DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: November 6, 2025
Time: After 8:30 A.M.
Place: Los Angeles City Hall
Council Chambers, 3rd Floor
200 North Spring Street, Room 340
Los Angeles, CA 90012

The meeting's telephonic number and access code number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.gov/about/commissions-boards-hearings and/or by contacting cpc@lacity.org.

Public Hearing: July 16, 2025
Appeal Status: Further Appealable to City Council
Expiration Date: December 1, 2025

Case No.: VTT-83987-1A
CEQA No.: ENV-2022-6688-EIR
Related Cases: ZA-2022-6687-CUB-DB-SPR-VHCA-1A
Council No.: 13 – Soto-Martinez
Community Plan: Hollywood
Plan Overlay: Hollywood Signage Supplemental Use District
Certified NC: Central Hollywood
Land Use: Regional Center Commercial, High Medium Residential
Zone (as vested): C4-1-SN, [Q]R4-1VL

Applicant: 6000 Hollywood Boulevard Associates, LLC
Representative: Spencer B. Kallick
Allen Matkins Leck Gamble Mallory & Natsis LLP

Appellant: CREED LA
c/o Aidan P. Marshall
Adams, Broadwell, Joseph & Cardozo

PROJECT LOCATION: 5950-6048 West Hollywood Boulevard & 6037 West Carlton Way

PROPOSED PROJECT: Vesting Tentative Tract Map No. 83987 for the merger and re-subdivision of an approximately 3.7-acre site into one ground lot and nine airspace lots; and a Haul Route for the export of up to 252,000 cubic yards of soil.

REQUESTED ACTIONS: Appeal of the Deputy Advisory Agency's determination, dated September 2, 2025, which:

1. Pursuant to California Public Resources Code Sections 21081.6 and 21082.1(c), found, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Environmental Impact Report (EIR) No. ENV-2022-6688-EIR (State Clearinghouse Number [SCH] No. 2023050659), certified on September 2, 2025, and pursuant to CEQA Guideline, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project; and

2. Pursuant to LAMC Sections 17.03 and 17.15, approved a Vesting Tentative Tract Map No. 83987 (stamped map, dated April 25, 2025) for the merger and re-subdivision of an approximately 3.7-acre site into one ground lot and nine airspace lots; and a Haul Route for the export of up to 252,000 cubic yards of soil.

RECOMMENDED ACTIONS:

DENY the appeal, and sustain the following actions of the Advisory Agency:

1. **Find**, based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified EIR No. ENV-2022-6688-EIR (SCH No. 2023050659), certified on November 6, 2025, and pursuant to CEQA Guideline, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project; and

2. **Approve** Vesting Tentative Tract No. VTT-83987 (stamped map, dated April 25, 2025) for the merger and re-subdivision of an approximately 3.7-acre site into one ground lot and nine airspace lots; and a Haul Route for the export of up to 252,000 cubic yards of soil; and

3. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP
Director of Planning

Milena Zasadzien
Principal Planner

Mindy Nguyen
Senior City Planner

Jason McCrea, City Planner
Deputy Advisory Agency

Erin Strelich
City Planning Associate
Email: erin.strelich@lacity.org
Phone: (213) 847-3626

***ADVICE TO PUBLIC**: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.*

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Exhibits:

A – Appeal Application and Justification

B – VTT-83987 September 2, 2025, Letter of Determination and Tract Map (stamp-dated April 25, 2025)

C – Response to Comments on the Environmental Case No. ENV-2022-6688-EIR, prepared by Eyestone Environmental , August 26, 2025

Environmental Impact Report (EIR) links:

Draft EIR:
https://planning.lacity.gov/development-services/eir/6000-hollywood-boulevard-project-1

Final EIR:
https://planning.lacity.gov/development-services/eir/6000-hollywood-boulevard-project-2

APPEAL ANALYSIS

BACKGROUND

On September 2, 2025, the Deputy Advisory Agency approved Vesting Tentative Tract Map (VTTM) No. 83987 for the merger and re-subdivision of the approximately 3.7-acre Project Site into one ground lot and nine airspace lots; and a Haul Route for the export of up to 252,000 cubic yards of soil.

The VTTM approval is associated with the 6000 Hollywood Boulevard Project, which involves the demolition of all existing improvements and uses on the Project Site for the construction of a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, and 4,038 square feet of restaurant uses.

The VTTM approval is related to Case No. ZA-2022-6687-CUB-DB-SPR-VHCA, approved by the Zoning Administrator on September 2, 2025, which was subsequently appealed and is being heard by the City Planning Commission concurrently with the subject appeal.

APPEAL

One appeal was filed in a timely manner on September 22, 2025, by Aiden P. Marshall of Adams, Broadwell, Joseph & Cardozo, on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA). Pursuant to LAMC Section 17.06 A.3, appeals of a Vesting Tentative Tract Map are made to the Appeal Board, which in this case is the City Planning Commission. Once the City Planning Commission renders their decision on the appeal, the decision may be further appealed to the City Council, if an appeal is filed pursuant to Section 17.06 A.4 within 10 days of the issuance of the Letter of Decision.

APPEAL POINTS AND STAFF RESPONSES

The VTTM appeal primarily references comments previously submitted by CREED LA on December 23, 2024 during the public comment period for the Draft EIR (Draft EIR Comment Letter), and in a subsequent letter submitted July 15, 2025 in response to the Final EIR (Final EIR Comment Letter). The Appellant claims that the issues raised in these comment letters remain unresolved, and that approval of the VTTM was unsupported by the record. The Appellant also claims that the Advisory Agency violated CEQA procedural mandates and is invalid as a matter of law because it incorrectly found that the Project's Environmental Impact Report (EIR) was assessed and adopted by the Zoning Administrator.

As detailed in the Final EIR Response to Comments, the City found that the issues raised in the Appellant's previously submitted letters lacked merit and credible evidence that the Project would result in new or substantially increased impacts than what was analyzed in the EIR, that there is significant new information that was not previously considered, or that any of the other criteria for recirculation of the EIR under CEQA Guidelines Section 15088.5 has been met. The environmental consultant which prepared the EIR, Eyestone Environmental, also submitted a letter dated August 26, 2025 which responds to CREED LA's Final EIR Comment Letter, and addressed the issues in detail that are now repeated in their appeal (Exhibit C - Response to Comments on the Environmental Case No. ENV-2022-6688-EIR).

Below is a summary of the appeal's main points and staff's responses, to provide clarity where necessary for purposes of assisting the Commission in their consideration of the Project and the appeal.

Appeal Point 1: **The project would result in significant environmental or public health impacts, and therefore the map must be denied.**

Staff Response 1

The Appellant alleges that the Subdivision Map Act requires denial of a project with significant environmental or health impacts, and that findings required to approve the VTTM cannot be made because the Project would have potentially significant geotechnical, hazardous materials, air quality, health risk, energy, noise and cumulative impacts.

Subdivision Map Act

The Appellant restates the required findings under the Subdivision Map Act and also cites to a section of the LAMC related to the ability of the City to deny a subdivision which results in dangerous health conditions, but does not demonstrate inadequacy with any of the Subdivision Map Act findings made for approval of the Project. The City approved the VTTM with all required findings, which detail that the Project would comply with all existing safety and health regulations and mitigation measures to address any potential health hazards, including those related to construction, grading, previous hazardous uses on the site, and methane potential.

Air Quality and Health Risk

The Appellant's environmental consultant contends that the Health Risk Assessment (HRA) completed as a part of the Project's environmental analysis is inadequate because it did not consider diesel particulate matter and diesel exhaust to be mutagenic compounds and based on that, age sensitivity factors were not included in the HRA methodology, leading to a perceived error in the estimated cancer risk. As discussed in detail in the Final EIR Response to Comments 5-10 through 5-17, an HRA was not required or warranted as part of the Draft EIR, but was nonetheless included in the Final EIR to respond to public comments for informational purposes. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk based on substantial evidence, including the expert opinions of its EIR preparers, City staff, the South Coast Air Quality Management District and the United States Environmental Protection Agency, whose current guidance supports the methodology used to prepare the quantitative HRA included in the Final EIR. This comment does not provide substantial evidence to demonstrate that the Project's HRA was required to classify diesel exhaust as a whole to be a mutagenic compound because there are a variety of methodologies recognized by various regulatory agencies with regards to analyzing diesel exhaust. The comment also does not demonstrate that the City abused its discretion in selecting, based on expert opinion, an appropriate methodology with which to perform the quantitative HRA. In addition, the City's decision to prepare a quantitative HRA to fully evaluate and respond to comments received on the Draft EIR (and which ultimately confirmed the conclusion in the Draft EIR) did not deprive the public or decisionmakers of the analysis contained in the HRA.

Hazardous Substances

The Appellant contends that the change in the Project's proposed excavation depth from 40 feet, as analyzed in the Draft EIR, to 48 feet, as addressed in the Final EIR, would result in a new significant impact with regards to Volatile Organic Compounds (VOCs) that was not analyzed or

mitigated. However, the Final EIR fully analyzes the Project's revisions including the increased excavation. Similar to their July 15, 2025 Final EIR comment letter, the Appellant again appears to conflate soil and soil vapor contamination, as the Phase II Environmental Site Assessment (ESA) did not find VOCs in any soil sample analyzed from the ten borings conducted on the Project Site as part of the Phase II subsurface investigation. With regard to soil vapor sampling, however, tetrachloroethylene (PCE) was detected in all 11 soil vapor samples that exceeded the residential threshold and commercial screening levels, and trichloroethene (TCE) was detected in two vapor samples from one boring that also exceeded the residential threshold and commercial screening level. As described in Section IV.F of the Draft EIR, the concentrations of PCE and TCE generally decreased with depth across the Project Site. According to the Phase II ESA, the anomalies found in two specific borings, where the concentrations actually increased with depth, suggest that PCE may be coming from an off-site source to the north of the Project Site. However, although the Project increased the amount of excavation required, the increase is proposed to accommodate an improved thicker foundation which would provide greater deterrence from potential vapor intrusion. In addition, the proposed locations of residential and commercial uses remain unchanged; as such, impacts from soil vapor on the residential and commercial uses would remain unchanged as well. Nonetheless, any contaminants encountered would be removed during excavation, and while it is acknowledged that residual VOCs may be present below this depth during operation of the Project, they are likely sourced from groundwater and not from historic site operations, as noted by the Phase II ESA; this remains true with the increased excavation.

During construction, adherence to standard construction safety measures, as well as compliance with Cal/OSHA safety requirements, would serve to reduce the risk to workers and adjacent residents in the event that elevated levels of soil gases are encountered, but due to the detected presence of VOCs in soil vapor, the Draft EIR does conclude that potentially significant impacts could occur during excavation, and that mitigation is required. As such, Mitigation measure HAZ-MM-1, included in the Project's Mitigation and Monitoring Program, requires the Applicant to hire a qualified consultant to prepare a Soil Management Plan approved by the Department of Building and Safety, conduct soil monitoring during all soil disturbance, timely testing and sampling of soil samples, and other soil management measures, which will ensure that impacts related to soil contaminants within the Project Site would be reduced to a less-than-significant level. As such, the increased excavation depth was properly analyzed in both the Draft EIR and Final EIR, and there are no new significant impacts that would require additional environmental analysis.

Geotechnical, Air Quality, Noise, Energy, and Cumulative Impacts

The Appellant contends that the Project has not adequately addressed issues related to geotechnical conditions, air quality, noise, energy, and cumulative impacts that were previously raised in the Draft EIR Comment Letter and Final EIR Comment Letter, without providing any additional justification or evidence.

The Appellant previously alleged in the Draft EIR Comment Letter that the Project did not properly analyze geotechnical impacts associated with construction of a deep foundation, including impacts to the Metro B Line tunnel near the Project Site. However, as discussed in the Final EIR Response to Comments 2-3 and 5-6, the Draft EIR did include a comprehensive analysis of potential project impacts with respect to Metro subway tunnels, and although no significant impacts were identified, revisions to the Project were made to increase the distance between the B Line subway tunnel and the Project and deepen the proposed mat foundation, thus eliminating the need for a Deep Foundation method such as cast-in-drilled-hole (CIDH) piles. The revisions were reflected in Section II of the Final EIR, and as demonstrated therein, these changes do not result in a new or substantially more severe impact than those previously identified in the Draft EIR.

The Appellant previously alleged in the Draft EIR Comment Letter that the Draft EIR did not properly analyze the Project's provision of vehicle parking spaces and that such provision would result in air quality, greenhouse gas, energy, and transportation impacts. However, as discussed in the Final EIR Response to Comments, the analysis conducted was appropriate and the provision of vehicle parking on its own is not considered an inconsistency or an impact.

The Appellant previously alleged in the Draft EIR Comment Letter that the Project did not accurately establish the environmental setting in regards to the existing ambient and traffic noise, and failed to analyze vibration impacts on the Metro B Line tunnel. However, the noise and vibration analysis contained in the Draft EIR was performed in full compliance with CEQA, and all feasible mitigation measures were included. Nonetheless, the Draft EIR concluded that the Project would result in significant unavoidable impacts with regards to on- and off-site construction noise and on- and off-site construction vibration levels relative to human annoyance; however, a Statement of Overriding Considerations was adopted for the Project, which found that the Project's multiple benefits outweigh these temporary construction impacts.

The Appellant previously alleged in the Draft EIR Comment Letter that the Draft EIR fails to account for the combined impacts of the Project with other nearby construction projects, which together would impact a community already highly burdened with pollution. However, as discussed in the Final EIR Response to Comment No. 5-21, the Draft EIR follows SCAQMD's specified methodology for the cumulative analysis of air quality impacts and concluded that cumulative impacts were appropriately analyzed, and that the Project would not result in significant cumulative impacts.

As the Project's EIR adequately and appropriately analyzed the Project's environmental impacts, the Advisory Agency did not abuse its discretion in making the required findings supporting approval of the VTTM. The Appellant's comments do not demonstrate substantial evidence of any new or significant impacts that would require additional environmental analysis or recirculation of the EIR, and the appeal point should be denied.

Appeal Point 2: The Director's reliance on CEQA's subsequent review standards violates CEQA.

Staff Response 2

The Appellant asserts that the Advisory Agency could not find that the Project's FEIR had been properly assessed and certified by the Zoning Administrator, because CEQA also required the Advisory Agency to independently review and certify the FEIR in conjunction with approving Project entitlements. However, the Appellant incorrectly claims that the City's entitlement approval process resulted in premature certification of the FEIR by the Zoning Administrator before the Project's underlying entitlements were approved. As stated in the Zoning Administrator's September 2, 2025 Letter of Determination for the related case, the Zoning Administrator reviewed and considered the Project's EIR, and certified the EIR and adopted the related Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program. The Zoning Administrator's approval of the related entitlements, including a Conditional Use, Density Bonus, and Site Plan Review, were made in conjunction with the certification of the EIR. Furthermore, these entitlement approvals were made by the same person who reviewed and considered the CEQA document.

The determination of the Advisory Agency regarding the VTTM was made subsequent to the Zoning Administrator's certification of the EIR. As stated in the Letter of Determination for the VTTM, CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and

15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors have arisen and there are no substantial changes to the Project, and it is the same as the approved project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164. Therefore, the appeal point should be denied.

Conclusion

Per LAMC Section 13A.2.8.E.1, unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellant body's hearing.

Upon careful consideration of the appeal, the Appellant has failed to present new evidence or testimony that the certification of the EIR and the approval of the VTTM was inadequate, and has raised no new information to dispute the Findings of the Deputy Advisory Agency's actions on this matter. The Deputy Advisory Agency correctly made the findings of approval consistent with CEQA, the Subdivision Map Act, and LAMC Section 17.15. Therefore, in consideration of all the facts, Planning Staff recommends the City Planning Commission deny the appeal and sustain the decision of the Deputy Advisory Agency to approve Case No. VTT-83987, and adopt the related Conditions of Approval and Findings.

APPLICATIONS

APPEAL APPLICATION
Instructions and Checklist

PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC. For California Environmental Quality Act Appeals, use form CP13-7840. For Building and Safety Appeals and Housing Department Appeals, use form CP13-7854.

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

☑ Area Planning Commission (APC) ☐ City Planning Commission (CPC) ☐ City Council

☐ Zoning Administrator (ZA)

CASE INFORMATION

Case Number: VTT-83987

APN: 5545-006-029; 005-005; 005-022

Project Address: 5950 - 6048 West Hollywood Boulevard, 6037 West Carlton Way Los Angeles, CA 90028

Final Date to Appeal: September 12, 2025

APPELLANT

Check all that apply.

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

☐ Representative ☐ Property Owner ☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: CREED LA c/o Aidan P. Marshall

Company/Organization: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco **State:** CA **Zip Code:** 94080

Telephone: (650) 589-1660 **E-mail:** amarshall@adamsbroadwell.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☐ Self ☑ Other: CREED LA

Is the appeal being filed to support the original applicant's position? ☐ **YES** ☑ **NO**

REPRESENTATIVE / AGENT INFORMATION

Name: Aidan P. Marshall

Company/Organization: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco **State:** CA **Zip Code:** 94080

Telephone: (650) 589-1660 **E-mail:** amarshall@adamsbroadwell.com

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? ☑ **Entire** ☐ **Part**

Are specific Conditions of Approval being appealed? ☑ **YES** ☐ **NO**

If Yes, list the Condition Number(s) here: All conditions

On a separate sheet provide the following:

☑ Reason(s) for the appeal

☑ Specific points at issue

☑ How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____ **Date:** 9/11/2025

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date:** _____

☐ Determination authority notified ☐ Receipt Number

GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our Online Application System (OAS).

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

☐ Appeal Application

☐ Justification/Reason for Appeal

☐ Copy of Letter of Determination (LOD) for the decision being appealed

2. Electronic Copy

☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

3. Appeal Fee

☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a) of Chapter 1 or LAMC Section 15.1.1.F.1.a. (Appeal Fees) of Chapter 1A as applicable, or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.

☐ *Aggrieved Party.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(b) of Chapter 1 or LAMC Section 15.1.1.F.1.b. (Appeal Fees) of Chapter 1A as applicable

4. Noticing Requirements (Applicant Appeals Only)

☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. See the Mailing Procedures Instructions (CP13-2074) for applicable requirements.

SPECIFIC CASE TYPES
ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 13B.2.5. (Director Determination) of Chapter 1A or LAMC Section 13B.2.3. (Class 3 Conditional Use) of Chapter 1A as applicable.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.

☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1 or LAMC Section 10.1.10. (Waiver and Appeals) of Chapter 1A as applicable.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

[VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

Appeal Fee

☐ *Applicant (Owner/Operator).* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1 or LAMC Section 15.1.1.F.1.a. (Appeal Fees) of Chapter 1A as applicable.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1 or LAMC Section 15.1.1.F.1.b. (Appeal Fees) of Chapter 1A as applicable.

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MARC D. JOSEPH

September 11, 2025

Via Online Submission
City of Los Angeles Appeal Board
Online Portal: https://plncts.lacity.org/oas

Via Email
Erin Strelich, City Planning Associate
Email: erin.strelich@lacity.org

Kathleen King, City Planner
Email: kathleen.king@lacity.org

Re: **Appeal of the Advisory Agency's Determinations Regarding the 6000 Hollywood Blvd Project (VTT-83987-VHCA; ENV-2022-6688-EIR; SCH No. 2023050659; Related Case No. ZA-2022-6687-CUB-DB-SPR-VHCA).**

Dear Appeal Board Members, Ms. Strelich, and Ms. King:

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"), we submit this appeal of the City of Los Angeles ("City") Advisory Agency's approvals of the 6000 Hollywood Blvd Project (VTT-83987-VHCA; ENV-2022-6688-EIR; SCH No. 2023050659) ("Project").

The Advisory Agency issued a Letter of Determination ("LOD") on September 2, 2025, approving a Vesting Tentative Tract Map pursuant to Los Angeles Municipal Code Sections 17.03 (Advisory Agency) and 17.15 (Vesting Tentative Maps). The Advisory Agency found that the Project was assessed in the Final Environmental Impact Report ("FEIR") (SCH No. 2023050659) certified by the Zoning Administrator in a related determination on the same date (ZA-2022-6687-CUB-DB-SPR-VHCA).[1]

CREED LA hereby appeals all actions taken by the Advisory Agency with regard to the Project as described in the September 2, 2025 LOD. The reasons for

[1] The Zoning Administrator issued a separate LOD certifying the Project's EIR and adopting a Statement of Overriding Considerations and Mitigation Monitoring Program. The Zoning Administrator also approved a Conditional Use Permit ("CUP"), Site Plan Review, and Density Bonus Review. CREED LA is separately appealing the Zoning Administrator determination.

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this appeal are set forth herein and described in greater detail in the attached comments, which document the City's failure to comply with CEQA and land use laws. Attached are CREED LA's comments submitted on December 23, 2024[2] during the public review period of the Draft EIR, and CREED LA's comments on the FEIR, submitted on July 15, 2025.[3] CREED LA's comments on the FEIR were submitted in advance of the Zoning Administrator and Advisory Agency hearing on July 16, 2025, and identify the issues which remained unresolved prior to Project approval. We incorporate by reference the attached comments and exhibits, which are in the City's record of proceedings for the Project.[4]

I. Standing to Appeal and Statement of Interest

CREED has standing to appeal the Project approvals. The Project's Vesting Tentative Map and environmental determination may be appealed to the Appeal Board[5] by any interested person adversely affected by the proposed subdivision within ten 10 days of the mailing of the decision.[6] Pursuant to LAMC Section 11.5.13, the Project's California Environmental Quality Act ("CEQA") determination is appealed with the underlying action.[7]

CREED LA and its members are interested persons who would be adversely affected by the Advisory Agency's determinations. CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The organization's members includes Los Angeles residents Thomas Brown, John Bustos, Gery Kennon, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of

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[2] **Attachment A:** Letter from Adams Broadwell, Joseph & Cardozo ("ABJC") to City re: 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) (December 23, 2024).

[3] **Attachment B:** Letter from Adams Broadwell, Joseph & Cardozo to City re: Agenda Item 1 – 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) (July 15, 2025).

[4] We reserve the right to supplement these comments at later hearings and proceedings on the Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121,

[5] Los Angeles Charter, Section 552 ("Each Area Planning Commission… shall have and exercise the power to … hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator").

[6] Los Angeles Municipal Code ("LAMC") Section 17.06(A)(3).

[7] LAMC 11.5.13(C)(1), (D).

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California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and Los Angeles County.

Individual members of CREED LA and its member organizations live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

CREED LA seeks to ensure a sustainable construction industry over the long-term by supporting projects that have positive impacts for the community, and which minimize adverse environmental and public health impacts. CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA's appeal is timely filed within 10 days from the mailing date of the Advisory Agency's LOD. Therefore, CREED LA has standing to appeal the Advisory Agency's determinations.

II. Reasons for Appeal

A. Approval of the Vesting Tentative Tract Map Was Unsupported by the Record

The Subdivision Map Act requires agencies to deny approval of a map if the project would result in significant environmental or public health impacts. Government Code, section 66474, provides:

> A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:
>
> > (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

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(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

LAMC Section 17.15(c)(2), "Vesting Tentative Maps," provides that "a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency, or the City Planning Commission or the City Council on appeal determines:

(a) A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

(b) The condition or denial is required in order to comply with state or federal law.

Here, CREED LA's July 15, 2025 comments to the Zoning Administrator and Advisory Agency demonstrate that approval of the vesting tentative tract map

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would place the community in a condition dangerous to its health and safety. As detailed in Attachment B, the FEIR's conclusions that impacts would be less than significant are not supported by substantial evidence, and evidence in the record demonstrates that the Project may result in significant geotechnical, hazardous materials, air quality, health risk, energy, noise and cumulative impacts.

Specifically, CREED LA's air quality consultant, Dr. Clark, demonstrated that the FEIR's health risk analysis contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[8] The FEIR also fails address the Project's combined impacts with other nearby construction projects, which would impact a community ranking in the 99.3 percentile in the State for pollution-burdened communities.[9] The FEIR also fails to acknowledge greenhouse gas and energy impacts associated with the large amount of parking proposed by the Project. The FEIR also fails to resolve significant noise impacts demonstrated by CREED LA's noise consultant, Mr. Faner.

The Project's excavation may also expose workers and residents to harmful levels of volatile organic compounds ("VOCs"). Attachment B shows that, after circulation of the Draft EIR, changes were made to the Project that would result in new significant environmental effects.[10] The original Project design required 40 feet of below ground surface ("bgs") excavation for the building foundations. The Project design was subsequently revised, and is now described in the FEIR to require excavation of 48 feet bgs, which will result in deeper excavation into contaminated soil than was analyzed in the DEIR. The DEIR's Phase II ESA found significant contamination from VOCs at 40 feet bgs at boring 9, and identified PCE contamination levels increasing in severity with increased depth at borings 9 and 10.[11] However, neither the DEIR or the FEIR examined Project excavation at 48 feet, and therefore lacks analysis or mitigation for the increased VOC releases that would occur at greater soil depths, resulting in potentially significant, unmitigated risks to public health and safety. CREED LA's expert found that the Project's increased excavation depth creates a new potential for exposure to soil contamination that was not analyzed in the DEIR or FEIR, and is not adequately addressed by the measures in the Project's Mitigation Monitoring and Reporting Program ("MMRP"). The increased excavation would also result in increased air quality and public health impacts that were not disclosed in the FEIR.

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[8] Attachment B, Clark Comments, pg. 3.
[9] DEIR, Appendix B, PDF pg. 54.
[10] Cal. Code Regs. Tit. 14, § 15088.5.
[11] DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.

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These public health and safety impacts provided substantial evidence demonstrating that the Advisory Agency should have denied the vesting map pursuant to Government Code Section 66474. The Advisory Agency's approval of the Vesting Tentative Tract Map was an abuse of discretion that was unsupported by the record and contrary to law. The Appeal Board should vacate the Advisory Agency's approval and remand the Project to City staff to correct the errors in the EIR and adopt adequate mitigation measures to reduce the Project's significant public health and safety impacts to less than significant levels before the City can approve the Vesting Tentative Tract Map.

B. The Director's Reliance on CEQA's Subsequent Review Standards Violates CEQA

CREED LA appeals the Advisory Agency's findings which incorrectly found that, based on the administrative record, the Project was assessed and adopted by the Zoning Administrator on September 2, 2025.[12] This finding violates CEQA's procedural mandates and is invalid as a matter of law.

First, under CEQA, the Advisory Agency could not find that the Project's FEIR had been properly assessed and certified by the Zoning Administrator because CEQA also required the Advisory Agency to independently review the FEIR in conjunction with approving Project entitlements. Courts have explained that "[a] decision on both matters must be made by the same decision-making body because '... CEQA is violated when the authority to approve or disapprove the project is separated from the responsibility to complete the environmental review.'"[13] In *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 731, the court explained:

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[12] City of Los Angeles, LOD for Vesting Tentative Tract Map No.: 83987 (September 2, 2025), pg. 1 ("Based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Environmental Impact Report (EIR) No. ENV-2022-6688-EIR, certified on September 2,, 2025, and pursuant to CEQA Guideline, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project")

[13] *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340, 360, citing *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 731; *see Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 188 ("for an environmental review document to serve CEQA's basic purpose of informing governmental decision makers about environmental issues, that document must be reviewed and considered by the same person or group of persons who make the decision to approve or disapprove the project at issue"); *California Clean Energy Committee v. City of San Jose* (2013) 220 Cal.App.4th 1325, 1341 (project approval "skirt[red] the purpose of CEQA by segregating environmental review of the EIR from the project approval").

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> For an environmental review document to serve CEQA's basic purpose of informing governmental decision makers about environmental issues, that document must be reviewed and considered by the same person or group of persons who make the decision to approve or disapprove the project at issue. In other words, the separation of the approval function from the review and consideration of the environmental assessment is inconsistent with the purpose served by an environmental assessment as it insulates the person or group approving the project 'from public awareness and the possible reaction to the individual members' environmental and economic values.

CEQA mandates that agencies refrain from certifying and adopting an EIR prior to full consideration of all aspects of a project.[14] Here, the Project's underlying entitlements were approved in separate actions by the Zoning Administrator and Advisory Agency. The CUP, Site Plan Review, and Density Bonus Review were approved by the Zoning Administrator, whereas the Project's Vesting Tentative Tract Map was approved by the Advisory Agency. The City's split entitlement approval process resulted in premature certification of the FEIR by the Zoning Administrator before the Project's underlying entitlements were approved. This process violates the above-referenced caselaw because the agency responsible for approval of the Vesting Tentative Tract Map did not independently review the adequacy of the FEIR–the Advisory Agency only determined that the Project was previously certified. This violates CEQA's basic purpose of informing governmental decision makers about environmental issues before approving a project.

Second, the Advisory Agency's reliance on CEQA's subsequent review standards also violated CEQA and land use laws.[15] Rather than certifying the FEIR, the Advisory Agency merely found that the Project was previously in the FEIR already approved by the Zoning Administrator. CEQA's subsequent review standards do not apply to initial approval of a project. CEQA's subsequent review standards apply to subsequent modifications to projects which were previously approved and for which an EIR was previously certified or an MND/Negative Declaration previously adopted.[16] These legal standards do not apply to projects which have not yet received their initial entitlement approvals. As a result, the Advisory Agency's finding that the Project is not subject to further CEQA review under CEQA's subsequent review standards was invalid as a matter of law.

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[14] See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/Macarthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.
[15] CEQA Guidelines Sections 15162 and 15164.
[16] Pub. Res. Code, § 21166; CEQA Guidelines Sections 15162-15164.

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The Advisory Agency failed to proceed in the manner required by law relying on a CEQA document which had been prematurely adopted to support approval of the Project's underlying entitlements. The Advisory Agency's decision also violated the Municipal Code's mandate not to approve the Project's entitlements unless "an appropriate environmental review clearance has been prepared in accordance with the requirements of CEQA."[17]

CREED LA respectfully requests that the Appeal Board vacate the Advisory Agency determination approving the Project on this basis.

III. CONCLUSION

CREED LA respectfully requests that the City set a hearing on this appeal, and that the Appeal Board uphold this appeal and vacate the Advisory Agency's approval of the Project. The EIR must then be revised and recirculated to comply with CEQA before the Project's Vesting Map and other entitlements are considered for approval.

Sincerely,



Aidan P. Marshall

Attachments
APM:acp

[17] LAMC Section 16.05(E)(4).

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ATTACHMENT A

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December 23, 2024

Via Email & Overnight Delivery
Kathleen King, City Planner
City of Los Angeles
Department of City Planning 221 N. Figueroa
Street, Suite 1350 Los Angeles, CA 90012
Email: kathleen.king@lacity.org

Re: 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR)

Dear Ms. King:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding the Draft Environmental Impact Report ("DEIR") prepared by the City of Los Angeles ("City") for the 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) ("Project"), proposed by 6000 Hollywood Blvd Associates LLC ("Applicant").

The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet (sf) of office uses, 18,004 sf of retail uses, 4,038 sf of restaurant uses, and 500 sf of storage space (total floor area of 501,185 sf). The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000 sf, six-story office and retail building; Building B would be a 289,079 SF, 35-story residential tower; Building C would be a 23,560 sf, four-story residential building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. The Project Site encompasses the following addresses: 5950, 5960, 5962, 6000, 6004, 6010, 6016, 6020, 6024, 6024½, 6030, 6038, 6044, and 6048 West Hollywood Boulevard and 6037 West Carlton Way, in the City of Los Angeles, California (Assessor's Parcel Numbers: 5545-006-029; 005-005; 005-022).

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We reviewed the DEIR with the assistance of air quality expert Dr. James Clark[1] and noise expert Patrick Faner.[2]

Based upon our review of the DEIR and supporting documentation, we conclude that the DEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA").[3] In summary, the DEIR's project description is inadequate because the DEIR fails to analyze impacts from construction of a deep foundation, thus failing to analyze impacts from all reasonably foreseeable consequences of the Project. The DEIR's impacts analysis is inadequate because it fails to conduct a quantitative health risk analysis, despite the fact that the Project site is bordered by a preschool and numerous multifamily homes. Dr. Clark prepared a health risk analysis demonstrating that incremental cancer risk of these sensitive receptors would be 40.5 in one million, which exceeds the City's 10 in one million significance threshold. The DEIR also fails to adequately analyze the Project's cumulative health risk and air quality impacts in light of the community's existing pollution burden resulting from similar projects.

The DEIR fails to analyze impacts associated with the Project's provision of 894 parking spaces, which is in excess of the zero parking spaces required by law. These impacts include air quality, GHG, energy, and transportation. The DEIR fails to adequately analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. The DEIR fails to analyze all impacts associated with construction of infrastructure improvements. The DEIR also fails to adequately analyze noise and vibration impacts by failing to adequately characterize existing conditions, include all sensitive receptors in its analysis, and identify all feasible mitigation measures for impacts deemed significant and unavoidable.

As a result of its shortcomings, the DEIR lacks substantial evidence to support its conclusions, violates CEQA's disclosure and analytical requirements, and fails to properly mitigate the Project's significant environmental impacts. CREED LA urges the City to remedy the deficiencies in the DEIR by preparing a legally adequate revised DEIR and recirculating it for public review and comment. CREED LA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.[4]

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[1] Dr. Clark's technical comments and curricula vitae are attached hereto as **Exhibit A**.
[2] Mr. Faner technical comments and curricula vitae are attached hereto as **Exhibit B**.
[3] PRC § 21100 et seq.
[4] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes Los Angeles residents Thomas Brown, John Bustos, Gery Kennon, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and Los Angeles County.

Individual members of CREED LA live in the City of Los Angeles, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

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II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[5] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[6]

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[7] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[8] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[9] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[10]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[11] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[12] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to

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[5] PRC § 21100.
[6] *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).
[7] Pub. Resources Code § 21061; CEQA Guidelines §§ 15002(a)(1); 15003(b)-(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").
[8] *Citizens of Goleta Valley,* 52 Cal.3d at p. 564 (quoting *Laurel Heights I,* 47 Cal.3d at 392).
[9] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; *see also Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).
[10] CEQA Guidelines § 15003(b).
[11] CEQA Guidelines § 15002(a)(2), (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.
[12] CEQA Guidelines § 15002(a)(2).

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the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[13]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[14] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[15] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[16]

III. THE PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[17] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[18] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[19] Accordingly, a lead

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[13] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[14] *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).
[15] *Berkeley Jets*, 91 Cal.App.4th at p. 1355; *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards*, 60 Cal.App.4th at p. 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).
[16] *Sierra Club,* 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).
[17] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[18] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[19] *Id.*

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agency may not hide behind its failure to obtain a complete and accurate project description.[20]

CEQA Guidelines section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[21] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[22] Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[23] "If a[n]...EIR...does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law."[24]

A. The DEIR Fails to Describe Impacts Associated with Construction of a Deep Foundation

The DEIR assumes that the Project would rely on a mat foundation, but the Initial Study's Preliminary Geotechnical Report states that the 35-story residential tower may require a deep foundation.[25] A deep foundation is a type of foundation which is placed at a greater depth below the ground surface and transfers structure loads to the earth at depth. However, there is no evidence that the DEIR analyzed the impacts associated with construction of a deep foundation. The FEIR's failure to analyze impacts associated with construction of a deep foundation is a failure to analyze the whole of the action proposed by the Project. A deep foundation is reasonably foreseeable for this Project because the Preliminary Geotechnical Report identifies it as a potentially necessary design due to adjacent with the Metro B Line.

The failure to analyze impacts associated with a deep foundation undermines the assumptions in the DEIR. The DEIR assumes that the maximum depth of ground-disturbing activities for the Project is 40 feet below ground surface (bgs) due

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[20] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[21] CEQA Guidelines § 15378.
[22] *Id.*, § 15378(c).
[23] *Laurel Heights I,* 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.
[24] *Riverwatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186, 1201.
[25] DEIR, Appendix A, PDF pg. 191, 193.

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to construction of the 3-level subterranean garage.[26] The DEIR must be revised to evaluate the potential depth of ground-disturbing activities for the Project should a deep foundation be required. Because deep foundations require construction at a greater depth, more earth may be required to be excavated from the Project site than assumed in the DEIR (210,000 cubic yards).[27] A deep foundation may require different construction equipment than required for a mat foundation. Because deep foundations require construction at a deeper depth, deep foundations are more time-consuming to construct.[28] There is no evidence that the time to construct a deep foundation is incorporated in the DEIR's assumption that construction would require 44 months.[29]

Because the DEIR does not evaluate impacts associated with the whole of the Project, which includes potential construction of a deep foundation, the DEIR's environmental impacts analyses underestimate potentially significant environmental impacts. Project construction emissions are underestimated because the DEIR underestimates the equipment required for the foundation, underestimates the construction schedule, and underestimates the number of haul trips necessary to remove excavated earth. The Project's noise study analyzes impacts of a mat foundation – the analysis is not supported by substantial evidence because it does not clearly reflect impacts generated by construction of a deep foundation. The Project's Paleontological Resources Assessment must also be revised to analyze impacts associated with deeper ground-disturbing activities, as currently it assumes that the maximum depth would be 40 ft bgs for the subterranean garage. The Initial Study concluded that no dewatering would occur because construction activities would not occur deeper than 30-40 feet for the subterranean garage, and the historical high groundwater below the Project site is 80 feet bgs.[30] Ground-disturbing activities may occur at a greater depth should a deep foundation be required.

In sum, the DEIR's project description is inadequate because it fails to include the whole of the Project. As a result of the inadequate project description, the DEIR's impacts analyses that rely on a 44-month construction schedule or assume that 210,000 cubic yards of soil would be excavated are not supported by substantial evidence.

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[26] DEIR, pg. II-25, Appendix E, pg. i.
[27] DEIR, pg. II-25.
[28] https://www.geoengineer.org/education/foundation-design-construction/deep-foundations#:~:text=A%20deep%20foundation%20is%20a,greater%20than%204%20to%205.; https://www.understandconstruction.com/types-of-foundations.html; https://www.bigrentz.com/blog/types-of-foundations.
[29] DEIR, pg. II-25, IV.A-68.
[30] DEIR, Appendix A, PDF pg. 62.

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IV. THE DEIR FAILS TO DISCLOSE, ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.[31] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[32]

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference.'"[33]

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[34] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[35] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[36]

Additionally, CEQA requires agencies to commit to all feasible mitigation measures to reduce significant environmental impacts.[37] In particular, the lead agency may not make required CEQA findings, including finding that a project impact is significant and unavoidable, unless the administrative record

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[31] CEQA Guidelines § 15064(b).
[32] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.
[33] *Berkeley Jets*, 91 Cal.App.4th at 1355.
[34] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.
[35] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[36] *Id., Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.
[37] CEQA Guidelines § 15002(a)(2).

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demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[38]

A. The DEIR Fails to Disclose and Mitigate Significant Health Risk Impacts

1. The DEIR Fails to Quantify Health Risk Impacts

The DEIR fails to adequately analyze health risk impacts from Project emissions by failing to quantify health risk impacts. Project construction and operation would generate Diesel Particulate Matter ("DPM"), a type of toxic air contaminant ("TAC").[39] The DEIR acknowledges that DPM would be emitted during construction by heavy equipment and diesel trucks and during operations by delivery trucks and diesel backup generators.[40] DPM has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. The Project's emissions of DPM would impact numerous sensitive receptors near the Project site. Sensitive receptors that would be directly affected by the Project's emissions include the Shir Hashirim Montessori School and multi-family apartment buildings, many of which abut the Project site.[41] Despite the Project's proximity to these receptors, the DEIR fails to quantify the health risk impacts from exposure to TACs.

CEQA requires analysis of human health impacts. CEQA Guidelines Section 15065(a)(4) provides that the City is required to find a project will have a significant impact on the environment and prepare an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.[42] The Supreme Court has also explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.[43] Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[44]

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[38] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090, 15091; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[39] SCAQMD, Classification of Diesel PM as a Carcinogen, https://www.aqmd.gov/home/rules-compliance/compliance/toxic-hot-spots-ab-2588/iws-facilities/dice/dice-b2; OEHHA, Health Effects of Diesel Exhaust (May 21, 2001), https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf.
[40] *Id.*; DEIR, pg. IV.A-9, 70.
[41] DEIR, Figure IV.A-4.
[42] PRC § 21083(b)(3), (d).
[43] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.
[44] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

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In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court found that the EIR's description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[45] Likewise, in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[46] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[47] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[48]

For development projects like this one, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines also recommend a formal health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.[49] In an HRA, lead agencies must first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern.[50] Following that analysis, then the City can make a determination of the relative significance of the emissions. Here, the DEIR states that exposure to TACs would be significant if it would result in an incremental cancer risk of 10 in one million or greater.[51]

Here, the DEIR fails to quantify the magnitude of TACs that would be emitted by the Project's operations and construction. The DEIR also fails to

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[45] *Id.* at 1220.
[46] *Sierra Club*, at 521.
[47] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[48] *Sierra Club*, 6 Cal.5th at 518–522.
[49] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.
[50] *Id.*
[51] DEIR, pg. IV.A-36, Table IV.A-4.

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quantify sensitive receptors' exposure to TACs and whether the 10 in one million significance threshold would be exceeded. As such, the DEIR fails to adequately connect the Project's emissions and their direct, adverse effects on human health.[52]

The DEIR reasons that Project emissions would not exceed applicable Localized Significance Thresholds ("LSTs").[53] But compliance with LSTs does not mean compliance with SCAQMD's 10 in one million cancer risk threshold. There are no LSTs for DPM and other TACs that would be emitted by the Project.[54] LSTs are based on the number of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts. But LSTs only apply to four criteria pollutants: NO_x, CO, PM_{10}, and $PM_{2.5}$. LSTs do not apply to DPM and other TACs, which contain carcinogenic compounds not found in criteria pollutants, and thus do not disclose the magnitude of the Project's health impacts from exposure to the Project's air emissions. Thus, the DEIR's analysis of LSTs does not answer the question required by CEQA Appendix G as to whether the Project would "expose sensitive receptors to substantial pollutant concentrations"[55] and is no substitute for the DEIR's failure to analyze health risk impacts from exposure to TACs.

The DEIR also reasons that health risks from exposure to TACs emitted from construction activities would be less than significant because construction activities would be of short duration.[56] Specifically, the DEIR argues that "health effects from carcinogen air toxics are usually described in terms of individual cancer risk, which is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer… Given the short-term construction schedule of approximately 44 months, the Project would not result in a long-term (i.e. 70-year) source of TAC emissions."[57] The DEIR's reasoning is incorrect, as it assumes that exposure to TACs over a term shorter than 70 years cannot result in significant health effects. The DEIR itself acknowledges that "[l]ung impairment can persist for two to three weeks after exposure to high levels of particulate matter."[58] The Project's 44-month (3.6 year) construction schedule exceeds the two-month

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[52] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
[53] DEIR, pg. IV.A-67-68, 69.
[54] SCAQMD, Localized Significance Thresholds, http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds; SCAQMD, Final Localized Significance Threshold Methodology (June 2003, revised June 2008), available at www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.
[55] CEQA Appendix G, III(d).
[56] DEIR, pg. IV.A-68.
[57] DEIR, pg. IV.A-68-69.
[58] DEIR, pg. IV.A-6.

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threshold recommended by OEHHA. OEHHA's guidance explains that exposure to TACs is a function of the breathing rate, the exposure frequency, and the concentration of a substance in the air.[59] The exposure frequency and concentration of TACs near sensitive receptors increase the closer construction activities occur to sensitive receptors.[60] Because emissions of TACs during construction would occur across the property line from residences, sensitive receptors' exposure to TACs is potentially significant.

The City also reasons that a health risk analysis is not required for this Project because the South Coast Air Quality Management District ("SCAQMD") has not adopted a rule requiring health risk assessments for short-term construction emissions.[61] This reasoning ignores that SCAQMD has adopted significance thresholds for evaluating the health risk from exposure to project-related TAC emissions:

South Coast AQMD Air Quality Significance Thresholds[62]

TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index ≥ 1.0 (project increment)

By failing to quantify the cancer risk, the DEIR lacks substantial evidence to conclude that the 10 in one million significance threshold would not be exceeded. The DEIR's reasoning also ignores that that the City must comply with CEQA's analytical requirements even if the air district has not established a blanket requirement for quantitative analysis.

