heavy-duty diesel fueled vehicle trips (i.e. no warehouse, distribution or truck stop uses are proposed), which would require the preparation of an operational health risk assessment.

The analysis determined that the Project's construction and operational emissions would be below the localized significant thresholds and that the Project's activities (and the Project's associated land uses) are not considered land uses that generate substantial Toxic Air Contaminants (TACs) emissions. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard and are based on the most recent background ambient air quality monitoring data for the Project area.

The Project would not produce emissions that exceed the SCAQMD's recommended localized standards of significance for NO₂, CO, PM₁₀ and/or PM_{2.5}. Thus, the analysis correctly concluded that construction impacts to the localized air quality would be less than significant.

The analysis did analyze the Project's construction and operation TAC emissions and determined that the Project would not result in significant impacts to nearby sensitive receptors. The primary TAC that would be generated by construction activities is DPM, which would be released from the exhaust stacks of construction equipment. The construction emissions modeling conservatively assumed that all equipment present on the Project Site would be operating simultaneously and continuously throughout most of the day, while, in all likelihood, this would rarely be the case. Average daily emissions of DPM would be less than one pound per day throughout the course of Project construction. Therefore, the magnitude of daily DPM emissions would not be sufficient to result in substantial pollutant concentrations at off-site sensitive receptors.

Further, in accordance with SCAQMD methodology, Health risks from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a 30-year lifetime would contract cancer based on the use of standard risk-assessment methodology. As the Project's construction activities would occur over a multi-month period and DPM emissions would vary over the construction period, the analysis determined that no residual emissions and/or corresponding individual cancer risk are anticipated after construction.

The primary operation TACs would include DPM from delivery trucks and to a lesser extent, facility operations (e.g., natural gas fired boilers). SCAQMD recommends that HRAs be conducted for substantial individual sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units) and has provided

guidance for analyzing mobile source diesel emissions.¹ Based on this guidance, the Project would not include these types of land uses and is not considered to be a substantial source of DPM warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. In addition, the CARB-mandated ATCM limits diesel-fueled commercial vehicles (delivery trucks) to idle for no more than 5 minutes at any given time, which would further limit diesel particulate emissions. Thus, compliance with CARB and SCAQMD guidelines, the analysis correctly concluded that the Project operational emissions would not result in the exposure of off-site sensitive receptors to TACs.

Thus, the analysis correctly concludes that the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines. The Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of 10 in one million or an acute or chronic hazard index of 1.0, and potential TAC impacts would be less than significant.

The Project would not qualify as a high priority project. The analysis of potential health risks TACs during the operation phase is consistent with SCAQMD's guidance on this topic.

The 2015 OEHHA Manual is not a set of regulations but instead was prepared for utilization by local air districts in the formulation of their rules related to the preparation of HRAs. In turn, the SCAQMD guidance referenced in this comment applies only to HRAs subject to SCAQMD's AB 2588 and Rule 1402. These SCAQMD rules apply only to large stationary sources subject to the Air Toxics "Hot Spots" Program that routinely release air toxics into the air (e.g., industrial facilities) and not short-term construction activities.

As Project construction activities would vary throughout the site and would be short-term, stationary source rules would not be appropriate for assessing toxic air contaminants. In fact, the 2015 OEHHA Guidance Manual specifically notes the considerable uncertainty in assessing cancer risks from a project that will only last a small fraction of a lifetime.

SAFER Comment 4

The SCEA failed to adequately analyze Carbon Neutrality by 2045.

Next, Baseline found that the SCEA failed to analyze the Project's consistency with the current 2022 scoping plan and with California's long-term climate goal of carbon neutrality by 2045.

Response to SAFER Comment 4

The Project was filed with the City in July 2020, before the 2022 Scoping Plan was approved (in November 2022). The SCEA provides a consistency analysis with the 2017 Scoping Plan (as shown in Table 5.8-3).

As noted in **Response to SWMSRCC Comment 6** above, the comment does not provide substantial evidence that the Project is not consistent with the SCAG 2020-2045 RTP/SCS, which was accepted by CARB to achieve greenhouse gas emissions reduction targets.

¹ SCAQMD, Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, 2002.

Lastly, the comment lists ways the Project could achieve carbon neutrality. Since the Project provides the discussion and pathway to be less than significant according to the City's methodology, it does not need to consider additional measures.

SAFER Comment 5

The SCEA failed to adequately mitigate noise impacts.

[...]

The SCEA must be revised to include these "best practices" as formal mitigation measures, and should also include a clear description of how temporary noise barriers will be constructed around the existing residential building currently on the Project site.

Response to SAFER Comment 5

The comment ignores the substantial evidence in record supporting the conclusion that the Project would not result in significant noise impacts, found at pages 5-166 through 5-170 of the SCEA.

In addition, though not relevant in light of its failure to address the substantial evidence supporting the SCEA for the Project, the comment does not produce substantial evidence of any alleged significant impacts related to noise.

The analysis in the SCEA properly assumes compliance with applicable regulatory standards, which include LAMC section 112.05, which creates a performance standard of 75 dBA for powered construction equipment on construction sites. LAMC section 112.05 includes a list of potential regulatory compliance measures that include noise barriers, mufflers, and other feasible sound dampening equipment necessary to comply with the performance standard. The ordinance itself thus does not proscribe a particular method of compliance, but rather sets a performance standard that can be met by individual or collective noise reduction methods identified in the ordinance. In accordance with the requirements of CEQA, the analysis for the Project in the SCEA assumes compliance with this applicable regulation.²

As shown in the SCEA (Table 5.13-4), use of these industry standard best practices would ensure that the Project's powered equipment noise levels do not exceed the 75 dBA at 50 feet limit that is established by LAMC Section 112.05 and recommended as the threshold of significance by the City of Los Angeles Department of Planning. Therefore, because the Project would comply fully with LAMC Section 112.05, its construction noise impact from on-site sources would subsequently be considered less than significant.

SAFER Comment 6

Lastly, Baseline found that the SCEA failed to evaluate potential vibration damage to the existing residential building located on the Project site.

Response to SAFER Comment 6

As noted throughout the SCEA, including the Project Description, the existing building at the Site is considered part of the Project. Therefore, it is not required to analyze Project impacts on itself. Further the building was seismically retrofitted recently as part of the requirement to allow it to reopen with housing

² See Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 416 (That an applicant will comply with the law is reasonably assumed under CEQA).

units. Thus, the building is in the strongest category under the FTA's construction vibration damage criteria (Federal Transit Administration, Transit Noise and Vibration Impact Assessment, September 2018).

SAFER Comment 7

For the foregoing reasons, the SCEA for the Project should be revised or an EIR prepared prior to any further action on the Project by the City. Thank you for considering these comments.

Response to SAFER Comment 7

This comment is a conclusion and is not a comment on the SCEA.

Los Angeles Conservancy, April 3, 2023

Conservancy Comment 1

I am writing on behalf of the Los Angeles Conservancy to voice our support for the 8141 Van Nuys Boulevard Project.

[...]

The Conservancy sees this win-win outcome as an example for future infill development on properties with historic resources.

Response to Conservancy Comment 1

The comment is in support of the Project and has no issue with the SCEA.