The DEIR thus fails to meet CEQA's information and analytical requirements, and the Project's health risk impacts remain potentially significant and unmitigated. These potentially significant impacts must be analyzed and

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[59] OEHHA, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, pg. 5-23.
[60] *Id.* at 1-3 ("The process by which Districts identify priority facilities for risk assessment involves consideration of potency, toxicity, quantity of emissions, and proximity to sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences.").
[61] *Id.*
[62] See South Coast AQMD Air Quality Significance Thresholds (March 2023), available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjn5Mev_7qEAxVtFDQIHdCsAPcQFnoECBQQAQ&url=https%3A%2F%2Fwww.aqmd.gov%2Fdocs%2Fdefault-source%2Fceqa%2Fhandbook%2Fsouth-coast-aqmd-air-quality-significance-thresholds.pdf%3Fsfvrsn%3D25&usg=AOvVaw07n1OZu8NvvtfqOAnstLMG&opi=89978449 (last visited 2/20/24).

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mitigated in a revised EIR. The EIR must evaluate the combined lifetime risk of exposure to both the Project's construction and operational TAC emissions.

2. Health Risks from Exposure to Project Emissions Would Be Significant

Substantial evidence shows that health risks from exposure to the Project's emissions of TACs would be significant.

Dr. Clark prepared a health risk analysis using AERMOD, the US EPA's preferred air dispersion model, in accordance with OEHHA guidance.[63] This quantitative analysis relied on data and assumptions in the DEIR's own air quality analysis.[64] The results of Dr. Clark's air model and the health risk analysis are attached as an appendix to this letter. Dr. Clark found that the cancer risk to the most sensitive population, infants less than 3 years old, would be 40.5 in 1,000,000.[65] This health risk exceeds SCAQMD's 10 in 1,000,000 cancer risk threshold, resulting in a significant impact. The City must revise the EIR to include analysis and mitigation of the Project's significant health risk impacts.

3. The Project Conflicts with Applicable Policies Regarding Air Quality and Health Risk

The CEQA Guidelines provide that a significant air quality impact would occur when a project "[c]onflict[s] with or obstruct implementation of the applicable air quality plan."[66] Further, the Guidelines provide that a significant impact would occur if a project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.[67]

The Project is inconsistent with mitigation measures adopted in the Citywide Housing Element 2021-2029 and Safety Element Updates EIR.[68] The 2021-2029 Housing Element is applicable to this Project as it was adopted by the Los Angeles City Council on November 24, 2021, and will be in effect through 2029.[69] Mitigation Measure 4.2-3 ("Construction TAC Reduction Measures") of the EIR's Mitigation

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[63] Clark Comments, pg. 5.
[64] Clark Comments, pg. 6.
[65] Clark Comments, pg. 12.
[66] CEQA Guidelines, Appendix G, subd. III.
[67] CEQA Guidelines, Appendix G, subd. X.
[68] SCH No. 2021010130.
[69] https://planning.lacity.gov/plans-policies/housing-element. This Project's planning application was filed on July 6, 2022.

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Monitoring Program requires projects to either quantify health risks or use Tier 4 Final equipment:

> For discretionary projects with an anticipated construction duration of greater than 18- months and located within 500 feet of a residence or other sensitive receptor, prior to issuance of a permit to construct, the applicant shall provide to the City an Air Quality Impact Analysis, prepared by a qualified air quality analyst, that includes a construction health risk assessment. If the analysis shows incremental cancer risk would exceed 10 persons in one million at a sensitive receptor or the calculated Hazard Index for chronic or acute risks would exceed a value of 1.0 at a sensitive receptor, the air quality analyst shall prepare a mitigation plan subject to City review and approval that reduce TACs to less than SCAQMD thresholds. The applicant shall comply with all mitigation measures in the mitigation plan. Alternatively, no Air Quality Impact Analysis, health risk assessment, and mitigation plan shall be required for discretionary projects conditioned to use construction equipment that meets the CARB Tier 4 Final or USEPA Tier 4 off-road emissions for all equipment rated 50 horsepower or greater. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.[70]

The Project is inconsistent with this measure because the DEIR fails to either quantify incremental cancer risk or require Tier 4 Final equipment.

Policy 1.3.1 of the City of Los Angeles' General Plan Air Quality Element provides: "[m]inimize particulate emissions from construction sites." And Policy 5.3.1 of the Air Quality Element provides: "Support the development and use of equipment powered by electric or low-emitting fuels." Here, the Project does not attempt to minimize DPM emissions from the Project's construction, or even set minimum emissions standards for construction equipment. Use of construction equipment that meets CARB Tier 4 standards can result in significant DPM emissions reductions over Tier 2 and 3 equipment.[71] The Project does not provide evidence that such particulate emissions controls are infeasible or ineffective. Thus, the Project fails to "minimize" PM emissions within the meaning of Policy 1.3.1 and

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[70] MMRP available at https://planning.lacity.gov/eir/HEU_2021-2029_SEU/Feir/files/5-Mitigation%20Monitoring%20Program.pdf.

[71] San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at:* https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, pg. 6.

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fails to analyze the feasibility of using low-emitting fuels. And because the failure to require emissions controls contributes to the Project's significant health risk impacts, the Project is inconsistent with these general plan policies.

4. The DEIR Fails to Adequately Analyze and Mitigate the Project's Significant Cumulative Health Risk Impacts

The DEIR concludes that the Project's cumulative health risk and air quality impacts would be less than significant.[72] The DEIR reasons that projects that do not exceed SCAQMD's significance thresholds for project-level impacts would not be cumulatively considerable.[73] The DEIR's conclusion is not supported by substantial evidence because the DEIR failed to quantify the project-level incremental cancer risk and compare it to the SCAQMD 10 in one million threshold. Because Dr. Clark's HRA demonstrates that the Project's health risk impact of 40.5 in one million exceeds the 10 in one million threshold, the Project's health risk impact is cumulatively considerable.

The DEIR's analysis is also flawed because it improperly focuses upon the individual project's relative effects and omits facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[74] CEQA requires an EIR to evaluate a cumulative impact if the project's incremental effect combined with the effects of other projects is cumulatively considerable.[75] This determination is based on an assessment of the project's incremental impacts "viewed in connection with the effects of past project, the effects of other current projects, and the effects of probable future projects."[76] Here, the effects of other projects are not considered in the DEIR's analysis of construction emissions. The DEIR's analysis ignores that that the Project's construction emissions could combine with construction of concurrent projects to result in heightened health risk impacts. Table III-1 of the DEIR identifies several projects with potentially concurrent construction schedules, such as 6400 Sunset Boulevard, but does not employ this information in its analysis of cumulative health impacts. The DEIR must be revised to reflect the cumulative health risk impact of this Project in combination with other nearby projects.

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[72] DEIR, pg. IV.A-72.
[73] DEIR, pg. IV.A-72.
[74] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("*Kings County*"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.
[75] CEQA Guidelines § 15130(a).
[76] *Id.*, §§ 15065(a)(3), 15355(b).

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The DEIR's analysis of operational emissions is similarly inadequate. The DEIR reasons that operational TAC emissions would not be cumulatively considerable because "[n]either the Project nor any of the 44 related projects (which are largely residential, retail/commercial, and office in nature) would represent a substantial source of TAC emissions… Substantial TAC emissions are associated with large-scale industrial, manufacturing, and transportation hub facilities."[77] This discussion ignores that the purpose of a cumulative impacts analysis is to evaluate the impacts of "projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling."[78] The DEIR's discussion ignores that the Project census tract, which includes a preschool and multifamily homes, has an CalEnviroScreen score of 99.3.[79] A high score (greater than 50) reflects a higher pollution burden compared to other census tracts in the state, with a maximum score of 100.[80] Thus, sensitive receptors near the Project site have close to the highest pollution burden in the state. And contrary to the suggestion in the DEIR that substantial TAC emissions are only associated with large-scale industrial, manufacturing, and transportation hub facilities, this highly burdened census tract is primarily developed with residential, retail/commercial, and office uses.[81] Because the project-level threshold relied on by the DEIR fails to reflect the context in which this Project is proposed, the DEIR's cumulative impacts analysis violates CEQA.

In sum, the DEIR's cumulative air quality impacts analysis fails to comply with CEQA. The City must prepare a revised EIR that properly evaluates and mitigates such impacts.

B. The DEIR Fails to Analyze Impacts Associated with the Project's Excess Parking

The Project would provide 894 vehicle parking spaces.[82] This parking is in excess of what is required by law. Assembly Bill (AB) 2097 provides that mixed-use projects located within 0.5 miles of a Major Transit Stop are not required to provide any parking. Impacts associated with induced VMT from the Project's parking facilities were identified in the California Department of Transportation's June 8, 2023, comment letter on the Project's Initial Study (which also stated the Project would provide 894 spaces):

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[77] DEIR, pg. IV.A-72-73.
[78] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721
[79] DEIR, Appendix B, PDF pg. 54.
[80] *Id.*
[81] General Plan Land Use Map, https://planning.lacity.gov/odocument/17308382-2458-45c4-a327-54cd9593955a/hwdplanmap.pdf.
[82] DEIR, pg. II-1.

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> The Project was not required to provide parking due to AB 2097, but the resulting design suggests that the City should seriously consider adopting parking maximums. This project location is an excellent candidate for reduced car parking due to its infill location and proximity to high-quality transit infrastructure. Research looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation.[83]

The Los Angeles County Metropolitan Transportation Authority's ("Metro") comments also encourage the reduction or removal of minimum parking requirements.[84] Despite these recommendations, the DEIR fails to reduce parking or analyze the environmental impacts associated with the Project's increased provision of parking. As will discussed below, these impacts include inconsistency with GHG plans and unnecessary consumption of energy.

1. The Project Would Result in a Potentially Significant GHG Impacts

Appendix G of the CEQA Guidelines provides that an EIR must analyze whether a Project would "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases."[85] The DEIR does not adopt a quantitative GHG significance threshold, and concludes that the Project would result in a less than significant GHG impact because it would be consistent with applicable GHG reduction plans and policies.[86] The DEIR identifies the 2022 California Air Resources Board ("CARB") Scoping Plan, the 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy ("RTP/SCS"), the 2024-2050 RTP/SCS, and the City's Green New Deal as applicable plans.

The 2022 Scoping Plan includes "Reduce or eliminate minimum parking standards" in Table 1 – "Priority GHG Reduction Strategies."[87] The Plan identifies reduction of parking in Table 3 – "Key Residential and Mixed-Use Project Attributes that Reduce GHGs."[88] The 2020-2045 RTP/SCS and the City's Green

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[83] DEIR, Appendix A, PDF pg. 345.
[84] *Id.* at 351.
[85] CEQA Guidelines, Appendix G, Section VIII(b).
[86] DEIR, pg. IV.E-56-57.
[87] 2022 Scoping Plan, Appendix D, pg. 11, available at https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf.
[88] *Id.* at 22.

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New Deal also call for reduced parking.[89] The Project's provision of 894 parking spaces in excess of what is required by law conflicts with each of these strategies. As explained in the Department of Transportation's comments, excess parking induces VMT and undermines a project's ability to encourage public transit and active modes of transportation. Analysis in the 2022 Scoping Plan, 2020-2045 RTP/SCS, and the City's Green New Deal demonstrates that excess parking spaces increase VMT.[90] It is well studied that increased provision of parking results in increased VMT.[91] The Los Angeles Department of Transportation's ("LADOT") Transportation Assessment Guidelines ("TAG") explains that projects that increase vehicular capacity can lead to additional travel on the roadway network.[92] The TAG further provides that a project with reduced parking is not likely to lead to substantial or measurable increase in vehicle travel.[93] The City of San Francisco's VMT Screening Criteria asks whether a project would result in an amount of parking that is less than or equal to that required or allowed by the Planning Code.[94] As a result, although the Project is a mixed-use development near a Major Transit Stop, the

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[89] Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy, pg. 54 ("Parking Requirements Reform – Support local planning efforts to reduce or eliminate parking requirement to realize potential construction costs savings ranging from $20,000 for surface parking, $50,000 for garages and structures, and $80,000 per space for underground spaces."), available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176; Los Angeles Green New Deal, pg. 65 ("Remove parking minimums… Update parking regulations to allow for adaptive reuse of space, bike and car-sharing infrastructure, and reduced parking requirements"), available at https://plan.mayor.lacity.gov/sites/g/files/wph2176/files/2022-12/pLAn_2019_final.pdf.

[90] CARB Scoping Plan, Appendix D, pg. 11; Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy, pg. 54; Los Angeles Green New Deal, pg. 65.

[91] Caltrans Division of Research, Innovation and System Information, Pricing and Parking Management to Reduce Vehicle Miles Travelled (VMT), March 15, 2018, available at https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf; Currans et al, Households with constrained off-street parking drive fewer miles, July 22, 2022, https://link.springer.com/article/10.1007/s11116-022-10306-8 (vehicle ownership rates are 14 percent higher for households with more than one available parking space per unit, compared to those with constrained parking. Vehicle ownership translates into travel demand); City of Millbrae Vehicle Miles Traveled (VMT) Thresholds and Screening Policy ("Excess parking supply is associated with induced and higher levels of VMT and should be avoided to ensure low VMT of screened projects"), available at https://ci.millbrae.ca.us/DocumentCenter/View/1842/Millbrae-VMT-Policy.

[92] Los Angeles Department of Transportation's Transportation Assessment Guidelines (August 2022), pg. 2-14, available at https://ladot.lacity.gov/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf

[93] *Id.* at 2-16 ("Removal or relocation of off-street or on-street parking spaces").

[94] City of San Francisco Planning Department, Transportation Impact Analysis Guidelines, Appendix L, Table 2, pg. L-14, available at https://default.sfplanning.org/publications_reports/TIA_Guidelines_VMT_Memo.pdf, https://default.sfplanning.org/publications_reports/TIA_Guidelines_Update_VMT_Memo.pdf.

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Project's design would result in GHG emissions that conflict with applicable GHG reduction plans.

This inconsistency is consequential because mobile sources are the major source of the Project's GHG emissions (2,000 net MTCO2e).[95] The DEIR must scrupulously analyze inconsistencies with GHG reduction plans, as the DEIR does not identify a quantitative GHG significance threshold. The DEIR must be revised to disclose this potentially significant impact.

2. The Project Would Result in a Potentially Significant Energy Impact

Appendix F of the CEQA Guidelines provides that an EIR must analyze the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.[96] Appendix F identifies "[t]he project's projected transportation energy use requirements and its overall use of efficient transportation alternatives" as an example of an energy impact.[97] The DEIR's analysis of this factor concludes that the Project would result in a less than significant energy impact due to the Project's "high density design," "proximity to retail and employment uses," and proximity to transit options, which would reduce VMT.[98] However, this discussion does not address that the Project's provision of parking in excess of State standards would undermine the Project's potential VMT reductions due to proximity to transit options. The DEIR must be revised to analyze the extent to the Project's excess provision of parking is an "inefficient, wasteful and unnecessary consumption of energy." The Department of Transportation's comments, as well as analysis in the 2022 Scoping Plan, 2020-2045 RTP/SCS, and the City's Green New Deal demonstrate that excess parking spaces increase VMT. These expert regulatory opinions constitute substantial evidence that the 894 excess parking spaces proposed by the Project potentially results in unnecessary energy consumption.

The DEIR must also analyze reduction of parking as an energy conservation measure. The CEQA Guidelines require discussion of energy conservation measures when relevant, and provide examples in Appendix F:[99]

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[95] DEIR, pg. IV.E-80.
[96] *See* Public Resources Code section 21100(b)(3).
[97] CEQA Guidelines, Appendix F, Section II (C)(6).
[98] DEIR, pg. IV.C-40.
[99] 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").

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1) Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2) The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste.
3) The potential for reducing peak energy demand.
4) Alternate fuels (particularly renewable ones) or energy systems.
5) Energy conservation which could result from recycling efforts.

Courts have rejected CEQA documents that fail to include adequate analysis investigation into energy conservation measures that might be available or appropriate for a project – even when the environmental document identified a less-than-significant energy impact.[100] The unnecessary energy consumption induced by the Project's excess provision of parking would be mitigated by reducing parking supply.[101] The DEIR must be revised to analyze the feasibility of reducing the proposed number of parking spaces as a means of reducing energy consumption, as well as VMT and mobile source air emissions.

C. The DEIR Fails to Adequately Analyze the Project's Potentially Significant Geotechnical Impacts

The DEIR fails to adequately analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. The Initial Study's Preliminary Geotechnical Report identifies that the Project is located within the Metro right-of-way pursuant to ZI No. 1117. ZI No. 1117 requires that consultation with Metro is required prior to the issuance of any building permit for certain projects within 100 feet of Metro-owned Rail or Bus Rapid Transit right-of-way. The Preliminary Geotechnical Report discloses potential surcharging impacts on the Metro B Line tunnel.[102] Surcharge refers to increasing the load on the soil over the tunnel walls, increasing pressure on the walls. The Report states that although the majority of the 35-story tower foundations are set far enough from the tunnel that surcharge is

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[100] *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 CA4th 256; *Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 CA4th 91; *California Clean Energy Commission v. City of Woodland* (2014) 225 CA4th 173; *League to Save Lake Tahoe Mtn. Area Preservation Found. v County of Placer* (2022) 75 CA5th 63, 167–68.

[101] Los Angeles Department of Transportation's Transportation Assessment Guidelines (August 2022), pg. 2-13, available at https://ladot.lacity.gov/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf ("reduce parking supply" is identified as a VMT-reducing measure in Table 2.2-2: TDM Strategies).

[102] DEIR, Appendix A, PDF pg. 191.

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not anticipated, foundations on the northern side of the 35-story tower may need to be supported on deep foundations, depending on the final load and column grid conditions.[103] The Report explains that deep foundations may be required because mat foundations may not be feasible due to potentially surcharging the Metro B Line.[104]

Metro's comments on the NOP call for the Project's geotechnical impacts on the Metro B Line to be analyzed in the DEIR.[105] Metro's comments provide recommendations for the scope of the DEIR's analysis:

> Impact Analysis: Due to the Project's proximity to the B Line tunnels, the EIR must analyze potential effects on subway operations and identify mitigation measures as appropriate. Critical impacts that should be studied include (without limitation): impacts of Project construction and operation on the structural and systems integrity of subway tunnels; damage to subway infrastructure, including tracks; disruption to subway service; and temporary and/or permanent changes to customer access and circulation to the station.
>
> The following provisions should be used to develop a mitigation measure that addresses these potential impacts:
>
> > Technical Review: The Applicant shall submit architectural plans, engineering drawings and calculations, and construction work plans and methods, including any crane placement and radius, to evaluate any impacts to the Metro B Line infrastructure in relationship to the Project. Before issuance of any building permit for the Project, the Applicant shall obtain Metro's approval of final construction plans.
> >
> > Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro B Line or the structural and systems integrity of Metro's tunnels. Not later than two months before Project construction, the Applicant shall contact Metro to schedule a pre-construction meeting with all Project construction personnel and Metro Real Estate, Construction Management, and Construction Safety staff.[106]

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[103] *Id.*
[104] *Id.* at 193.
[105] DEIR, Appendix A, PDF pg. 350.
[106] DEIR, Appendix A, PDF pg. 350.

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In summary, Metro identifies a potentially significant impact due to surcharge on the Metro B Line, calls for additional analysis in the DEIR, and calls for formulation of a binding mitigation measure. The DEIR fails to include any of the analysis identified in the Metro comment letter and fails to formulate a mitigation measure to reduce the potentially significant geotechnical impact to a less-than-significant level. The only discussion of this impact is found in the DEIR's analysis of "Effects to Be Found Not Significant."[107] This discussion merely states that "[f]urther coordination between Metro is expected during the Building and Safety review process for the Project."[108] As will be discussed below, the DEIR's omission of a detailed analysis of geotechnical impacts on the Metro B Line violates CEQA.

1. The DEIR Improperly Defers Analysis of Geotechnical Impacts

The DEIR violates CEQA by improperly deferring analysis of the Project's geotechnical impacts on the Metro B Line. CEQA requires that an environmental document disclose the severity of a project's impacts and the probability of their occurrence *before* a project can be approved.[109] In *Sundstrom v. County of Mendocino*,[110] the First District Court of Appeal rejected a mitigation measure that required the applicant to submit hydrological studies subject to review and approval by a planning commission and county environmental health department.[111] The Court explained that the deferred analysis of hydrological conditions fails to meet CEQA's requirement that an environmental impact should be assessed as early as possible in government planning:

> By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (See Pub. Resources Code, § 21003.1; *No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal. 3d 68, 84.) In *Bozung v. Local Agency Formation Com., supra*, 13 Cal. 3d 263, 282, the Supreme Court approved "the principle that the environmental impact should be assessed as early as possible in government planning."

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[107] DEIR, pg. VI-23.
[108] *Id.*
[109] 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 ("*CBIA v. BAAQMD*") (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs. ("Berkeley Jets")* (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.
[110] (1988) 202 Cal.App.3d 296.
[111] *Id.* at 306.

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> Environmental problems should be considered at a point in the planning process "'where genuine flexibility remains.'" (*Mount Sutro Defense Committee v. Regents of University of California, supra*, 77 Cal. App. 3d 20, 34.) A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (Id. at p. 35; *No Oil, Inc. v. City of Los Angeles*, supra, 13 Cal. 3d 68, 81; *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal. App. 3d 695, 706 [104 Cal. Rptr. 197].)

Here, there is no evidence in the record showing that it would be infeasible to fully analyze the Project's geotechnical impacts at this time and include the results in the DEIR. The City's decision to defer analysis of the Project's geotechnical impacts until after Project approval violates CEQA's informational disclosure requirements.

In limited circumstances, a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions.[112] This principle does not authorize the City to avoid disclosing the Project's geotechnical impacts before Project approval. Moreover, the DEIR's deferral of the Project's geotechnical impacts on the Metro B Line is not an example of "deferred mitigation" authorized by CEQA Guidelines Section 15126.4. Section 15126.4 may authorize deferred formulation of mitigation measures in limited circumstances, but it does not authorize deferral of the impacts analysis, as is the case here. Thus, the City's decision to defer analysis of the Project's geotechnical impacts until after Project approval violates CEQA.

2. The DEIR Lacks Substantial Evidence to Conclude Impacts to the Metro B Line Would Not Be Significant

As demonstrated above, the DEIR improperly defers a full analysis of impacts on the Metro B Line. Per Metro's comments on the NOP, an adequate analysis of impacts on the Metro B Line would evaluate impacts of Project construction and operation on the structural and systems integrity of subway

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[112] *City of Hayward v Board of Trustees of Cal. State Univ.* (2015) 242 CA4th 833, 855 (upholding transportation demand management program that identified measures to be evaluated and included monitoring plan, performance goals, and schedule for implementation); *Save Panoche Valley v San Benito County* (2013) 217 CA4th 503, 524 (upholding mitigation measures, based on preconstruction surveys, requiring identified steps for avoiding impacts to biological resources to be implemented).

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tunnels; damage to subway infrastructure, including tracks; disruption to subway service; and temporary and/or permanent changes to customer access and circulation to the station.[113] The Metro Adjacent Development Construction Design Manual calls for analysis demonstrating that the loading induced by the building foundation will not impose adverse effects the Metro facilities.[114] Because this analysis is not included in the DEIR, the DEIR lacks substantial evidence to conclude that geotechnical impacts on the B Line would be less than significant.

Additionally, Appendix G of the CEQA Guidelines requires an EIR to analyze whether a project would "[c]ause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."[115] Metro developed the Metro Adjacent Development Handbook[116] and the Adjacent Design Construction Manual[117] for the purpose of avoiding impacts such as surcharge on Metro tunnels.[118] The DEIR fails to analyze consistency with these plans and is thus incomplete.

D. The DEIR Fails to Adequately Evaluate Potentially Significant Noise and Vibration Impacts

1. The DEIR Fails to Accurately Establish the Environmental Setting

The DEIR fails to accurately establish the environmental setting because the DEIR improperly relies on short-term ambient noise measurements. The DEIR also fails to conduct validation measurements for its traffic noise model.

CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.[119] As numerous courts have held, the impacts of

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[113] DEIR, Appendix A, PDF pg. 349.
[114] Metro Adjacent Design Construction Manual, pg. 7, available at available at https://www.dropbox.com/scl/fi/l1ibxih7nhe4asfmqluev/2018-Adjacent-Construction-Design-Manual.pdf?rlkey=sntfnvj6lgd3be3jv64bsx65f&e=1&dl=0.
[115] CEQA Guidelines, Appendix G, Section XI (b).
[116] Metro Adjacent Development Handbook, available at https://www.dropbox.com/scl/fi/nvyd0zlie2xdk7f2vmswl/2021-Adjacent-Development-Review-Handbook.pdf?rlkey=7zg3e8lcl23lecc71dfi41mg3&e=1&dl=0;
[117] Metro Adjacent Design Construction Manual; Metro documents available at https://www.metro.net/about/adjacent-development-review/.
[118] Metro Adjacent Design Construction Manual, pg. 7.
[119] CEQA Guidelines, § 15125, subd. (a).

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a project must be measured against the "real conditions on the ground."[120] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[121] Baseline information on which a lead agency relies must be supported by substantial evidence.[122]

Here, Mr. Faner explains that the DEIR improperly relies on short-term (15-minute) ambient noise measurements to establish baseline noise levels.[123] These short-term measurements may not be reflective of actual existing conditions because the DEIR fails to provide discussion of how typical/representative these data were of the rest of the day.[124] Mr. Faner explains that environmental noise can vary widely throughout the day (perhaps +/- 10 dBA or more for areas with intermittent local traffic.[125] Thus, the DEIR fails to provide a description, supported by substantial evidence, of the "real conditions on the ground."[126]

The DEIR's description of existing traffic noise is also not supported by substantial evidence. Traffic noise levels were modeled using the Federal Highway Administration's Traffic Noise Model ("TNM").[127] Mr. Faner observes that the DEIR fails to provide validation measurements showing that the model is accurate within industry expectations.[128] Mr. Faner explains that a validated model may fall within +/- 3 dBA of the measured result, which undermines attempts to use modeled-only results from TNM for absolute noise characterization of the ambient condition.[129] Mr. Faner demonstrates that the DEIR's unvalidated model is not supported by substantial evidence in this case because in the cases of urban environments, TNM does not take into account sound amplification from traffic noise reflecting off nearby buildings.[130]

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[120] *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.
[121] CEQA Guidelines, § 15125, subd. (a).
[122] *CBE v. SCAQMD, supra,* 48 Ca.4th at 321 (stating "an agency enjoys the discretion to decide [...] exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence"); *see Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[123] Faner Comments, pg. 3.
[124] *Id.*
[125] *Id.*
[126] *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.
[127] DEIR, pg. IV.H-23.
[128] Faner Comments, pg. 3.
[129] *Id.*
[130] *Id.*

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The DEIR must be revised and recirculated to include an updated environmental setting that accurately reflects existing conditions.

2. The DEIR Fails to Analyze Vibration Impacts on the Metro B Line

Table IV.H-1 of the DEIR identifies construction vibration damage criteria for different building categories.[131] Table IV.H-27 shows the Project's construction vibration impacts on nearby sensitive receptors, applying the aforementioned significance criteria.[132] The DEIR fails to include the Metro B Line in this analysis or identify it as a sensitive receptor. The failure to identify the Metro B Line as a sensitive receptor in regard to vibration impacts is a failure to fully disclose the impacts of the Project. The DEIR's failure to evaluate whether the applicable vibration damage criterium for the B Line tunnel would be exceeded means that the DEIR's significance conclusions are not supported by substantial evidence.

Vibration impacts on the Metro B Line are potentially significant because the Project's construction would include significant sources of vibration. Vibration would be caused by caisson drilling, bulldozers, loaded trucks, and jackhammers.[133] The 0.30 PPV significance threshold for concrete structures may be exceeded due to the proximity of the Metro B Line tunnel.[134] According to the Initial Study, the sidewall of the Metro B Line is, at its closest, approximately 16 feet from the Project site.[135] The six-story office building proposed by the Project is approximately 22 feet from the Metro B Line sidewall and the 35-story tower is approximately 28 feet from the sidewall.[136] Further, the Project is within 100 feet of the Metro B Line, and thus subject to the Metro Adjacent Development Handbook, which states that vibration is a common adjacency concern for projects constructed near Metro facilities.[137]

In sum, the scope of the DEIR's vibration analysis is inadequate because it fails to address impacts on the Metro B Line. Vibration impacts are potentially significant due to the proximity of the B Line tunnels to construction activities. This potentially significant impact must be fully analyzed and mitigated in a revised and recirculated EIR.

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[131] DEIR, pg. IV.H-12.
[132] *Id.* at IV.H-60.
[133] *Id.*; Table IV.H-1.
[134] DEIR, pg. IV.H-12., Table IV.H-1.
[135] DEIR, Appendix A, pg. 191.
[136] *Id.*
[137] Metro Adjacent Development Handbook, pg. 5.

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3. The DEIR Fails to Analyze Construction Ground-borne Noise at Recording Studios

The DEIR's analysis fails to adequately address ground-borne noise impacts at two recording studios identified as receptors R3 and R10, located 5 feet and 10 feet, respectively, from construction activities. While the DEIR analyzes the significance of ground-borne *vibration* impacts,[138] the DEIR fails to analyze ground-borne *noise* impacts at the recording studios. Mr. Faner explains that recording studios are not typically designed to eliminate ground-borne vibration that can radiate sound into the interior, where the noise may interfere with the recording process.[139] The significance of ground-borne noise impacts at recording studios is subject to a 25 dBA significance threshold under the FTA guidance cited by the DEIR.[140]

Mr. Faner calculated the ground-borne noise impacts at receptors R3 and R10 and found that the 25 dBA threshold would be exceeded. These exceedances are reflected in the table below.[141]

Table 1 Construction Groundborne Noise Impacts

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

Mr. Faner explains these exceedances constitute significant impacts under FTA guidance cited by the DEIR.[142] Mr. Faner identifies feasible mitigation measures to reduce these impacts. The DEIR must be revised to disclose all potentially significant ground-borne noise impacts and identify feasible mitigation.

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[138] DEIR, pg. IV.H-62.
[139] Faner Comments, pg. 5.
[140] *Id.*
[141] *Id.* at 6.
[142] *Id.*

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4. The DEIR's Analysis of Stationary Mechanical Noise Is Not Supported by Substantial Evidence

The DEIR analyzes estimated noise levels from stationary mechanical equipment (e.g. air ventilation equipment) in Table IV.H-16.[143] The DEIR finds that because noise levels would not exceed applicable thresholds, impacts would be less than significant.[144] Mr. Faner demonstrates that this analysis is not supported by substantial evidence. To begin with, the DEIR noise analysis does not provide sources for the rooftop mechanical equipment operational noise calculations.[145]

Further, Mr. Faner shows that the DEIR likely underestimates the noise levels generated by HVAC units required for the Project. Whereas Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at receptor R2, a single 90 dBA PWL fan would generate a noise level of 69 dBA at receptor R2.[146]

Mr. Faner also shows that the DEIR underestimates the number of HVAC units required for the Project. Whereas the noise analysis assumes 33 HVAC units for the residential zones of the project, Mr. Faner introduces substantial evidence showing that a project this size would need 49 to 72 twenty-five-ton units to properly ventilate the space.[147]

As a result, the DEIR underestimates noise levels from stationary mechanical equipment. Noise impacts from stationary equipment remains potentially significant. These impacts must be accurately analyzed in a revised and recirculated EIR.

5. The DEIR Fails to Identify All Feasible Mitigation for the Project's Significant Impacts

The DEIR concludes that on-site construction noise impacts will be significant and unavoidable at receptors R1, R2, R3, and R7.[148] The DEIR concludes that off-site construction noise impacts would be significant and unavoidable at receptors R2, R2, and R10.[149] The DEIR fails to identify all feasible mitigation measures to reduce these impacts to the greatest extent feasible.

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[143] DEIR, pg. IV.H-43.
[144] *Id.*
[145] Faner Comments, pg. 7.
[146] *Id.*
[147] *Id.*
[148] DEIR, pg. IV.H-55.
[149] *Id.* at IV.H-56.

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Under CEQA, if the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[150]

Mr. Faner identifies feasible mitigation measures that would reduce the severity of the Project's onsite construction noise impacts. Mr. Faner first recommends including NOI-PDF-1 (mufflers) and NOI-PDF-2 (no pile drivers) in the Mitigation Monitoring and Reporting Program (MMRP) to ensure that the measures are binding.[151]

Mr. Faner calls for a measure requiring for continuous noise monitoring during construction and to halt construction if noise levels exceed the estimated construction noise levels.[152] Continuous measurement would provide improved assurance that noise levels are minimized as estimated in the DEIR. It is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a low cost.

Mr. Faner identifies additional measures to reduce impacts at the upper levels of the receptors R1 and R7.[153] These include erecting scaffolding to support construction noise control blankets, installing heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site, and offering to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1.[154]

Mr. Faner also identifies mitigation for the Project's construction vibration impacts, which the DEIR concludes would result in a significant and unavoidable impact to human annoyance. Mr. Faner recommends offering to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives.[155]

In sum, the DEIR must be revised to identify all feasible mitigation measures to reduce the Project's significant impacts.

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[150] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[151] Faner Comments, pg. 4.
[152]
[153] Faner Comments, pg. 4.
[154] *Id.*
[155] *Id.* at 5.

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E. The Project May Result in Potentially Significant Public Utilities Impacts.

Under CEQA, a public utilities impact is considered significant if a project would "[r]equire or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects."[156] The DEIR states that the Project would not result in the construction of new or expanded water facilities, the construction of which would result in significant environmental effects.[157] In support of this conclusion, the DEIR refers to an Information of Fire Flow Availability Request ("IFFAR") showing that six existing hydrants could meet the Project's fire flow requirement of 9,000 gallons per minute.[158] The IFFAR is dated May 23, 2023. The DEIR does not discuss a subsequent analysis from the Department of Water and Power ("LADWP"), dated December 29, 2023, concluding that three new hydrants must be constructed as a condition of approval.[159] These improvements are not disclosed in the DEIR.

As demonstrated in the DEIR, construction of utilities infrastructure results in environmental impacts such as air quality and noise. Because the DEIR fails to analyze impacts associated with all water infrastructure improvements required by the Project, the DEIR's analysis is not supported by substantial evidence.

F. The Statement of Overriding Consideration Must Consider Whether the Project Provides Employment Opportunities for Highly Trained Workers

The City concludes in the DEIR that the Project will have significant and unavoidable environmental impacts. Therefore, in order to approve the Project, CEQA requires the City to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its environmental harm.[160] An agency's determination that a project's benefits outweigh its significant,

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[156] DEIR, pg. 4.14-12.
[157] DEIR, pg. IV.L1-35.
[158] DEIR, pg. IV.L1-34; Appendix M, PDF pg. 42.
[159] Letter from Rafael Viramontes, P.E., LADP, to Vincent Bertoni, Department of City Planning, re: Tract No. 83987 – 6000 Hollywood Boulevard – South of Hollywood Boulevard and East of Gower Street (December 29, 2023), attached as **Exhibit C**.
[160] CEQA Guidelines, § 15043.

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unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."[161]

The City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.[162] This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.[163] Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.[164]

In this case, the City must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. CEQA specifically references employment opportunities for highly trained workers as a factor to be considered in making the determination of overriding benefits.[165] Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community. The Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or taken other steps to ensure employment of highly trained and skilled craft workers on Project construction. Therefore, the City would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the Project.

We urge the City to prepare and circulate a revised EIR which identifies the Project's potentially significant impacts, requires all feasible mitigation measures and analyzes all feasible alternatives to reduce impacts to a less than significant level. If a Statement of Overriding Considerations is adopted for the Project, we urge the City to consider whether the Project will result in employment opportunities for highly trained workers.

V. CONCLUSION

For the reasons discussed above, the DEIR for the Project is inadequate under CEQA. It must be revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions

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[161] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.
[162] Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.
[163] Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)
[164] *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.
[165] Pub. Resources Code, § 21081, subds. (a)(3) and (b).

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will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,



Aidan P. Marshall

Attachments
APM:acp

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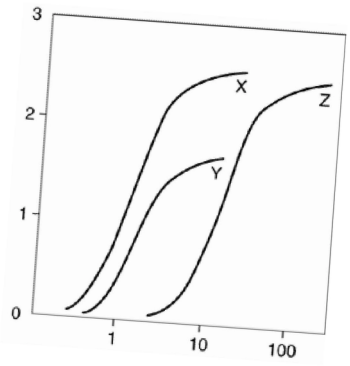
EXHIBIT A



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December 19, 2024

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Mr. Aidan Marshall

Subject: Comments On Draft Environmental Impact Report (DEIR) for 6000 Hollywood Boulevard Project Environmental Case: ENV-2022-6688=EIR, State Clearinghouse Number 2023050659

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the City of Los Angeles' (the City) DEIR[1] for the above referenced project.

Clark's review does not constitute validation or endorsement of the conclusions or content presented in the IS/MND. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

Project Description:

According to the Project Description,[2] "The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, 4,038 square feet of restaurant uses, and 500 square feet of storage space. The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000-square-foot, six-story office and retail building; Building B would be a 289,079-square-foot, 35-story residential tower; Building C would be a 23,560-square-foot, four-story residential

[1] Eyestone Environmental, LLC. 2024. 6000 Hollywood Boulevard Project, Draft Environmental Impact Report. Prepared by Eyestone Environmental, LLC for the City of Los Angeles Department of City Planning.

[2] Ibid. pg II-1

building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. One of the low-rise structures would be a 4,038-square-foot, two-story restaurant, and the remaining 10 structures would include 38 residential townhomes. Upon completion, the Project would result in a total floor area of 501,185 square feet on an 3.7-acre site, for a Floor Area Ratio (FAR) of 3.1:1 and a maximum building height of 419 feet. All of the existing improvements and uses on the Project Site would be demolished.

The Project Site is generally bounded by Hollywood Boulevard to the north, Bronson Avenue to the east, Carlton Way to the south, and Gower Street to the west. The Project Site encompasses the following addresses: 5950, 5960, 5962, 6000, 6004, 6010, 6016, 6020, 6024, 6024½, 6030, 6038, 6044, and 6048 West Hollywood Boulevard and 6037 West Carlton Way.[3]

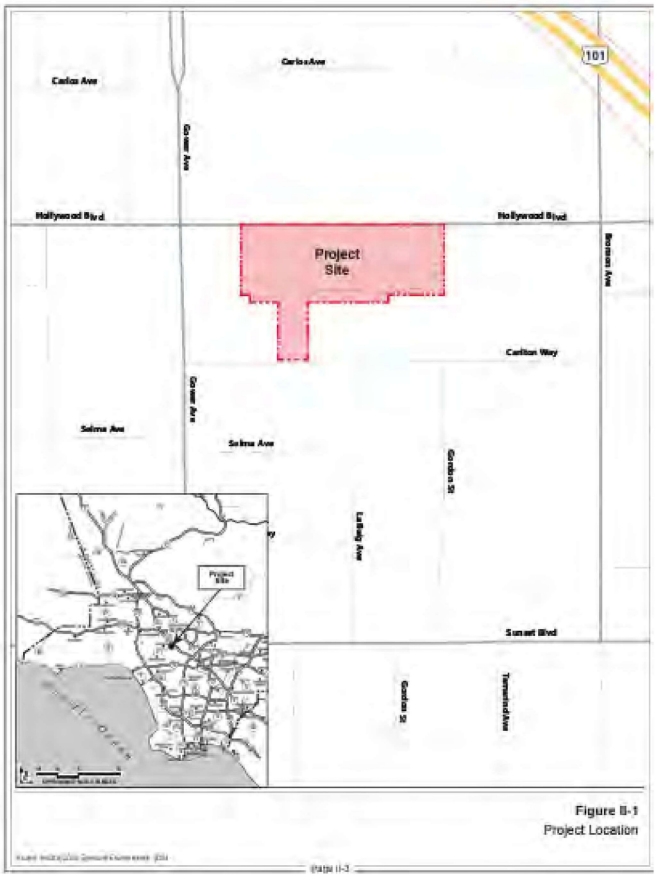

Figure II-1
Project Location



Figure II-2
Aerial Photograph of Project Site and Vicinity

Figure 1: Regional Location Map And Aerial Photograph of Project Site

[3] Ibid pg II-2

The area surrounding the Project Site is highly urbanized and includes a mix of low- to mid-rise buildings containing a variety of commercial and residential uses. The surrounding properties are generally zoned for C4 commercial use or R4 multiple dwelling residential use, consistent with the zoning of the Project Site. South of the Hollywood Lot—and to the east of the Carlton Lot—are various primarily multi-family apartment buildings; to the west of the Carlton Lot are a multi-family apartment building, the Shir Hashirim Montessori School, and a two-story office building and associated surface parking. Multi-family apartment buildings are also located across the Carlton Lot on the south side of Carlton Way.

Construction of the Project would commence with demolition of the existing structures and surface parking areas. This phase would be followed by grading and excavation for the subterranean parking, which would extend to a depth of 40 feet below ground surface. The building foundations would then be laid, followed by building construction, paving/concrete installation, and landscape installation. Project construction is anticipated to commence in 2026 and be completed in 2029. Eyestone estimated that approximately 210,000 cubic yards of export would be hauled from the Project Site.[4] The properties to the southwest and southeast of the Project Site along Carlton Way are primarily residential and represent the most sensitive receptors to emissions from the Project Site.

The DEIR goes on to note that the Project would result in significant and unavoidable impacts related to: on-site construction noise, off-site construction noise, on-site construction vibration with respect to human annoyance, and off-site vibration with respect to human annoyance. In addition, the Project would result in significant cumulative impacts that cannot be feasibly mitigated with regard to on-site and off-site construction noise and on-site and off-site construction vibration with respect to human annoyance. All other potential impacts would be less than significant or mitigated to less-than-significant levels. It should be noted that no Program Design Features (PDF) or Mitigation Measures (MM) are included for air quality issues.

The DEIR determined that the Regional air quality thresholds would not be exceeded during the construction phase of the Project.

[4] Ibid pg II-25

Table IV.A-6
Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)[a]

Construction Year	VOC[b]	NOx	CO	SOx	PM10	PM2.5
Regional Construction Emissions Winter						
Year 2026	5	58	64	<1	20	5
Year 2027	5	31	61	<1	9	3
Year 2028	5	30	59	<1	9	3
Year 2029	26	29	57	<1	9	2
Maximum Unmitigated Construction Emissions[c]	26	58	64	<1	20	5
SCAQMD Daily Significance Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Over/(Under)	(49)	(42)	(486)	(150)	(130)	(50)
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**
Regional Construction Emissions Summer						
Year 2026	4	80	57	<1	20	5
Year 2027	5	30	66	<1	9	3
Year 2028	5	29	64	<1	9	3
Year 2029	27	37	77	<1	10	3
Maximum Unmitigated Construction Emissions[c]	27	80	77	<1	20	5
SCAQMD Daily Significance Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Over/(Under)	(48)	(20)	(473)	(150)	(130)	(50)
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Numbers may not add up exactly due to rounding.

[a] *The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) of this document.*

[b] *Please note that the SCAQMD significance threshold is in terms of VOC while CalEEMod calculates reactive organic compounds (ROG) emissions. For purposes of this analysis, VOC and ROG are used interchangeably since ROG represents approximately 99.9 percent of VOC emissions.*

[c] *Unmitigated scenario assumes compliance with SCAQMD Rule 403 requirements for fugitive dust. Dust control measures include watering three times daily and properly securing soil exporting loads prior to transport.*

Source: Eyestone Environmental, 2024.

Figure 2: Regional Air Quality Table From DEIR

After a careful review of the DEIR and supporting documents it is clear that the IS/MND's assertion that there are not significant air quality impacts from the Project is not supported by the data contained in the DEIR. There are clear flaws in the DEIR's analysis of air quality issues that must be corrected in a revised environmental impact report (REIR).

Specific Comments

1. The City's Qualitative Analysis Of TAC Emissions From The Construction Phase Of The Project Is Insufficient.

According to the DEIR,[5] potential toxic air contaminant (TAC) impacts were evaluated by conducting *a qualitative* analysis consistent with CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB's Handbook), which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities). According to Eyestone, the qualitative analysis consisted of reviewing the Project to identify any new or modified TAC emissions sources and evaluating the potential for such sources to cause significant TAC impacts. If the qualitative evaluation did not rule out significant impacts from a new TAC source, or modification of an existing TAC emissions source, a more detailed analysis would have been conducted. For the detailed analysis, downwind sensitive receptor locations would be identified, and site-specific dispersion modeling is conducted to estimate Project impacts.

The DEIR goes on to state that the greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations.[6] The DEIR assumes that given the short-term construction schedule of approximately 44 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. The Project's construction activities, including generation of TACs, would not expose sensitive receptors to substantial pollutant concentrations. Project related TAC impacts during construction would be less than significant. This conclusion from Eyestone is speculative at best and without merit.

2. Using The City's Own Air Quality Analysis Of The Construction Phase Of The Project, It Is Evident That The Health Risk To Residents Adjacent To The Project Site Will Exceed The Significance Threshold For TACs.

Using the City's own air quality analysis I have performed a quantitative health risk analysis of the TAC emissions from the offroad equipment that will be used during the Construction Phase of the Project. Using the daily average emissions of PM_{10} emissions (PM_{10E}) from tables 3.1 through 3.19 of the CalEEMod analysis labeled 6000 Hollywood – Construction Onsite Detailed Report (dated

[5] Ibid. pg IV.A-45

[6] Ibid pg IV.A-68

11/6/2023) from Appendix B to the DEIR, I have calculated the emissions of DPM as PM10E for each phase of the construction phase.

3.1. Demolition (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.12	9.09	16.6	0.03	0.31	—	0.31	0.29	—	0.29	2,495
Demolition	—	—	—	—	—	2.32	2.32	—	0.35	0.35	—
Onsite truck	0.01	0.39	0.28	< 0.005	< 0.005	1.53	1.53	< 0.005	0.15	0.15	71.2
Average Daily	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.13	1.05	1.91	< 0.005	0.04	—	0.04	0.03	—	0.03	287

Figure 3: CalEEMod Output From Appendix B For Construction Phase

Using the construction schedule provided in the same CalEEMod analysis I have calculated the Project would last 921 days.

Using the emission rate calculated in the CalEEMOD model for each construction phase, the total amount of DPM emitted from off-road equipment would be equal to the number of work days multiplied by the emission rate calculated in the CalEEMOD model.

$$DPM\ (lbs) = \sum Emission\ Rate\ \left(\frac{lbs}{day}\right) * Number\ Of\ Work\ Days\ (days)$$

The total amount of emissions over the site was calculated to be 33.86 lbs of DPM in 2026, 130.38 lbs of DPM in 2027, 116.56 lbs of DPM in 2028 ,and 53.07 lbs of DPM in 2029.

To calculate the daily emission rate of DPM for each year of construction period, the total mass of DPM emitted was divided by the area of the construction site (18,200 square meters (m^2) or 195903.2 ft^2) divided by the number of hours of construction (8 hours/day).

$$Emission\ Rate\ For\ Model\ \left(\frac{lbs}{hr * ft^2}\right) = \frac{Emission\ (lbs)}{Duration\ (hr) * Area\ (ft^2)}$$

Limiting the emissions to an 8-hour period during weekdays, the emission rate was calculated to be 1.90 x 10^{-7} lbs per hour of operation per square foot. The emission rates I have calculated ranged from 3.68 x 10^{-8} lbs-hour/ft^2 to 3.38 x 10^{-7} lbs-hour/ft^2.

Table 1: DPM Emission Calculations From On-Site Off-Road Equipment For Each Year

Phase	Year	Daily Emissions*	Duration	Total Emissions For Phase	Emissions Per Day	Emission Rate Per Hour	Site Wide Annual Emission Rate
		lbs/day	days	lbs	lbs/day	lbs-hour	lbs-hr/ft2
Demolition	2026	0.04	42	1.68			
Grading	2026	0.24	110	26.4			
Mat Foundation	2026	0.08	43	3.44			
Foundation	2026	0.03	43	1.29			
Building Construction	2026	0.05	21	1.05			
Total Emissions 2026			259	33.86	**1.31E-01**	1.63E-02	**8.34E-08**
Building Construction	2027	0.53	246	130.38	**5.30E-01**	6.63E-02	**3.38E-07**
Building Construction	2028	0.47	248	116.56	**4.70E-01**	5.88E-02	**3.00E-07**
Building Construction	2029	0.29	168	48.72	5.29E-02		
Paving	2029	0.05	87	4.35	4.72E-03		
Architectural Coating	2029		175	0	0.00E+00		
Total Emissions 2029				53.07	**5.76E-02**	7.20E-03	**3.68E-08**

Using AERMOD, the US EPA's preferred air dispersion model, it is possible to calculate the concentrations of DPM from the construction area at the closest receptors near the construction site. AERMOD is an acronym for the American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee's Dispersion Model. AERMOD contains the necessary algorithms to model air concentrations from a wide range of emission source types, including stack-based point sources, fugitive area sources, and volume sources. The modeling domain with the building around the Project site are indicated in the figure below. The green area is the source area of DPM from construction of the Project.

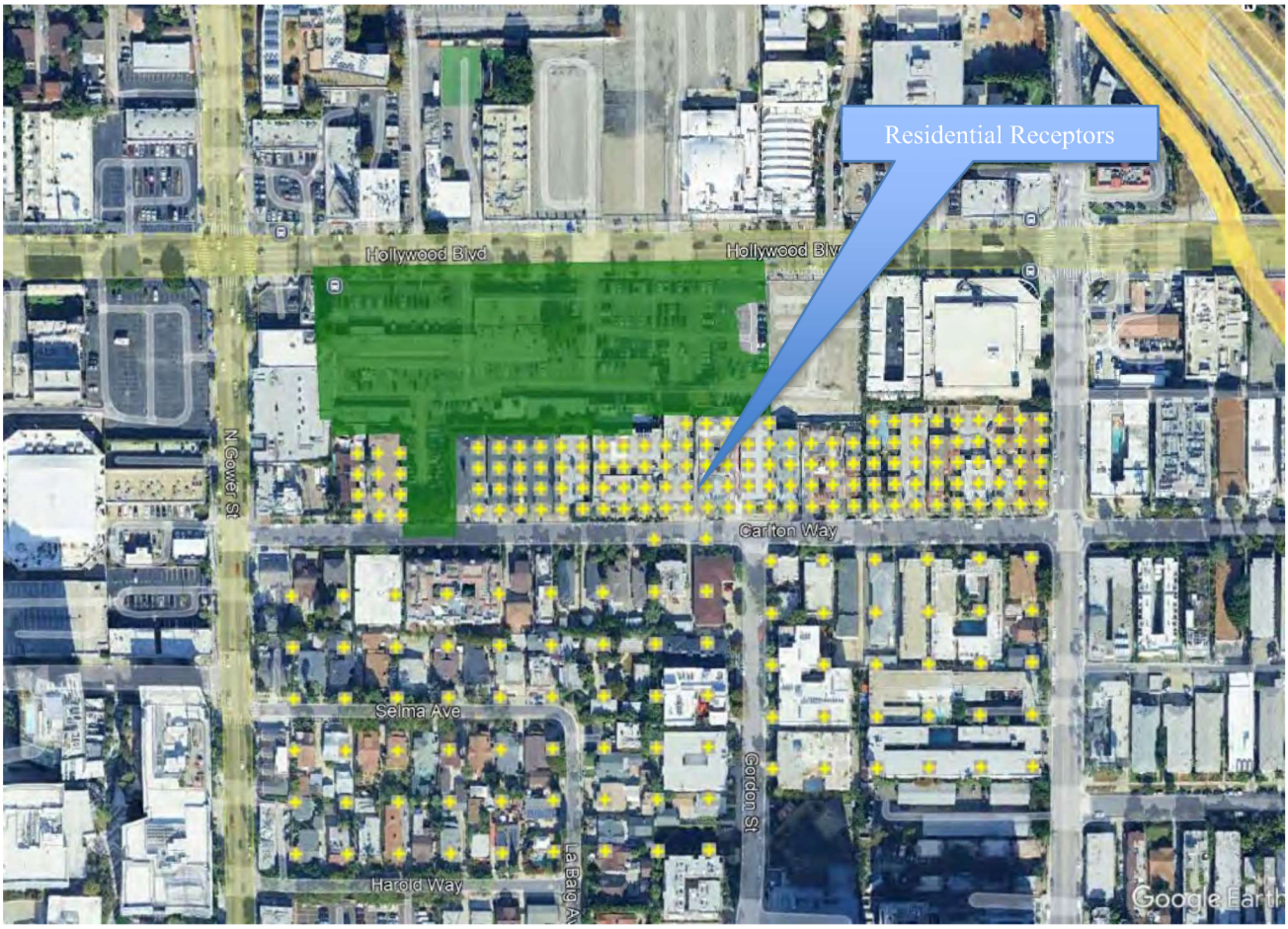

Figure 4: Receptors In Model

Using the SCAQMD's AERMOD Health Risk Assessment Tool and AERMOD-Ready Meteorological Data Files website[7] I have determined that the Project Site resides in the area designated by SCAQMD as SRA-1. The designated surface meteorological station for SRA-1 is KFUL. The data for the site cover the years 2018, 2019, 2020, 2022, and 2023.

[7] https://www.aqmd.gov/assets/aermet/AERMET_files_And_HRA_Tool.html

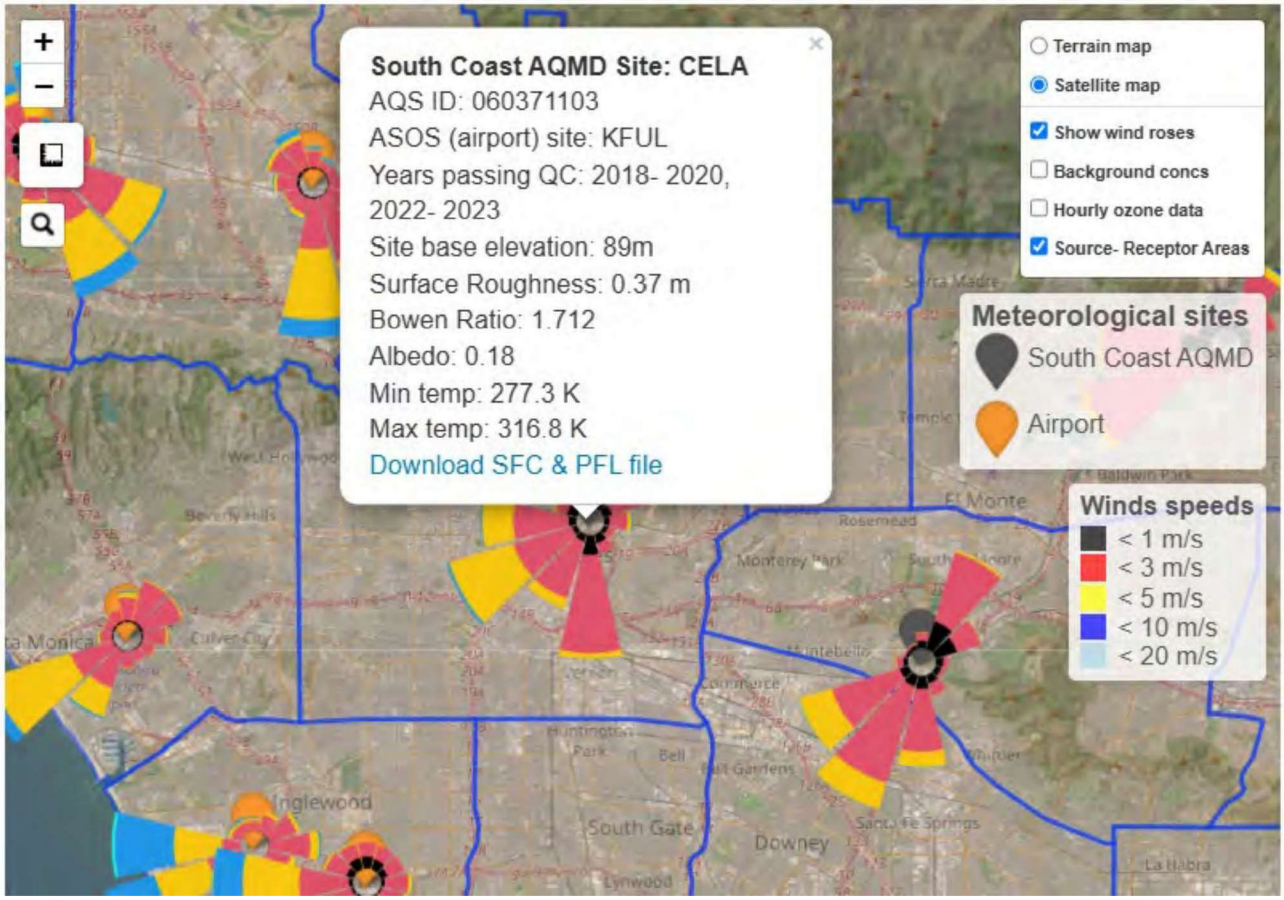

Figure 5: SCAQMD AERMOD Site Location Website

Using the California Air Resources Board's (CARB's) digital elevation model for the Hollywood region I have input the elevation for Project Site and the receptors nearby. Receptors next the Project Site were spaced 10 meters apart and receptors south of Carlton Way were spaced 25 meters apart.

The AERMOD model was run assuming that emissions occurred only during the weekdays during an 8-hour period. The results of the model are attached as an Exhibit to this letter. The DPM concentrations calculated for the period of the construction at the ten closest receptors ranged from 0.091 micrograms per cubic meter (ug/m^3) to 0.1308 ug/m^3.

Table 2: DPM Concentrations Modeled For Construction Phase

Model Receptor	X	Y	Value
	METER	METER	ug/m**3
97	378142.3	3774124	0.130813
12	378104.4	3774122	0.120039
98	378152.3	3774124	0.113586
9	378104.4	3774112	0.105126
69	378142.3	3774114	0.104966
99	378162.3	3774124	0.103515
100	378172.3	3774124	0.097304
11	378094.4	3774122	0.093272
101	378182.3	3774124	0.092129
6	378104.4	3774102	0.090603

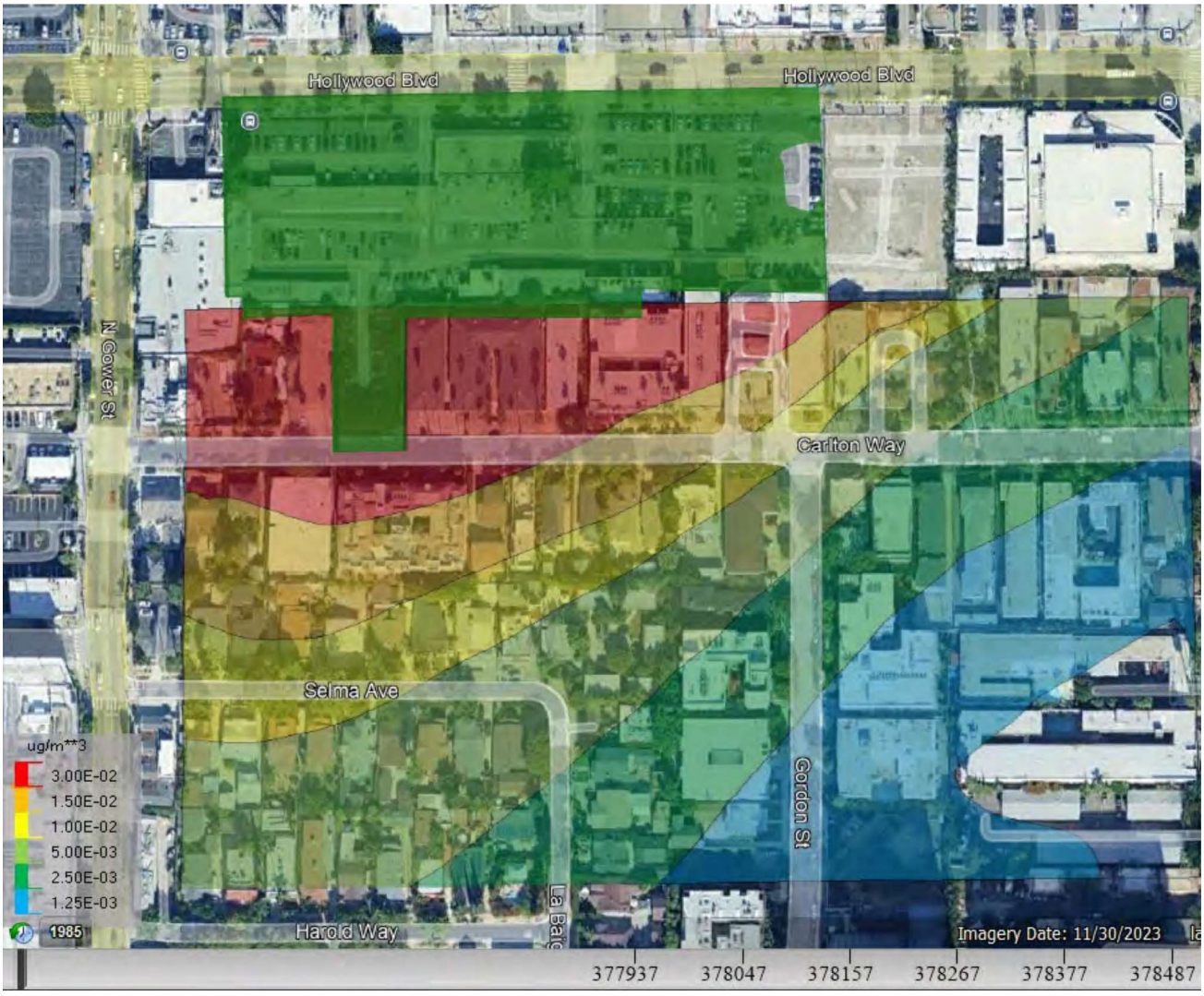

Figure 6: Model output showing DPM concentrations During Construction Phase

Using the algorithm outlined in OEHHA's HARP 2 Standalone Risk software, the cancer risk to the most sensitive population, infants less than 3 years old was calculated. To calculate the inhalation cancer risk for any receptor in the modeling domain dose of the chemical in air ($Dose_{air}$) is calculated from the annual concentration of the carcinogen (C_{air}). The exposure concentration is then multiplied by the breathing rate per body weight (BR/BW), inhalation absorption factor (A), the exposure frequency (days per 365 days) and a conversion factor of 10^{-6} (micrograms to milligrams, liters to cubic meters). This annual average concentration is multiplied by the cancer slope (CPF) for the chemical along with the appropriate age sensitivity factor (ASF) the exposure duration (ED) and then divided by the averaging time (AT)

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

4. $$Risk_{inh} = Dose_{air} * CPF * ASF * ED/AT$$

Using the maximum concentration modeled, the cumulative risk for exposure of infants during the 3.67 years (44 months) of construction is 40.5 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact. The results of the air model and the health risk analysis are attached as an appendix to this letter. The City must quantify and disclose these significant impacts in a REIR for the Project

Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed based in the DEIR. A REIR is necessary to address these substantial concerns fully and transparently.

Sincerely,



Appendix A: AERMOD Model And Risk Calculations

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** BREEZE AERMOD
** Trinity Consultants
** VERSION  11.0

CO STARTING
CO TITLEONE  6000 Hollywood Blvd Construction (Average Yearly Construction)
CO TITLETWO  DPM From Construction
CO MODELOPT  DFAULT  CONC  NODRYDPLT  NOWETDPLT
CO RUNORNOT  RUN
CO AVERTIME  PERIOD
CO POLLUTID  DPM
CO FINISHED

SO STARTING
SO ELEVUNIT  METERS
SO LOCATION  0LV9D03Y  AREAPOLY  378105.8  3774131.7  115.82
** SRCDESCR  6000 Hollywood Blvd Project Site
SO SRCPARAM  0LV9D03Y  2.578019E-07  4.3  13  2.15
SO AREAVERT  0LV9D03Y  378105.8 3774131.7  378106.4 3774082.1  378131.2 3774082.4
378131.5 3774130.3
SO AREAVERT  0LV9D03Y  378216.1 3774129  378216.1 3774138.9  378282.8 3774136.9
378280.5 3774211.6
SO AREAVERT  0LV9D03Y  378064.5 3774210.9  378067.1 3774138.3  378073.4 3774138.3
378073.7 3774130.7
SO AREAVERT  0LV9D03Y  378105.8 3774131.7
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** RCPDESCR  southeast
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** SENSITIV
** RCPDESCR  southeast
RE DISCCART  378402.3  3774104.3  117.91  117.91
** SENSITIV
** RCPDESCR  southeast
RE DISCCART  378412.3  3774104.3  117.91  117.91
** SENSITIV
** RCPDESCR  southeast
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** SENSITIV
** RCPDESCR  southeast
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** SENSITIV
** RCPDESCR  southeast
RE DISCCART  378162.3  3774114.3  116.03  116.03
** SENSITIV
** RCPDESCR  southeast
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** SENSITIV
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** SENSITIV
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RE DISCCART  378222.3  3774114.3  116.24  116.24
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** RCPDESCR  southeast
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** SENSITIV
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** RCPDESCR  southwest large grid
RE DISCCART  378126.5  3773928.6  111  111
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** RCPDESCR  southwest large grid
RE DISCCART  378151.5  3773928.6  111.04  111.04
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** SENSITIV
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** SENSITIV
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** RCPDESCR  southeast large grid
RE DISCCART  378382.5  3774068.0  116.7  116.7
** SENSITIV
** RCPDESCR  southeast large grid
RE DISCCART  378407.5  3774068.0  116.7  116.7
** SENSITIV
** RCPDESCR  southeast large grid
RE FINISHED

ME STARTING
ME SURFFILE  "C:\Users\jclar\OneDrive\Clark and Associates\Project 296 - ABJC - 6000
Hollywood Blvd DEIR\CELA_V11_trimmed.sfc"
** SURFFILE  "C:\Users\jclar\OneDrive\Clark and Associates\Project 296 - ABJC - 6000
Hollywood Blvd DEIR\CELA_V11_trimmed.sfc"
ME PROFFILE  "C:\Users\jclar\OneDrive\Clark and Associates\Project 296 - ABJC - 6000
Hollywood Blvd DEIR\CELA_V11_trimmed.pfl"
** PROFFILE  "C:\Users\jclar\OneDrive\Clark and Associates\Project 296 - ABJC - 6000
Hollywood Blvd DEIR\CELA_V11_trimmed.pfl"
ME SURFDATA  3166 2018 CELA
ME UAIRDATA  3190 2018
ME SITEDATA  60371103 2018
ME PROFBASE  89  METERS
ME FINISHED

OU STARTING
OU FILEFORM  FIX
```

```
718  OU PLOTFILE  PERIOD  ALL  ALL`PERIOD.plt  10000
719  OU POSTFILE  PERIOD  ALL  UNFORM  ALL`PERIOD.bin  10001
720  OU FINISHED
721
722
723    *** Message Summary For AERMOD Model Setup ***
724
725    --------- Summary of Total Messages --------
726
727   A Total of            0 Fatal Error Message(s)
728   A Total of            4 Warning Message(s)
729   A Total of            0 Informational Message(s)
730
731
732      ******** FATAL ERROR MESSAGES ********
733                ***  NONE  ***
734
735
736      ********   WARNING MESSAGES   ********
737   ME W186     714       MEOPEN: THRESH_1MIN 1-min ASOS wind speed threshold
      used           0.50
738   ME W187     714       MEOPEN: ADJ_U* Option for Stable Low Winds used in
      AERMET
739   OU W565     718       PERPLT: Possible Conflict With Dynamically Allocated FUNIT
      PLOTFILE
740   OU W565     719       PERPST: Possible Conflict With Dynamically Allocated FUNIT
      POSTFILE
741
742   ***********************************
743   *** SETUP Finishes Successfully ***
744   ***********************************
745
746   FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
      Yearly Construction)      ***        12/18/24
747    *** AERMET - VERSION  22112 ***   ***  DPM From
       Construction                                                ***        12:40:47
748
                                PAGE   1
749    *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*
750
751                                              ***     MODEL SETUP OPTIONS SUMMARY       ***
752    - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -
       - - - - - - - - - - - - - - - - - -
753
754    ** Model Options Selected:
755         * Model Uses Regulatory DEFAULT Options
756         * Model Is Setup For Calculation of Average CONCentration Values.
757         * NO GAS DEPOSITION Data Provided.
758         * NO PARTICLE DEPOSITION Data Provided.
759         * Model Uses NO DRY DEPLETION. DDPLETE  =  F
760         * Model Uses NO WET DEPLETION. WETDPLT  =  F
761         * Stack-tip Downwash.
762         * Model Accounts for ELEVated Terrain Effects.
763         * Use Calms Processing Routine.
764         * Use Missing Data Processing Routine.
765         * No Exponential Decay.
766         * Model Uses RURAL Dispersion Only.
767         * ADJ_U*   - Use ADJ_U* option for SBL in AERMET
768         * CCVR_Sub - Meteorological data includes CCVR substitutions
769         * TEMP_Sub - Meteorological data includes TEMP substitutions
770         * Model Assumes No FLAGPOLE Receptor Heights.
771         * The User Specified a Pollutant Type of: DPM
772
773    **Model Calculates PERIOD Averages Only
774
775    **This Run Includes:      1 Source(s);       1 Source Group(s); and     224 Receptor(s)
```

```
776
777                 with:      0 POINT(s), including
778                            0 POINTCAP(s) and      0 POINTHOR(s)
779                  and:      0 VOLUME source(s)
780                  and:      1 AREA type source(s)
781                  and:      0 LINE source(s)
782                  and:      0 RLINE/RLINEXT source(s)
783                  and:      0 OPENPIT source(s)
784                  and:      0 BUOYANT LINE source(s) with a total of     0 line(s)
785                  and:      0 SWPOINT source(s)
786
787
788   **Model Set To Continue RUNning After the Setup Testing.
789
790   **The AERMET Input Meteorological Data Version Date:  22112
791
792   **Output Options Selected:
793            Model Outputs Tables of PERIOD Averages by Receptor
794            Model Outputs External File(s) of Concurrent Values for Postprocessing
               (POSTFILE Keyword)
795            Model Outputs External File(s) of High Values for Plotting (PLOTFILE Keyword)
796
797   **NOTE:  The Following Flags May Appear Following CONC Values:  c for Calm Hours
798                                                                   m for Missing Hours
799                                                                   b for Both Calm and
                                                                      Missing Hours
800
801   **Misc. Inputs:  Base Elev. for Pot. Temp. Profile (m MSL) =    89.00 ;  Decay Coef.
      =    0.000     ;  Rot. Angle =     0.0
802                     Emission Units = GRAMS/SEC                              ;  Emission
                        Rate Unit Factor =   0.10000E+07
803                     Output Units   = MICROGRAMS/M**3
804
805   **Approximate Storage Requirements of Model =      3.5 MB of RAM.
806
807   **Input Runstream File:
      aermod.inp

808   **Output Print File:
      aermod.out

809
810   FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
      Yearly Construction)      ***        12/18/24
811    *** AERMET - VERSION  22112 ***   ***  DPM From
       Construction                                          ***        12:40:47
812
                                  PAGE   2
813    *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*
814
815
816                                                *** AREAPOLY SOURCE DATA ***
817
818                 NUMBER EMISSION RATE   LOCATION OF AREA  BASE     RELEASE  NUMBER
                    INIT.   URBAN  EMISSION RATE
819      SOURCE       PART.  (GRAMS/SEC       X        Y      ELEV.    HEIGHT  OF VERTS.
         SZ     SOURCE  SCALAR VARY
820        ID         CATS.   /METER**2)   (METERS) (METERS) (METERS) (METERS)
           (METERS)             BY
821   - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -
      - - - - - - - - - - - - - - - - - - -
822
823    0LV9D03Y         0   0.25780E-06  378105.8 3774131.7   115.8     4.30      13
       2.15     NO    HRDOW
824   FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
      Yearly Construction)      ***        12/18/24
```

*** SOURCE IDs DEFINING SOURCE GROUPS ***

SRCGROUP ID	SOURCE IDs
ALL	0LV9D03Y ,

* SOURCE EMISSION RATE SCALARS WHICH VARY DIURNALLY AND BY DAY OF WEEK (HRDOW) *

SOURCE ID = 0LV9D03Y ; SOURCE TYPE = AREAPOLY :

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR
DAY OF WEEK = WEEKDAY															
1	.0000E+00	2	.0000E+00	3	.0000E+00	4	.0000E+00	5	.0000E+00	6	.0000E+00	7	.0000E+00	8	.1000E+01
9	.1000E+01	10	.1000E+01	11	.1000E+01	12	.0000E+00	13	.1000E+01	14	.1000E+01	15	.1000E+01	16	.1000E+01
17	.0000E+00	18	.0000E+00	19	.0000E+00	20	.0000E+00	21	.0000E+00	22	.0000E+00	23	.0000E+00	24	.0000E+00
DAY OF WEEK = SATURDAY															
1	.0000E+00	2	.0000E+00	3	.0000E+00	4	.0000E+00	5	.0000E+00	6	.0000E+00	7	.0000E+00	8	.0000E+00
9	.0000E+00	10	.0000E+00	11	.0000E+00	12	.0000E+00	13	.0000E+00	14	.0000E+00	15	.0000E+00	16	.0000E+00
17	.0000E+00	18	.0000E+00	19	.0000E+00	20	.0000E+00	21	.0000E+00	22	.0000E+00	23	.0000E+00	24	.0000E+00
DAY OF WEEK = SUNDAY															
1	.0000E+00	2	.0000E+00	3	.0000E+00	4	.0000E+00	5	.0000E+00	6	.0000E+00	7	.0000E+00	8	.0000E+00
9	.0000E+00	10	.0000E+00	11	.0000E+00	12	.0000E+00	13	.0000E+00	14	.0000E+00	15	.0000E+00	16	.0000E+00
17	.0000E+00	18	.0000E+00	19	.0000E+00	20	.0000E+00	21	.0000E+00	22	.0000E+00	23	.0000E+00	24	.0000E+00

*** DISCRETE CARTESIAN RECEPTORS ***
(X-COORD, Y-COORD, ZELEV, ZHILL, ZFLAG)
(METERS)

(378084.4, 3774091.7, 114.5, 114.5, 0.0); (378094.4, 3774091.7, 114.5, 114.5, 0.0);
(378104.4, 3774091.7, 114.6, 114.6, 0.0); (378084.4,

```
        3774101.7,     114.8,     114.8,       0.0);
870     ( 378094.4, 3774101.7,     114.8,     114.8,       0.0);         ( 378104.4,
        3774101.7,     114.9,     114.9,       0.0);
871     ( 378084.4, 3774111.7,     115.2,     115.2,       0.0);         ( 378094.4,
        3774111.7,     115.2,     115.2,       0.0);
872     ( 378104.4, 3774111.7,     115.2,     115.2,       0.0);         ( 378084.4,
        3774121.7,     115.5,     115.5,       0.0);
873     ( 378094.4, 3774121.7,     115.5,     115.5,       0.0);         ( 378104.4,
        3774121.7,     115.5,     115.5,       0.0);
874     ( 378142.3, 3774094.3,     115.3,     115.3,       0.0);         ( 378152.3,
        3774094.3,     115.5,     115.5,       0.0);
875     ( 378162.3, 3774094.3,     115.6,     115.6,       0.0);         ( 378172.3,
        3774094.3,     115.6,     115.6,       0.0);
876     ( 378182.3, 3774094.3,     115.6,     115.6,       0.0);         ( 378192.3,
        3774094.3,     115.6,     115.6,       0.0);
877     ( 378202.3, 3774094.3,     115.6,     115.6,       0.0);         ( 378212.3,
        3774094.3,     115.6,     115.6,       0.0);
878     ( 378222.3, 3774094.3,     115.6,     115.6,       0.0);         ( 378232.3,
        3774094.3,     115.6,     115.6,       0.0);
879     ( 378242.3, 3774094.3,     115.6,     115.6,       0.0);         ( 378252.3,
        3774094.3,     115.6,     115.6,       0.0);
880     ( 378262.3, 3774094.3,     115.6,     115.6,       0.0);         ( 378272.3,
        3774094.3,     115.6,     115.6,       0.0);
881     ( 378282.3, 3774094.3,     115.7,     115.7,       0.0);         ( 378292.3,
        3774094.3,     116.0,     116.0,       0.0);
882     ( 378302.3, 3774094.3,     116.4,     116.4,       0.0);         ( 378312.3,
        3774094.3,     116.7,     116.7,       0.0);
883     ( 378322.3, 3774094.3,     117.0,     117.0,       0.0);         ( 378332.3,
        3774094.3,     117.4,     117.4,       0.0);
884     ( 378342.3, 3774094.3,     117.6,     117.6,       0.0);         ( 378352.3,
        3774094.3,     117.6,     117.6,       0.0);
885     ( 378362.3, 3774094.3,     117.6,     117.6,       0.0);         ( 378372.3,
        3774094.3,     117.6,     117.6,       0.0);
886     ( 378382.3, 3774094.3,     117.6,     117.6,       0.0);         ( 378392.3,
        3774094.3,     117.6,     117.6,       0.0);
887     ( 378402.3, 3774094.3,     117.6,     117.6,       0.0);         ( 378412.3,
        3774094.3,     117.6,     117.6,       0.0);
888     ( 378142.3, 3774104.3,     115.4,     115.4,       0.0);         ( 378152.3,
        3774104.3,     115.7,     115.7,       0.0);
889     ( 378162.3, 3774104.3,     115.9,     115.9,       0.0);         ( 378172.3,
        3774104.3,     115.9,     115.9,       0.0);
890     ( 378182.3, 3774104.3,     115.9,     115.9,       0.0);         ( 378192.3,
        3774104.3,     115.9,     115.9,       0.0);
891     ( 378202.3, 3774104.3,     115.9,     115.9,       0.0);         ( 378212.3,
        3774104.3,     115.9,     115.9,       0.0);
892     ( 378222.3, 3774104.3,     115.9,     115.9,       0.0);         ( 378232.3,
        3774104.3,     115.9,     115.9,       0.0);
893     ( 378242.3, 3774104.3,     115.9,     115.9,       0.0);         ( 378252.3,
        3774104.3,     115.9,     115.9,       0.0);
894     ( 378262.3, 3774104.3,     115.9,     115.9,       0.0);         ( 378272.3,
        3774104.3,     115.9,     115.9,       0.0);
895     ( 378282.3, 3774104.3,     116.0,     116.0,       0.0);         ( 378292.3,
        3774104.3,     116.4,     116.4,       0.0);
896     ( 378302.3, 3774104.3,     116.7,     116.7,       0.0);         ( 378312.3,
        3774104.3,     117.0,     117.0,       0.0);
897     ( 378322.3, 3774104.3,     117.4,     117.4,       0.0);         ( 378332.3,
        3774104.3,     117.7,     117.7,       0.0);
898     ( 378342.3, 3774104.3,     117.9,     117.9,       0.0);         ( 378352.3,
        3774104.3,     117.9,     117.9,       0.0);
899     ( 378362.3, 3774104.3,     117.9,     117.9,       0.0);         ( 378372.3,
        3774104.3,     117.9,     117.9,       0.0);
900     ( 378382.3, 3774104.3,     117.9,     117.9,       0.0);         ( 378392.3,
        3774104.3,     117.9,     117.9,       0.0);
901     ( 378402.3, 3774104.3,     117.9,     117.9,       0.0);         ( 378412.3,
        3774104.3,     117.9,     117.9,       0.0);
902     ( 378142.3, 3774114.3,     115.6,     115.6,       0.0);         ( 378152.3,
```

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        3774114.3,     115.8,     115.8,       0.0);
903     ( 378162.3, 3774114.3,     116.0,     116.0,       0.0);         ( 378172.3,
        3774114.3,     116.1,     116.1,       0.0);
904     ( 378182.3, 3774114.3,     116.2,     116.2,       0.0);         ( 378192.3,
        3774114.3,     116.2,     116.2,       0.0);
905     ( 378202.3, 3774114.3,     116.2,     116.2,       0.0);         ( 378212.3,
        3774114.3,     116.2,     116.2,       0.0);
906     ( 378222.3, 3774114.3,     116.2,     116.2,       0.0);         ( 378232.3,
        3774114.3,     116.2,     116.2,       0.0);
907     ( 378242.3, 3774114.3,     116.2,     116.2,       0.0);         ( 378252.3,
        3774114.3,     116.2,     116.2,       0.0);
908     ( 378262.3, 3774114.3,     116.2,     116.2,       0.0);         ( 378272.3,
        3774114.3,     116.2,     116.2,       0.0);
909     ( 378282.3, 3774114.3,     116.4,     116.4,       0.0);         ( 378292.3,
        3774114.3,     116.7,     116.7,       0.0);
910     ( 378302.3, 3774114.3,     117.0,     117.0,       0.0);         ( 378312.3,
        3774114.3,     117.3,     117.3,       0.0);
911     ( 378322.3, 3774114.3,     117.6,     117.6,       0.0);         ( 378332.3,
        3774114.3,     117.8,     117.8,       0.0);
912     ( 378342.3, 3774114.3,     118.0,     118.0,       0.0);         ( 378352.3,
        3774114.3,     118.1,     118.1,       0.0);
913   FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
      Yearly Construction)      ***        12/18/24
914    *** AERMET - VERSION  22112 ***   ***  DPM From
       Construction                                                  ***        12:40:47
915
916    *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*
917
918                                                  *** DISCRETE CARTESIAN RECEPTORS ***
919                                                (X-COORD, Y-COORD, ZELEV, ZHILL, ZFLAG)
920                                                          (METERS)
921
922     ( 378362.3, 3774114.3,     118.2,     118.2,       0.0);         ( 378372.3,
        3774114.3,     118.2,     118.2,       0.0);
923     ( 378382.3, 3774114.3,     118.2,     118.2,       0.0);         ( 378392.3,
        3774114.3,     118.2,     118.2,       0.0);
924     ( 378402.3, 3774114.3,     118.2,     118.2,       0.0);         ( 378412.3,
        3774114.3,     118.2,     118.2,       0.0);
925     ( 378142.3, 3774124.3,     115.8,     115.8,       0.0);         ( 378152.3,
        3774124.3,     115.9,     115.9,       0.0);
926     ( 378162.3, 3774124.3,     116.1,     116.1,       0.0);         ( 378172.3,
        3774124.3,     116.3,     116.3,       0.0);
927     ( 378182.3, 3774124.3,     116.5,     116.5,       0.0);         ( 378192.3,
        3774124.3,     116.6,     116.6,       0.0);
928     ( 378202.3, 3774124.3,     116.6,     116.6,       0.0);         ( 378212.3,
        3774124.3,     116.6,     116.6,       0.0);
929     ( 378222.3, 3774124.3,     116.6,     116.6,       0.0);         ( 378232.3,
        3774124.3,     116.6,     116.6,       0.0);
930     ( 378242.3, 3774124.3,     116.6,     116.6,       0.0);         ( 378252.3,
        3774124.3,     116.6,     116.6,       0.0);
931     ( 378262.3, 3774124.3,     116.6,     116.6,       0.0);         ( 378272.3,
        3774124.3,     116.6,     116.6,       0.0);
932     ( 378282.3, 3774124.3,     116.7,     116.7,       0.0);         ( 378292.3,
        3774124.3,     117.0,     117.0,       0.0);
933     ( 378302.3, 3774124.3,     117.4,     117.4,       0.0);         ( 378312.3,
        3774124.3,     117.6,     117.6,       0.0);
934     ( 378322.3, 3774124.3,     117.8,     117.8,       0.0);         ( 378332.3,
        3774124.3,     117.9,     117.9,       0.0);
935     ( 378342.3, 3774124.3,     118.1,     118.1,       0.0);         ( 378352.3,
        3774124.3,     118.3,     118.3,       0.0);
936     ( 378362.3, 3774124.3,     118.5,     118.5,       0.0);         ( 378372.3,
        3774124.3,     118.6,     118.6,       0.0);
937     ( 378382.3, 3774124.3,     118.6,     118.6,       0.0);         ( 378392.3,
        3774124.3,     118.6,     118.6,       0.0);
938     ( 378402.3, 3774124.3,     118.6,     118.6,       0.0);         ( 378412.3,
```

```
     3774124.3,     118.6,     118.6,       0.0);
     ( 378242.3, 3774134.3,     116.9,     116.9,       0.0);         ( 378252.3,
     3774134.3,     116.9,     116.9,       0.0);
     ( 378262.3, 3774134.3,     116.9,     116.9,       0.0);         ( 378272.3,
     3774134.3,     116.9,     116.9,       0.0);
     ( 378282.3, 3774134.3,     117.0,     117.0,       0.0);         ( 378332.3,
     3774134.3,     118.0,     118.0,       0.0);
     ( 378342.3, 3774134.3,     118.1,     118.1,       0.0);         ( 378352.3,
     3774134.3,     118.4,     118.4,       0.0);
     ( 378362.3, 3774134.3,     118.7,     118.7,       0.0);         ( 378372.3,
     3774134.3,     118.9,     118.9,       0.0);
     ( 378382.3, 3774134.3,     118.9,     118.9,       0.0);         ( 378392.3,
     3774134.3,     118.9,     118.9,       0.0);
     ( 378402.3, 3774134.3,     118.9,     118.9,       0.0);         ( 378412.3,
     3774134.3,     118.9,     230.0,       0.0);
     ( 378051.5, 3773928.6,     110.0,     110.0,       0.0);         ( 378076.5,
     3773928.6,     110.3,     110.3,       0.0);
     ( 378101.5, 3773928.6,     111.0,     111.0,       0.0);         ( 378126.5,
     3773928.6,     111.0,     111.0,       0.0);
     ( 378151.5, 3773928.6,     111.0,     111.0,       0.0);         ( 378176.5,
     3773928.6,     111.0,     111.0,       0.0);
     ( 378201.5, 3773928.6,     111.0,     111.0,       0.0);         ( 378226.5,
     3773928.6,     111.3,     111.3,       0.0);
     ( 378251.5, 3773928.6,     112.0,     112.0,       0.0);         ( 378051.5,
     3773953.6,     110.4,     110.4,       0.0);
     ( 378076.5, 3773953.6,     110.9,     110.9,       0.0);         ( 378101.5,
     3773953.6,     111.0,     111.0,       0.0);
     ( 378126.5, 3773953.6,     111.0,     111.0,       0.0);         ( 378151.5,
     3773953.6,     111.7,     111.7,       0.0);
     ( 378176.5, 3773953.6,     111.9,     111.9,       0.0);         ( 378201.5,
     3773953.6,     111.9,     111.9,       0.0);
     ( 378226.5, 3773953.6,     111.9,     111.9,       0.0);         ( 378251.5,
     3773953.6,     112.1,     112.1,       0.0);
     ( 378051.5, 3773978.6,     111.1,     111.1,       0.0);         ( 378076.5,
     3773978.6,     111.7,     111.7,       0.0);
     ( 378101.5, 3773978.6,     111.7,     111.7,       0.0);         ( 378126.5,
     3773978.6,     111.7,     111.7,       0.0);
     ( 378151.5, 3773978.6,     111.9,     111.9,       0.0);         ( 378176.5,
     3773978.6,     112.4,     112.4,       0.0);
     ( 378201.5, 3773978.6,     112.7,     112.7,       0.0);         ( 378226.5,
     3773978.6,     112.7,     112.7,       0.0);
     ( 378251.5, 3773978.6,     112.8,     112.8,       0.0);         ( 378051.5,
     3774003.6,     111.7,     111.7,       0.0);
     ( 378076.5, 3774003.6,     112.1,     112.1,       0.0);         ( 378101.5,
     3774003.6,     112.5,     112.5,       0.0);
     ( 378126.5, 3774003.6,     112.5,     112.5,       0.0);         ( 378151.5,
     3774003.6,     112.5,     112.5,       0.0);
     ( 378176.5, 3774003.6,     112.8,     112.8,       0.0);         ( 378201.5,
     3774003.6,     113.2,     113.2,       0.0);
     ( 378226.5, 3774003.6,     113.5,     113.5,       0.0);         ( 378251.5,
     3774003.6,     113.6,     113.6,       0.0);
     ( 378051.5, 3774028.6,     112.4,     112.4,       0.0);         ( 378076.5,
     3774028.6,     112.6,     112.6,       0.0);
     ( 378101.5, 3774028.6,     113.4,     113.4,       0.0);         ( 378126.5,
     3774028.6,     113.4,     113.4,       0.0);
     ( 378151.5, 3774028.6,     113.4,     113.4,       0.0);         ( 378176.5,
     3774028.6,     113.4,     113.4,       0.0);
FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
Yearly Construction)      ***        12/18/24
 *** AERMET - VERSION  22112 ***   ***  DPM From
 Construction                                                  ***        12:40:47

                                PAGE   7
 *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*

                                          *** DISCRETE CARTESIAN RECEPTORS ***
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                                                  (X-COORD, Y-COORD, ZELEV, ZHILL, ZFLAG)
                                                                (METERS)

     ( 378201.5, 3774028.6,     113.6,     113.6,       0.0);         ( 378226.5,
     3774028.6,     114.1,     114.1,       0.0);
     ( 378251.5, 3774028.6,     114.4,     114.4,       0.0);         ( 378051.5,
     3774053.6,     113.2,     113.2,       0.0);
     ( 378076.5, 3774053.6,     113.4,     113.4,       0.0);         ( 378101.5,
     3774053.6,     114.0,     114.0,       0.0);
     ( 378126.5, 3774053.6,     114.2,     114.2,       0.0);         ( 378151.5,
     3774053.6,     114.2,     114.2,       0.0);
     ( 378176.5, 3774053.6,     114.2,     114.2,       0.0);         ( 378201.5,
     3774053.6,     114.2,     114.2,       0.0);
     ( 378226.5, 3774053.6,     114.4,     114.4,       0.0);         ( 378251.5,
     3774053.6,     115.0,     115.0,       0.0);
     ( 378226.5, 3774078.6,     115.0,     115.0,       0.0);         ( 378251.5,
     3774078.6,     115.0,     115.0,       0.0);
     ( 378282.5, 3773968.0,     113.4,     113.4,       0.0);         ( 378307.5,
     3773968.0,     113.4,     113.4,       0.0);
     ( 378332.5, 3773968.0,     113.4,     113.4,       0.0);         ( 378357.5,
     3773968.0,     113.8,     113.8,       0.0);
     ( 378382.5, 3773968.0,     114.2,     114.2,       0.0);         ( 378407.5,
     3773968.0,     114.4,     114.4,       0.0);
     ( 378282.5, 3773993.0,     114.0,     114.0,       0.0);         ( 378307.5,
     3773993.0,     114.2,     114.2,       0.0);
     ( 378332.5, 3773993.0,     114.2,     114.2,       0.0);         ( 378357.5,
     3773993.0,     114.2,     114.2,       0.0);
     ( 378382.5, 3773993.0,     114.6,     114.6,       0.0);         ( 378407.5,
     3773993.0,     115.1,     115.1,       0.0);
     ( 378282.5, 3774018.0,     114.2,     114.2,       0.0);         ( 378307.5,
     3774018.0,     115.0,     115.0,       0.0);
     ( 378332.5, 3774018.0,     115.0,     115.0,       0.0);         ( 378357.5,
     3774018.0,     115.0,     115.0,       0.0);
     ( 378382.5, 3774018.0,     115.0,     115.0,       0.0);         ( 378407.5,
     3774018.0,     115.3,     115.3,       0.0);
     ( 378282.5, 3774043.0,     115.0,     115.0,       0.0);         ( 378307.5,
     3774043.0,     115.8,     115.8,       0.0);
     ( 378332.5, 3774043.0,     115.9,     115.9,       0.0);         ( 378357.5,
     3774043.0,     115.9,     115.9,       0.0);
     ( 378382.5, 3774043.0,     115.9,     115.9,       0.0);         ( 378407.5,
     3774043.0,     115.9,     115.9,       0.0);
     ( 378282.5, 3774068.0,     115.1,     115.1,       0.0);         ( 378307.5,
     3774068.0,     116.0,     116.0,       0.0);
     ( 378332.5, 3774068.0,     116.5,     116.5,       0.0);         ( 378357.5,
     3774068.0,     116.7,     116.7,       0.0);
     ( 378382.5, 3774068.0,     116.7,     116.7,       0.0);         ( 378407.5,
     3774068.0,     116.7,     116.7,       0.0);
FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
Yearly Construction)      ***        12/18/24
 *** AERMET - VERSION  22112 ***   ***  DPM From
 Construction                                                ***        12:40:47

                              PAGE   8
 *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*

                                                *** METEOROLOGICAL DAYS SELECTED FOR
                                                PROCESSING ***
                                                                (1=YES; 0=NO)

           1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
           1 1 1 1 1   1 1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
           1 1 1 1 1   1 1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
           1 1 1 1 1   1 1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
```

```
                1 1 1 1 1   1 1 1 1 1 1 1 1 1 1
1010            1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
                1 1 1 1 1   1 1 1 1 1 1 1 1 1 1
1011            1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
                1 1 1 1 1   1 1 1 1 1 1 1 1 1 1
1012            1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
                1 1 1 1 1   1 1 1 1 1 1 1 1 1 1
1013            1 1 1 1 1 1 1 1 1 1   1 1 1 1 1
1014
1015                NOTE:  METEOROLOGICAL DATA ACTUALLY PROCESSED WILL ALSO DEPEND ON WHAT
                    IS INCLUDED IN THE DATA FILE.
1016
1017
1018
1019                                    *** UPPER BOUND OF FIRST THROUGH FIFTH WIND SPEED
                                        CATEGORIES ***
1020                                                        (METERS/SEC)
1021
1022                                                   1.54,   3.09,   5.14,   8.23,  10.80,
1023    FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
        Yearly Construction)      ***        12/18/24
1024     *** AERMET - VERSION  22112 ***   ***  DPM From
         Construction                                          ***        12:40:47
1025
                                  PAGE   9
1026     *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*
1027
1028                                    *** UP TO THE FIRST 24 HOURS OF METEOROLOGICAL DATA
                                        ***
1029
1030       Surface file:   C:\Users\jclar\OneDrive\Clark and Associates\Project 296 - ABJC -
           6000 Hollywood   Met Version:  22112
1031       Profile file:   C:\Users\jclar\OneDrive\Clark and Associates\Project 296 - ABJC -
           6000 Hollywood
1032       Surface format:
           FREE

1033       Profile format:
           FREE

1034       Surface station no.:     3166                  Upper air station no.:     3190
1035                     Name: CELA                                  Name:
                         UNKNOWN
1036                     Year:   2018                                Year:   2018
1037
1038     First 24 hours of scalar data
1039     YR MO DY JDY HR     H0     U*     W*  DT/DZ ZICNV ZIMCH  M-O LEN    Z0  BOWEN ALBEDO
         REF WS   WD     HT  REF TA     HT
1040    - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -
        - - - - - - - - - - - - - - - - -
1041     18 01 01   1 01   -9.8  0.161 -9.000 -9.000 -999.  156.     38.5  0.36   2.97   1.00
         1.71   48.   18.0  284.1   13.1
1042     18 01 01   1 02   -8.1  0.146 -9.000 -9.000 -999.  134.     34.7  0.36   2.97   1.00
         1.55   35.   18.0  283.9   13.1
1043     18 01 01   1 03  -13.4  0.189 -9.000 -9.000 -999.  197.     45.5  0.36   2.97   1.00
         1.98   42.   18.0  283.6   13.1
1044     18 01 01   1 04  -13.9  0.193 -9.000 -9.000 -999.  203.     46.4  0.36   2.97   1.00
         2.02   38.   18.0  283.3   13.1
1045     18 01 01   1 05  -16.0  0.207 -9.000 -9.000 -999.  226.     50.1  0.36   2.97   1.00
         2.16   36.   18.0  282.9   13.1
1046     18 01 01   1 06  -17.4  0.217 -9.000 -9.000 -999.  242.     52.6  0.36   2.97   1.00
         2.25   35.   18.0  282.5   13.1
1047     18 01 01   1 07  -13.2  0.187 -9.000 -9.000 -999.  195.     44.9  0.36   2.97   1.00
         1.97   38.   18.0  282.1   13.1
1048     18 01 01   1 08  -14.6  0.220 -9.000 -9.000 -999.  248.     65.6  0.36   2.97   0.55
         2.25   33.   18.0  282.8   13.1
```

```
18 01 01   1 09   47.6  0.244  0.524  0.012  109.  290.    -27.7  0.36   2.97   0.32
1.86   37.   18.0  285.3   13.1
18 01 01   1 10  116.0  0.191  0.861  0.014  199.  201.     -5.4  0.36   2.97   0.24
1.10   47.   18.0  288.0   13.1
18 01 01   1 11  164.9  0.168  1.134  0.011  319.  165.     -2.6  0.37   2.97   0.21
0.82   62.   18.0  291.3   13.1
18 01 01   1 12  160.6  0.204  1.253  0.008  441.  221.     -4.8  0.43   2.97   0.20
1.08  200.   18.0  293.2   13.1
18 01 01   1 13  160.0  0.233  1.358  0.007  563.  270.     -7.1  0.43   2.97   0.20
1.34  193.   18.0  294.2   13.1
18 01 01   1 14  138.9  0.216  1.391  0.006  697.  241.     -6.5  0.43   2.97   0.21
1.22  205.   18.0  295.2   13.1
18 01 01   1 15  106.2  0.292  1.305  0.006  753.  379.    -21.1  0.43   2.97   0.25
2.03  206.   18.0  295.0   13.1
18 01 01   1 16   30.0  0.356  0.861  0.006  764.  509.   -134.7  0.38   2.97   0.33
3.12  263.   18.0  292.3   13.1
18 01 01   1 17  -25.3  0.295 -9.000 -9.000 -999.  387.     95.8  0.38   2.97   0.60
2.94  256.   18.0  290.6   13.1
18 01 01   1 18  -31.9  0.327 -9.000 -9.000 -999.  448.    117.3  0.38   2.97   1.00
3.25  257.   18.0  289.1   13.1
18 01 01   1 19   -7.6  0.140 -9.000 -9.000 -999.  159.     32.3  0.24   2.97   1.00
1.66  293.   18.0  288.0   13.1
18 01 01   1 20   -2.4  0.093 -9.000 -9.000 -999.   70.     30.4  0.33   2.97   1.00
0.75   24.   18.0  287.4   13.1
18 01 01   1 21   -5.9  0.126 -9.000 -9.000 -999.  107.     30.4  0.36   2.97   1.00
1.32   33.   18.0  286.7   13.1
18 01 01   1 22   -4.7  0.114 -9.000 -9.000 -999.   93.     28.5  0.36   2.97   1.00
1.16   44.   18.0  286.3   13.1
18 01 01   1 23   -3.3  0.101 -9.000 -9.000 -999.   77.     27.8  0.33   2.97   1.00
0.95   27.   18.0  286.0   13.1
18 01 01   1 24   -5.6  0.123 -9.000 -9.000 -999.  103.     29.6  0.33   2.97   1.00
1.32   24.   18.0  285.7   13.1


 First hour of profile data
 YR MO DY HR HEIGHT F  WDIR    WSPD AMB_TMP sigmaA  sigmaW  sigmaV
 18 01 01 01   13.1 0 -999.  -99.00   284.1   99.0  -99.00  -99.00
 18 01 01 01   18.0 1   48.    1.71  -999.0   99.0  -99.00  -99.00

 F indicates top of profile (=1) or below (=0)
FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
Yearly Construction)      ***        12/18/24
 *** AERMET - VERSION  22112 ***   ***  DPM From
 Construction                                          ***        12:40:47

                             PAGE  10
 *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*

                             *** THE PERIOD ( 43824 HRS) AVERAGE CONCENTRATION   VALUES
                             FOR SOURCE GROUP: ALL      ***
                                 INCLUDING SOURCE(S):     0LV9D03Y    ,

                                          *** DISCRETE CARTESIAN RECEPTOR POINTS ***

                                       ** CONC OF DPM      IN
                                       MICROGRAMS/M**3                          **

       X-COORD (M)   Y-COORD (M)        CONC                        X-COORD (M)   Y-COORD
       (M)        CONC
 - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -
         378084.40    3774091.70        0.04718                      378094.40
         3774091.70        0.05738
         378104.40    3774091.70        0.07424                      378084.40
         3774101.70        0.05483
         378094.40    3774101.70        0.06766                      378104.40
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	3774101.70	0.09060		
1090	378084.40	3774111.70	0.06483	378094.40
	3774111.70	0.07902		
1091	378104.40	3774111.70	0.10513	378084.40
	3774121.70	0.07912		
1092	378094.40	3774121.70	0.09327	378104.40
	3774121.70	0.12004		
1093	378142.30	3774094.30	0.06246	378152.30
	3774094.30	0.05207		
1094	378162.30	3774094.30	0.04594	378172.30
	3774094.30	0.04179		
1095	378182.30	3774094.30	0.03853	378192.30
	3774094.30	0.03555		
1096	378202.30	3774094.30	0.03261	378212.30
	3774094.30	0.02970		
1097	378222.30	3774094.30	0.02692	378232.30
	3774094.30	0.02427		
1098	378242.30	3774094.30	0.02157	378252.30
	3774094.30	0.01873		
1099	378262.30	3774094.30	0.01580	378272.30
	3774094.30	0.01300		
1100	378282.30	3774094.30	0.01061	378292.30
	3774094.30	0.00879		
1101	378302.30	3774094.30	0.00749	378312.30
	3774094.30	0.00646		
1102	378322.30	3774094.30	0.00571	378332.30
	3774094.30	0.00513		
1103	378342.30	3774094.30	0.00467	378352.30
	3774094.30	0.00432		
1104	378362.30	3774094.30	0.00401	378372.30
	3774094.30	0.00372		
1105	378382.30	3774094.30	0.00346	378392.30
	3774094.30	0.00323		
1106	378402.30	3774094.30	0.00301	378412.30
	3774094.30	0.00281		
1107	378142.30	3774104.30	0.08328	378152.30
	3774104.30	0.06852		
1108	378162.30	3774104.30	0.05972	378172.30
	3774104.30	0.05418		
1109	378182.30	3774104.30	0.05008	378192.30
	3774104.30	0.04639		
1110	378202.30	3774104.30	0.04260	378212.30
	3774104.30	0.03872		
1111	378222.30	3774104.30	0.03517	378232.30
	3774104.30	0.03200		
1112	378242.30	3774104.30	0.02872	378252.30
	3774104.30	0.02506		
1113	378262.30	3774104.30	0.02106	378272.30
	3774104.30	0.01706		
1114	378282.30	3774104.30	0.01356	378292.30
	3774104.30	0.01097		
1115	378302.30	3774104.30	0.00908	378312.30
	3774104.30	0.00782		
1116	378322.30	3774104.30	0.00690	378332.30
	3774104.30	0.00617		
1117	378342.30	3774104.30	0.00559	378352.30
	3774104.30	0.00513		
1118	378362.30	3774104.30	0.00472	378372.30
	3774104.30	0.00435		
1119	378382.30	3774104.30	0.00401	378392.30
	3774104.30	0.00371		
1120	378402.30	3774104.30	0.00344	378412.30
	3774104.30	0.00320		
1121	378142.30	3774114.30	0.10497	378152.30
	3774114.30	0.08813		
1122	378162.30	3774114.30	0.07782	378172.30

*** MODELOPTs: RegDFAULT CONC ELEV NODRYDPLT NOWETDPLT RURAL ADJ_U*

*** THE PERIOD (43824 HRS) AVERAGE CONCENTRATION VALUES FOR SOURCE GROUP: ALL ***
INCLUDING SOURCE(S): 0LV9D03Y ,

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

** CONC OF DPM IN MICROGRAMS/M**3 **

X-COORD (M)	Y-COORD (M)	CONC	X-COORD (M)	Y-COORD (M)	CONC
378262.30	3774114.30	0.02936	378272.30	3774114.30	0.02338
378282.30	3774114.30	0.01788	378292.30	3774114.30	0.01376
378302.30	3774114.30	0.01134	378312.30	3774114.30	0.00978
378322.30	3774114.30	0.00861	378332.30	3774114.30	0.00764
378342.30	3774114.30	0.00684	378352.30	3774114.30	0.00618
378362.30	3774114.30	0.00561	378372.30	3774114.30	0.00511
378382.30	3774114.30	0.00468	378392.30	3774114.30	0.00429
378402.30	3774114.30	0.00395	378412.30	3774114.30	0.00365
378142.30	3774124.30	0.13081	378152.30	3774124.30	0.11359
378162.30	3774124.30	0.10352	378172.30	3774124.30	0.09730
378182.30	3774124.30	0.09213	378192.30	3774124.30	0.08728
378202.30	3774124.30	0.08183	378212.30	3774124.30	0.07340
378222.30	3774124.30	0.06663	378232.30	3774124.30	0.06187
378242.30	3774124.30	0.05634	378252.30	3774124.30	0.05008
378262.30	3774124.30	0.04255	378272.30	3774124.30	0.03339
378282.30	3774124.30	0.02400	378292.30	3774124.30	0.01804
378302.30	3774124.30	0.01489	378312.30	3774124.30	0.01270
378322.30	3774124.30	0.01102	378332.30	3774124.30	0.00964
378142.30	3774114.30	0.07149	378152.30	3774114.30	0.06689
378162.30	3774114.30	0.06267	378172.30	3774114.30	0.05787
378182.30	3774114.30	0.05227	378192.30	3774114.30	0.04749
378202.30	3774114.30	0.04378	378212.30	3774114.30	0.03971
378222.30	3774114.30	0.03491			

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1159          378342.30    3774124.30        0.00849                        378352.30
              3774124.30         0.00752
1160          378362.30    3774124.30        0.00670                        378372.30
              3774124.30         0.00602
1161          378382.30    3774124.30        0.00546                        378392.30
              3774124.30         0.00496
1162          378402.30    3774124.30        0.00453                        378412.30
              3774124.30         0.00416
1163          378242.30    3774134.30        0.08221                        378252.30
              3774134.30         0.07453
1164          378262.30    3774134.30        0.06507                        378272.30
              3774134.30         0.05195
1165          378282.30    3774134.30        0.03501                        378332.30
              3774134.30         0.01224
1166          378342.30    3774134.30        0.01055                        378352.30
              3774134.30         0.00914
1167          378362.30    3774134.30        0.00800                        378372.30
              3774134.30         0.00709
1168          378382.30    3774134.30        0.00636                        378392.30
              3774134.30         0.00573
1169          378402.30    3774134.30        0.00519                        378412.30
              3774134.30         0.00473
1170          378051.50    3773928.60        0.00654                        378076.50
              3773928.60         0.00634
1171          378101.50    3773928.60        0.00587                        378126.50
              3773928.60         0.00520
1172          378151.50    3773928.60        0.00445                        378176.50
              3773928.60         0.00370
1173          378201.50    3773928.60        0.00299                        378226.50
              3773928.60         0.00237
1174          378251.50    3773928.60        0.00185                        378051.50
              3773953.60         0.00793
1175          378076.50    3773953.60        0.00784                        378101.50
              3773953.60         0.00732
1176          378126.50    3773953.60        0.00651                        378151.50
              3773953.60         0.00560
1177          378176.50    3773953.60        0.00467                        378201.50
              3773953.60         0.00377
1178          378226.50    3773953.60        0.00296                        378251.50
              3773953.60         0.00227
1179          378051.50    3773978.60        0.00976                        378076.50
              3773978.60         0.00991
1180          378101.50    3773978.60        0.00938                        378126.50
              3773978.60         0.00836
1181  FF *** AERMOD - VERSION 22112  ***   ***  6000 Hollywood Blvd Construction (Average
      Yearly Construction)      ***        12/18/24
1182   *** AERMET - VERSION  22112 ***   ***  DPM From
       Construction                                                ***        12:40:47
1183
                                  PAGE  12
1184   *** MODELOPTs:    RegDFAULT  CONC  ELEV  NODRYDPLT  NOWETDPLT  RURAL  ADJ_U*
1185
1186                              *** THE PERIOD ( 43824 HRS) AVERAGE CONCENTRATION   VALUES
                                  FOR SOURCE GROUP: ALL      ***
1187                                  INCLUDING SOURCE(S):     0LV9D03Y    ,
1188
1189                                        *** DISCRETE CARTESIAN RECEPTOR POINTS ***
1190
1191                                      ** CONC OF DPM      IN
                                          MICROGRAMS/M**3                          **
1192
1193          X-COORD (M)   Y-COORD (M)        CONC                      X-COORD (M)   Y-COORD
              (M)        CONC
1194   - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -
       - - - - - - - - - - - - - - - - - - - -
1195          378151.50    3773978.60        0.00720                        378176.50
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3773978.60 0.00603
1196 378201.50 3773978.60 0.00489 378226.50
3773978.60 0.00380
1197 378251.50 3773978.60 0.00287 378051.50
3774003.60 0.01221
1198 378076.50 3774003.60 0.01287 378101.50
3774003.60 0.01246
1199 378126.50 3774003.60 0.01109 378151.50
3774003.60 0.00951
1200 378176.50 3774003.60 0.00802 378201.50
3774003.60 0.00654
1201 378226.50 3774003.60 0.00508 378251.50
3774003.60 0.00378
1202 378051.50 3774028.60 0.01549 378076.50
3774028.60 0.01737
1203 378101.50 3774028.60 0.01756 378126.50
3774028.60 0.01543
1204 378151.50 3774028.60 0.01305 378176.50
3774028.60 0.01112
1205 378201.50 3774028.60 0.00917 378226.50
3774028.60 0.00714
1206 378251.50 3774028.60 0.00525 378051.50
3774053.60 0.01990
1207 378076.50 3774053.60 0.02448 378101.50
3774053.60 0.02764
1208 378126.50 3774053.60 0.02338 378151.50
3774053.60 0.01898
1209 378176.50 3774053.60 0.01658 378201.50
3774053.60 0.01381
1210 378226.50 3774053.60 0.01077 378251.50
3774053.60 0.00783
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3774078.60 0.01285
1212 378282.50 3773968.00 0.00184 378307.50
3773968.00 0.00145
1213 378332.50 3773968.00 0.00119 378357.50
3773968.00 0.00102
1214 378382.50 3773968.00 0.00090 378407.50
3773968.00 0.00080
1215 378282.50 3773993.00 0.00232 378307.50
3773993.00 0.00179
1216 378332.50 3773993.00 0.00145 378357.50
3773993.00 0.00124
1217 378382.50 3773993.00 0.00109 378407.50
3773993.00 0.00097
1218 378282.50 3774018.00 0.00303 378307.50
3774018.00 0.00229
1219 378332.50 3774018.00 0.00184 378357.50
3774018.00 0.00156
1220 378382.50 3774018.00 0.00137 378407.50
3774018.00 0.00121
1221 378282.50 3774043.00 0.00420 378307.50
3774043.00 0.00308
1222 378332.50 3774043.00 0.00245 378357.50
3774043.00 0.00206
1223 378382.50 3774043.00 0.00179 378407.50
3774043.00 0.00158
1224 378282.50 3774068.00 0.00623 378307.50
3774068.00 0.00439
1225 378332.50 3774068.00 0.00341 378357.50
3774068.00 0.00283
1226 378382.50 3774068.00 0.00243 378407.50
3774068.00 0.00211
1227 FE *** AERMOD - VERSION 22112 *** *** 6000 Hollywood Blvd Construction (Average Yearly Construction) *** 12/18/24
1228 *** AERMET - VERSION 22112 *** *** DPM From

*** MODELOPTs: RegDFAULT CONC ELEV NODRYDPLT NOWETDPLT RURAL ADJ_U*

*** THE SUMMARY OF MAXIMUM PERIOD (43824 HRS) RESULTS ***

** CONC OF DPM IN MICROGRAMS/M**3 **

GROUP ID	NETWORK AVERAGE CONC	RECEPTOR (XR, YR, ZELEV, ZHILL, ZFLAG)	OF TYPE	GRID-ID
ALL	1ST HIGHEST VALUE IS	0.13081 AT (378142.30, 3774124.30, 115.77, 115.77, 0.00)	DC	
	2ND HIGHEST VALUE IS	0.12004 AT (378104.40, 3774121.70, 115.49, 115.49, 0.00)	DC	
	3RD HIGHEST VALUE IS	0.11359 AT (378152.30, 3774124.30, 115.91, 115.91, 0.00)	DC	
	4TH HIGHEST VALUE IS	0.10513 AT (378104.40, 3774111.70, 115.16, 115.16, 0.00)	DC	
	5TH HIGHEST VALUE IS	0.10497 AT (378142.30, 3774114.30, 115.58, 115.58, 0.00)	DC	
	6TH HIGHEST VALUE IS	0.10352 AT (378162.30, 3774124.30, 116.07, 116.07, 0.00)	DC	
	7TH HIGHEST VALUE IS	0.09730 AT (378172.30, 3774124.30, 116.26, 116.26, 0.00)	DC	
	8TH HIGHEST VALUE IS	0.09327 AT (378094.40, 3774121.70, 115.49, 115.49, 0.00)	DC	
	9TH HIGHEST VALUE IS	0.09213 AT (378182.30, 3774124.30, 116.45, 116.45, 0.00)	DC	
	10TH HIGHEST VALUE IS	0.09060 AT (378104.40, 3774101.70, 114.86, 114.86, 0.00)	DC	

*** RECEPTOR TYPES: GC = GRIDCART
GP = GRIDPOLR
DC = DISCCART
DP = DISCPOLR

FF *** AERMOD - VERSION 22112 *** *** 6000 Hollywood Blvd Construction (Average Yearly Construction) *** 12/18/24
*** AERMET - VERSION 22112 *** *** DPM From Construction *** 12:40:47

*** MODELOPTs: RegDFAULT CONC ELEV NODRYDPLT NOWETDPLT RURAL ADJ_U*

*** Message Summary : AERMOD Model Execution ***

--------- Summary of Total Messages --------

A Total of 0 Fatal Error Message(s)
A Total of 6 Warning Message(s)
A Total of 577 Informational Message(s)

A Total of 43824 Hours Were Processed

A Total of 42 Calm Hours Identified

A Total of 535 Missing Hours Identified (1.22 Percent)

```
1275
1276
1277        ******** FATAL ERROR MESSAGES ********
1278                   ***  NONE  ***
1279
1280
1281        ********   WARNING MESSAGES   ********
1282    ME W186     714       MEOPEN: THRESH_1MIN 1-min ASOS wind speed threshold
        used           0.50
1283    ME W187     714       MEOPEN: ADJ_U* Option for Stable Low Winds used in
        AERMET
1284    OU W565     718       PERPLT: Possible Conflict With Dynamically Allocated FUNIT
        PLOTFILE
1285    OU W565     719       PERPST: Possible Conflict With Dynamically Allocated FUNIT
        POSTFILE
1286    MX W450   26305       CHKDAT: Record Out of Sequence in Meteorological File at:
        22010101
1287    MX W450   26305       CHKDAT: Record Out of Sequence in Meteorological File at:    1
        year gap
1288
1289        ************************************
1290        *** AERMOD Finishes Successfully ***
1291        ************************************
1292
1293
```

Risk Calculations For Diesel Exhaust

$Risk_{inh\text{-}res} = Dose_{air} * CPF * ASF * ED/AT$

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

Variable	Description	Units	Value
$Risk_{inh\text{-}air}$	Residential inhalation cancer risk	Unitless	Calculated
$Dose_{air}$	Daily inhalation dose	mg/kg-day	Calculated
CPF	Inhalation cancer potency factor	$(mg/kg\text{-}day)^{-1}$	Chemical Specific
ASF	Age sensitivity factor for a specified age group	Unitless	Calculated
ED	Exposure duration (in years) for a specified age group	years	Calculated
AT	Averaging time for lifetime caner risk	years	70
FAH	Fraction of time spent at home	Unitless	Calculated

Variable	Description	Units	Value
$Dose_{air}$	Daily inhalation dose	mg/kg-day	Calculated
C_{air}	Concentration in air	ug/m^3	**0.1308125** 0.1308125
{BR/BW}	Daily Breathing rate normalized to body weight	L/kg body weight-day	Calculated
A	Inhalation absorption fraction	Unitless	1
EF	Exposure frequency (days/365 days)	Unitless	Calculated
10^{-6}	migrograms to milligrams conversion, liters to cubic meters conversion	Unitless	Calculated

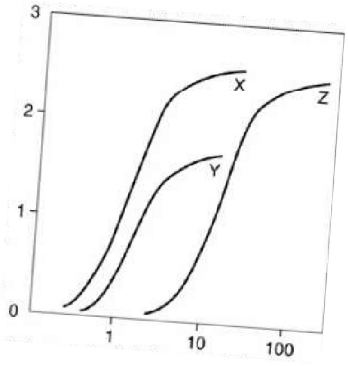
7.20E+06

3.666666667

Residential Exposures

Age Group	Risk	Age Sensitivity	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
3rd Trimester	1.51	10	0.85	0.25	1.1	**4**.53E-05	0.13081	361	1	0.958904
0-1	18.26	10	0.85	**1**	1.1	1.37E-04	0.13081	1090	1	0.958904
1-2	18.26	10	0.85	**1**	1.1	1.37E-04	0.13081	1090	1	0.958904
2-3	2.44	3	0.72	**1**	1.1	7.17E-05	0.13081	572	1	0.958904
3-4	1.01	3	0.72	0.416667	1.1	**7**.17E-05	0.13081	**572**	1	0.958904
2<9	0.00	3	0.72	**0**	1.1	1.08E-04	0.13081	861	1	0.958904
2<16	11.64	3	0.72	3.67	1.1	9.35E-05	0.13081	745	1	0.958904
16<30	1.77	1	0.73	3.67	1.1	**4**.20E-05	0.13081	335	1	0.958904
16-70	1.53	1	0.73	3.67	1.1	3.64E-05	0.13081	290	1	0.958904

3rd trimeseter to 1	**19.77**
3rd trimester to 3.**41**	**40.47**
Adult Exoposure	1.77



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litgation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment.*

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (M*t*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of M*t*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of M*t*BE, and is suspected to be the primary cause of M*t*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

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Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

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EXHIBIT B

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001.61

December 20, 2024

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

SUBJECT: **6000 Hollywood Boulevard Project**
Los Angeles, California
Review and Comment on DEIR

Dear Mr. Marshall,

Per your request, we have reviewed the noise and vibration impact analysis for the DEIR for the 6000 Hollywood Boulevard Project (Project) over nine lots along Hollywood Boulevard (Hollywood Lot) and one adjoining lot along Carlton Way (Carlton Lot). The proposed project involves the demolition of existing improvements and uses on the project site, which include an automotive dealership and surface parking. The Project proposes a 35-story residential building with 265 units, a six-story office building, 10 townhome-style buildings, and one low-rise commercial building on the Hollywood Lot, and an additional four-story residential building with 46 units on the Carlton Lot. Upon completion, the Project would comprise a total of 324,643 square feet (SF) of residential uses, 136,000 SF of office uses, 18,004 SF of retail uses, 4,038 SF of restaurant uses, and 500 SF of support uses, resulting in a total floor area of 501,185 SF. Surrounding sensitive receivers include a recording studio 95 feet to the north, a recording studio immediately to the west, multi-family apartments immediately to the south, and the Shir Hashirim Montessori School immediately to the south. Additionally, there are several other multi-family residential land uses within 500 feet of the Project Site.

Wilson Ihrig is an acoustical consulting firm that has practiced exclusively in the field of acoustics since 1966. During our almost 58 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise[1]

The health effects of noise are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

Baseline Conditions are Not Properly Established

The noise analysis of the DEIR relies on only one long-term measurement location and nine short-term measurement locations consisting of two 15-minute measurements per location. The long-term measurement was not used in conjunction with the short-term measurements to extrapolate long-term data. Instead, for a given location, the two short-term measurements were used by themselves to estimate the 24-hour baseline condition. The 30 total minutes comprises about 2% of a 24-hour period, so only 2% of the day is represented at the nine short-term only measurement locations.

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[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://www.who.int/docstore/peh/noise/Comnoise-1.pdf)

The noise analysis refers to the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual[2] (FTA Manual) procedures for determining existing noise. However, Appendix E of the FTA Manual recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements. The three one-hour measurements are meant to include three distinct timeframes: peak-hour roadway traffic, midday, and nighttime.

Additionally, by using Type 2 sound level meters, which are accurate within +/- 1.5 dBA[3], relying on these limited time results to characterize the ambient noise within tenths of a decibel is misleading because it implies a level of precision that is not supported by the instrumentation. Since the DEIR relies on this data to determine the significance thresholds, it is imperative that the DEIR provide additional justification for using short-term measurement results.

Furthermore, the noise analysis relies on these short-term measurements without any discussion of how typical these data were for the rest of the daytime and nighttime conditions. There is no evidence provided that the time selected for noise measurements is representative of the rest of the day or even of worst case (quietest conditions). Environmental noise can vary widely throughout the day (perhaps +/- 10 dBA or more for areas with intermittent local traffic).

No Validation Measurements Performed For Traffic Model

The DEIR uses the subsection header "Ambient Noise Levels" for the discussion of traffic noise that has been modeled using the Federal Highway (FHWA) Traffic Noise Model (TNM). There are no validation measurements provided in Appendix G that verify that the model is accurate within industry expectations. Caltrans acknowledges that a validated model may fall within +/- 3 dBA of the measured result[4], which undermines attempts to use modeled-only results from TNM for absolute noise characterization of the ambient condition. In the cases of urban environments, TNM does not take into account sound amplification from traffic noise reflecting off nearby buildings, which occurred here.

Additional Mitigation Measures Not Considered For Construction Noise

The DEIR foreshadows that on-site construction noise will cause a significant noise impact by including two provisions in the Project Design Features (PDFs) that are intended to reduce noise. These are:

1. Use mufflers and/or shielding in proper working condition

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[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

[3] ANSI/ASA S1.43 Integrating Sound Level meters states that the tolerance limits for time averaging meters is +/- 1.5 dBA for Type 2 meters (Table 7) https://law.resource.org/pub/us/cfr/ibr/002/ansi.s1.43.1997.pdf

[4] Caltrans Technical Noise Supplement (2013). Page 4-8: "TNM cannot account for all the variables present in the real world. It uses relatively simple algorithms to approximate physical processes that are complex in nature. TNM for projects involving existing roadways should always be validated for accuracy by comparing measured sound levels to modeled sound levels using traffic data collected during the measurement. If modeled sound levels do not match measured sound levels within ±3 dB the model parameters should be reviewed and adjusted if necessary to ensure that they accurately represent actual site conditions. If the measurements and model results are still not in agreement, the model should be calibrated." https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf

2. Prohibit the use of impact pile drivers

   [DEIR at p. IV.H-30 to IV.H-31]

Despite these provisions and the addition of temporary construction noise barriers that will purportedly provide up to 20 dBA of noise reduction (Mitigation Measure NOI-MM-1), the DEIR nonetheless concludes that on-site construction noise impacts will be significant and unavoidable [DEIR at p. IV.H-55] at Receptors R1, R2, R3, and R7. With this determination comes the obligation to incorporate all feasible mitigation measures, which should include the following:

- Make NOI-PDF-1 (mufflers) and NOI-PDF-2 (no pile drivers) *bona fide* mitigation measures so that they are included in the Mitigation Monitoring and Reporting Program (MMRP) and are, hence, legally enforceable.

- Include in NOI-MM-1 a commitment to monitor noise continuously during construction and to halt construction if noise levels exceed the estimated construction noise levels shown in Table IV.H-23 of the DEIR (Construction Noise Impacts—With Mitigation Measures). It is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a very low cost. Two such companies that provide equipment just for this purpose are Sigicom[5] and Sonitus.[6] The cost for a single monitoring system is less than $1,000 per month, which is similar to the fees that would be charged by an acoustical consultant for a single day of measurements.

As the DEIR states, noise barriers would not be effective in reducing the on-site construction noise at upper levels of the receptors R1 and R7. For noise receptors at these higher elevations, here are three other options not discussed in the DEIR which must be considered:

- Erect scaffolding to support construction noise control blankets (1-2 pounds per square foot, lb/sq ft, surface density and 25 STC or better) at the facades of impacted receptors (R1, R7). Because scaffolding attaches directly to the buildings for lateral support, it is reasonably economical to erect tall "sound barrier" walls. The light and aesthetic issues may be somewhat ameliorated by using clear vinyl (1 lb/sq ft surface density) for at least some of the "sound panels".

- Install heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site to act as sound barriers without much affecting the light or view. Plexiglass that is 1/4" thick has a surface density of 1.5 lb/sq ft, which is adequate. The Plexiglass would need to cover the full exposure areas, including over the railings. The panels would likely need to extend over the entirety of the breezeway for a given floor with only a small opening for ventilation. The panels would need to be able to withstand wind loads, and there may be other code requirements. Determining the exact number of balconies and breezeways that would require treatment would require a detailed noise analysis.

- Offer to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1. This was done for an unrelated project where these building shell elements were updated on a property adjacent to a construction project where Wilson Ihrig provided input to assess construction noise impacts

[5] https://www.sigicom.com/.
[6] https://www.sonitussystems.com

and control measures, so it is not an unprecedented noise mitigation option. The efficacy of this would depend to a large degree on the acoustical insulation provided by the existing windows and walls, which are not known at this time. If it is determined that the existing windows do not provide a significant amount of noise insulation, determining appropriate acoustical ratings for replacement window and door assemblies would require a detailed noise analysis.

Vibration Mitigation Option Not Considered For Construction

The DEIR considers a wave barrier as a possible mitigation measure for temporary vibration impacts from on-site and off-site construction associated with human annoyance, but ultimately deems it infeasible. We concur with this assessment. However, one option that the DEIR does not state for addressing vibration impacts associated with human annoyance is to offer to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives. The relocation would be to temporary office spaces, hotel rooms, etc. and would be for the duration of heavy construction. This was done, pre-COVID-19, for work-from-home residents in a property adjacent to a construction project in Oakland where Wilson Ihrig advised on construction noise and vibration control, so it is not an unprecedented mitigation option. Determining the exact number of residential units that would require this treatment would require additional information.

Construction Ground-borne Noise Not Evaluated At Recording Studios

The DEIR identifies two recording studios near the Project Site, Receptors R3 and R10. The DEIR concludes that vibration impacts during construction would be significant for human annoyance but lacks any analysis of potential groundborne noise impacts at the recording studios. It is customary for studios to use room-within-room configurations to isolate the recording sessions from ambient noise within the control room and other parts of the studio and from airborne noise at the exterior. However, many such facilities are not designed for groundborne vibration that can radiate sound into the interior, where the noise may interfere with the recording process and affect business for the studios.

The FTA guidance cited by the DEIR for groundborne vibration also includes a threshold of 25 dBA for recording studios (FTA Table 6-4). Based on the "General Vibration" assessment method outlined in the FTA guidance, the groundborne noise can be estimated from the ground vibration levels. In this case, an adjustment of -20 to -35 dBA to account for the type of soil and characteristics of the vibration source[7]. Thus, the vibration values shown in IV.H-10 of the DEIR would result in the groundborne noise levels shown in Table 1 at Receptors R3 and R10. Other recording studios that are further away could also be significantly impacted.

[7] The LA Metro Regional Connector Final EIS-EIR analysis used a conversion factor of -35 dB; construction activity generally has higher frequency vibration than rail vehicles; thus, a range of -20 to -30 dB would be appropriate for this analysis.

Table 6-4 Indoor Ground-Borne Vibration and Noise Impact Criteria for Special Buildings

Type of Building or Room	Ground-Borne Vibration Impact Levels (VdB re 1 micro-inch/sec)		Ground-Borne Noise Impact Levels (dBA re 20 micro-Pascals)	
	Frequent Events	Occasional or Infrequent Events	Frequent Events	Occasional or Infrequent Events
Concert halls	65 VdB	65 VdB	25 dBA	25 dBA
TV studios	65 VdB	65 VdB	25 dBA	25 dBA
Recording studios	65 VdB	65 VdB	25 dBA	25 dBA
Auditoriums	72 VdB	80 VdB	30 dBA	38 dBA
Theaters	72 VdB	80 VdB	35 dBA	43 dBA

Figure 1 ***FTA Guidance for Special Buildings, including recording studios (from FTA 2018)***

Table 1 ***Construction Groundborne Noise Impacts***

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

As shown in Table 1, several construction activities would generate significant groundborne noise impact, requiring mitigation.

Mitigation Measure NOI-MM-3 identifies a vibration monitoring program to mitigate groundborne vibration impacts, but the following additional measures[8] are required to reduce the impacts to non-significant levels:

1. Prior to construction, measure the ambient noise environment on a 1/3 octave band basis within the recording studios under normal recording conditions. The measurement period shall correspond to the quietest time of day that recordings are done (during construction hours) and shall have a duration of not less than 60 minutes. Statistical metrics should be determined in additional to the Leq. Noise measurement equipment shall conform to Type 1 or Class 1 sound level meters with professional quality recording devices.

2. Characterize the project-vicinity vibration propagation to determine how on-site vibration will transmit to the recording studios. If it can be shown that all of the construction activities,

[8] Jue, D. and Carman, R. (2015). "Considerations to establish Ground-Borne Noise Criteria to Define Mitigation for Noise-Sensitive Spaces." *Transportation Research Record: Journal of the Transportation Research Board*, No. 2502, Transportation Research Board, Washington D.C., 2015, pp 1-11. doi:10.3141/2502-01

would not exceed the background noise levels (L90) measured in the studios based on corresponding groundborne noise calculation to the interior of the studio spaces, then one construction-phase noise measurement will be required to confirm this result.

3. If any construction activities would exceed the existing ambient (e.g. Leq, and basic statistical metrics such as L90, L50, L10, and L1), then the contractor must provide a vibration control plan that demonstrates how they will use their vibration-generating equipment and/or schedule their activities in collaboration with the recording studios to avoid interfering with each studio's normal recording activities.

4. The analysis and the vibration control plan will be subject to review and approval by the City of Los Angeles, and the affected sound recording studio operators will also have ample opportunity to review and resolve comments.

Noise Analysis Provides Little Information Regarding HVAC Model

The DEIR noise analysis does not provide sources for the rooftop mechanical equipment operational noise calculations. The noise reference levels are stated in the appendix but without a citation or reference, and the total number of HVAC units in the model is listed without any justification. Additional modeling parameters such as the location and height of the HVAC units, whether obstacles such as enclosures or parapets are present, etc. are not stated in either the noise analysis section or the DEIR. Because this information has not been provided, it is impossible to accurately confirm the validity of the calculations and the noise model.

The most common large HVAC unit size is 25 tons. Based on our experience a 25-ton unit typically has a sound power level (PWL) of 85 to 95 dBA, which is in agreement with the sound power levels for the HVAC units used in the DEIR noise analysis (80 to 100 dBA). However, a single 90 dBA PWL fan would generate a noise level of 69 dBA at a distance of 15 feet, such as the distance from the project site to Receptor R2. However, Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at R2. It is unclear what propagation distance and shielding were used to obtain the 43 dBA mechanical equipment noise level at R2.

The noise analysis assumes 33 HVAC units for the residential zones of the project, totaling 342,632 SF, and 11 HVAC units for the office and commercial zones, totaling 158,542 SF. A simple calculation using a rule of thumb for residential and office building uses[9] (see Figure 1 below) shows that a project this size would need 49 to 72 twenty-five ton units (spread out across the project roof) to properly ventilate the space.

Residential:	342,643 SF ÷ 350-450 SF per ton = 761 to 979 ton load
	761 to 979 ton load ÷ 25 tons per unit = 31 to 39 units
Office/Commercial:	158,542 SF ÷ 190-360 SF per ton = 440 to 834 ton load
	440 to 834 ton load ÷ 25 tons per unit = 18 to 33 units

The 44 total HVAC units in the noise analysis is on the lower-end of the estimated total units required to ventilate the project. If 79 units are more conservatively assumed, then the estimated noise levels from the mechanical equipment could be higher by an additional 2 dB or more, depending on the location of the HVAC units on the project roof. A 2 dB increase in HVAC noise level by itself would not

[9] About 86% of the commercial surface area is dedicated to office use, so only the office building HVAC load was used to simplify the calculation

constitute a significant noise impact based on the documented ambient noise levels, but it may contribute to a significant noise impact when the uncertainty in the existing baseline condition is taken into consideration.



Figure 2 Building Cooling Loads, Engineering Rules of Thumb[10]

Operational Noise May Be Significant

Because the existing baseline conditions are not properly established, there may be significant impacts due to operational noise. For the purposes of CEQA, the project must be compared to the baseline condition to determine whether a substantial noise increase over the baseline condition would occur. Compliance with the Municipal Code is not the sole determination of whether a noise impact would be less than significant. The measured baseline condition and the potential noise increases must also be considered. Because the nighttime ambient noise level was not properly established, it is also unknown whether the operational noise levels, such as rooftop HVAC equipment and amplified outdoor sound systems, would be higher than the existing ambient noise level. This can be a potentially significant impact, as high nighttime operational noise levels can be disruptive and disturb sleep.

Conclusions

The DEIR relies on an inadequate baseline ambient measurement that does not sufficiently characterize the existing baseline noise condition. It finds significant and unavoidable construction noise and vibration impacts, but it omits some potentially feasible mitigation measures that may reduce the number of significant and unavoidable construction impacts. The DEIR also provides very little information to explain its methodology regarding its HVAC noise analysis. In doing so, it may underestimate operational noise impacts on the surrounding community.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG
Patrick Faner
Signer ID: IDIQFOL113...
Patrick Faner
Associate

6000 Hollywood Blvd Project DEIR Noise Review - Wilson Ihrig.docx

[10] https://www.engproguides.com/hvac-rule-of-thumb-calculator.html

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION



PATRICK FANER

Associate

Patrick joined Wilson Ihrig in 2007, and works on projects involving rail transit systems, highways, transit-oriented development, environmental noise, building isolation, and isolation of sensitive medical equipment. His work has included measurement planning, data collection, and engineering analyses to assess noise and vibration impacts and methods of control. He has experience applying geospatial analysis software for the modeling of outdoor noise and vibration propagation. He also has experience using Finite Element Analysis (FEA) to model structure-borne vibration. He is proficient in the use of ArcGIS, CadnaA, SoundPLAN, Traffic Noise Model (TNM), Enhanced Acoustic Simulator for Engineers (EASE), Visual Basic, Python, MATLAB, and LabView.

Education

- B.S., Mechanical Engineering, University of California, Berkeley, 2007
- E.I.T. Certification for State of California #141598

Relevant Project Experience

SFPW On-Call Acoustical Consulting, Seacliff No. 2 Pump Station Generator, San Francisco, CA
Conducted noise study to document existing conditions, modeled existing equipment and proposed HVAC and generator and prepared summary report.

6880 Koll Center Parkway Industrial Space, Pleasanton, CA
Noise and ground vibration survey and assessment for proposed chemical laboratory space.

I-80/Ashby Avenue (SR-13) Interchange Improvements, Berkeley, CA
Modeled highway noise using Traffic Noise Model 2.5 and 3.0 (TNM) to assess alternatives for interchange reconstruction. The noise model incorporated measurements of existing highway noise, projections of future traffic volume, and changes in highway geometry to project future highway noise.

BART On-Call - Wheel Vibration, Oakland, CA
Measurement and assessment of noise characteristics from wheels treated with vibration absorbers. The project analyzed comparative noise tests in-car and wayside, to evaluate potential noise reduction benefits of special wheel vibration dampers.

BART Silicon Valley Rapid Transit (SVRT) Silicon Valley Extension (SVBX) Berryessa EIR-EIS
Noise and ground vibration impact assessment of proposed BART alignment extension to Santa Clara, including train vibration analysis and soil propagation data analysis. Noise and vibration impact assessment included identification of sensitive buildings, projection of noise and vibration at buildings, and determination of mitigation measures to achieve criteria. Noise impact assessment included measurement of existing noise level at buildings, projection of future noise level due to future changes in traffic condition, and cumulative noise level which factor in both streetcar project and future traffic conditions. Performed borehole vibration measurements to assess soil propagation for tunnel segment.

VTA's BART Silicon Valley Extension Phase II (BSVII) (2020+)

Evaluated changes to the vibration and groundborne noise analysis from new tunnel and alignment.

BART Silicon Valley Rapid Transit – RDEIS & FEIS, San Jose, CA
Determined noise and vibration impacts and mitigation necessary to achieve criteria for alignment options. Performed field measurements of ambient noise in area of proposed EVF shaft in residential neighborhood.

BART Vent Shaft Fan Vibration, San Francisco, CA
Performed field measurements and analysis of fan vibration in BART station vent shafts to assess fan balance.

California's Great America Theme Park, Santa Clara, CA
Projected theme park noise at neighboring residential areas due to proposed ride expansion within park, including measurement of mechanical ride noise and rider scream noise.

California High-Speed Rail (CAHSR) EIR/EIS Caltrain Corridor: San Francisco to San Jose, CA
Vibration impact assessment for alignment options between San Jose and San Francisco, California. Evaluation of ground vibration included field testing, train vibration analysis, and soil propagation data analysis. Vibration impact assessment included identification of sensitive buildings, projection of vibration at buildings, and determination of mitigation measures to achieve criteria.

CTA 5000 Series Rapid Transit Cars, Chicago, IL
Performed in-car and under-car noise and vibration measurements of existing CTA 5000 subway vehicle in anticipation of prototype CTA 7000 vehicle.

CTA CRCC 7000 Vehicle Noise Testing, Chicago, IL (2017)
Performed noise and vibration measurements of prototype CTA 7000 vehicle against CTA technical specifications, including interior noise, wayside noise, vibration generation, stability, and ride quality.

EBMUD Walnut Creek Water Treatment Plant, CA
Created a 3D noise model using CadnaA to calculate construction and operational noise of EBMUD Walnut Creek Water Treatment Plant Pretreatment Upgrades Project. The noise model incorporated RCNM reference levels for construction equipment, measured sound data, and topographical GIS data.

Epic Care Radiation Oncology Center, Emeryville, CA
Ground vibration survey and assessment of floor space to determine suitability of site for vibration sensitive medical equipment including a Siemens Magnetom Avanto MRI and Elekta Digital Accelerator. This project also considered adding a Siemens Biograph Sensation 16 PET/CT scanner and Siemens Somatom Emotion 6 CT scanner, but vibration limits for those were never provided, and it was assumed that the vibration criteria for the MRI and Digital Accelerator would be more stringent than for the PET/CT and CT.

Fort Bragg Town Hall, CA
Created interior acoustic noise model of town hall using EASE to improve speech intelligibility.

LA Metro Gold (L Line) Foothill Extension Phase 2 Design/Build (2005), Los Angeles, CA
Evaluated ground vibration for track vibration impact mitigation, including field testing, train vibration analysis, and ground propagation data analysis for evaluation of an alternative track

fastening system in areas that required vibration mitigation as determined in the project's environmental study.

LA Metro Purple Line Extension – Los Angeles, CA
Ground vibration impact assessment of proposed train alignment including train vibration and soil propagation data analysis at historic theaters. Vibration surveys at medical facilities along proposed alignment to assess impact of Purple Line Extension on existing vibration-sensitive medical equipment, including MRIs, Linear Accelerators, CTs, and PET-CTs. Coordinated noise monitoring for construction boring activities.

LA Metro Regional Connector (2010-present), Los Angeles, CA
Force density level measurement and calculation for light rail operations along Gold and Expo lines. Conducted rail roughness measurements. Measured and assessed fleet variability over normal operating conditions.

MARTA Station Public Address System Study, Atlanta, GA
Construction and analysis of computer model to predict and improve speech intelligibility of public announcement systems at train stations.

MARTA Northeast Line STEDEF Block Evaluation, Atlanta, GA
Evaluation of STEDEF track in response to complaints of lateral jerk with respect to ride quality on the Northeast Line, including measurement and analysis of block deflection.

Marin East Bay Municipal Water District (MMWD) Emergency Intertie Project, Richmond & San Rafael, CA
Evaluated noise control options to reduce the pump station noise including site layout, equipment orientation and configuration, a sound wall or embankment, and auxiliary equipment noise levels.

MBTA Green Line Extension Design/Build (GLX), Boston, MA
Vibration impact assessment for alignment options. Evaluation of ground vibration included field testing, train vibration analysis, and soil propagation data analysis. Vibration impact assessment included identification of sensitive buildings, projection of vibration at buildings, and determination of mitigation measures to achieve criteria.

Palo Alto Medical Foundation. Dublin, CA
Ground vibration survey and assessment of floor space to determine suitability of site for installation of a Philips Ingenia 3.0T MRI.

Palo Alto Medical Foundation, Sunnyvale, CA
Ground vibration survey and assessment of floor space to determine suitability of site for installation of a GE Discovery, Siemens Magnetom Verio, or Philips Ingenia MRI.

Port of Vancouver Terminal 5, WA
Responsible for community noise and vibration study for a new transportation mode transfer station (rail/barge) for handling raw materials (potash). Performed field measurements and analysis of train passbys to assess effects of vibration sources due to construction activities and daily operation of Terminal 5 facility.

Sacramento Downtown/Riverfront Streetcar, CA

Noise and vibration impact assessment for streetcar alignment between West Sacramento and Sacramento, California. Noise and vibration impact assessment included identification of sensitive buildings, projection of noise and vibration at buildings, and determination of mitigation measures to achieve criteria. Noise impact assessment included measurement of existing noise level at buildings, projection of future noise level due to future changes in traffic condition, and cumulative noise level which factor in both streetcar project and future traffic conditions.

Sacramento Intermodal Transit Facility and Track Relocation, CA
Force density level measurement and calculation for freight trains.

Sacramento Railyards Environmental Remediation, CA
Coordinated long-term vibration monitoring of construction activities around historic landmarks.

SFDPW On-Call, California Street Cable Car Noise Study, San Francisco, CA
Conducted noise study of existing California Street Cable Car Line.

SFMTA Siemens LRV4 Noise & Vibration, San Francisco, CA
Performed noise and vibration measurements to evaluate Siemens New Light Rail Vehicle (LRV4) against SFMTA technical specifications, including interior noise, wayside noise, vibration generation, stability, and ride quality.

SFMTA Sunset Tunnel Trackway Improvement, San Francisco, CA
Coordinated long-term noise monitoring of construction activities around residential buildings.

Silicon Valley Clean Water Construction Noise Monitoring, Redwood City, CA
Coordinated long-term noise monitoring of construction activities around residential buildings.

Sound Transit Lynnwood Link DEIS & FEIS, Seattle, WA
Ground vibration impact assessment of proposed alignment options for the Sound Transit LRT extension to Lynnwood, Washington, including field testing, train vibration analysis, and soil propagation data analysis. Vibration impact assessment included identification of sensitive buildings, projection of vibration at buildings, and determination of mitigation measures to achieve criteria.

Sound Transit North Link Final Design, Seattle, WA
Force density level measurement and empirical calculation for Sound Transit Kinkisharyo LRV. Estimated low frequency force density using paired significance testing to discriminate between train vibration and ambient background for vibration-sensitive buildings. Measured and assessed fleet variability over normal operating conditions.

Sound Transit University Link LRT Final Engineering, Seattle, WA
Ground vibration impact assessment of proposed 3-mile Sound Transit LRT on the University of Washington campus, including field testing, train vibration analysis, and soil propagation data analysis in anticipation of the future extension of the alignment near sensitive receivers on campus.

State Route 710 Gap Closure, Pasadena to Alhambra, CA
Ground vibration impact assessment of proposed bus, freeway, and train alignments for SR-710 Gap Closure project, including train vibration and soil propagation data analysis. Vibration impact assessment included identification of sensitive buildings, projection of vibration at buildings, and determination of mitigation measures to achieve criteria.

Tahoe Carson Radiology Suite, Carson City, NV
Ground vibration survey and assessment of floor space to determine suitability of site for installation of a GE Discovery 3.0T MRI.

Tel Aviv Green & Purple Lines, Israel
Ground vibration impact assessment of proposed Tel Aviv Metro Green and Purple Line alignments, train vibration analysis and soil propagation data analysis. Vibration impact assessment included identification of sensitive buildings, projection of vibration at buildings, and determination of mitigation measures to achieve criteria.
COMSOL modeling of factory floor structure to analyze vibration control measures.

Travis Air Force Base Hospital MRI, Fairfield, CA
Ground vibration survey and assessment of floor space, including measurement of floor resonance frequency, to determine suitability of site for installation of a GE Discovery 3.0T MRI.

EXHIBIT C

Los Angeles Department of Water & Power

BUILDING A STRONGER L.A.

Karen Bass, Mayor

Board of Commissioners
Cynthia McClain-Hill, President
Nicole Neeman Brady, Vice President
Nurit Katz
Mia Lehrer
George S. McGraw
Chante L. Mitchell, Secretary

Martin L. Adams, General Manager and Chief Engineer

December 29, 2023

Mr. Vincent Bertoni
Department of City Planning
200 North Spring Street, Room 721
Los Angeles, California 90012

Dear Mr. Bertoni:

Subject: Tract No. 83987
6000 Hollywood Boulevard – South of Hollywood Boulevard and East of Gower Street

This is in reply to your letter dated July 24, 2023. This tract can be supplied with water from the municipal system subject to the Los Angeles Department of Water and Power's (LADWP) Water System Rules and requirements set forth in the enclosed report.

Upon compliance with these conditions and requirements, LADWP's Water Services Organization (WSO) will forward the necessary clearances to the Bureau of Engineering (BOE) after we receive the final tract map.

Questions regarding WSO clearance should be directed to LADWP, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1225.

Sincerely,

Rafael Viramontes

Rafael Viramontes, P.E.
Engineer of Western District
Water Distribution Engineering

OT:rp
Enclosure
c: Bureau of Engineering (2)
Land Developing and Mapping Division
District Engineer
Map No. 148-189

Mr. Robert Rogers/KPFF
Los Angeles City Fire Department
Water Service Representative

ITEMS CHECKED APPLY TO THIS SUBDIVISION

DEVELOPER SHALL COMPLETE THE FOLLOWING FINANCIAL AND ENGINEERING ARRANGEMENTS AS **CONDITIONS OF MAP CLEARANCE**:

LAFD-related Requirements

1. New hydrants shall be installed. **X**
   PER LAFD INSPECTOR CONNEALLY REVIEW ON 11/25/23, 3 PUBLIC FIRE HYDRANT(S) ARE REQUIRED.
2. Existing hydrant tops shall be changed. _____
3. New water mains shall be installed to serve new hydrants. _____

DWP-WS Requirements

4. Acreage supply charges shall be paid. _____
5. Water main charges shall be paid. _____
6. Existing facilities shall be relocated or abandoned. _____
7. Street improvement/sewer/storm drain/water plans shall be submitted. _____
8. Covenant and Maintenance Agreement for Small Lot Subdivision Map or Map with Land Locked Lots (see Item 18 below) _____
9. Dedicate Water Easement to LADWP (see Item 19 below) _____

DEVELOPER SHALL COMPLETE THE FOLLOWING FINANCIAL AND ENGINEERING ARRANGEMENTS AS **CONDITIONS OF SERVICE** (BUT NOT CONDITIONS OF MAP CLEARANCE):

10. New water mains shall be installed. _____
11. New services & meters shall be installed. _____
12. Street/sewer/storm drain/water plans shall be submitted. _____
13. Pressure regulators will be required in accordance with the Los Angeles City. Plumbing Code for the following lot(s) where pressure exceeds 80 psi at the building pad elevation: _____
14. Water Service Elevation Agreements will be required, as the minimum pressure is less than 35 PSI. _____

OTHER PERTINENT INFORMATION APPLICABLE TO THIS SUBDIVISION:

15. On January 1, 2018, LADWP implemented a new policy regarding water service for multi-unit residential structures. If a development allows LADWP to install an individual meter in front of each house and the water main serving that development fronts the property and is in a public right-of-way, then this is a conventional installation and LADWP will provide individual meters. However, if the small lot is completely and within private property and the request is for a manifold type installation of consecutive meters in a coffin-type configuration, LADWP can provide up to five meters in that manifold-setting. LADWP can provide a master meter if the number of meters required is greater than five. _____

16. The Bureau of Engineering (BOE) may not permit any new services to be installed in the public right of way. Please submit plans to the Water System that show adequate space on private property for new service installations, UNLESS BOE is making an exception for this project. If an exception has been made, please submit written proof to LADWP that the BOE will allow services within the right of way. The written documentation shall make clear that the BOE is aware of the specific sizes quantities, sizes, and locations of new services being requested for this project, rather than a general statement. Even with BOE's permission, LADWP will not install services within, or nearer than five (5) feet from the edge of, any travelled way subject to vehicle loading (streets, driveways, etc.). _____

17. Proposed equestrian trails shall be located so that the full alignment does not overlap or cross any existing or proposed LADWP water easement. Further review is required by LADWP Water Distribution Engineering if this condition cannot be met. _____

18. During the Preliminary or Tentative Map stage, the developer shall contact the appropriate LADWP Water Distribution Engineering District to coordinate the location of the proposed water service locations for their subdivision especially for small lot subdivisions or developments with land locked lots (lots with no frontage to the public right-of-way or public water main). _____
    For these type of developments, LADWP will require a Covenant and Maintenance Agreement (CMA) to be recorded. The developer/engineer shall provide an exhibit with the proposed water service locations for review. Upon review and approval, the CMA must be recorded with the LA County Recorder's office and sent back to LADWP. The recorded CMA is required for LADWP to provide subdivision map clearance and water service.
    If there is no space available for LADWP to install the proposed water services within the public right of way, the services may need to be installed in private property and LADWP will require an easement to be dedicated on the final, recorded map.

19. If an easement is required by LADWP, the final map must include the following information: _____
    - Standard Dedication Language on Title Sheet
    - Delineated and called out easement for each sheet affected
      (# FEET WIDE EASEMENT TO THE CITY OF LOS ANGELES FOR WATERLINE RIGHT-OF-WAY PURPOSES)

ATTACHMENT B

ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
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SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
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THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
DARION N. JOHNSTON
RACHAEL E. KOSS
AIDAN P. MARSHALL
ALAURA R. McGUIRE
ISABEL TAHIR

Of Counsel
DANIEL L. CARDOZO
MARC D. JOSEPH

July 15, 2025

Via Email and Overnight Mail
Attn: Paul Caporaso, Deputy Advisory Agency
Attn: Christina Toy-Lee, Zoning Administrator
City of Los Angeles
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
Email: paul.caporaso@lacity.org; christina.toy-lee@lacity.org.

Via Email Only
Erin Strelich, City Planning Associate
Email: erin.strelich@lacity.org

Kathleen King, City Planner
Email: kathleen.king@lacity.org

Re: Agenda Item 1 – 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR)

Dear Mr. Caporaso, Ms. Toy-Lee, Ms. Strelich, and Ms. King:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding the 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) ("Project"). The Project will be considered as Agenda Item 1 at the City of Los Angeles ("City") Deputy Advisory Agency and Zoning Administrator hearing on July 16, 2025.

CREED LA submitted comments on the Draft Environmental Impact Report ("DEIR") prepared by the City on December 23, 2024, during the public comment period. CREED LA's comments demonstrated that the DEIR failed to comply with the requirements of the California Environmental Quality Act ("CEQA").[1] The City released the Final EIR ("FEIR") in advance of this hearing. We reviewed the FEIR with the assistance of air quality expert Dr. James Clark[2] and noise expert Patrick Faner,[3] and conclude that the FEIR includes significant new information, fails to

[1] PRC § 21100 et seq.
[2] Dr. Clark's technical comments and curricula vitae are attached hereto as **Exhibit A**.
[3] Mr. Faner technical comments and curricula vitae are attached hereto as **Exhibit B**.

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adequately respond to comments, and still fails to comply with CEQA's disclosure and mitigation requirements.

Recirculation of an EIR is required when significant new information is added after the DEIR is circulated for public review but before certification of the FEIR.[4] In particular, the FEIR describes substantial changes to the Project's design that may result in new or more severe environmental and public health impacts than previously analyzed. The original Project design required 40 feet of below ground surface ("bgs") excavation for the building foundations. The Project design was subsequently revised, and is now described in the FEIR to require excavation 48 feet bgs, which will result in deeper excavation into contaminated soil than was analyzed in the DEIR. The DEIR's Phase II ESA found significant contamination from volatile organic compounds ("VOCs") at 40 feet bgs at boring 9, and identified PCE contamination levels increasing in severity with increased depth at borings 9 and 10.[5] However, the DEIR did not examine Project excavation at 48 feet, and therefore lacks analysis or mitigation for the increased VOC releases that would occur at greater soil depths. The Project's increased excavation depth creates a new potential for exposure to soil contamination that was not analyzed in the DEIR or FEIR, and is not adequately addressed by the measures in the proposed Mitigation Monitoring and Reporting Program ("MMRP"). The increased excavation also would result in increased air quality and public health impacts not disclosed in the FEIR. These impacts require additional analysis and mitigation in a recirculated EIR.

The FEIR also fails to meaningfully address significant impacts identified in CREED LA's comments. Dr. Clark demonstrates that the FEIR's health risk analysis ("HRA") contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[6] The FEIR also fails address the Project's combined impacts with other nearby construction projects, which would impact a community ranking in the 99.3 percentile in the State for diesel particulate matter pollution.[7] The FEIR also fails to acknowledge greenhouse gas and energy impacts associated with the large amount of parking proposed by the Project. Finally, the FEIR fails to resolve significant noise impacts demonstrated by Mr. Faner. Recirculation of the EIR is necessary to address these issues.

Several other discretionary approvals are required to implement the Project, including a Vesting Tentative Tract Map pursuant to LAMC Section 17.15, Site

[4] 14 CCR §15088.5(a).
[5] DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.
[6] Clark Comments, pg. 3.
[7] DEIR, Appendix B, PDF pg. 54.

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Plan Review pursuant to LAMC Section 16.05, Density Bonus Compliance Review pursuant to LAMC Section 12.22 A.25, and a Conditional Use Permit pursuant to LAMC Section 12.24 W.1 (collectively, "Approvals"). Due to the Project's inadequate environmental review, the City cannot make the requisite findings to approve the Project Approvals under the City's municipal code or Subdivision Map Act, or to certify the FEIR or adopt a statement of overriding considerations pursuant to CEQA.[8]

CREED LA urges the Deputy Advisory Agency and Zoning Administrator to require the City to revise and recirculate the EIR to comply with CEQA before any further action is taken on the Project. CREED LA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.[9]

I. STATEMENT OF INTEREST

CREED LA is non-profit organization formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The organization's members includes Los Angeles residents Thomas Brown, John Bustos, Gery Kennon, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and Los Angeles County.

Individual members of CREED LA live in the City of Los Angeles, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members.

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[8] Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

[9] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. THE FEIR DOES NOT COMPLY WITH CEQA

A. The FEIR Still Fails to Adequately Analyze the Project's Potentially Significant Geotechnical Impacts

CREED LA's prior comments demonstrated that the DEIR failed to analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. CREED LA explained that the City violated CEQA by improperly deferring analysis until after Project approval and failing to support its conclusion that impacts would be less than significant.

In response, the FEIR alters the Project by moving the entire Project 13.5 feet south and deepening the foundation.[10] The FEIR states that, due to these changes, "Appendix FEIR-2 confirms that the Project would not result in significant impacts related to surcharge of the Metro tunnel.[11] This conclusion is not supported by substantial evidence in the record. Appendix FEIR-2 is a one-page letter presenting the consultant's bare conclusions, without any supporting technical analysis. Thus, the City still lacks substantial evidence to conclude that geotechnical impacts on the Metro tunnel would be less than significant.

The FEIR also claims that its lack of analysis of geotechnical impacts on the Metro tunnel does not constitute impermissibly deferred mitigation because the Project's design is not finalized, and the City would continue to coordinate with

[10] FEIR, Appendix FEIR-2, pg. 1.
[11] FEIR, pg. II-56, 58.

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Metro.[12] The City misunderstands CREED LA's comment and the legal standard for impact analysis. By deferring analysis of geotechnical impacts to a post-approval phase, the FEIR violates CEQA's threshold requirement that an EIR disclose the severity of a project's impacts and the probability of their occurrence *before* a project can be approved.[13] In *Sundstrom v. County of Mendocino,*[14] the First District Court of Appeal rejected a mitigation measure that required the applicant to submit hydrological studies subject to review and approval by a planning commission and county environmental health department.[15] The Court explained that the deferred analysis of hydrological conditions failed to meet CEQA's requirement that an environmental impact should be assessed as early as possible in government planning.[16]

The FEIR makes the same mistake here by proposing to defer geotechnical analysis to post-approval consultation with Metro. Although CEQA Guidelines Section 15126.4 authorizes deferred formulation of mitigation measures in limited circumstances, it does not authorize deferral of the impacts analysis, as is the case here. It is also unclear how the City asserts it can determine that moving the Project 13.5 feet south would resolve any potential geotechnical impacts, yet simultaneously claim that analysis of the Project's potential geotechnical impact analysis is infeasible at this time. The FEIR's conclusion that the Project's geotechnical impacts would be less than significant with mitigation is also unsupported. The EIR must be revised to include the missing geotechnical analysis, disclose potentially significant impacts, and implement mitigation that would reduce any new geotechnical impacts associated with the Project's new design to less than significant levels.

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[12] FEIR, pg. II-58.
[13] 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 ("*CBIA v. BAAQMD*") (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs. ("Berkeley Jets")* (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.
[14] (1988) 202 Cal.App.3d 296.
[15] *Id.* at 306.
[16] *Id.*

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B. The FEIR Fails to Disclose and Mitigate Significant Hazardous Materials Impacts

1. The FEIR Fails to Adequately Analyze Significant Onsite Soil Contamination

The DEIR's Phase I and II Environmental Site Assessments found that VOCs, including tetrachloroethylene ("PCE") and Trichloroethylene ("TCE"), were found onsite in levels exceeding residential and commercial thresholds.[17] The Phase II ESA collected soil and vapor samples from borings to a maximum depth of 40 feet bgs.[18] Samples were taken at this depth because the Project was expected to require excavation up to 40 feet bgs.[19] However, the Project was subsequently revised in the FEIR to require excavation up to 48 feet bgs.[20]

The City's own evidence demonstrates that soil contamination at this depth is likely greater than identified in the DEIR. Specifically, the Phase II ESA discloses that PCE was reported at 40 feet bgs at a concentration of 127 ug/m^3, far in excess of the residential threshold of 14 ug/m^3 and commercial threshold of 67 ug/m^3.[21] The Phase II ESA identified PCE is increasing with depth at borings 9 and 10.[22] The Phase II ESA also states that the source of PCE identified on the Project Site is unknown and may represent a larger area that is undefined.[23] The Phase II ESA concludes that, should contaminated soil be removed at a depth of 40 bgs, "[r]esidual VOCs may be present below this depth but may not be significant based on these results."[24] The Phase II ESA did not include analysis of the soil below 40 bgs, so does not discount the possibility of significant contamination below that depth.

Despite this evidence, the FEIR does not include a new soil analysis quantifying contamination levels at 48 feet bgs. The full extent of soil contamination at the Project's increased excavation depth is therefore unknown. The FEIR's failure to analyze this previously identified significant impact fails to meet CEQA's requirements that an EIR establish baseline conditions at the Project site and evaluate the severity of impacts associated with altering baseline

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[17] DEIR, pg. IV.F-26.
[18] DEIR, Appendix F, PDF pg. 1583.
[19] *Id.*
[20] FEIR, Section III (Revisions to DEIR).
[21] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.
[22] DEIR, Appendix F, PDF pg. 1583.
[23] DEIR, Appendix F, PDF pg. 1583. ("the PCE in soil vapor at boring 10 is undefined… the source of PCE at boring 9 is unknown and may represent a larger area that is undefined").
[24] DEIR, Appendix F, PDF pg. 1583.

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conditions. CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.[25] As numerous courts have held, the impacts of a project must be measured against the "real conditions on the ground."[26] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[27] Use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts.[28] The City must then assess the severity of the Project's impacts in the CEQA document.

Here, the Phase II ESA acknowledges that the source and extent of contamination below 40 bgs is currently undefined. The Phase II ESA states that VOCs at 48 feet bgs may be greater than the levels detected in the Phase II ESA, yet the City failed to perform any additional soil sampling to quantify contamination levels at the new Project depth of 48 feet. These facts demonstrate that the FEIR's significance findings and proposed mitigation, which remain based on the DEIR's analysis of 40-foot excavation, are not based on substantial evidence. Specifically, HAZ-MM-1 purports to reduce impacts to a less-than-significant level by removing all contaminated soil (to a 40-foot depth). However, this approach may not be effective if there are higher levels of contamination at 48 feet bgs or below.

Dr. Clark concludes that the increased excavation depth may result in more severe public health and contamination impacts than disclosed in the DEIR. Dr. Clark explains that, if there are high levels of contamination in the soil below the Project (48 bgs or below), they may infiltrate upwards into the Project's buildings.[29] In that situation, simply removing currently contaminated soils would be ineffective, and additional mitigation would be required.[30] By failing to characterize baseline soil conditions at the new Project depth, and failing to analyze the severity of impacts associated with excavating the soil contamination below 40 feet bgs, the FEIR fails to comply with CEQA's disclosure requirements. The FEIR also lacks substantial evidence to conclude that HAZ-MM-1 would be effective in light of these substantial physical changes in the Project.

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[25] CEQA Guidelines, § 15125, subd. (a).
[26] *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.
[27] CEQA Guidelines, § 15125, subd. (a).
[28] *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.
[29] Clark Comments, pg. 8.
[30] *Id.*

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2. The FEIR Fails to Mitigate Vapor Intrusion Impacts from Deep and Offsite Sources

The EIR's Phase I and II Environmental Site Assessments found that VOCs, including PCE and TCE, were found onsite in levels exceeding residential and commercial thresholds.[31] Dr. Clark also demonstrates that the current concentrations of PCE would exceed screening levels for PCE in air (0.46 ug/m^3).[32] Mitigation Measure HAZ-MM-1 provides that contaminated soils will excavated and removed. The DEIR states that the reported contaminants would be removed during excavation to 40 feet below ground surface.[33] However, since the Project was revised in the FEIR to require excavation up to 48 feet bgs,[34] this mitigation is inadequate because it does not mitigate PCE contamination infiltrating from (1) off-site sources, and (2) plumes below 48 feet bgs.[35]

As explained above, the Phase II ESA detected PCE at 40 feet bgs at a concentration of 127 ug/m^3, far in excess of the residential threshold of 14 ug/m^3 and commercial threshold of 67 ug/m^3.[36] The Phase II ESA also shows that this contamination is increasing with depth at borings 9 and 10,[37] and may represent a larger area that is undefined.[38] The Phase II ESA concludes that the increase in concentration with depth suggests an off-site source north of the Project Site.[39] The Phase II ESA concludes that, should contaminated soil be removed at a depth of 40 bgs, residual VOCs may be present below this depth.[40] However, there are many potential off-site sources of contaminants infiltrating the Project site which have contributed to onsite contamination. The Phase I ESA discloses that four properties were identified as within 0.125 miles and upgradient of the Project Site on the Historical Gas Station database, and nine properties were identified as within 0.125 miles and upgradient of the Project Site on the Historical Dry Cleaners database.[41] The DEIR identifies a potential vapor encroachment condition ("VEC") as a result of these neighboring uses.[42]

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[31] DEIR, pg. IV.F-26.
[32] Clark Comments, pg. 7.
[33] DEIR, pg. IV.F-26.
[34] FEIR, Section III (Revisions to DEIR).
[35] DEIR, pg. IV.F-26.
[36] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.
[37] DEIR, Appendix F, PDF pg. 1583.
[38] *Id.*; DEIR, pg. IV.F-26.
[39] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.
[40] DEIR, Appendix F, PDF pg. 1583.
[41] DEIR, Appendix F, PDF pg. 10.
[42] DEIR, pg. IV.F-32.

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Dr. Clark explains that, if there is an off-site or deep source of PCE that is currently infiltrating into the Project site, as is stated in the Phase II ESA, simply removing the currently contaminated soil pursuant to HAZ-MM-1 would not fully mitigate the impact.[43] After the currently contaminated soil onsite is removed, the vapor encroachment condition would remain.[44] Without additional mitigation, this vapor encroachment would continue to exceed residential and commercial thresholds. Thus, impacts remain significant and unmitigated.

Dr. Clark also explains that the removal of contaminated soil up to 48 feet bgs may actually increase risks of vapor intrusion from contaminated soil below that depth. By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure.[45] The FEIR does not analyze or disclose any of these impacts.

Dr. Clark explains that the City should implement feasible measures to reduce impacts from vapor intrusion, such as subslab venting or subslab depressurization systems, which are common long-term mitigation technologies.[46] Vapor barriers can be used in conjunction with these measures.[47] Mitigation monitoring is necessary to demonstrate the initial and continued effectiveness of the mitigation.[48] These measures are not considered in the FEIR or included in the MMRP. Vapor intrusion impacts thus remain significant and unmitigated.

3. The FEIR Improperly Defers Details of the Soil Management Plan

The FEIR proposes to mitigate impacts from disturbance of contaminated soil by implementing a Soil Management Plan ("SMP") pursuant to HAZ-MM-1.[49] HAZ-MM-1 specifies some of the required components of the SMP, but defers formulation of many details critical to the effectiveness of the SMP. HAZ-MM-1 states that routine soil sampling and testing would be required, but does not specify a minimum frequency. The measure also does not specify which exact contaminants

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[43] Clark Comments, pg. 8.
[44] *Id.*
[45] *Id.*
[46] DTSC, Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion (February 2023), pg. 47, available at https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI_SupGuid_Screening-Evaluating.pdf.
[47] *Id.* at 48.
[48] *Id.*
[49] FEIR, pg. IV-8.

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would be sampled and tested for. The measure also does not specify performance standards for the cleanup, let alone quantitative targets for each contaminant. For example, the measure lacks performance standards for what concentration of contaminants in a portion of soil would require it to be removed, as well as standards for acceptable concentrations in the soil before construction can commence. The measure also does not require oversight from DTSC or a self-certified local agency qualified to conduct oversight for cleanup activities, a deficiency with DTSC also raised in its comments on the DEIR.[50] Instead, the FEIR states the SMP will be implemented under the supervision of a qualified environmental professional.[51] And the MMRP provides that the SMP shall be submitted to the Los Angeles Department of Building and Safety.[52] DTSC commented that the City Planning department is not self-certified to provide oversight for environmental investigations and cleanup.[53]

Deferring formulation of mitigation measures is generally impermissible.[54] If identification of specific mitigation measures is impractical until a later stage in the Project, specific performance criteria must be articulated and further approvals must be made contingent upon meeting these performance criteria.[55] Mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[56] As summarized in the CEQA Guidelines, deferral of mitigation details is permitted if the agency "(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will [be] considered, analyzed, and potentially incorporated in the mitigation measure."[57]

In *East Oakland Stadium Alliance v. City of Oakland*,[58] the Court of Appeal considered an EIR's soil contamination mitigation that met CEQA's requirements for deferred mitigation. That EIR required preparation of a Remedial Action Plan approved by DTSC, identified target cleanup levels for each contaminant of concern, and required the preparation of health and safety plans consistent with applicable

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[50] FEIR, pg. II-7.
[51] FEIR, pg. II-7
[52] FEIR, MMRP, pg. IV-8.
[53] FEIR, pg. II-7
[54] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; Pub. Resources Code, § 21061.
[55] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393; Quail Botanical, supra, 29 Cal.App.4th at pg. 1604, fn. 5.
[56] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.
[57] CEQA Guidelines § 15126.4(a)(1)(B).
[58] (2023) 89 Cal. App. 5th 1226

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regulations to protect workers and the public during the remediation activities.[59] The Court determined that "the extensive history of remediation efforts at the site, the establishment of quantitative target levels for each COC, the presentation in the consultant's report of a detailed range of alternative approaches to remediation, and the presence of a state agency responsible for oversight of remediation are sufficient to satisfy the requirements for deferring the final details of contamination mitigation."[60]

Here, unlike the EIR in *East Oakland Stadium Alliance*, HAZ-MM-1 fails to establish specific performance standards, does not require appropriate regulatory oversight from a certified regulatory agency, and merely states that contaminated soil would be removed. This vague goal does not ensure that PCE concentrations would be reduced to a particular level, or that cleanup would comply with applicable laws.

Unlike the EIR in *East Oakland Stadium Alliance*, HAZ-MM-1 does not require DTSC oversight, instead providing that the SMP would be submitted to the Department of Building and Safety. DTSC commented that the City's Department of Building and Safety is not a local agency self-certified to provide oversight for environmental investigations and cleanup.[61] Health and Safety Code § 101480, as amended by AB 304 (Stats. 2021, ch. 698), provides that a local agency must have adequate staff resources and technical expertise to provide oversight of an individual site.[62] A local agency must include (1) a Local Officer,[63] 2) Licensed Professionals,[64] and 3) Technical Staff.[65] Because the Department of Building and

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[59] *Id.* at 1267.
[60] *Id.*
[61] FEIR, pg. II-7
[62] HSC § 101480; AB 304 Frequently Asked Questions, https://www.waterboards.ca.gov/water_issues/programs/ab_304/docs/ab304faqs.pdf.
[63] Local Officer: A Local Officer is defined in HSC Section 101480 as "a county health officer, city health officer, or county director of environmental health who has been granted authority by the city's or county's governing body to enter into a remedial action agreement and oversee a remedial investigation or remedial action, or both, at a waste release site."
[64] Licensed Professionals: Licensed Professionals must have current registration in California as a Professional Civil Engineer, or Professional Geologist and should have experience overseeing or performing site investigation and remediation of unauthorized releases of hazardous substances. Only a civil engineer or geologist registered under the provisions set forth in Business and Professions Code, sections 6700 et seq. and 7800 et seq., respectively, may be considered a Licensed Professional for the purpose of the Remedial Action Agreement.
[65] Technical Staff: Technical Staff should possess the technical expertise and capabilities to adequately oversee the remedial investigation or remedial action, or both. Technical Staff may be licensed professionals or may be subordinates, as defined in Business and Professions Code, sections 6705 and 7805. A subordinate is any person who assists a Licensed Professional without assuming

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Safety is not a self-certified local agency, oversight by this department would not meet CEQA's requirements. As explained above, mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[66]

To ensure that the Project's soil contamination impacts are adequately mitigated, the EIR should be revised to comply with DTSC's recommendations. Per DTSC's comments on the DEIR, the City should enter into a voluntary agreement or receive oversight from a self-certified local agency.[67] For example, the Los Angeles County Fire Department, Health & Hazardous Materials Division, is a self-certified local agency.[68] Additionally, pursuant to DTSC's recommendations, mitigation should be part of a Remedial Action Plan ("RAP") or Removal Action Workplan ("RAW"), as an "SMP alone cannot sufficiently identify and document the potential contaminants that may pose a threat to human health and the environment."[69] Dr. Clark explains that these plans would ensure that onsite contamination is fully characterized and the site is cleaned up to meet objective performance standards.[70]

4. The Project's Soil Contamination Impacts Constitute New Information Requiring Recirculation of the EIR

The increase in depth of excavation to 48 feet bgs constitutes significant new information requiring recirculation of the EIR. The CEQA Guidelines provide that significant new information requiring recirculation of an EIR includes information showing that "[a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented," or "[a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."[71]

Here, the increase in depth results in new, potentially significant public health, air quality, and hazardous materials impacts. Whereas the DEIR included samples up to 40 feet bgs, consistent with the Project's proposed depth of 40 feet bgs, the FEIR fails to analyze soil contamination at 48 feet bgs. The Phase II ESA

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the responsible charge of work. Technical Staff may also include Licensed Professionals, as described above.

[66] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.

[67] FEIR, pg. II-7.

[68] DTSC, List of Certified Local Agencies, https://dtsc.ca.gov/local-agency-resources/.

[69] FEIR, pg. II-7.

[70] Clark Comments, pg. 9.

[71] CEQA Guidelines, Section 15088.5.

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indicates that vapor intrusion risks may be greater at these depths, and acknowledges that contamination below 40 feet bgs is currently undefined. Increased vapor intrusion risks may require additional mitigation beyond simply removing onsite soil. Since HAZ-MM-1 does not mitigate these new risks, future residents, construction workers, and neighbors would thus potentially be exposed to greater levels of VOCs than disclosed in the DEIR. This is significant new information requiring recirculation of the EIR.

Deeper excavation in an area where PCE contamination is significant and is increasing with depth may result in increased vapor intrusion risks. As explained by Dr. Clark, by removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure.[72] This would constitute a new significant environmental impact "from a new mitigation measure proposed to be implemented."[73] The EIR must be revised and recirculated.

C. The FEIR Underestimates Air Quality Impacts Due to Increased Excavation

The DEIR initially assumed that the Project would require excavation of soil up to 40 feet below ground surface (bgs). The DEIR's quantitative air quality analysis assumed that the grading period, which includes excavation, would take 110 days.[74] The Project was revised in the FEIR to require excavation up to 48 bgs.[75] The amount of soil to be removed from the site was increased from 210,000 cubic yards (cy) to 252,000 cy.[76] Dr. Clark explains that this represents a 20 percent increase in the volume of soil to be exported during the grading phase.[77] However, the CalEEMod calculations in the air quality analysis were not updated to reflect the increased depth of construction and amount of soil required to be removed from the site.

The duration of the grading period in the Project's emissions modeling must be increased to reflect the increased excavation required. The FEIR's existing air quality analysis thus underestimates the Project's emissions of criteria air pollutants and TACs. The FEIR's HRA also erroneously assumes that grading

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[72] Clark Comments, pg. 8.
[73] CEQA Guidelines, Section 15088.5.
[74] DEIR, Appendix B, PDF pg. 110.
[75] FEIR, Section III, pg. III-1.
[76] *Id.*
[77] Clark Comments, pg. 9.

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would take 110 days. The City thus lacks substantial evidence to conclude that the Project would not exceed significance thresholds for criteria air pollutants and health risk thresholds for exposure to TACs.

Additional excavation below 48 bgs may also be required to mitigate onsite PCE contamination. As discussed above, the Phase II ESA found that PCE levels exceed residential and commercial thresholds at 40 feet bgs, are increasing with depth at boring 9 and 10, and may represent a larger area that is undefined.[78] HAZ-MM-1, the FEIR's mitigation for this impact, calls for removal of contaminated soil. Because the measure does not propose other methods to mitigate vapor instruction impacts from onsite contamination, such as a vapor barrier, additional excavation below 48 bgs may be required to reduce PCE levels to below applicable thresholds. This additional excavation would result in greater air quality impacts than disclosed in the FEIR, and must be considered.

The City may argue that analysis of air quality impacts resulting from deeper excavation is speculative. This is incorrect. The FEIR discloses that the Project will excavate an additional 8 feet of soil than previously analyzed. Excavators have air emissions, as do the additional truck trips required to haul the additional excavated material from the Project site. Moreover, soil samples must be taken at 48 feet bgs to determine whether additional excavation is needed beyond the proposed 48 feet, in order to avoid health impacts from soil vapor intrusion. All of these factors must be analyzed in a revised and recirculated EIR.

D. The FEIR Fails to Disclose and Mitigate Significant Health Risk Impacts

CREED LA commented that the DEIR violated CEQA by failing to support its conclusions with an HRA. In response, the FEIR includes an HRA showing that the combined construction and operational cancer risk from exposure to TACs generated by the Project would be 3.7 in one million, which is below the 10 in one million significance threshold.[79] Dr. Clark demonstrates that the HRA contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[80]

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[78] DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.
[79] FEIR, pg. II-34; Appendix FEIR-3, pg. 1.
[80] Clark Comments, pg. 3.

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1. The FEIR's HRA Fails to Disclose Health Risk Impacts on All Groups of Sensitive Receptors

CEQA requires analysis of human health impacts. CEQA's statutory scheme and legislative intent include an express mandate that agencies consider and analyze human health impacts, acknowledges that human beings are an integral part of the "environment", and mandates that public agencies determine whether the "environmental effects of a project will cause substantial *adverse effects on human beings,* either directly or indirectly,"[81] and to "take immediate steps to identify any critical thresholds for the *health and safety of the people* of the state and take all coordinated actions necessary to prevent such thresholds being reached."[82]

The HRA prepared in response to CREED LA's comments fails to analyze impacts on all sensitive receptors. Health risk impacts on children are measured using Age Sensitivity Factors ("ASFs").[83] As stated in the FEIR, ASFs "account for increased sensitivity of early-life exposure to carcinogens."[84] ASFs account for increased sensitivity of children by weighting the impacts of their exposure to a project's estimated emissions of TACs. In the Project's HRA, the City fails to make early-life exposure adjustments to analyze impacts on children, thus failing to disclose the severity of the Project's health risk impacts on this group of sensitive receptors.[85]

The FEIR claims that relevant guidance does not support the use of ASFs to analyze health impacts of DPM.[86] The FEIR's analysis in support of this claim is recycled from prior projects' EIRs.[87] Although CREED LA has rebutted this argument in the past, the repetitive legal and factual flaws in the City's analysis are discussed herein.

The FEIR first considers guidance by California Office of Environmental Health Hazard Assessment ("OEHHA"), acknowledging that it recommends an age-

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[81] Pub. Res. Code ("PRC") § 21083(b)(3), (d) [emphasis added].
[82] *See* PRC §21000 et seq. [emphasis added]
[83] Appendix FEIR-3, pg. 4.
[84] Appendix FEIR-3, pg. 4.
[85] Appendix FEIR-3, pg. 6.
[86] Appendix FEIR-3, pg. 5-6.
[87] City of Los Angeles, Final Environmental Impact Report for the 8th Grand and Hope Project, SCH 2019050010, available at https://planning.lacity.gov/eir/8th-Grand-and-Hope/feir/App_2.pdf; City of Los Angeles, Final Environmental Impact Report for the New Beatrice West Project, SCH New Beatrice West Project, available at https://planning.lacity.gov/EIR/New-Beatrice-West-Project/FEIR/files/App_2.pdf.

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weighting factor be applied to all carcinogens regardless of purported mechanism of action.[88] Since DPM is carcinogenic, the OEHHA guidance provides that ASFs should be applied to analyze this Project's DPM impacts on children. But the FEIR argues that the OEHHA guidance should not be considered because it has not been adopted by the South Coast Air Quality Management District ("SCAQMD") as a CEQA significance threshold.[89] This argument is flawed because the City does not identify any supporting evidence demonstrating that OEHHA's scientific conclusions regarding children's heightened susceptibility to TACs such as DPM should be overlooked.

The FEIR also ignores that SCAQMD has commented on many HRAs conducted in the South Coast Air Basin by criticizing the failures of other agencies to apply ASFs for projects with DPM emissions.[90] SCAQMD comment letters cite to the 2015 OEHHA Guidelines when recommending that CEQA projects apply ASFs.[91] Thus, the claim that ASFs and OEHHA guidance are inapplicable to the Project due to lack of support from SCAQMD lacks merit.

The FEIR also ignores that the City itself has applied ASFs in previous construction HRAs.[92] The City offers no reasoning for why substantial evidence supported the use of ASFs for other construction projects and not this one.

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[88] Appendix FEIR-3, pg. 4.
[89] Appendix FEIR-3, pg. 4-5.
[90] SCAQMD, Comments on Draft Mitigated Negative Declaration (DMND) for the Proposed Walnut Specific Plan No. 3 Mixed-Use Development Located North of Valley Boulevard, Bounded by Pierre Road to the West and Suzanne Road to the East (February 2015), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/february/dmndwalnutsp.pdf?sfvrsn=4 ("Although the HRA specifically states that the analysis used recent guidance from OEHHA, the breathing rates used do not correspond to OEHHA's new guidance using the different age groups. The cancer risk was also calculated using one ASF value, which is not consistent with OEHHA's calculation recommendation for the different age groups."); SCAQMD, Comments on Second Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed West Valley Logistics Center Specific Plan (SCH No.: 2012071058) (March 2018), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/deirwestvalleylogistics-032018.pdf ("When calculating cancer risks, the age sensitivity factors (ASF) accounts for greater susceptibility in early life, starting from the 3rd trimester of pregnancy to 70 years").
[91] *Id.*
[92] City of Los Angeles, Air Quality Technical Report For the Proposed 1020 S. Figueroa Street Project (June 2016), available at https://planning.lacity.gov/eir/1020SoFigueroa/DEIR/Appendix_C_Air_Quality_Technical_Report.pdf ; City of Los Angeles, Initial Study for 698 New Hampshire Project, pg. B23-B24, available at https://planning.lacity.gov/staffrpt/mnd/Pub_102716/ENV-2016-1414.pdf; City of Los Angeles, Air Quality Technical Report for 698 New Hampshire Project (September 2017), pg. 52-53, available at https://planning.lacity.gov/eir/FigPico/files/Apx%20C_Air%20Quality%20Tech%20Report.pdf; City of Los Angeles, Final EIR for Harvard-Westlake Parking Improvement Plan (June 2017), pg. 66,

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The FEIR elects to rely on U.S. EPA guidance[93] related to early life exposure adjust factors whereby the adjustment factors are only considered when carcinogens act "through the mutagenic mode of action."[94] The FEIR argues that DPM is not mutagenic because only some of its constituent particles are mutagenic – and as a result, use of ASFs is not required for measuring DPM health impacts. This conclusion is unsupported, and is contradicted by EPA guidance finding that DPM is mutagenic:

> [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** and 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.[95] [emphasis added]

The U.S. EPA clearly identifies DPM as a mutagenic carcinogen. Thus, use of ASFs is warranted pursuant to the EPA guidance referenced by the City. The City's failure to apply ASFs is not supported by substantial evidence.

The FEIR also ignores CEQA's legal requirement to analyze whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,"[96] which necessarily includes children and infants. Children and infants are more sensitive to acute exposure to TACs, and suffer greater health impacts over short periods of exposure. ASFs are a scientifically accepted method of quantifying the risk to children and infants. Therefore, health impacts on children are not disclosed without use of ASFs due to the increased sensitivity of children to the harmful effects of DPM. The omission of

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available at https://planning.lacity.gov/eir/Harvard_WestLake/FEIR/0.0%20FEIR%20Responses%20to%20Comments%20and%20MMP.pdf.

[93] U.S. EPA. 2006. Memorandum – Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance – Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments That Include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action. (Like the OEHHA guidance, the EPA guidance also has not been formally adopted by SCAQMD, rendering the FEIR's justification for dismissing the OEHHA guidance specious.)

[94] Appendix FEIR-3, pg. 6.

[95] U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) Chemical Assessment Summary: Diesel engine exhaust; CASRN N.A., pg. 11, available at https://iris.epa.gov/static/pdfs/0642_summary.pdf.

[96] PRC § 21083(b)(3), (d).

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information regarding the Project's health effects on children constitutes an ongoing failure to analyze a potentially significant impact under CEQA.

2. The Project's Health Risk Impacts Would Be Significant

Dr. Clark demonstrates that, when errors in the HRA are corrected, the Project's impacts are shown to exceed the 10 in one million cancer risk significance threshold. Dr. Clark applied ASFs to the concentration modeled for the construction phase assumed in the FEIR, and found that the cumulative risk for exposure of infants during the 3.9375 years (45 months) of construction is 22.3 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold.[97] This is substantial evidence of a significant impact requiring mitigation in a recirculated EIR.

E. The FEIR Still Fails to Adequately Analyze Cumulative Health Risk Impacts

The DEIR reasoned that projects that do not exceed SCAQMD's significance thresholds for project-level air quality and health risk impacts would not be cumulatively considerable.[98] CREED LA demonstrated that this approach violates CEQA because it improperly focuses upon the individual project's relative effects and omits facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[99] The FEIR responds that its project-level analysis constitutes an adequate cumulative impacts analysis because it complies with SCAQMD guidance.[100]

The FEIR's approach has been rejected by the courts for failing to comply with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable."[101] The leading case on this issue is *Kings County Farm Bureau v. City of Hanford.*[102] In *Kings County*, the city prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant. Notwithstanding the fact that the EIR found that the project region was out of attainment for PM_{10} and ozone, the city failed to incorporate mitigation for the project's cumulative air quality impacts from project

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[97] Clark Comments, pg. 5.
[98] DEIR, pg. IV.A-72.
[99] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("*Kings County*"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.
[100] FEIR, pg. II-47.
[101] PRC § 21083(b)(2); 14 CCR § 15130; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 719-21.
[102] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("Kings County"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.

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emissions because it concluded that the Project would contribute "less than one percent of area emissions for all criteria pollutants."[103] The city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA. The court rejected this approach, finding it "contrary to the intent of CEQA." The court stated:

> We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF's "ratio" theory, the greater the over-all problem, the less significance a project has in a cumulative impacts analysis. We conclude the standard for a cumulative impacts analysis is defined by the use of the term "collectively significant" in Guidelines section 15355 and the analysis must assess the collective or combined effect of energy development. The EIR improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[104]

Here, the FEIR's analysis is flawed because, as previously explained in CREED LA's comments, the Project's construction emissions could combine with construction of concurrent projects to result in heightened health risk impacts– impacts not reflected in the City's analysis. The DEIR identified numerous projects proposed within a 0.5 mile radius of the Project site.[105] CREED LA also explained that the City's analysis ignores that the Project census tract has a CalEnviroScreen score of 99.3 for DPM, making it among the highest pollution-burdened communities in the State.[106] The Project's emissions would add to similar, existing sources of pollution, but this combined impact is not considered in the FEIR. Further, while the DEIR admits that the Project region is out of attainment for the federal and State one-hour and eight-hour ozone standards, State PM10 standards, federal 24-hour PM2.5 standard, and federal and State annual PM2.5 standard,[107] the City reasons that cumulative impacts would be less than significant based on a project-specific threshold.[108]

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[103] *Kings County, supra,* at 719.
[104] *Id.* at 721.
[105] DEIR, pg. III-9, Table III-1.
[106] DEIR, Appendix B, PDF pg. 54.
[107] DEIR, pg. IV.A-3.
[108] FEIR, pg. II-47.

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In *People of the State of California v. City of Fontana,* the Attorney General's petition for writ of mandate challenged a Mitigated Negative Declaration ("MND") that erroneously applied SCAQMD guidance in the same way as the instant EIR.[109] The petition explained:

> [T]he MND's cumulative air quality impact analysis does not account for—or even acknowledge—the multitude of other warehouses near the Project. Rather than consider the environmental setting within which the Project will be situated, the MND simply states that the Project will not result in a cumulatively considerable increase in emissions because the Project's individual air quality impacts will be less than significant. The MND even applies this reasoning to its analysis of health impacts from localized emissions, despite making no attempt to determine or disclose the severity of the existing health impacts from localized emissions in the community.[110]

The Attorney General further explained that merely citing to SCAQMD guidance does not justify a failure to analyze a Project's cumulative impacts:

> The MND cites Appendix D of an August 2003 white paper published by the South Coast Air Quality Management District ("SCAQMD") entitled "White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution" ("2003 SCAQMD White Paper"). **To the extent that the 2003 SCAQMD White Paper asserts that any project with less than significant individual air quality impacts also necessarily has less than significant cumulative air quality impacts, it is inconsistent with CEQA** for at least the reasons stated above. Moreover, the 2003 SCAQMD White Paper lacks substantial evidence to support such a contention, and thus the MND's reliance on it violates CEQA. (Cal. Code Regs., tit. 14, § 15064.7, subd. (c).) The MND further violated CEQA by failing to provide substantial evidence to support its reliance on the 2003 SCAQMD White Paper, Appendix D as "guidance." (Ibid.) Finally, even if the MND's reliance on the 2003 SCAQMD White Paper were proper and supported by substantial evidence, the MND did not consider other evidence—such as public comments and the existence of many other sources of pollution near the Project site—showing that the Project could have a

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[109] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.
[110] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 9, paragraph 32, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.

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> significant cumulative air quality impact. (See Cal. Code Regs., tit. 14, § 15064, subd. (b).) [emphasis added][111]

The Attorney General's litigation resulted in a settlement which requires compliance with an ordinance adopted on April 12, 2022 that establishes sustainability standards for warehouses in Fontana.[112] The City of Fontana's decision to suspend its erroneous reliance on SCAQMD's drop-in-the-bucket approach and to address cumulative impacts in a settlement with the Attorney General's office reflects an approach consistent with CEQA.

In sum, the FEIR's cumulative health risk and air quality impacts analysis does not comply with CEQA. The City must prepare a revised EIR that properly evaluates and mitigates such impacts.

1. The Project's Impacts Would be Cumulatively Considerable Under the Draft SCAQMD Thresholds

The FEIR argues that its cumulative impacts analysis is adequate because it follows methodology in a 2003 SCAQMD White Paper.[113] The FEIR ignores that SCAQMD is currently updating its methodology.[114] Guidance from SCAQMD's November 6, 2024 Working Group recommends that agencies use a more stringent health risk significance threshold for SB 535 Disadvantaged Communities.[115] Although the protocols have not been formally adopted, SCAQMD has commented on recent projects, recommending that the draft protocols be applied.[116] Substantial evidence demonstrates that the Project's cumulative health risk impacts would exceed the draft SCAQMD cumulative impacts thresholds.

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[111] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 13, paragraph 49.
[112] *Id.*, Stipulation For Entry Of Final Judgment On Consent, available at https://climatecasechart.com/wp-content/uploads/case-documents/2022/20220414_docket-CIVSB2121605-CIVSB2121829_stipulation.pdf.
[113] FEIR, pg. II-47.
[114] SCAQMD, CEQA Policy Development: Analyzing Cumulative Impacts from Air Toxics in CEQA Documents, https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new).
[115] https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new); https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.
[116] SCAQMD, Comments on Draft Environmental Impact Report (DEIR) for the Proposed DJT4 Parcel Delivery Facility Project (Proposed Project) (SCH No. 2023070241) (December 20, 2024).

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The draft SCAQMD protocols include a flowchart lowering the cancer risk significance threshold (from 10 in one million) if certain factors reflecting high pollution burden are met.[117]

Step 1 of the flowchart is to determine the background cancer risk affecting the Project area via the SCAQMD Multiple Air Toxics Exposure Study (MATES). Per the MATES V Data Visualization Tool, the location of the Project site is in the 70th percentile of highest cancer risks in the South Coast Air Basin, with a cancer risk of 528 in one million.[118] Per the draft thresholds, areas experiencing a background excess cancer risk in the 90th to 50th percentile would result in a drop of the cancer risk thresholds from 10 in one million to 5 in one million.[119]

Step 2 of the WG 6 flow diagram is to determine whether two additional criteria would apply. The cancer risk would be reduced from 5 in one million to 3 in one million if either criterion applies. Criterion #1 is whether there are 951 daily heavy-duty truck trips or more that would traverse the truck route to the freeway with Existing + Project + Future volumes. If there are more than 951 heavy duty truck trips, then the cancer risk threshold would drop from 5 in one million to 3 in one million.[120] The record does not clearly establish whether this criterion is met. Criterion #2 is whether the Project is located in a SB 535 disadvantaged community or an AB 617 community. If the project is within such an area, then the threshold would be reduced from 5 in one million to 3 in one million. Here, the Project is located in a SB 535 disadvantaged community.[121] Thus, the cancer risk threshold is reduced to 3 in one million.

The FEIR's HRA estimates that the maximum off-site residential cancer risk (combined operational and construction) would be 3.7 in one million at the residential receptors directly south of the Project site.[122] This health risk impact would exceed the 3 in one million significance threshold potentially applicable to the Project. The results of Dr. Clark's corrected HRA (cancer risk of 22.3 in 1,000,000)

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[117] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21.
[118] DEIR, pg. IV.A-25; SCAQMD, Gridded Cancer Risk, https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk#data_s=id%3AdataSource_112-7c8f2a4db79b4a918d46b4e8985a112b%3A15547.
[119] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21.
[120] *Id.*
[121] https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities (last accessed July 15, 2025).
[122] FEIR, pg. II-34.

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would exceed this threshold by a greater amount. This evidence of a significant impact constitutes "significant new information" requiring recirculation of the EIR.[123]

F. The FEIR Still Fails to Adequately Analyze Impacts Associated with the Project's Excess Parking

CREED LA's comments on the DEIR explained that the Project provides more parking spaces than required by law, which may induce VMT and negate the benefits of the Project's location near public transit. CREED LA explained that this would constitute a potentially significant GHG and energy impact.

Regarding GHG emissions, the DEIR did not adopt a quantitative GHG significance threshold, and concluded that the Project would result in a less than significant GHG impact because it would be consistent with applicable GHG reduction plans and policies.[124] CREED LA demonstrated that this excess parking would conflict with GHG policies calling for reduced parking. In response, the FEIR argues that, under State Planning and Zoning law, a project need not conform with all aspects of a plan.[125] This argument ignores that the DEIR established "consistency with applicable plans and policies" as a significance threshold, and that CEQA requires disclosure of inconsistencies with applicable policies.[126] The FEIR therefore must disclose all inconsistencies with these policies.

The FEIR also argues that GHG impacts would be less than significant because the Project would be located in a High-Quality Transit Area ("HQTA"), would be near a Metro station, provide bicycle parking, and implement a Transportation Demand Management ("TDM") program. The FEIR does not analyze the possibility that excess parking may negate these benefits. As explained in the California Department of Transportation's June 8, 2023, comment letter on the Project, "[r]esearch looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation."[127] The FEIR must be revised to include this missing analysis.

Regarding energy impacts, the FEIR claims that impacts would be less than significant because the Project would charge for parking, implement a TDM

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[123] CEQA Guidelines, Section 15088.5(a)(1).
[124] DEIR, pg. IV.E-56-57.
[125] FEIR, pg. II-51.
[126] Cal. Code Regs. Tit. 14, § 15125.
[127] DEIR, Appendix A, PDF pg. 345.

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program, and would not exceed VMT significance thresholds.[128] This response ignores that Appendix F of the CEQA Guidelines identifies "[t]he project's projected transportation energy use requirements and its overall use of efficient transportation alternatives" as an example of an energy impact.[129] The FEIR fails to address that the Project's provision of parking in excess of State standards would undermine the "overall use of efficient transportation alternatives." The FEIR must be revised to disclose this impact and evaluate the feasibility of reducing parking.[130]

G. The FEIR Still Fails to Adequately Evaluate Potentially Significant Noise and Vibration Impacts

1. The FEIR Fails to Accurately Establish the Environmental Setting

CREED LA's comments on the DEIR demonstrated that the DEIR failed to accurately establish the environmental setting for noise. The DEIR improperly relied on short-term ambient noise measurements, and failed to include validation measurements for its traffic noise model. The FEIR responds that existing noise levels were recorded in accordance with the City's standards, but is non-responsive to the specific issues raised in CREED LA's comments.[131]

Mr. Faner explains that the FEIR still fails to address the issue of the DEIR relying on two 15-minute measurements to extrapolate a 24-hour CNEL at nine measurement locations. There is not substantial evidence in the record showing that these short-term measurements are representative of a 24-hour period.[132] The Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual ("FTA Manual") recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements.[133]

Mr. Faner also explains that the FEIR still fails to demonstrate how typical the short-term measurement data were for the rest of the daytime and nighttime conditions. Substantial evidence does not show that the time selected for noise measurements is representative of the rest of the day or even of the worst case

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[128] FEIR, pg. II-53.
[129] CEQA Guidelines, Appendix F, Section II (C)(6).
[130] 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").
[131] FEIR, pg. II-60.
[132] Faner Comments, pg. 1.
[133] *Id.*

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(quietest conditions).[134]

Additionally, the FEIR still fails to include validation measurements for its traffic noise model. Mr. Faner explains that a validation measurement for the Federal Highway Traffic Noise Model requires counting traffic during the noise measurement in order to properly compare the measured noise levels with the model calculated noise levels.[135] Without a traffic count, there is no basis to confirm the validity of the traffic model. Here, the FEIR does not reference any traffic counts conducted during the existing noise measurements. [136]

2. The FEIR Still Fails to Analyze Construction Groundborne Noise at Recording Studios

CREED LA demonstrated that the DEIR's analysis fails to address groundborne noise impacts at two recording studios identified as receptors R3 and R10, located 5 feet and 10 feet, respectively, from construction activities. The FEIR responds that recording studios are not considered sensitive receptors under the LA CEQA Thresholds Guide.[137] The FEIR ignores that the City adopted the document "Construction Noise and Vibration: Updates to Thresholds and Methodology" (August 2024), which states that "[r]ecording studios will be added as a sensitive use relative to construction vibration impacts."[138] Mr. Faner explains that groundborne noise is a consequence of groundborne vibration, so it therefore must be considered.[139] Further demonstrating that recording studios are sensitive receptors is that FTA manual has guidance applicable to sensitive buildings such as recording studios.[140]

As shown in CREED LA's prior comments, the Project's construction activities would generate groundborne noise in excess of the FTA's 25 dBA significance threshold.[141] This significant impact must be disclosed and mitigated.

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[134] *Id.* at 1, 2.
[135] *Id.* at 2.
[136] *Id.*
[137] FEIR, pg. II-64.
[138] Faner Comments, pg. 3.
[139] *Id.*
[140] *Id.*
[141] *Id.*

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3. The FEIR's Analysis of Stationary Mechanical Noise Is Still Not Supported by Substantial Evidence

CREED LA's comments on the DEIR demonstrated that the DEIR failed to support its analysis of HVAC noise with substantial evidence. Mr. Faner calculated that noise impacts would be significant. The FEIR fails to resolve this issue.

CREED LA commented that the DEIR likely underestimates the noise levels generated by HVAC units required for the Project. Whereas Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at receptor R2, a single 90 dBA PWL fan would generate a noise level of 69 dBA at receptor R2.[142] The FEIR responds that its noise analysis is based on representative noise levels for typical HVAC equipment ranging from 80 to 100 dBA sound power levels.[143] The FEIR explains that more detailed study is not feasible because detailed building plans have not yet been finalized.[144] This response is inadequate. Mr. Faner explains that the FEIR still does not provide a citation for the FEIR's estimated HVAC reference levels.[145] These noise levels are much lower than reasonably foreseeable for the Project, as a single 90 dBA PWL fan would result in higher noise impacts. The City's estimated noise levels are thus not supported by substantial evidence.

CREED LA commented that the DEIR underestimates the number of HVAC units required for the Project. Whereas the noise analysis assumes 33 HVAC units for the residential zones of the project, Mr. Faner showed that a project this size would need 49 to 72 twenty-five-ton units to properly ventilate the space, applying standard industry rule-of-thumb calculations.[146] The FEIR simply responds that detailed building plans are not yet available for the Project, and does not support its estimate with any calculations or other evidence. [147] However, the does not provide any evidence suggesting that Mr. Faner's estimate is inaccurate, nor has the Project's size been decreased such that fewer HVAC units would be needed than calculated by Mr. Faner. Thus, the only substantial evidence in the record shows that the FEIR's HVAC noise estimates are underestimated.

Noise impacts from stationary equipment remain potentially significant. These impacts must be accurately analyzed in a revised and recirculated EIR.

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[142] *Id.*
[143] FEIR, pg. II-65.
[144] *Id.*
[145] Faner Comments, pg. 4.
[146] Faner DEIR Comments, 7.
[147] FEIR, pg. II-66.

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4. The FEIR Fails to Identify All Feasible Mitigation for the Project's Significant Impacts

The DEIR concluded that construction noise impacts would be significant and unavoidable, but CREED LA demonstrated that the DEIR failed to identify all feasible mitigation measures to reduce these impacts to the greatest extent feasible. Under CEQA, if the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[148] The FEIR fails to adopt feasible noise mitigation measures identified in CREED LA's comments.

Mr. Faner recommended a measure requiring continuous noise monitoring during construction.[149] Continuous measurement would provide improved assurance that mitigation measures such as the proposed barrier walls are providing the estimated noise reductions. The FEIR responds that monitoring is unwarranted, as a noise consultant would provide documentation that the barriers would achieve the specified noise reduction.[150] But the FEIR does not specify what kind of documentation would be deemed sufficient to verify the adequacy of the barriers. Use of continuous noise monitors would guarantee the effectiveness of the proposed mitigation.

Mr. Faner identified additional measures to reduce impacts at the upper levels of the receptors R1 and R7.[151] These include erecting scaffolding to support construction noise control blankets, installing heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site, and offering to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1. The FEIR argues that the construction of temporary noise barriers at the balconies/and or breezeways facing the Project site would in itself be a noise impact, but Mr. Faner explains that the duration of the noise barrier construction is minimal compared to the Project construction.[152] Thus, this measure would be effective.

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[148] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[149] Faner Comments, pg. 2.
[150] FEIR, pg. II-68.
[151] Faner Comments, pg. 2-3.
[152] *Id.*

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Mr. Faner also identified mitigation for the Project's construction vibration impacts, which the DEIR concludes would result in a significant and unavoidable impact to human annoyance.[153] Mr. Faner recommended offering to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives. The FEIR fails to address this proposed mitigation measure, merely reiterating that noise and vibration impacts would be significant and cannot be fully mitigated.[154]

In sum, the EIR must be revised to identify all feasible mitigation measures to reduce the Project's significant impacts.

III. The City Lacks Substantial Evidence to Approve the Entitlements

A. Approval of a Vesting Tentative Tract Map Would Be Unsupported by the Record

The Subdivision Map Act provides guidance as to the findings that the agency must make when approving a tentative map, and requires agencies to deny map approval if the project would result in significant environmental or public health impacts. Government Code, section 66474, provides:

> A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:
>
> (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
>
> (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
>
> (c) That the site is not physically suitable for the type of development.
>
> (d) That the site is not physically suitable for the proposed density of development.

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[153] *Id.* at 3.
[154] FEIR, pg. II-69.

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> (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
>
> (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
>
> (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

LAMC Section 17.15(c)(2), "Vesting Tentative Maps," provides that "a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency, or the City Planning Commission or the City Council on appeal determines:

> (a) A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
>
> (b) The condition or denial is required in order to comply with state or federal law.

Here, approval of the vesting tentative tract map would place the community in a condition dangerous to its health and safety. Emissions from the Project's construction equipment would emit TACs resulting in a significant cancer risk, and the Project's excavation may expose workers and residents to harmful levels of VOCs. The Advisory Agency therefore lacks substantial evidence to make the necessary findings. The City must correct the errors in the EIR, adopt adequate mitigation measures to reduce impacts to less than significant levels, and must provide substantial evidence supporting the Project's proposed statement of overriding considerations to address the Project's outstanding, unmitigated significant impacts before the City can approve the VTTM.

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B. Approval of Site Plan Review Would Be Unsupported by the Record

Site Plan Review approval requires making certain environmental findings. LAMC Sec. 16.05(A) provides that:

> The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

LAMC Sec. 16.05(E) further provides that:

a. In granting site plan approval, the Director may condition and/or modify the project, or select an alternative project, as he or she deems necessary to implement the general or specific plan and to mitigate significant adverse effects of the development project on the environment and surrounding areas.
b. The Director shall not approve or conditionally approve a site plan review for a development project unless an appropriate environmental review clearance has been prepared in accordance with the requirements of CEQA.

The Project's significant impacts prevent approval of site plan review pursuant to LAMC Sec. 16.05(A). The City must require additional environmental mitigation pursuant to LAMC Sec. 16.05(E)(a) to reduce the Project's health risk impacts to a less-than-significant level.

C. Approval of the Density Bonus Would Be Unsupported by the Record

The Project seeks a Density Bonus Compliance Review pursuant to LAMC Section 12.22 A.25. The LAMC provides that the City shall not approve a Density Bonus and requested Incentives if:

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> The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.[155]

The Project's significant environmental and public health impacts are Specific Adverse Impacts that prevent approval of the Density Bonus and Incentives.

IV. CONCLUSION

As is explained herein, the FEIR's analyses remain substantially inaccurate and incomplete, failing to comply with the requirements of CEQA. As a result, the FEIR still fails to adequately disclose and mitigate the Project's significant impacts. As a consequence of these impacts, the City cannot make the requisite findings under CEQA to certify the FEIR or under the City's Municipal Code to approve the Project's entitlements. CARE CA urges the Deputy Advisory Agency and Zoning Administrator to require the City to revise and recirculate the EIR before any further action is taken on the Project.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,



Aidan P. Marshall

Attachments
APM:acp

[155] LAMC, Section 12.22 A.25(g)(2)(i)(c)(ii)

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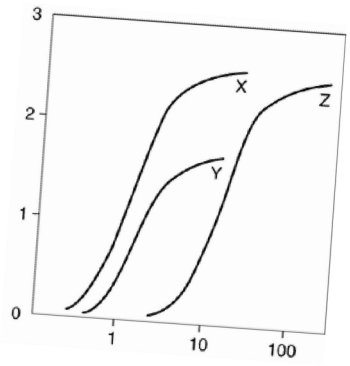
EXHIBIT A



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July 2, 2025

Adams Broadwell Joseph & Cardozo
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Attn: Mr. Aidan Marshall

Subject: Comments On Final Environmental Impact Report (FEIR) for 6000 Hollywood Boulevard Project Environmental Case: ENV-2022-6688-EIR, State Clearinghouse Number 2023050659

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the City of Los Angeles' (the City) FEIR[1] for the above referenced project.

Clark's review does not constitute validation or endorsement of the conclusions or content presented in the IS/MND. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

Project Description:

According to the Project Description,[2] "The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, 4,038 square feet of restaurant uses, and 500 square feet of storage space. The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000-square-foot, six-story office and retail building; Building B would be a 289,079-square-foot, 35-story residential tower; Building C would be a 23,560-square-foot, four-story residential

[1] Eyestone Environmental, LLC. 2025. 6000 Hollywood Boulevard Project, Final Environmental Impact Report. Prepared by Eyestone Environmental, LLC for the City of Los Angeles Department of City Planning. May 2025

[2] Ibid. pg 1 – cover page

building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. One of the low-rise structures would be a 4,038-square-foot, two-story restaurant, and the remaining 10 structures would include 38 residential townhomes. Upon completion, the Project would result in a total floor area of 501,185 square feet on an 3.7-acre site, for a Floor Area Ratio (FAR) of 3.1:1 and a maximum building height of 419 feet. All of the existing improvements and uses on the Project Site would be demolished.

The area surrounding the Project Site is highly urbanized and includes a mix of low- to mid-rise buildings containing a variety of commercial and residential uses. The surrounding properties are generally zoned for C4 commercial use or R4 multiple dwelling residential use, consistent with the zoning of the Project Site. South of the Hollywood Lot—and to the east of the Carlton Lot—are various primarily multi-family apartment buildings; to the west of the Carlton Lot are a multi-family apartment building, the Shir Hashirim Montessori School, and a two-story office building and associated surface parking. Multi-family apartment buildings are also located across the Carlton Lot on the south side of Carlton Way.

Construction of the Project would commence with demolition of the existing structures and surface parking areas. This phase would be followed by grading and excavation for the subterranean parking, which would extend to a depth of 40 feet below ground surface. The building foundations would then be laid, followed by building construction, paving/concrete installation, and landscape installation. Project construction is anticipated to commence in 2026 and be completed in 2029. Eyestone estimated that approximately 210,000 cubic yards of export would be hauled from the Project Site.[3] The properties to the southwest and southeast of the Project Site along Carlton Way are primarily residential and represent the most sensitive receptors to emissions from the Project Site.

After a careful review of the FEIR and supporting documents it is clear that the FEIR's assertion that there are not significant air quality impacts from the Project is not supported by the data contained in the FEIR. There are clear flaws in the FEIR's analysis of air quality issues, most specifically the health risk analysis, that must be corrected in a revised environmental impact report (REIR).

The HRA prepared by Eyestone has critical flaws which underestimate the risk for exposure to diesel particulate matter (DPM) from the construction and operational phases of the Project.

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[3] DEIR. pg II-25

1. The City's Health Risk Analysis (HRA) underrepresents the potential health risk from exposure to diesel particulate matter (DPM) by failing to include an Age Sensitivity Factor (ASF) in the quantification of risk. Eyestone claims that since the City and the SCAQMD have not developed recommendations on the use of age sensitive factors (ASFs), they rely on U.S. EPA's guidance which states that ASFs are appropriate for carcinogens that act through the mutagenic mode of action. Eyestone fails to address the determination from the California Air Resources Board (CARB) that DPM does in fact work via a mutagenic mode of action. The State of California's Scientific Review Panel's 1998 Report On Diesel Exhaust is very clear about the mode of action for DPM.[4] In the Health Effects Section of the Report's Summary, the Board (made up of health scientists including toxicologists) states "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."
2. The City's choice to ignore the incorporation of ASFs into its analysis is not supported by SCAQMD guidance. The SCAQMD's guidance on the preparation of health risk analyses in the Air Basin includes ASFs in the calculation of exposure for the maximum individual cancer risk (MICR).[5] The City must evaluate the health risk from exposure to DPM in a manner consistent with the guidance from the State.[6]
3. My previous comments pointed out that the method is being used by other agencies in the preparation of CEQA compliant analyses. The example I previously provided included the use of ASFs in the Norwalk Entertainment District Specific Plan. In its 2022 construction activities HRA, the City of Norwalk specifically used the ASFs consistent with the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 to ensure that the health impacts from

[4] CARB. 1998. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel's April 22, 1998, Meeting. https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf

[5] SCAQMD. Risk Assessment Procedures For Rules 1401, 1401.1 and 212. Version 8.1. Dated September 2, 2017 pgs 7,12, https://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/riskassessproc-v8-1.pdf.

[6] OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments.* Dated February 2015.

construction activities would assess risks for susceptible subpopulations such as children.

4. Using the results from the City's analysis of DPM emissions from the construction phase and operational phase of the Project it can be demonstrated that the risk from exposure to DPM exceeds the significance threshold of 10 in one million (10 in 1,000,000). In Appendix B to the Health Risk Assessment prepared by Eyestone Environmental LLC for the City (Appendix FEIR-3 to the FEIR), Eyestone uses the algorithms outlined in the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212. To calculate the inhalation cancer risk for any receptor in the modeling domain dose of the chemical in air ($Dose_{air}$) is calculated from the annual concentration of the carcinogen (C_{air}). The exposure concentration is then multiplied by the breathing rate per body weight (BR/BW), inhalation absorption factor (A), the exposure frequency (days per 365 days) and a conversion factor of 10^{-6} (micrograms to milligrams, liters to cubic meters). This annual average concentration is multiplied by the cancer slope (CPF) for the chemical along with the appropriate age sensitivity factor (ASF) the exposure duration (ED) and then divided by the averaging time (AT)

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

2. $$Risk_{inh} = Dose_{air} * CPF * ASF * ED/AT$$

Using the concentration modeled for the construction phase reported by Eyestone; and the appropriate exposure factors for each age range (see table below) the cumulative risk for exposure of infants during the 3.9375 years (45 months) of construction is 22.3 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact.

Age Group	Risk Per Million	ASF	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
3rd Trimester	9.04E-01	10	1	0.25	1.1	2.30E-05	0.067	361	1	0.958904
0-1	6.96E+00	10	0.85	0.75	1.1	6.95E-05	0.067	1090	1	0.958904
1-2	1.16E+01	10	0.85	1.25	1.1	6.95E-05	0.067	1090	1	0.958904
2<9	2.80E+00	3	0.72	1.5	1.1	5.49E-05	0.067	861	1	0.958904

Age Group	Risk Per Million	ASF	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
Total	2.23E+01									

The City must quantify and disclose these significant impacts in a supplemental EIR for the Project.

5. The City has failed to address concerns regarding the lateral and vertical extent of soil vapor contamination onsite, along with identifying the source of the contamination. According to the DEIR,[7] the Project Site was identified on multiple governmental databases, including FINDS, ECHO, and HWTS as a facility that uses, stores, or has released hazardous wastes. The Project Site was identified on HAZNET database for generating hazardous wastes on multiple occasions including but not limited to the use of halogenated solvents between 1989 and 1991; and, hydrocarbon solvents between 1989 and 1996.

The Phase I Environmental Assessment (ESA)[8] of the Project Site states that based on the long term occupancy of the Site as an auto repair shop and the use of halogenated and hydrocarbon solvents at the Site, the conditions may represent a recognized environmental condition (REC). The Phase I also stated that vapor encroachment conditions (VEC) could exist from offsite sources near the Project Site.

A Phase II ESA of the Project Site, measured tetrachloroethylene (PCE) and trichloroethylene (TCE) above the residential screening levels in the shallow soil and deeper soils (5 feet below ground surface (bgs) and 15 feet bgs) across the Project Site. Of the nine borings installed onsite, only two borings (Boring B4 and Boring B9) were completed to 40 feet bgs. The other seven borings were completed to 15 feet bgs. Boring B-9 had no measurable concentration of PCE above the laboratory reporting limit (reported as Non-Detect or ND) in samples collected at 5 feet bgs, 15 feet bgs, and 25 feet bgs. At 40 feet bgs Boring B-9 reported a concentration of PCE at 127 ug/m^3. In addition, the highest concentration of PCE (565 ug/m^3) and TCE (1270 ug/m^3) measured onsite were collected at Boring B-5, immediately outside of Service Bay D.

[7] DEIR. pg IV.F-20

[8] Citadel EHS. 2021. Phase I Environmental Site Assessment Report, 6000 Hollywood Boulevard, Los Angeles, CA 90028. Dated July 16, 2021. Pg vii

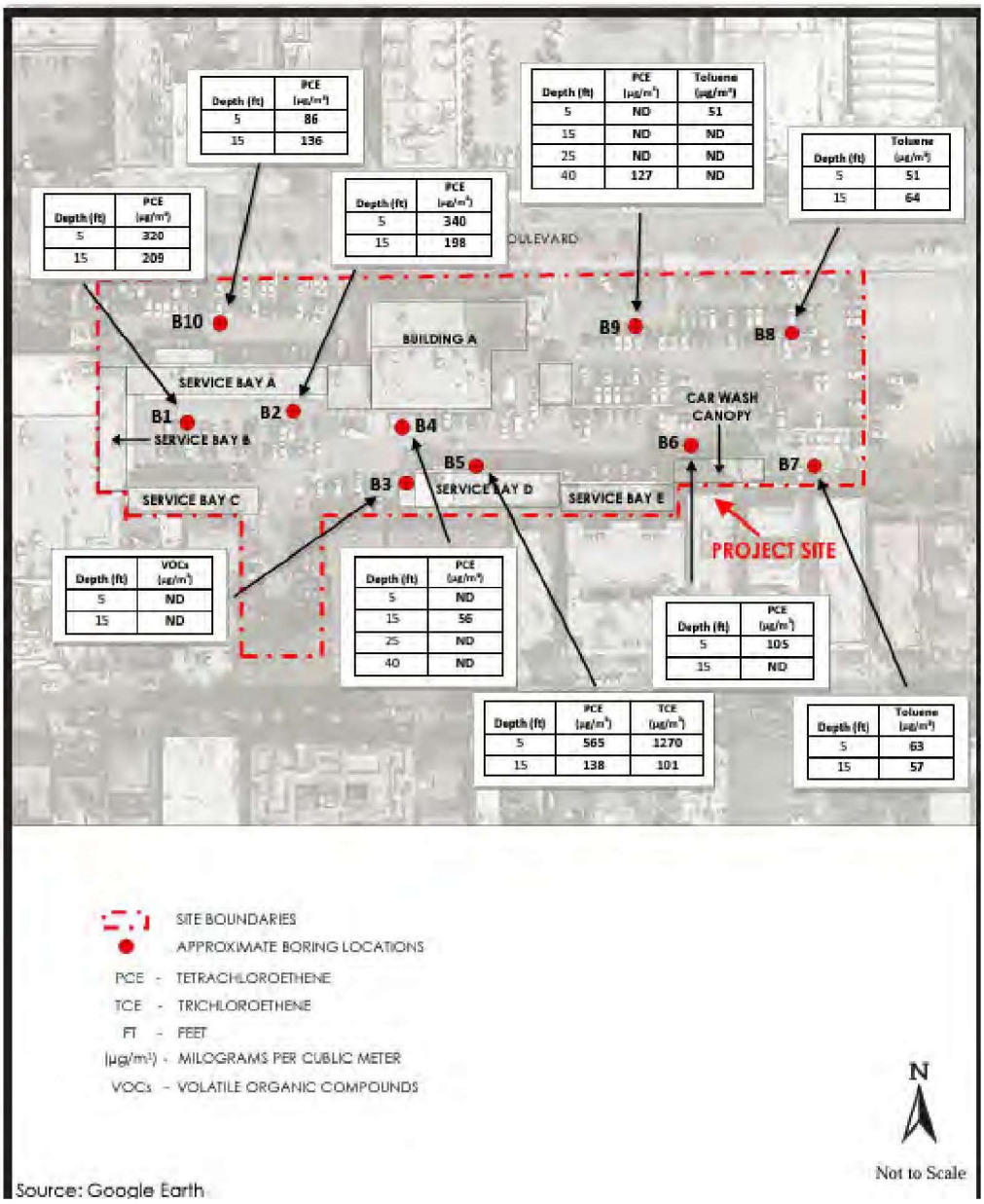

Figure 1: Soil Vapor Concentrations Measured On-Site

It is clear that occupants of the buildings may be exposed to volatile organic compounds (VOCs), such as TCE and PCE, via several mechanisms: (1) the intrusion of volatile components through the floor, and (2) the influx of volatile components from outside air via gaps in walls, windows and doors.

Vapor emissions pose a potential hazard to receptors within buildings constructed over the

VOC-affected soil and/or soil vapor plume.[9,10,11,12] A building may trap the emissions indoors, and the resultant indoor air concentrations may be significantly higher than those in the ambient air.

A default assumption in the U.S. EPA's Vapor Intrusion Guidance (VIG)[13] is that when the distance between the slab and top of the plume is shallow, the soil attenuation factor (SAF) or alpha (α) is assumed to be 0.03 (meaning the soil gas concentration is multiplied by 3% to calculate the indoor air concentration) regardless of the actual subsurface conditions existing beneath a barrier. Using the alpha of 0.03 it is clear that the residences to the south of Boring B-5 (which reported concentrations of 1,270 ug/m^3 of TCE and 565 ug/m^3 of PCE in soil vapor) could be exposed to 38.1 ug/m^3 of TCE and 16.95 ug/m^3 of PCE in the indoor air. DTSC has developed modified screening levels based on the U.S. Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs) for use in the human health risk assessment process at hazardous waste sites and permitted facilities (colloquially known as DTSC-SLs). The screening levels are published for the primary media of exposure (soil, water, and air). Current indoor air screening levels for PCE and TCE in air are 0.46 ug/m^3 and 0.48 ug/m^3, representing health risks of 1 in one million. The concentrations of VOCs measured onsite are at least 36 times higher than RSLs, representing risks of at least 36 in one million for each compound.

Given that the boring installations across the Project Site are inconsistent with regards to the depth of the borings and the measurements of chlorinated solvents in the borings, it is evident that the City has not defined the lateral and vertical extent of contamination onsite. Additionally, the City has not clearly defined the source or sources of contamination onsite and offsite. All efforts to remediate the contamination by excavation will be meaningless if the lateral and vertical extents are not defined. Excavating to 40 feet bgs may remove a portion of the contamination but will not

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[9] DTSC. 2015. Preliminary Endangerment Assessment Guidance Manual. 2015. (California Environmental Protection Agency [Cal/EPA] DTSC, original 1994, second printing 1999, third printing 2015)

[10] DTSC. 2020. Human Health Risk Assessment Note Number 3: DTSC-modified Screening Levels (DTSC-SLs). (DTSC/HERO, June, 2020)

[11] U.S. EPA. 2015. OSWER Technical Guide For Assessing and Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air. OSWER Publication 9200.2-154. Dated June 2015.

[12] DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

[13] U.S. EPA. 2015. OSWER Technical Guide For Assessing and Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air. OSWER Publication 9200.2-154. Dated June 2015.

ultimately remove all of the source(s), posing a future hazard for occupants of the building. As DTSC and the CSWRCB[14] pointed out in their recent guidance, "The closer a building is to subsurface contamination, the greater the potential for VI (*sic*, vapor intrusion). Both the lateral and vertical distance of a building from soil and groundwater contamination should be considered" By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure. The "mitigation" of soil vapor would therefore be inadequate in that case. To ensure the safety of all future occupants, the City must clearly identify the lateral and vertical extent of the contaminant, identify appropriate remedial technology, perform pilot testing to ensure that the technology is working as designed, and identify barrier technology that may be included in the Project design to prevent exposure of occupants to the contamination at the Site. This issue must be addressed in a supplemental EIR for the Project.

6. The City's response to the Department of Toxic Substances Control (DTSC) regarding the need for regulatory oversight during the cleanup of the site, assuming that the application of Mitigation Measure HAZ-MM-1 (a Soil Management Plan) under the oversite of an unnamed environmental professional, would mitigate all risks is not supported by the evidence in the DEIR. As noted above, the Project Site was identified on HAZNET database for generating hazardous wastes on multiple occasions including but not limited to the use of halogenated solvents between 1989 and 1991; and, hydrocarbon solvents between 1989 and 1996. Subsurface investigation of the Site has identified concentrations of PCE and TCE well above the residential screening levels in the shallow soil and deeper soils across the Project Site.

As DTSC noted in its comments on the Project, the City of Los Angeles should enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a self-certified local agency, DTSC, or Regional Water Quality Control Board (RWQCB). It must be noted that by choosing to ignore the comments from DTSC, that the City is assuming liability for future claims against contamination that is currently present at the Site but not assessed by the City.

SMPs are not equivalent to removal action workplans (RAW) or remedial action plans (RAP)

[14] DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

that are required from DTSC or the RWQCB. SMPs deal only with the methods for handling impacted soils during an operation. RAWs and RAPs are designed to ensure unrestricted use of the site by containing or removing impact media (e.g., soil, groundwater, soil vapor). A RAW may be required when DTSC determines, based on information obtained during characterization activities, that further action is required to address contamination at levels that pose a health risk to existing and/or future property users or that may be an ongoing source of contamination to the environment. Cleanup goals are established in the RAW that are compatible with current and planned uses and ensure protection of human health and the environment. Contaminated sites are generally cleaned up to levels that allow for unrestricted, commercial/industrial, or recreational uses. A deed restriction (Land Use Covenant or LUC) will be required for cleanups that do not meet unrestricted use levels.

Given the high levels of VOCs currently being measured onsite the City must re-assess the impacts of the measured soil vapor onsite and offsite; and, require active mitigation of the soil vapor prior to the development of the Project Site in a supplemental EIR.

7. Changes in the assumptions regarding the volume of soils to be excavated and the duration of the grading operations may have changed the emissions estimates of criteria pollutants from the Project. According to the FEIR in Section I, Executive Summary, pages 1-23, the sixth and seventh sentences of the first paragraph will be changed to show that the maximum depth of the subterranean parking lot will be changed from 40 feet bgs to 48 feet bgs. The result is that the estimated soil to be exported will be 252,000 cubic yards not 210,000 cubic yards. This represents a 20 percent (20% increase) in the volume of soil to be exported during the Grading Phase of the Project.

A review of the CalEEMod analysis from the DEIR shows that 210,000 cubic yards will be exported and no effort is made by the City to reanalyze how the deeper excavation and increase in exported soils impacts emissions from the Project. This should be included in a supplemental EIR for the Project.

Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed based in the FEIR. A supplemental EIR is necessary to address these substantial concerns fully and transparently.

Sincerely,



EXHIBIT B

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001.61

June 23, 2025

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

SUBJECT: **6000 Hollywood Boulevard Project**
Los Angeles, California
Follow-up Comments on the FEIR Response to Comments

Dear Mr. Marshall,

Wilson Ihrig has reviewed the Response to Comments (RTC) included in the Final Environmental Report (FEIR) dated May 2025. The FEIR is largely unresponsive and does not address potentially significant operational and construction impacts.

Baseline Conditions are Not Properly Established, RTC 5-30

The FEIR is not responsive to our comments on the Draft EIR (DEIR), as the FEIR still does not provide substantial evidence to show that the noise study's measured noise levels are representative of the actual noise environment around the Project.

The FEIR does not address the issue of the DEIR relying on two 15-minute measurements to extrapolate a 24-hour CNEL at nine measurement locations. This 30 total minute per location comprises about 2% of a 24-hour period, so only 2% of the day is represented at the nine short-term only measurement locations.

The FEIR cites LAMC procedural requirements, but LAMC sections 111.01(a) and 11.03 do not discuss extrapolating short-term data to estimate a 24-hour noise metric such as a CNEL. The noise analysis refers to the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual[1] (FTA Manual) procedures for determining existing noise. However, Appendix E of the FTA Manual recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements. The three one-hour measurements are meant to include three distinct timeframes: peak-hour roadway traffic, midday, and nighttime.

The FEIR also does not address the issue of the Draft EIR not discussing how typical the short-term measurement data were for the rest of the daytime and nighttime conditions. There is no evidence

[1] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

provided that the time selected for noise measurements is representative of the rest of the day or even of the worst case (quietest conditions).

Lastly, the FEIR does not discuss the DEIR's use of Type 2 sound level meters, which are accurate within +/- 1.5 dBA[2], while characterizing the ambient noise within tenths of a decibel. This practice is misleading because it implies a level of precision that is not supported by the instrumentation.

No Validation Measurements Performed For Traffic Model, RTC 5-31

The FEIR fails to adequately address our previous comments regarding the lack of validation measurements in the DEIR. The FEIR compares the traffic model's calculated noise levels to the measured existing noise levels. However, the FEIR does not reference any traffic counts conducted during the existing noise measurements. A validation measurement for the Federal Highway (FHWA) Traffic Noise Model (TNM) requires counting traffic during the noise measurement in order to properly compare the measured noise levels with the model calculated noise levels. Without a traffic count, there is no basis to confirm the validity of the traffic model.

Additional Mitigation Measures Not Considered For Construction Noise, RTC 5-40, 5-41

The FEIR is not responsive to our comments regarding additional noise mitigation measures that are not considered in the DEIR.

5-40

The FEIR disregards the need for continuous noise monitoring as a mitigation measure. A noise plan to provide mitigation measures is one step to reducing noise impacts. However, without follow-up monitoring during construction, there is no assurance that the noise plan is adequate or being followed.

As noted in our comments on the DEIR, it is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a very low cost. Two such companies that provide equipment just for this purpose are Sigicom[3] and Sonitus.[4] The cost for a single monitoring system is less than $1,000 per month, which is similar to the fees that could be charged by an acoustical consultant for a single day of measurements. The FEIR lacks substantial evidence to show that this would be an unfeasible mitigation measure for the project.

5-41

The FEIR disregards alternative measures to reduce impacts at the upper levels of receptors R1 and R7, including erecting noise barriers at the balconies and/or breezeways that face the Project site and offering to upgrade windows and exterior doors of upper floor residential units not shielded by the sound barriers as defined in NOI-MM-1. The FEIR notes that the construction of temporary noise barriers at the balconies/and or breezeways facing the Project site would in itself be a noise impact, but the duration of the noise barrier construction is minimal compared to the Project construction.

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[2] ANSI/ASA S1.43 Integrating Sound Level meters states that the tolerance limits for time averaging meters is +/- 1.5 dBA for Type 2 meters (Table 7) https://law.resource.org/pub/us/cfr/ibr/002/ansi.s1.43.1997.pdf

[3] https://www.sigicom.com/.

[4] https://www.sonitussystems.com

Construction for the project would last on the order of 12 months from site preparation to erection. That is a significant amount of time for people to be exposed to significant noise from construction. To not consider additional mitigation measures is unacceptable, as these homes would be rendered unoccupiable during construction hours. See comments previously provided for noise mitigation options for exterior areas and upper floor units not shielded under NOI-MM-1, including the construction of noise barriers at the balconies and/or breezeways and the upgrading of windows and exterior doors.

Vibration Mitigation Option Not Considered For Construction, RTC 5-42

The FEIR disregards a possible mitigation measure to relocate residents when Project construction extends into nighttime hours, as will be required for a continuous pour. Relocating residents must still be considered as a way to reduce the impact of sleep disturbance during nighttime hours, especially if the continuous pour continues beyond more than 2-3 nights.

As noted in our comments to the DEIR, this was done, pre-COVID-19, for work-from-home residents in a property adjacent to a construction project in Oakland where Wilson Ihrig advised on construction noise and vibration control, so it is not an unprecedented mitigation option. Determining the exact number of residential units that would require this treatment would require additional information. The FEIR lacks substantial evidence to show that this would be an unfeasible mitigation measure for the project.

Construction Ground-borne Noise Not Evaluated At Recording Studios, RTC 5-33

The FEIR does not take into account the most recent guidance from the City of L.A. Department of City Planning. Per the Advisory Memo[5] dated 25 September 2024, the City of LA has adopted the document "Construction Noise and Vibration: Updates to Thresholds and Methodology"[6] (August 2024), which contains new guidance for construction noise and vibration. The document states that, "Recording studios will be added as a sensitive use relative to construction vibration impacts" (page 12). Groundborne noise is a consequence of groundborne vibration, so it therefore must be considered.

The DEIR already references the FTA guidance manual for construction vibration reference level. The FTA manual has guidance applicable to sensitive buildings such as recording studios. For example, 25 dBA should be used as a significance threshold. The FTA manual also provides guidance for estimating groundborne noise from groundborne vibration levels, as discussed in our comments to the DEIR. Thus, the vibration values shown in IV.H-10 of the DEIR would result in the groundborne noise levels shown below in Table 1, also previously provided in our comments to the DEIR, at Receptors R3 and R10. Following the FTA guidance manual results in groundborne noise levels in excess of the 25 dBA significance threshold for several construction activities.

[5] https://planning.lacity.gov/odocument/10d91dc4-da7d-493c-860e-9d0038cf1de2/Update%20CEQA%20Thresholds%20Memo_09.25.2024_Signed.pdf
[6] https://planning.lacity.gov/odocument/fba26ae5-ca95-48c3-aace-ae3bf0cb43b1/Construction%20Noise%20and%20Vibration%20-%20Proposed%20Updates%20to%20Thresholds%20and%20Methodology%20&%20Attachments.pdf

Table 1 Construction Groundborne Noise Impacts

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

Noise Analysis Provides Little Information Regarding HVAC Model, RTC 5-34, 5-35, 5-36, 5-37

The FEIR is not responsive to our comments and still lacks substantial evidence to support the assumptions and results of the HVAC noise analysis in the DEIR.

5-34

The FEIR does not provide a citation for the HVAC reference levels. We acknowledge that the specific equipment schedule and layout may not be available at this time. However, for the purposes of CEQA, it is necessary to identify "typical" equipment and use conservative assumptions as to placement to show evidence that supports the FEIR's conclusions. As we noted in our comments on the DEIR, additional modeling parameters such as the location and height of the HVAC units, whether obstacles such as enclosures or parapets are present, etc. are also not stated in either the noise analysis section or the DEIR. Because this information has not been provided, it is impossible to accurately confirm the validity of the calculations and the noise model.

The Project would include restaurant and retail uses, which have much different HVAC needs than residential uses. The FEIR does not specify whether it uses different HVAC equipment reference levels for the restaurant, retail, or residential uses of the Project.

The FEIR also does not address how the Project would comply with LAMC Section 112.02. For example, it does not state what specific limitations on equipment, sound barriers, etc. would be necessary to comply. The purpose of an EIR is to show that feasible measures can be used to avoid significant impacts. If unusual measures are needed to avoid significant impacts, they should be disclosed here.

5-35

The FEIR does not provide details regarding the estimated noise levels from mechanical equipment, including the resulting 43 dBA noise level at receptor R2 indicated in Comment No. 5-35. As

mentioned above, the FEIR does not provide a citation for the HVAC reference levels. The FEIR additionally does not specify the propagation distance or shielding used in the calculations.

As written, NOI-PDF-3 would likely provide 5 dB attenuation, but the FEIR does not provide evidence that the 5 dB attenuation would satisfy the significance thresholds.

5-36

The FEIR does not address the issue posed in Comment No. 5-36. It still does not provide justification for the use of only 33 HVAC units for the residential zones of the Project. As noted in our comments on the DEIR, based on engineering rules of thumb, we estimate that 49 to 72 twenty-five ton units are needed to properly ventilate the space.

5-37

See responses to the RTC for 5-34 through 5-36. The FEIR provides no substantial evidence to support its analysis. See comments previously provided on the DEIR for information on developing substantial evidence to document the HVAC analysis.

Conclusions

The FEIR still does not adequately address the issues posed in the comments to the DEIR. The noise study relies on an inadequate baseline ambient measurement that does not sufficiently characterize the existing baseline noise condition. It finds significant and unavoidable construction noise and vibration impacts, but it omits some potentially feasible mitigation measures that may reduce the number of significant and unavoidable construction impacts. The noise study also provides very little information to explain its methodology regarding its HVAC noise analysis. In doing so, it may underestimate operational noise impacts on the surrounding community.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG

Patrick Faner
Associate

6000 Hollywood Blvd Project - Response to RTC 20250623.docx

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CITY PLANNING

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Mailing Date: September 2, 2025

Last Day to File an Appeal: September 12, 2025

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Vesting Tentative Tract Map No.: 83987
Related Cases: ZA-2022-6687-CUB-DB-SPR-VHCA
Address: 5950-6048 West Hollywood Boulevard &
6037 West Carlton Way
Community Plan: Hollywood
Land Use Designation: Regional Center Commercial
& High Medium Residential
Zone (as vested): C4-1-SN and [Q]R4-1VL
Council District: 13 – Soto-Martinez
CEQA No.: ENV-2022-6688-EIR

Pursuant to California Public Resources Code Sections 21081.6 and 21082.1(c), the Advisory Agency has **FOUND:**

> Based on the independent judgement of the decision-maker, after consideration of the whole of the administrative record, the Project was assessed in the previously certified Environmental Impact Report (EIR) No. ENV-2022-6688-EIR, certified on September 2,, 2025, and pursuant to CEQA Guideline, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project; and

Pursuant to Los Angeles Municipal Code (LAMC) Sections 17.03 and 17.15, the Advisory Agency **APPROVED:**

> **Vesting Tentative Tract Map No. 83987** (stamped map, dated April 25, 2025) for the merger and re-subdivision of an approximately 3.7-acre site into one ground lot and nine airspace lots; and a Haul Route for the export of up to 252,000 cubic yards of soil.

The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property. For an appointment with the Development Services Center call (213) 482-7077, (818) 374-5050, or (310) 231-2901.

The Advisory Agency's consideration is subject to the following conditions:

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

(Additional BOE improvement conditions are listed in the "Standard Conditions" Section)

1. That, along Hollywood Boulevard and Parcels 7 and 8 under the Brokaw Tract No. 2 (M.B. 02-67) adjoining the subdivision, a 5-foot wide and variable width strip of land be dedicated to complete a 50-foot wide half right-of-way in accordance with Avenue I standards of LA Mobility Plan 2035.

2. That, the subdivider make a request to Bureau of Engineering Central District to determine the capacity of existing sewers in this area.

3. That a set of drawings for airspace lots be submitted to the City Engineer showing the followings:
   a. Plan view at different elevations.
   b. Isometric views.
   c. Elevation views.
   d. Section cuts at all locations where air space lot boundaries change.

4. That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve proposed airspace lots to use upon the sale of the respective lots and they will maintain the private easements free and clear of obstructions and in safe conditions for use at all times.

Any questions regarding this report should be directed to Quyen Phan of the Permit Case Management Division located at 201 N. Figueroa Street, Suite 290, or by calling (213) 808-8604.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

5. The Tract Map recorded with the County Recorder shall contain the following statement: "The approval of this Tract Map shall not be construed as having been based upon a geological investigation such as will authorize the issuance of the building permit of the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

6. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

7. That prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist related to the subdivision on the subject site. In addition, the following items shall be satisfied:

a. Provide a copy of affidavits AFF-17518, AFF-4575, AFF-9438, and AFF-15054. Show compliance with all the conditions/ requirements of the above affidavit as applicable. Termination of above affidavit may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.

b. The R4 zone portion of the map is limited to a maximum of 17 units based on the [Q] condition. Obtain approval from City Planning to allow the density of the R4 to exceed the [Q] condition.

c. Provide a copy of ZA case ZA-2022-6687-DB-CU-CUB-SPR-VHCA. Show compliance with all the conditions/requirements of the ZA case as applicable.

d. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Front yard and density requirements shall be required to comply with current code as measured from new property lines after dedications.

e. Record a Covenant and Agreement for the Ground Lot to treat the buildings and structures located in the Air Space Subdivision as if they were within a single lot.

Notes:

The proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Laura Duong at (213) 482-0434 to schedule an appointment.

DEPARTMENT OF TRANSPORTATION

8. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. Reservoir space will increase to 40-feet and 60-feet when driveway is serving more than 100 and 300 parking spaces respectively or as shall be determined to the satisfaction of the Department of Transportation.

9. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk, LAMC 12.21 A.

10. Driveway(s) and vehicular access for residential component of any development should be with the requirements of condition 12 below or as shall be determined to the satisfaction of the Department of Transportation.

11. Project shall comply with requirements of the Department of Transportation's attached assessment report (DOT Case No. CEN22-54325) dated, August 9, 2024 to the attention of Brenda Kahinju, Administrative Clerk, Department of City Planning.

12. There is a mid-block crosswalk adjacent to the proposed westerly ingress driveway along Hollywood Boulevard (Page 6 of the attached DOT Case No. CEN22-54325). Applicant should provide for a safe distance between them by relocation of the driveway and/or crosswalk or as shall be determined to the satisfaction of the Department of Transportation.

13. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: ladot.onestop@lacity.org.

14. That a fee in the amount of $205 be paid to LADOT as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

Please contact this section at ladot.onestop@lacity.org for any questions regarding the above.

FIRE DEPARTMENT

15. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:

    a. Access for Fire Department apparatus and personnel to and into all structures shall be required.

    b. Address identification. New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

    c. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75).

    d. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

    e. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

    f. Fire Lane Requirements:

        i. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

        ii. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.

        iii. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

iv. Submit plot plans indicating access road and turning area for Fire Department approval.

v. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.

vi. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

vii. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.

viii. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.

ix. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.

g. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.

h. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.

i. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

j. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

2014 CITY OF LOS ANGELES FIRE CODE, SECTION 503.1.4 (EXCEPTION)

k. When this exception is applied to a fully fire sprinklered residential building equipped with a wet standpipe outlet inside an exit stairway with at least a 2 hour rating the distance from the wet standpipe outlet in the stairway to the entry door of any dwelling unit or guest room shall not exceed 150 feet of horizontal travel AND the distance from the edge of the roadway of an improved street or approved fire lane to the door into the same exit stairway directly from outside the building shall not exceed 150 feet of horizontal travel.

l. It is the intent of this policy that in no case will the maximum travel distance exceed 150 feet inside the structure and 150 feet outside the structure. The term "horizontal travel" refers to the actual path of travel to be taken by a person responding to an emergency in the building.

m. This policy does not apply to single-family dwellings or to non-residential buildings.

n. Site plans shall include all overhead utility lines adjacent to the site.

o. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.

p. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.

q. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".

r. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.

s. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.

t. Standard cut-corners will be used on all turns.

u. The Fire Department may require additional roof access via parapet access roof ladders where buildings exceed 28 feet in height, and when overhead wires or other obstructions block aerial ladder access.

v. The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Safety Plan, which is an element of the General Plan of the City of Los Angeles

w. Recently, the Los Angeles Fire Department (LAFD) modified Fire Prevention Bureau (FPB) Requirement 10. Helicopter landing facilities are still required on all High-Rise buildings in the City. However, FPB's Requirement 10 has been revised to provide two new alternatives to a full FAA-approved helicopter landing facilities.

x. Each standpipe in a new high-rise building shall be provided with two remotely located FDC's for each zone in compliance with NFPA 14-2013, Section 7.12.2.

y. During demolition, the Fire Department access will remain clear and unobstructed.

z. The Fire Department has no objection to the Airspace Vacation.

aa. FPB #105.

5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

i. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder,

prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:

ii. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.

iii. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed or their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.

iv. In the event that the property owners association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.

v. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.

vi. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.

bb. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.

cc. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.

dd. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.

ee. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.

ff. Entrance to the main lobby shall be located off the address side of the building.

gg. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

hh. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

ii. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

jj. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6543. You should advise any consultant representing you of this requirement as well.

DEPARTMENT OF WATER AND POWER

16. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c))

BUREAU OF STREET LIGHTING – SPECIFIC CONDITIONS

17. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of 0), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District.

BUREAU OF STREET SERVICES, URBAN FORESTRY DIVISION

18. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.

19. Plant street trees at all feasible planting locations within dedicated streets as directed and required by the Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The subdivider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

Note: Removal of street trees requires approval from the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for tree removal permit information.

BUREAU OF SANITATION

20. The Clean Water North Conveyance Division of the Bureau of Sanitation has inspected the sewer/storm drain lines serving the subject tract and found no potential problems to their structures and/or potential maintenance issues, as stated in their memo dated July 27, 2023.

Note: This Approval is for the Tract Map only and represents the office of LA Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of the Bureau of Engineering.

If you have any questions, please contact Rafael Yanez at (323) 342-1563.

DEPARTMENT OF RECREATION AND PARKS

21. That the Project provide an in-lieu fee payment in order to fulfill the Project's requirements under provisions of LAMC 12.33.

INFORMATION TECHNOLOGY AGENCY

22. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

DEPARTMENT OF CITY PLANNING - SITE SPECIFIC CONDITIONS

23. Prior to the issuance of the building permit or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

    a. A solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.

    b. The subdivider consider the use of solar energy and consult with the Department of Water and Power regarding feasible energy conservation measures.

24. Prior to the issuance of the building permit or the recordation of the final map, a copy of the Case No. ZA-2022-6687-CUB-DB-SPR-VHCA shall be submitted to the satisfaction of the Advisory Agency. In the event ZA-2022-6687-CUB-DB-SPR-VHCA is not approved, the subdivider shall submit a tract modification.

25. Prior to the issuance of a grading permit, the subdivider shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the following haul route conditions:

    a. The approved haul route is as follows:

    Loaded Truck:
    - Exit jobsite onto Hollywood Boulevard (Eastbound)
    - Turn right onto Southbound Hollywood Freeway (US-101) on-ramp
    - Merge onto Southbound Hollywood Freeway (US-101)
    - Merge onto Eastbound San Bernardino Freeway (1-10) ramp
      Continue onto disposal site: Vulcan Materials Company (outside of city limits)

    Unloaded Truck:
    - Continue on Westbound San Bernardino Freeway (I-10)
    - Merge onto Northbound Hollywood Freeway(I-101)
    - Take exit 8c towards Gower Street
    - Tum left onto Gower Street (Southbound)

- Tum left onto Hollywood Boulevard (Eastbound)
  Tum right onto jobsite: 6000 Hollywood Boulevard, Los Angeles, CA 90028

b. Hours of Operation: To avoid peak traffic hours, limit hours of the hauling operation, Monday thru Friday: **9:00 AM to 3:00 PM**. Saturday: **8:00 AM to 4:00 PM. No hauling should be performed on Sundays and holidays**.

c. Haul Route Staging: No staging on Hollywood Boulevard. All trucks shall be staged on jobsite.

NOTE: NO INTERFERENCE TO TRAFFIC, ACCESS TO DRIVEWAYS MUST BE MAINTAINED AT ALL TIMES.

d. Hauling Operations: Hauling operations may be conducted on alternate major or secondary highway routes any day where freeway on-ramps or off-ramps, or other freeway ramps or streets listed on the approved haul route are closed, until the streets or freeway ramps are reopened to through traffic.

e. Required Permit Fee and Bond: PERMIT FEE MUST BE PAID BEFORE THE DEPARTMENT OF BUILDING AND SAFETY WILL ISSUE A GRADING PERMIT.

1) Under the provisions of Section 62.201 of the Los Angeles Municipal Code, the following permit fee shall be required:

i. A total of 210,000 cubic yards of material moved 0.18 miles within the hillside at a rate of $0.29 per cubic yard per mile would exceed the maximum chargeable under the Ordinance. Therefore, the maximum fee chargeable, $3000 shall be due.

2) The required permit fee shall be paid at the Street Services Investigation and Enforcement Division office, 1149 South Broadway, Suite 350, Los Angeles, CA 90015, telephone (213) 847-6000.

3) Under the provisions of Section 62.202 of the Los Angeles Municipal Code, a cash bond or surety bond in the amount of $70,000 shall be required from the property owner to cover any road damage and/or street cleaning costs resulting from the hauling activity.

4) Forms for the bond will be issued by Bond Control, Bureau of Engineering Valley District Office, 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401, telephone (818) 374- 5090.

f. Special Conditions: An authorized Public Officer may make additions to, or modifications of, the following conditions if necessary to protect the health, safety, and welfare of the general public:

1) The vehicles used for hauling shall be double-bottom dump trucks.

2) All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.

3) All trucks are to be watered at the export site to prevent excessive blowing of dirt.

4) The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.

5) Total amount of dirt to be hauled shall not exceed 210,000 cubic yards.

6) "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.

7) Flagpersons shall be required at the job site to assist the trucks in and out of the project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."

8) The permittee shall comply with all regulations set forth by the State of California,

9) Department of Motor Vehicles pertaining to the hauling of earth.

10) The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along streets in haul route.

11) A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.

12) Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.

13) The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.

14) The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.

26. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:

(i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

(ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

27. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been

implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

28. Construction Monitor. During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

    The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the PDFs and MMs within two businesses days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

29. Substantial Conformance and Modification. After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

    The Project shall be in substantial conformance with the PDFs and MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDF or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

30. **Human Remains Inadvertent Discovery.** In the event that human skeletal remains are encountered at the project site during construction or the course of any ground disturbance activities, all such activities shall halt immediately, pursuant to State Health and Safety Code Section 7050.5 which requires that no further ground disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event human skeletal remains are discovered during construction or during any ground disturbance actives, the following procedures shall be followed:

    a. Stop immediately and contact the County Coroner: 1104 North Mission Road Los

Angeles, CA 90033 323-343-0512 (8 a.m. to 5 p.m. Monday through Friday) or 323-343-0714 (After Hours, Saturday, Sunday, and Holidays).

b. If the remains are determined to be of Native American descent, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

c. The NAHC will immediately notify the person it believes to be the most likely descendent of the deceased Native American.

d. The most likely descendent has 48 hours to make recommendations to the Applicant, for the treatment or disposition, with proper dignity, of the human remains and grave goods.

e. If the Applicant does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

31. **Tribal Cultural Resource Inadvertent Discovery**. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

a. Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

b. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

c. The Applicant shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, reasonably concludes that the tribe's recommendations are reasonable and feasible.

d. The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

e. If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

f. The Applicant may recommence ground disturbance activities outside of a specified

radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

g. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

S-1.

(a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the Los Angeles Municipal Code (LAMC).

(b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

(c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.

(d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.

(e) That drainage matters be taken care of satisfactory to the City Engineer.

(f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.

(g) That any required slope easements be dedicated by the final map.

(h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.

(i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.

(j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

(k) That no public street grade exceeds 15 percent.

(l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 2010.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

(a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

(b) Make satisfactory arrangements with the Department of Traffic with respect to street name, warning, regulatory and guide signs.

(c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.

(d) All improvements within public streets, private streets, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

(e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements are either constructed prior to recordation of the final map or that the construction is suitably guaranteed:

(a) Construct on-site sewers to serve the tract as determined by the City Engineer.

(b) Construct any necessary drainage facilities.

(c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting.

1) Improvement Condition: Construct new street light: one (1) on Carlton Way. If street widening per BOE improvement conditions, relocate and upgrade street lights: seven (7) on Hollywood Blvd.

NOTES:
The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

(d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213) 847-3077 upon completion of construction to expedite tree planting.

(e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.

(f) Construct access ramps for the handicapped as required by the City Engineer.

(g) Close any unused driveways satisfactory to the City Engineer.

(h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 2010.

(i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

i. Improve Hollywood Boulevard being dedicated and adjoining the subdivision with the construction of a new 20-foot wide concrete sidewalk, including tree wells. Repair and or replace any broken, damaged/cracked concrete curb, and roadway pavement, including any necessary removal and reconstruction of existing improvements.

ii. Improve Carlton Way adjoining the subdivision with the repair and or replacement of any broken, damaged/cracked concrete curb, sidewalk and roadway pavement. Landscape the parkway, including any necessary removal and reconstruction of the existing improvements all satisfactory to the City Engineer.

iii. That Board of Public Works approval be obtained, prior to the recordation of the final map, the removal of any tree in the existing or proposed right-of-way area associated with improvements requirements outlined herein. The Bureau of Street Services, Urban Forestry Division is the lead agency for obtaining Board of Public Works approval for removal of such trees.

iv. Construct the necessary off-site and on-site sewers satisfactory to the City Engineer – Central District Office.

Notes:

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with Section 17.05 N of the Los Angeles Municipal Code (LAMC).

The final map must be recorded within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

Introduction

The City of Los Angeles (the "City"), as Lead Agency, has evaluated the environmental impacts of the 6000 Hollywood Boulevard Project by preparing an environmental impact report (EIR) ENV-ENV-2022-6688-EIR (State Clearinghouse No. 2023050659). The EIR was prepared in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq. (CEQA) and the California Code of Regulations Title 14, Division 6, Chapter 3 (the "CEQA Guidelines").

The 6000 Hollywood Boulevard Project EIR, consisting of the Draft EIR and Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the 6000 Hollywood Boulevard Project, located at 5950–6048 West Hollywood Boulevard, and 6037 West Carlton Way, within the Hollywood Community Plan area of the City of Los Angeles. The Project would demolish all existing improvements and uses on the Project Site for the construction of a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, and 4,038 square feet of restaurant uses. The proposed uses would be located within three primary buildings, Buildings A, B, and C, and 11 low-rise structures clustered in the center of the Project Site. Building A would be a 145,538 square-foot six-story office building with ground floor retail; Building B would be a 289,079 square-foot 35-story residential tower with 265 residential units; and Building C would be a 23,560 square-foot four-story residential building with 46 residential units. The 11 low-rise structures would range from two to four stories in height and would include a 4,038 square-foot two-story restaurant; 8,466 square feet of additional retail; and 39 residential townhomes. Upon completion, the Project would result in a total floor area of 501,185 square feet, for a Floor Area Ratio (FAR) of 3.1:1, and a maximum building height of 419 feet.

The Draft EIR was circulated for a 46-day public comment period beginning on November 7, 2023, and ending on December 23, 2023. A Notice of Availability (NOA) was distributed on November 7, 2023 to all property owners and occupants within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The NOA was also filed with the County Clerk on November 7, 2023. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Frances Howard Goldwyn-Hollywood Regional Library, and the Will & Ariel Durant Branch Library. A copy of the document was also posted online at https://planning.lacity.org/project-review/environmental-review/published-documents and was available for purchase on a USB through the Department of City Planning.

The Final EIR was then distributed on May 30, 2025. Notices regarding availability of the Final EIR were distributed to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). On June 20, 2025 a second notice was sent out to the same recipients, as well as interested parties.

The Associate Zoning Administrator certified the EIR on September 2, 2025 ("Certified EIR") in conjunction with the approval of the Project's entitlement case No. ZA-2022-6687-CUB-DB-SPR-VHCA. In connection with the certification of the EIR, the Zoning Administrator adopted CEQA findings, as well as a statement of overriding considerations and a mitigation monitoring program (MMP). The AZA adopted the MMP in the EIR as a Condition of Approval. All mitigation measures in the MMP are also imposed on the Project through Condition of Approval of ZA-2022-6687-CUB-DB-SPR-VHCA, to mitigate or avoid significant effects of the Project on the environment and to ensure compliance during implementation of the Project.

NO SUPPLEMENTAL OR SUBSEQUENT REVIEW IS REQUIRED

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

    A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

    B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

None of the above changes or factors have arisen and there are no substantial changes to the Project, and it is substantially the same as the approved project. No substantial changes have been identified to the surrounding circumstances, and no new information of substantial importance has been identified since the approval of the Project. There is no evidence of new or more severe significant impacts, and no new mitigation measures are required for the project.

Accordingly, there is no basis for changing any of the impact conclusions referenced in the certified EIR's CEQA Findings. Similarly, there is no basis for changing any of the mitigation measures referenced in the certified EIR's CEQA Findings, all of which have been implemented

as part of the conditions of approval. There is no basis for finding that mitigation measures or alternatives previously rejected as infeasible are instead feasible. There is also no reason to change the determination that the overriding considerations referenced in the certified EIR's CEQA Findings, and each of them considered independently, continue to override the significant and unavoidable impacts of the Project.

Therefore, as the Project was assessed in the previously certified EIR, and pursuant to CEQA Guidelines Section 15162, no supplement or subsequent EIR or subsequent mitigated negative declaration is required, as the whole of the administrative record demonstrates that no major revisions to the EIR are necessary due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect resulting from changes to the project, changes to circumstances, or the existence of new information. In addition, no addendum is required, as no changes or additions to the EIR are necessary pursuant to CEQA Guidelines Section 15164.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map (VTTM) No. VTT-83987, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision and merger of land is regulated pursuant to Article 7 of the LAMC. The LAMC implements the goals, objectives, and policies of the General Plan through zoning regulations. The zoning regulations contained within the LAMC regulate, but are not limited to, the maximum permitted density, height, parking, and the subdivision of land.

Pursuant to LAMC Section 17.05 C, tentative maps are to be designed in conformance with the tentative map regulations to ensure compliance with the various elements of the General Plan, including the Zoning Code. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B.

The Project will comply with all applicable zoning regulations as prescribed by the LAMC and/or as permissible by State law. The Project Site is comprised of 10 contiguous lots resulting in approximately 162,412 square feet of lot area (prior to dedication), including nine lots with 708 feet of frontage along Hollywood Boulevard (Hollywood Lot) and a single lot with 75 feet of frontage along Carlton Way (Carlton Lot).

The Project Site is located within the recently updated Hollywood Community Plan, which presently designates the Hollywood Lot for Regional Center Commercial land uses corresponding to the C2, C4, RAS3, and RAS4 Zones, and the Carlton Lot for High Medium Residential land uses corresponding to the [Q]R4 and R4 Zones. Based on the application date, the Project is vested under the zoning that was in effect prior to the adoption of the updated Hollywood Community Plan; therefore, the Hollywood Lot is vested under the C4-1-SN Zone and the Carlton Lot is vested under the [Q]R4-1VL Zone. As such, the zoning across the Project Site is consistent with the respective land use designations. The Project Site is also subject to and will comply with the provisions and regulations of the Hollywood Signage Supplemental Use District.

With regard to the Hollywood Lot, Height District 1, in conjunction with the C4 Zone, does not impose a maximum building height limitation and permits a maximum floor area ratio (FAR) of 1.5:1. The C4 Zone allows for a wide variety of residential and commercial uses including office, retail, and hotel uses, and limits density to one dwelling unit per 400 square feet of floor area, which allows a base density of 380 units on the Hollywood Lot. With regard to the Carlton Lot, Height District 1VL imposes a maximum building height of 45 feet. The R4 Zone allows a variety of single- and multi-family residential uses, churches, childcare facilities, schools, museums or libraries, retirement hotels, and accessory uses and home occupations. The Qualified "Q" Condition on the Carlton Lot, established under Ordinance No. 165,662 effective May 7, 1990, limits density to one dwelling unit per 600 square feet of lot area, which allows a base density of 18 units on the Carlton Lot. As such, the combined base density across the Project Site is 398 units.

Under concurrent Case No. ZA-2022-6687-CUB-DB-SPR-VHCA, the Project would seek a Density Bonus Compliance Review for a project totaling 350 dwelling units, including 44 dwelling units for Very Low Income households, with two On-Menu Incentives for: 1) an FAR increase on the Hollywood Lot from 1.5:1 to 3:1 and on the Carlton Lot from 3:1 to 4.05:1, and 2) averaging of FAR, density, parking, and open space, and permit vehicular access across the Project Site.

The Project would develop 501,185 square feet of new residential and commercial uses, including 350 apartment units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office, 22,542 square feet of retail/restaurant, and 894 vehicle parking spaces within three subterranean parking levels. All of the proposed uses are permitted by-right under the Project's vested zoning designations on the respective portions of the Project Site. In conjunction with the requested FAR averaging Incentive across the Project Site, the overall FAR would be approximately 3.1:1, with maximum building heights ranging from 44.5 feet on the Carlton Lot to 404 feet on the Hollywood Lot. Therefore, as proposed and in conjunction with the related entitlement requests, the Project's physical requirements relating to floor area, height, density and use would be consistent with the General Plan.

Pursuant to LAMC Section 17.06 B, a tentative map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. It is required to contain information regarding the boundaries of the Project Site, as well as the abutting public rights-of-ways, location of existing buildings, existing and proposed dedication, and improvements of the map. The VTTM was prepared by a Registered Professional Engineer and contains the required components, including the map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Additionally, LAMC Section 17.15 B requires that vesting tentative maps provide the proposed building envelope, height, size, and number of units, as well as the approximate location of buildings, driveways, and proposed exterior garden walls. The VTTM provides the building envelope, height, and approximate location of the building and driveways among other required map elements. Additionally, as part of the requested VTTM, the Project has been conditioned to meet the 2035 Mobility Plan and BOE recommendations, including dedication of a five-foot wide and variable-width strip of land to complete a 50-foot-wide half right-of-way in accordance with Avenue I standards of the LA Mobility Plan 2035.

Therefore, as conditioned, the proposed VTTM demonstrates compliance with LAMC Chapter 1 Sections 17.05 C and 17.06 B, and would be consistent with the intent and purpose of the General Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term "design" as follows: "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the "Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects."

LAMC Section 17.05 enumerates design standards for a tentative map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (net area). LAMC Sections 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the VTTM is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tentative map be designed in conformance with the zoning regulations of the Project Site. The recently updated Hollywood Community Plan designates the Hollywood Lot for Regional Center Commercial land uses corresponding to the C2, C4, RAS3, and RAS4 Zones, and the Carlton Lot for High Medium Residential land uses corresponding to the [Q]R4 and R4 Zones. The Hollywood Lot is vested under the C4-1-SN Zone and the Carlton Lot is vested under the [Q]R4-1VL Zone, and thus the zoning across the Project Site is consistent with the respective land use designations. With regard to the Hollywood Lot, Height District 1, in conjunction with the C4 Zone, does not impose a maximum building height limitation and permits a maximum FAR of 1.5:1. The C4 Zone allows for a wide variety of residential and commercial uses including office, retail, and hotel uses, and limits density to one dwelling unit per 400 square feet of floor area, which allows a base density of 380 units on the Hollywood Lot. With regard to the Carlton Lot, Height District 1VL imposes a maximum building height of 45 feet. The R4 Zone allows a variety of single- and multi-family residential uses, churches, childcare facilities, schools, museums or libraries, retirement hotels, and accessory uses and home occupations. The Qualified "Q" Condition on the Carlton Lot, established under Ordinance No. 165,662 effective May 7, 1990, limits density to one dwelling unit per 600 square feet of lot area, which allows a base density of 18 units on the Carlton Lot. As such, the combined base density across the Project Site is 398 units.

Under concurrent Case No. ZA-2022-6687-CUB-DB-SPR-VHCA, the Project would seek a Density Bonus Compliance Review for a project totaling 350 dwelling units, including 44 dwelling units for Very Low Income households, with two On-Menu Incentives for: 1) an FAR increase on the Hollywood Lot from 1.5:1 to 3:1 and on the Carlton Lot from 3:1 to 4.05:1, and 2) averaging of FAR, density, parking, and open space, and permit vehicular access across the Project Site.

The Project would develop 501,185 square feet of new residential and commercial uses,

including 350 apartment units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office, 22,542 square feet of retail/restaurant, and 894 vehicle parking spaces within three subterranean parking levels. All of the proposed uses are permitted by-right under the Project's vested zoning designations on the respective portions of the Project Site. In conjunction with the requested FAR averaging Incentive across the Project Site, the overall FAR would be approximately 3.1:1, with maximum building heights ranging from 44.5 feet on the Carlton Lot to 404 feet on the Hollywood Lot. Therefore, as proposed and in conjunction with the related entitlement requests, the Project's physical requirements relating to floor area, height, density and use would be consistent with the General Plan.

The design and layout of the VTTM is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to the Bureau of Engineering (BOE), Department of Building and Safety (LADBS) - Grading Division and Zoning Divisions, Bureau of Street Lighting, Department of Recreation and Parks, the Fire Department (LAFD), and the Department of Water and Power, that have the authority to make dedication, and/or improvement recommendations. These public agencies found the subdivision design satisfactory, with most agencies imposing improvement requirements and/or conditions of approval. Specifically, BOE requires dedications and improvements to the public rights-of-ways along Hollywood Boulevard and Carlton Way in accordance with the City's Mobility Element of the General Plan. Additionally, an existing mid-block, signaled pedestrian crossing on Hollywood Boulevard in front of the Project Site shall be replaced with two separate signaled pedestrian crosswalks across Hollywood Boulevard, to the approval of the Department of Transportation. All necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. Sewers are available and have been inspected and although further detail gauging and evaluation were deemed necessary, it was estimated that they may accommodate the total flow for the proposed Project.

In a memo dated July 25, 2023, LADBS - Grading Division determined that geology/soils reports are not required prior to Planning approval of the VTTM as the property is located outside of a City of Los Angeles Hillside Area; is exempt or located outside of a State of California liquefaction, earthquake induced landslide, or fault rupture hazard zone; and, does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards. The Bureau of Street Lighting has determined that street lighting improvements are necessary on Carlton Way. Fire and traffic access have been reviewed and deemed appropriate.

Additionally, Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the VTTM, building permit, grading permit, or certificate of occupancy. Therefore, as conditioned, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project would involve demolishing all the existing improvements, including an auto dealership and accompanying surface parking, for the development of 501,185 square feet of new residential, office, retail, and restaurant uses on a 3.7-acre site, for a maximum FAR of approximately 3.1:1 as averaged across the Project Site. The Project proposes 350 apartment units in a 35-story tower, 136,000 square feet of office space, 22,542

square feet of retail/restaurant space, and 894 vehicle parking spaces within three subterranean parking levels.

The Project Site is physically suitable for the proposed type of development, as it would be an infill mixed-use residential and commercial development located within a heavily urbanized area that is developed with a similar scale and variety of uses. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide Zone, Liquefaction Zone, Tsunami Inundation Zone, or any other special hazard zone.

According to a memo from LADBS - Grading Division, dated July 25, 2023, a Geology and Soils Report for the subject VTTM is not required prior to Planning approval of the VTTM, as the Project Site is located outside of a City of Los Angeles Hillside Area and does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

The Project Site has a long history of automotive related uses, including the current auto dealership and past auto repair and gas station uses. A Phase I Environmental Site Assessment (ESA) and Phase II ESA were prepared for the Project to evaluate potential impacts relative to hazards and hazardous materials. The Site was identified on the Facility Index System/Facility Registry System (FINDS), the Enforcement and Compliance History Information (ECHO), and the Hazardous Waste Tracking System (HWTS) databases due to being a hazardous waste generator, chemical storage facility, aboveground petroleum storage facility, a Risk Management Plan (RMP) Reporter, and on the Used Oil Program. The Project Site was also identified on the historical Underground Storage Tank (UST) database with five USTs. Further, the ESA's review of nearby properties identified USTs, potential use of solvents, historic photofinishing and film developing occupancies, historic print shop, and know use of PCE. However, the property is not located within a mapped Methane Zone or Methane Buffer Zone, and the conducted soil and soil gas assessment conducted as part of the Phase II ESA determined that soil and soil gas was not anticipated to pose significant risk to human health, construction cost, or explosion hazard, nor were methane mitigation improvements necessary per the LADBS Mitigation Requirements for Methane Buffer Zones. With implementation of appropriate hazardous materials management protocols at the Project Site and continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials during construction, as well as implementation of the Mitigation Monitoring Program, the Project would not be likely to cause serious public health problems.

In addition, prior to the issuance of any permits, the Project would be reviewed and approved by LADBS and the Fire Department to ensure compliance with building, fire, and safety codes. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur.

The Project Site is located within the recently updated Hollywood Community Plan area, which designates the Hollywood Lot for Regional Center land uses and the Carlton Lot for

High Medium Residential land uses. The Project Site, however, is vested under the C4-1-SN and [Q]R4-1VL Zones, respectively, which are nevertheless consistent with the land use designations. As previously mentioned, the C4 and R4 Zones allow the proposed commercial FAR and residential density in conjunction with the Density Bonus Affordable Housing Incentive Program request, and the Project is consistent with all other applicable zoning regulations.

The Project reflects the ongoing evolution of the neighborhood, particularly along the commercial corridors such as Hollywood Boulevard, which has been transitioning from highway-oriented uses such as the existing automotive dealership with large surface parking lots, to denser mixed residential and commercial uses with subterranean and/or podium parking incorporated into the new construction. The area is easily accessible via improved streets and highways, including the US-101 freeway located approximately 730 feet east of the Project Site, as well as the Hollywood/Vine Station of the Metro B subway line located approximately 0.25 miles west of the Project Site. The Project Site is a predominantly flat, infill lot in a developed urban area with adequate infrastructure. As proposed, the three main components of the Project would be located on the Hollywood Lot and include a six-story office and retail building to the west, rising to a maximum height of 113 feet, a 35-story residential tower on the eastern portion of the Site, rising to a maximum height of 404 feet, and a low-rise residential village interspersed between. The Carlton Lot would include a four-story residential building with a maximum height of 44.5 feet, similar in scale to other existing mid-rise multi-family residential complexes along Carlton Way. Overall, the Project's floor area, density, and massing are appropriately scaled and situated given these uses in the surrounding area. There are no special circumstances that would preclude the proposed density on the subject property. Therefore, the Project Site is physically suitable for the proposed density of development.

(e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project Site is situated in a dense urban area and is currently entirely developed with existing buildings and associated surface parking. Landscaping within the Project Site includes ornamental trees and shrubs, including a total of 15 on-site trees and 18 street trees in the public right-of-way immediately abutting the Project Site, none of which are considered to be protected by the City of Los Angeles Protected Tree and Shrubs Ordinance. The Project Site does not contain wetlands or riparian areas or have significant value as a wildlife habitat, and implementation of the Project would not harm protected species. There are no natural open spaces with water courses such as streams or lakes within and/or directly adjacent to the Project Site and the Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act. Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area, as defined by the City, and are not within or near a designated Significant Ecological Area. The Project Site does not act as a wildlife corridor, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. The existing 33 trees within and surrounding the Project Site would be removed. In accordance with City requirements, non-protected tree species located on-site would be replaced at a 1:1 ratio, and street trees would be replaced at a 2:1 ratio. The Project would also comply with the LAMC planting requirement of 1 tree per 4 residential units, with the inclusion of 88 on-site trees.

As the Project Site has long been entirely developed and minimal ornamental landscaping and is surrounded by similar development in a heavily urbanized area, it does not possess significant value as habitat. Therefore, the design of the subdivision would not cause

substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code, etc.) and the Building Code. Other health and safety-related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management, etc.).

The VTTM subdivision design is for a single ground lot and nine airspace lots, in conjunction with the development of a mixed-use campus with residential, office, retail, and restaurant uses. The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering (BOE), LADBS - Grading Division and Zoning Division, Bureau of Street Lighting, Bureau of Street Services - Urban Forestry Division, and Department of Recreation and Parks, that have the authority to make dedication, and/or improvement recommendations. These public agencies found the subdivision design satisfactory, with imposed improvement requirements and/or conditions of approval. Specifically, the LADBS - Grading Division has reviewed the VTTM prepared for the Project and has determined that geology/soils reports are not needed as the Project is not located within a Hillside Area, Liquefaction Zone, or earthquake hazard zone.

As discussed above in Finding (c), the Project Site has a long history of automotive related uses, including the current auto dealership and past auto repair and gas station uses. A Phase I ESA and Phase II ESA were prepared for the Project to evaluate potential impacts relative to hazards and hazardous materials. The Site was identified on the FINDS, ECHO, and HWTS databases due to being a hazardous waste generator, chemical storage facility, aboveground petroleum storage facility, a RMP Reporter, and on the Used Oil Program. The Project Site was also identified on the historical UST database with five USTs. Further, the ESA's review of nearby properties identified USTs, potential use of solvents, historic photofinishing and film developing occupancies, historic print shop, and know use of PCE. However, the property is not located within a mapped Methane Zone or Methane Buffer Zone, and the conducted soil and soil gas assessment conducted as part of the Phase II ESA determined that soil and soil gas was not anticipated to pose significant risk to human health, construction cost, or explosion hazard, nor were methane mitigation improvements necessary per the LADBS Mitigation Requirements for Methane Buffer Zones. With implementation of appropriate hazardous materials management protocols at the Project Site and continued compliance with all applicable local, state, and federal laws and regulations relating to environmental protection and the management of hazardous materials during construction, and the implementation of the Mitigation Monitoring Program, the Project would not be likely to cause serious public health problems. Specifically, a Soils Management Plan has been incorporated as Mitigation Measure MM-HAZ-1, wherein, in the event that hazardous materials are discovered during the construction phase, the transport and disposal of any hazardous materials and soil shall obtain approval from LAFD and LADBS. In addition, prior to the issuance of any permits, the Project would be reviewed and approved by LADBS and LAFD to ensure compliance with building, fire, and safety codes

Additionally, the Project Site is not located in a Very High Fire Hazard Severity Zone,

Alquist Priolo Zone, Fault Rupture Study Area, Flood Zone, Landslide, Liquefaction, or Tsunami Inundation Zone, and the subdivision and proposed improvements would not result in serious public health problems related to seismic safety.

Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management). Any potentially hazardous materials used during operation would be minimal and used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations, and any associated risk would be adequately reduced through compliance with applicable standards and regulations.

Further, the Project would be adequately served by existing utilities, and the Project Applicant has paid, or committed to pay, all applicable in-lieu fees. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which meets statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the Project. Moreover, as required by LAMC Section 64.15, further detailed gauging and evaluation will be conducted as part of the required building permit process for the Project, including the requirement to obtain final approval of an updated Sewer Capacity Availability Report demonstrating adequate capacity. In addition, Project-related sanitary sewer connections and on-site water and wastewater infrastructure will be designed and constructed in accordance with applicable LASAN and California Plumbing Code standards.

No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

(g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no sanitation easements within the proposed VTTM. There are no other recorded instruments identifying easements encumbering the subdivision for the purpose of providing public access. The Project Site is surrounded by public streets and private properties that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the site. Needed public access for utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Applicant has submitted a Preliminary Solar Access Report. As conditioned, the Applicant will be required to submit a Final Solar Access

Report with the information regarding architectural design and other design and improvement requirements prior to the issuance of building permits for the Project.

The Project Site is irregular in shape with an east/west long axis, which is conducive for passive solar heat gain from the south and fair for the prevailing wind. The design of the subdivision includes concrete and frame construction, the former of which will lend itself to some passive heat storage. The buildings' colors may be light, which tends to reduce cooling loads. While no formal passive features are contemplated at this time, Title 24 regulations, mandate many passive features and devices such as an optimized building envelope that utilizes high-performance insulation and minimizes air leakage to prevent drafts and reduce energy waste. Prior to obtaining a building permit, the Applicant will consider additional building construction techniques, to further reduce energy needs for heating or cooling.

Therefore, the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

These findings shall apply to both the tentative and final maps for VTTM No. 83987.

VINCENT P. BERTONI, AICP
Advisory Agency

Jason McCrea, City Planner
Deputy Advisory Agency

Note: This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.

An appeal may be filed utilizing the following options:

Online Application System (OAS): The OAS (https://planning.lacity.gov/oas) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

Drop off at DSC. Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has

established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at http://planning.lacity.gov/development-services/forms. Public offices are located at:

Metro DSC	Van Nuys DSC
201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050
South LA DSC	**West LA DSC**
(In person appointments available on Tuesdays and Thursdays 8am-4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's BuildLA portal (appointments.lacity.gov). The applicant is further advised to notify any consultant representing you of this requirement as well.

QR Code to Online Appeal Filing

QR Code to Forms for In-Person Appeal Filing

QR Code to BuildLA Appointment Portal for Condition Clearance

EXHIBIT "A"
Page No. 1 of 3
Case No. VTT-83987

VESTING TENTATIVE TRACT MAP No.83987

FOR SUBDIVISION, RESIDENTIAL UNITS, AND COMMERCIAL UNIT PURPOSES

LEGAL DESCRIPTION:
(FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NO.: NCS-1088072-ONT1 DATED OCTOBER 12, 2021.)
PARCEL 1:

LOTS 2, 3, 4, 5, 6 AND 15 OF MOUNT VIEW TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE 56 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE WEST 23 FEET OF THE SOUTH 20 FEET OF LOT 2.

PARCEL 2:

LOT 7 OF MOUNT VIEW TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE 56 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 3:

LOT 8 OF MOUNT VIEW TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE 56 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 4:

LOT 7 OF THE BROKAW TRACT NO. 2, HOLLYWOOD, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE 67 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF BROKAW PLACE AS VACATED BY RESOLUTION NO. 09-1400988, RECORDED JUNE 1, 2009 AS INSTRUMENT NO. 09-0809494 OFFICIAL RECORDS, THAT WOULD PASS THROUGH A LEGAL CONVEYANCE OF SAID LAND.

PARCEL 5:

LOT 8 OF THE BROKAW TRACT NO. 2, HOLLYWOOD, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE 67 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ASSESSOR'S PARCEL NUMBER: 5545-005-005, 5545-005-022, & 5545-006-029

EXCEPTIONS:
(FIRST AMERICAN TITLE INSURANCE COMPANY POLICY NO.: NCS-1088072-ONT1 DATED OCTOBER 12, 2021.)

1. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2021-2022, A LIEN NOT YET DUE OR PAYABLE.
2. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
3. AN AGREEMENT OR COVENANT TO HOLD LAND AS ONE PARCEL RECORDED JUNE 29, 1950 AS INSTRUMENT NO. 2229, IN BOOK 33540, PAGE 215 OF OFFICIAL RECORDS.
(AFFECTS LOTS 2 & 3 IN PARCEL 1, BLANKET IN NATURE)
4. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT" RECORDED AUGUST 08, 1952 AS INSTRUMENT NO. 3048 OF OFFICIAL RECORDS.
(AFFECTS LOTS 7 & 8 IN PARCELS 4 AND 5, BLANKET IN NATURE)
5. 12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT" RECORDED JANUARY 28, 1955 AS INSTRUMENT NO. 3636 OF OFFICIAL RECORDS.
(AFFECTS PARCELS 4 AND 5 BUT BLANKET IN NATURE)
6. 13. AN OFFER OF DEDICATION FOR PUBLIC STREET OR HIGHWAY AND INCIDENTAL PURPOSES, RECORDED JUNE 08, 1970 AS INSTRUMENT NO. 162 OF OFFICIAL RECORDS.
TO: CITY OF LOS ANGELES
(AFFECTS PARCELS 1, 2 AND 3)

SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED JANUARY 20, 1971 AS INSTRUMENT NO. 1629 OF OFFICIAL RECORDS.

7. A DEED OF TRUST TO SECURE AN ORIGINAL INDEBTEDNESS OF $12,000,000.00 RECORDED JANUARY 29, 2009 AS INSTRUMENT NO. 20090120192 OF OFFICIAL RECORDS. DATED: JANUARY 27, 2009
TRUSTOR: HOLLYWOOD MOTOR PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
TRUSTEE: CHICAGO TITLE COMPANY
BENEFICIARY: COMERICA BANK, A TEXAS BANKING ASSOCIATION
(AFFECTS ALL PARCELS)

A DOCUMENT ENTITLED "ASSIGNMENT OF LESSOR'S INTEREST IN LEASE AND TENANT SUBORDINATION" RECORDED JANUARY 29, 2009 AS INSTRUMENT NO. 20090120183 OF OFFICIAL RECORDS, AS ADDITIONAL SECURITY FOR THE PAYMENT OF THE INDEBTEDNESS SECURED BY THE DEED OF TRUST.

A DOCUMENT RECORDED APRIL 03, 2014 AS INSTRUMENT NO. 20140330733 OF OFFICIAL RECORDS PROVIDES THAT THE DEED OF TRUST OR THE OBLIGATION SECURED THEREBY WAS BEEN MODIFIED.

A DOCUMENT RECORDED MARCH 05, 2019 AS INSTRUMENT NO. 20190192686 OF OFFICIAL RECORDS PROVIDES THAT THE DEED OF TRUST OR THE OBLIGATION SECURED THEREBY WAS BEEN MODIFIED.

A DOCUMENT RECORDED APRIL 02, 2019 AS INSTRUMENT NO. 20190283710 OF OFFICIAL RECORDS, PROVIDES THAT THE OBLIGATION SECURED BY THE DEED OF TRUST WAS ASSUMED BY 6000 HOLLYWOOD BOULEVARD ASSOCIATES, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

8. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ENVIRONMENTAL WARRANTY AND INDEMNIFICATION AGREEMENT" RECORDED JANUARY 29, 2009 AS INSTRUMENT NO. 20090120194 OF OFFICIAL RECORDS.
(AFFECTS ALL PARCELS)
9. THE RIGHTS, IF ANY, OF A CITY, PUBLIC UTILITY OR SPECIAL DISTRICT TO PRESERVE A PUBLIC EASEMENT IN BROKAW PLACE AS THE SAME WAS VACATED BY THE DOCUMENT RECORDED JUNE 01, 2009 AS INSTRUMENT NO. 20090803464 OF OFFICIAL RECORDS.
(AFFECTS PARCEL 4, PLOTTED HEREON)
10. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
11. RIGHTS OF HOLLYWOOD MOTOR CARS, LLC, AS TENANT, UNDER AN UNRECORDED LEASE WITHOUT AN OPTION TO PURCHASE OR RIGHT OF FIRST REFUSAL.
12. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH WOULD BE DISCLOSED BY A CORRECT ALTA/NSPS SURVEY.

LEGEND

APN	ASSESSORS PARCEL NUMBER		ASPHALT PAVEMENT
BFV	BACK-FLOW VALVE	CB	CATCH BASIN
BI	BRASS INLET		CENTER LINE
DWY	DRIVEWAY		CONCRETE PAVEMENT
EPB	ELECTRIC PULL BOX	E	ELECTRIC MANHOLE
FF	FINISH FLOOR	EPB	ELECTRIC PULL BOX
FL	FLOW LINE		FIRE DEPARTMENT CONNECTION
FS	FINISH SURFACE		
HCR	HANDICAP RAMP	FDC	FIRE HYDRANT
INV	INVERT		FOUND MONUMENT
NG	NATURAL GROUND	GM	GAS METER
OT	OVERHANG TOP	GV	GAS VALVE
TC	TOP OF CURB		GATE
TOP	TOP OF STRUCTURE	GL	GROUND LIGHT
TYP	TYPICAL		GUARD POST
	EDGE OF PAVEMENT		GUY WIRE

UTILITY STATEMENT

THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

BENCH MARK

ELEVATIONS SHOWN HEREON ARE BASED UPON CITY OF LOS ANGELES BENCH MARK 12-19828, ELEVATION 352.779 FEET (NAVD 88).

DESCRIPTION:
WHE SPK IN E E CURB GOWER ST; 2.8FT N OF BC CURB RETURN N OF SUNSET BLVD; S END OF CULVERT INLET.

PREPARED UNDER THE DIRECTION OF:

10/28/2024
CHRISTOPHER JONES, PLS 8193
chris jones@kpff.com

LICENSED LAND SURVEYOR CHRISTOPHER M. JONES No.8193 STATE OF CALIFORNIA

ZONING RESTRICTIONS

NOTE: INDICATED ZONING INFORMATION ARE FROM THE CITY OF LOS ANGELES ZONING ORDINANCES IN EFFECT AS OF THE DATE OF THIS SURVEY.
ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AT THE PUBLIC COUNTER OF THE ABOVE NAMED DEPARTMENT. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE REPRESENTATION OF COMPLEX ZONING ORDINANCES. COMPLIANCE IS BEYOND THE SCOPE OF THE SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

ZONE: C4-1-SN ("D"-COMMERCIAL ZONE)
[Q]R4-1VL ("R4"-MULTIPLE DWELLING ZONE)

SITE INFORMATION

SITE ADDRESS: 6000 HOLLYWOOD BLVD
LOS ANGELES, CA 90028

ASSESSOR'S PARCEL NOS.: 5545-005-005, 5545-005-022, & 5545-006-029

BASIS OF BEARINGS

THE BEARING OF N 89°48'00" E OF THE CENTERLINE OF HOLLYWOOD BLVD, AS SHOWN ON THE MAP OF MOUNT VIEW TRACT FILED IN BOOK 2, PAGES 56, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY

FLOOD NOTE: By graphic plotting only, this property is in Zone "X" of the Flood Insurance Rate Map, panel No. 06037C1605F, Panel dated September 26, 2008. This property is not located in an area where Flood Hazards exist as determined by FEMA. By telephone call to the National Flood Insurance Program (800-638-8620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

GENERAL NOTES

THIS PROJECT CONSISTS OF 1 GROUND LOT AND 9 AIRSPACE LOTS.
(CONSISTS OF 350 RESIDENTIAL UNITS & 24,366 SQ. FT. OF COMMERCIAL SPACE)

(#) . . . EASEMENT DRAFTED HEREON

DISTRICT MAP: 148-5A189 & 148-5A191

COMMUNITY PLAN AREA: HOLLYWOOD

AREA PLANNING COMMISSION: CENTRAL

CERTIFIED NEIGHBORHOOD COUNCIL: HOLLYWOOD STUDIO DISTRICT

THOMAS BROS. GUIDE: PAGE 593 - GRID G4

EXISTING UTILITIES: UNDERGROUND UTILITIES SHOW HERE ON WERE OBTAINED FROM CITY SUBSTRUCTURE MAPS OBTAINED ON THE NAVIGATE LA WEBSITE. CERTAIN UTILITIES SUCH AS TRAFFIC SIGNAL LINES AND ABANDONED LINES MAY NOT BE SHOWN HEREON.

PROPOSED UTILITIES: SEWAGE AND DRAINAGE WILL BE PROVIDED BY THE CITY OF LOS ANGELES INFRASTRUCTURE SYSTEMS.

LOT CONFIGURATIONS AND SIZES ARE APPROXIMATE IN NATURE AND WILL BE FINALIZED DURING THE FINAL MAP PHASE.

FINAL ELEVATION LIMITS FOR AIRSPACE LOTS TO BE DETERMINED BY APPROVED ARCHITECTURAL PLANS.

WE RESERVE THE RIGHT TO CONSOLIDATE LOTS.

PROPOSED RECIPROCAL INGRESS/EGRESS EASEMENTS (IF ANY) ARE YET TO BE DETERMINED.

ALL EXISTING BUILDINGS ARE TO BE REMOVED UNLESS NOTED OTHERWISE.

REQUEST IS MADE FOR A HAUL ROUTE.

ZONING AND LAND USE DESIGNATIONS (EXISTING AND PROPOSED):
SITE IS NOT LOCATED IN A METHANE BUFFER AND METHANE ZONE.
THE SITE IS NOT LOCATED IN A LIQUEFACTION ZONE
EXISTING: C4-1-SN & [Q]R4-1VL
THIS PROJECT DOES NOT EXIST WITHIN A METHANE & LIQUEFACTION ZONE
GENERAL PLAN: HIGHWAY ORIENTED COMMERCIAL & HIGH MEDIUM RESIDENTIAL
PROPOSED: NO CHANGE
ZONING INFORMATION OBTAINED PER CITY OF LOS ANGELES WEB SITE SEPTEMBER 8, 2022
http://zimas.lacity.org/

STREET DESIGNATIONS:
HOLLYWOOD BLVD - AVENUE I
BRONSON AVE - MODIFIED AVENUE III
CARLTON WAY - LOCAL STREET
GOWER ST - MODIFIED AVENUE III

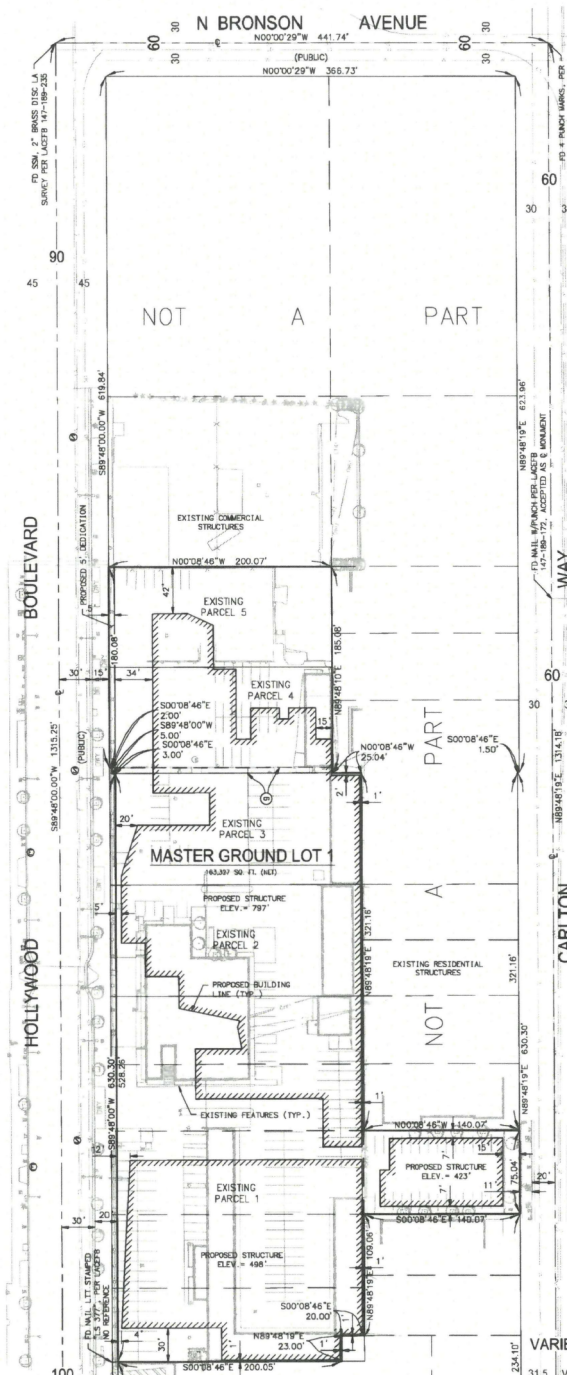
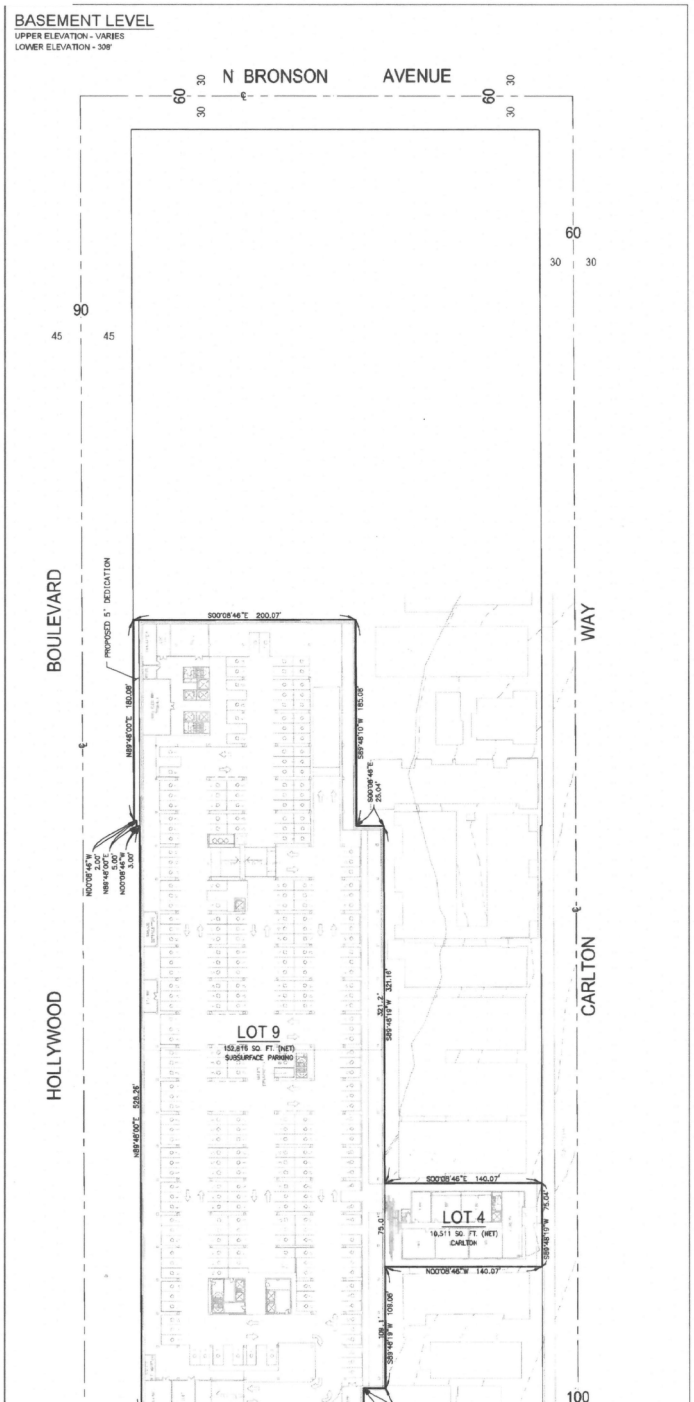
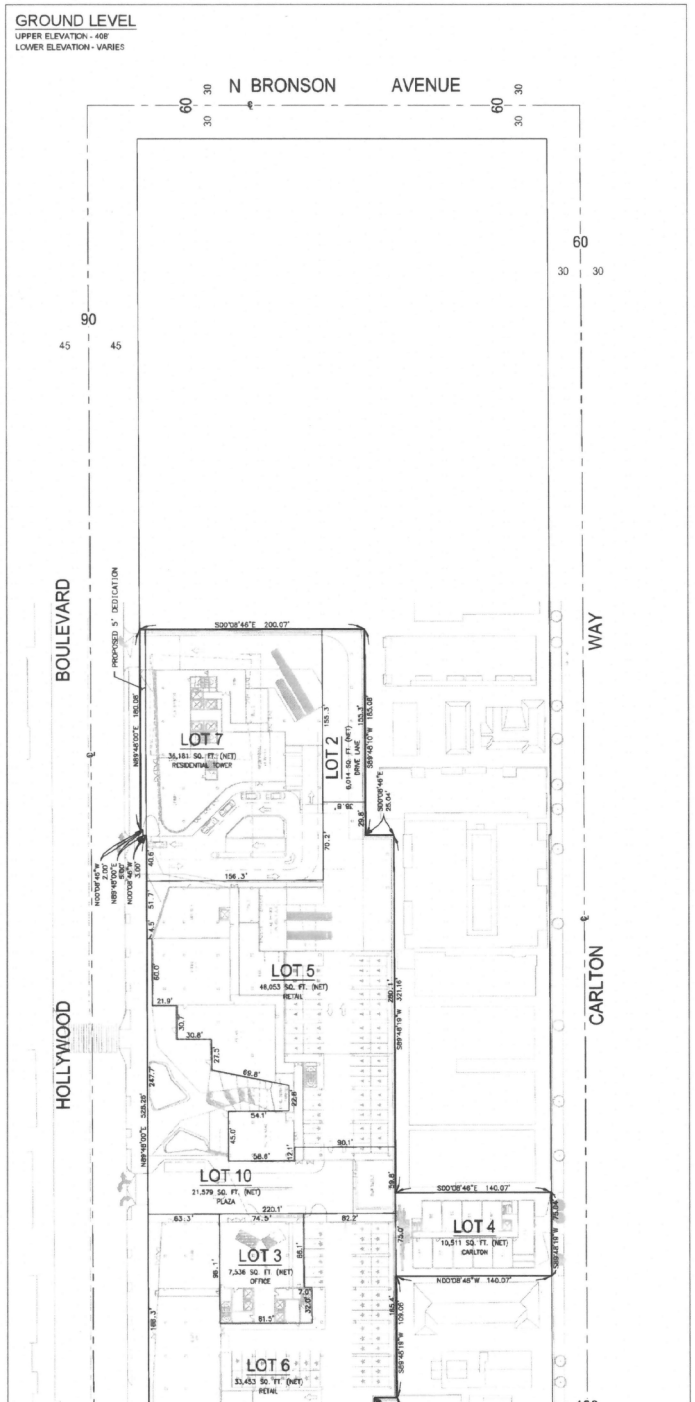


EXHIBIT "A"
Page No. 2 of 3
Case No. VTT-83987

VESTING TENTATIVE TRACT MAP No.83987





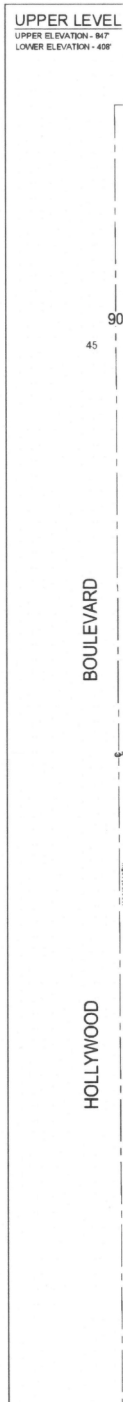


EXHIBIT "A"
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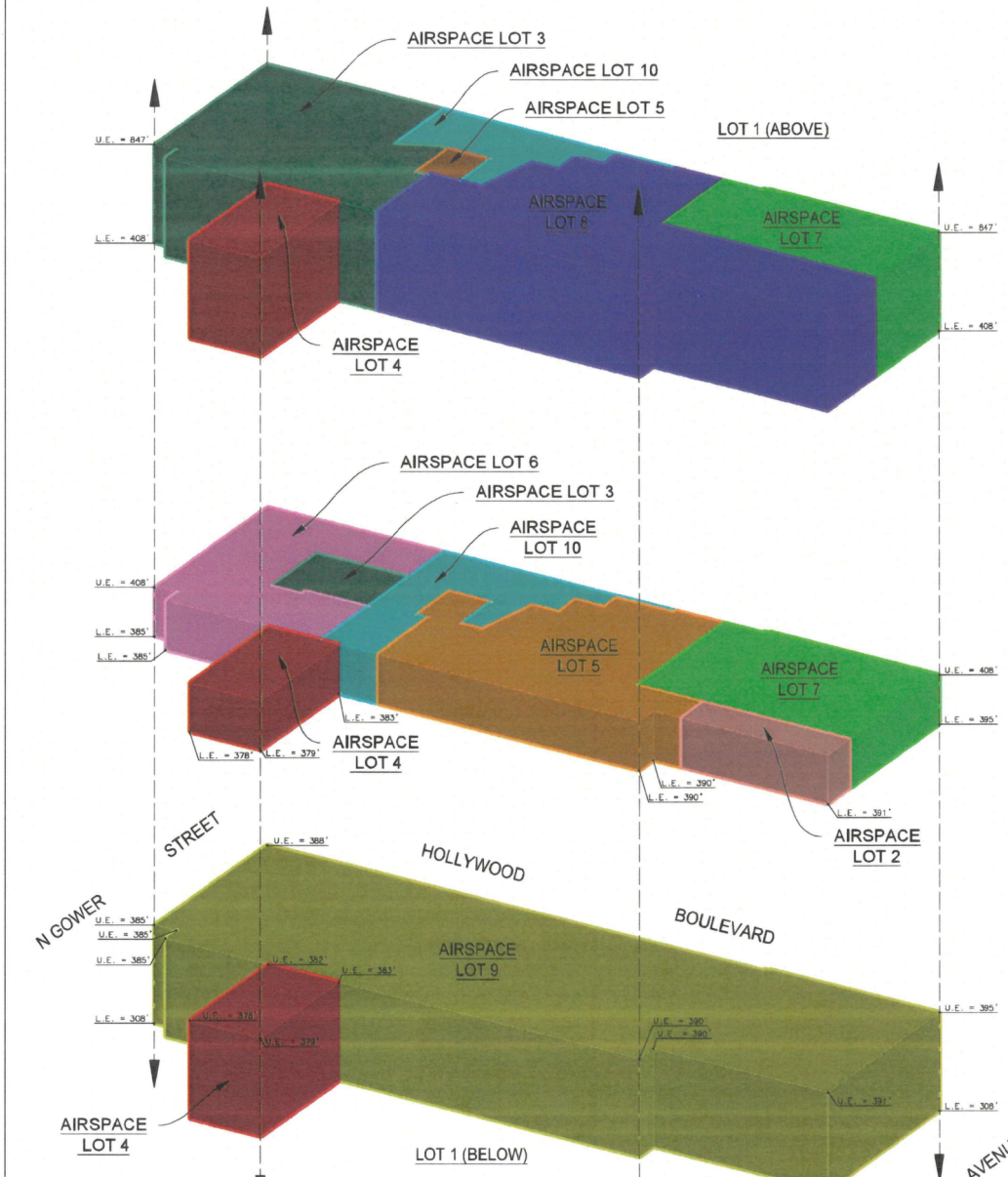
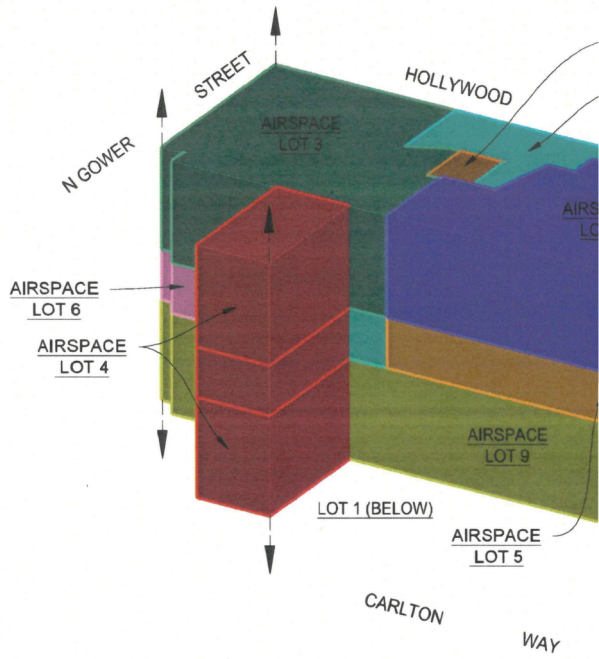
Case No. VTT-83987

VESTING TENTATIVE TRACT MAP No.83987

ABBREVIATIONS
U.E. UPPER ELEVATION
L.E. LOWER ELEVATION





eyestone ENVIRONMENTAL

MEMORANDUM

TO: Hearing Officer
Deputy Advisory Agency

FROM: Eyestone Environmental

SUBJECT: 6000 Hollywood Boulevard Project—Response to Comments on the Environmental Case No. ENV-2022-6688-EIR

DATE: August 26, 2025

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the 6000 Hollywood Boulevard Project (Project). The Draft EIR was circulated for public review and comment from November 7, 2024 through December 23, 2024. Following public review of the Draft EIR, the City published a comprehensive Final EIR on May 29, 2025, which included responses to each comment within the five written comment letters received on the Draft EIR during the public comment period.[1]

A public hearing for the Project with the Deputy Advisory Agency and Hearing Officer was held on July 16, 2025. After business hours on July 15, 2025, less than 24 hours prior to the hearing, the City received an additional letter from Adams Broadwell Joseph & Cardozo on behalf of CREED LA (the CREED Letter). The CREED Letter is included as Attachment A to this memorandum. Under CEQA, a Lead Agency is not required to provide responses to comments submitted after the close of the Draft EIR comment period. Although not required, this response is being provided in order to ensure that the decision-makers are provided as much information as possible regarding the proposed Project.

Many of the comments from CREED made at the hearing are related to the merits of the Project and are not issues directly relevant to the EIR.

Responses to environmental assertions made in the CREED Letter are provided below. None of the comments made at the hearing or in the CREED Letter alter the conclusions or analysis that was set forth in the EIR. Additionally, none of the comments that have been

[1] Due to a noticing error, a Notice of Rescheduled Public Hearing & Availability of Final Environmental Impact Report was sent on June 1, 2025. However, as noted here, the Final EIR was available for public review beginning on May 29, 2025.

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MEMORANDUM

received constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Specifically, none of the comments received disclose any new significant impacts or a substantial increase in the severity of an impact already identified in the EIR, nor do the comments contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible alternative or mitigation measure that the Applicant has declined to adopt.

Comment Letter No. 1

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Comment No. 1

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding the 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) ("Project"). The Project will be considered as Agenda Item 1 at the City of Los Angeles ("City") Deputy Advisory Agency and Zoning Administrator hearing on July 16, 2025.

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CREED LA submitted comments on the Draft Environmental Impact Report ("DEIR") prepared by the City on December 23, 2024, during the public comment period. CREED LA's comments demonstrated that the DEIR failed to comply with the requirements of the California Environmental Quality Act ("CEQA").[1] The City released the Final EIR ("FEIR") in advance of this hearing. We reviewed the FEIR with the assistance of air quality expert Dr. James Clark[2] and noise expert Patrick Faner,[3] and conclude that the FEIR includes significant new information, fails to adequately respond to comments, and still fails to comply with CEQA's disclosure and mitigation requirements.

Recirculation of an EIR is required when significant new information is added after the DEIR is circulated for public review but before certification of the FEIR.[4] In particular, the FEIR describes substantial changes to the Project's design that may result in new or more severe environmental and public health impacts than previously analyzed. The original Project design required 40 feet of below ground surface ("bgs") excavation for the building foundations. The Project design was subsequently revised, and is now described in the FEIR to require excavation 48 feet bgs, which will result in deeper excavation into contaminated soil than was analyzed in the DEIR. The DEIR's Phase II ESA found significant contamination from volatile organic compounds ("VOCs") at 40 feet bgs at boring 9, and identified PCE contamination levels increasing in severity with increased depth at borings 9 and 10.[5] However, the DEIR did not examine Project excavation at 48 feet, and therefore lacks analysis or mitigation for the increased VOC releases that would occur at greater soil depths. The Project's increased excavation depth creates a new potential for exposure to soil contamination that was not analyzed in the DEIR or FEIR, and is not adequately addressed by the measures in the proposed Mitigation Monitoring and Reporting Program ("MMRP"). The increased excavation also would result in increased air quality and public health impacts not disclosed in the FEIR. These impacts require additional analysis and mitigation in a recirculated EIR.

The FEIR also fails to meaningfully address significant impacts identified in CREED LA's comments. Dr. Clark demonstrates that the FEIR's health risk analysis ("HRA") contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[6] The FEIR also fails address the Project's combined impacts with other nearby construction projects, which would impact a community ranking in the 99.3 percentile in the

State for diesel particulate matter pollution.[7] The FEIR also fails to acknowledge greenhouse gas and energy impacts associated with the large amount of parking proposed by the Project. Finally, the FEIR fails to resolve significant noise impacts demonstrated by Mr. Faner. Recirculation of the EIR is necessary to address these issues.

Several other discretionary approvals are required to implement the Project, including a Vesting Tentative Tract Map pursuant to LAMC Section 17.15, Site Plan Review pursuant to LAMC Section 16.05, Density Bonus Compliance Review pursuant to LAMC Section 12.22 A.25, and a Conditional Use Permit pursuant to LAMC Section 12.24 W.1 (collectively, "Approvals"). Due to the Project's inadequate environmental review, the City cannot make the requisite findings to approve the Project Approvals under the City's municipal code or Subdivision Map Act, or to certify the FEIR or adopt a statement of overriding considerations pursuant to CEQA.[8]

CREED LA urges the Deputy Advisory Agency and Zoning Administrator to require the City to revise and recirculate the EIR to comply with CEQA before any further action is taken on the Project. CREED LA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.[9]

1 PRC § 21100 et seq.

2 Dr. Clark's technical comments and curricula vitae are attached hereto as Exhibit A.

3 Mr. Faner technical comments and curricula vitae are attached hereto as Exhibit B.

4 14 CCR §15088.5(a).

5 DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.

6 Clark Comments, pg. 3.

7 DEIR, Appendix B, PDF pg. 54.

8 Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

Response to Comment No. 1

This introductory comment summarizes the claims within the letter and its exhibits and requests recirculation. Refer to Response to Comment Nos. 2 through 40 below for a discussion of the claims made by the commenter and their technical consultants. As

demonstrated therein, the EIR was prepared in accordance with the requirements of CEQA and the commenter has failed to provide substantial evidence that recirculation is required.

Comment No. 2

I. STATEMENT OF INTEREST

CREED LA is non-profit organization formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The organization's members includes Los Angeles residents Thomas Brown, John Bustos, Gery Kennon, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and Los Angeles County.

Individual members of CREED LA live in the City of Los Angeles, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation

to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

Response to Comment No. 2

This comment consisting of the commenter's statement of interest is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 3

II. THE FEIR DOES NOT COMPLY WITH CEQA

A. The FEIR Still Fails to Adequately Analyze the Project's Potentially Significant Geotechnical Impacts

CREED LA's prior comments demonstrated that the DEIR failed to analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. CREED LA explained that the City violated CEQA by improperly deferring analysis until after Project approval and failing to support its conclusion that impacts would be less than significant.

In response, the FEIR alters the Project by moving the entire Project 13.5 feet south and deepening the foundation.[10] The FEIR states that, due to these changes, "Appendix FEIR-2 confirms that the Project would not result in significant impacts related to surcharge of the Metro tunnel.[11] This conclusion is not supported by substantial evidence in the record. Appendix FEIR-2 is a one-page letter presenting the consultant's bare conclusions, without any supporting technical analysis. Thus, the City still lacks substantial evidence to conclude that geotechnical impacts on the Metro tunnel would be less than significant.

The FEIR also claims that its lack of analysis of geotechnical impacts on the Metro tunnel does not constitute impermissibly deferred mitigation because the Project's design is not finalized, and the City would continue to coordinate with Metro.[12] The City misunderstands CREED LA's comment and the legal standard for impact analysis. By deferring analysis of geotechnical impacts to a post-approval phase, the FEIR violates CEQA's threshold requirement that an EIR disclose the severity of a project's impacts and the probability of their occurrence before a project can be approved.[13] In *Sundstrom v. County of*

Mendocino,[14] the First District Court of Appeal rejected a mitigation measure that required the applicant to submit hydrological studies subject to review and approval by a planning commission and county environmental health department.[15] The Court explained that the deferred analysis of hydrological conditions failed to meet CEQA's requirement that an environmental impact should be assessed as early as possible in government planning.[16]

The FEIR makes the same mistake here by proposing to defer geotechnical analysis to post-approval consultation with Metro. Although CEQA Guidelines Section 15126.4 authorizes deferred formulation of mitigation measures in limited circumstances, it does not authorize deferral of the impacts analysis, as is the case here. It is also unclear how the City asserts it can determine that moving the Project 13.5 feet south would resolve any potential geotechnical impacts, yet simultaneously claim that analysis of the Project's potential geotechnical impact analysis is infeasible at this time. The FEIR's conclusion that the Project's geotechnical impacts would be less than significant with mitigation is also unsupported. The EIR must be revised to include the missing geotechnical analysis, disclose potentially significant impacts, and implement mitigation that would reduce any new geotechnical impacts associated with the Project's new design to less than significant levels.

10 FEIR, Appendix FEIR-2, pg. 1.

11 FEIR, pg. II-56, 58.

12 FEIR, pg. II-58.

13 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 ("CBIA v. BAAQMD") (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* ("*Berkeley Jets*") (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.

14 (1988) 202 Cal.App.3d 296.

15 *Id.* at 306.

16 *Id.*

Response to Comment No. 3

This comment repeats claims made in the commenter's December 23, 2024 comment letter on the Draft EIR related to geotechnical impacts and the Metro B Line. As stated in Response to Comment No. 5-27 of Section II, Responses to Comments, of the Final EIR:

> *As is standard practice for Draft EIRs in the City, the analysis of geotechnical impacts was based on a preliminary geotechnical report. Refer to Appendix IS-3 of the Initial Study included as Appendix A of the Draft EIR for the Project's Preliminary Geotechnical Report. As analyzed in the Initial Study on pages 44 through 49, impacts related to geotechnical hazards would be less than significant without mitigation. This analysis did not identify any significant impacts with respect to Metro subway tunnels pursuant to those thresholds.*

In other words, the analysis was not deferred as claimed by the commenter. Impacts were analyzed using the appropriate level of geotechnical report for this stage of the Project and impacts were determined to be less than significant. As is the case with their December 23, 2024 comment letter, the commenter has not identified any specific impact that was missed. As such, a more detailed response to the general claim that the analysis was inadequate cannot be provided.

The commenter's citation to *Sundstrom v. County of Mendocino* is inapplicable and not analogous to this matter. In *Sundstrom*, the Court dealt with the question of whether a mitigation measure requiring hydrological studies *after* project approval was appropriate. (202 Cal. App. 3d 296, 306-308.) In *Sundstrom*, preliminary hydrological studies did not occur before the project was approved and the Court took issue with the City's request of the applicant to perform the studies subject to the City's later administrative approval. (*Id.*) Those facts are inapplicable here. This Project's environmental review includes a preliminary geotechnical report which assessed potential geotechnical impacts. That analysis occurred before any decision on the Project was made. Therefore, unlike *Sundstrom*, here the record provides for a geotechnical analysis. There is no deferred analysis or mitigation deferring analysis.

With respect to ongoing coordination with Metro, as discussed in Response to Comment No. 2-3 of the Final EIR, the "Applicant has coordinated with Metro throughout the CEQA process, including a consultation meeting on October 19, 2022 and a subsequent meeting on January 21, 2025. The Applicant and the City will continue to coordinate with Metro during the CEQA process, as well as the Project's entitlement and Building and Safety review phases. This coordination will include the appropriate review and consultation as discussed in Zoning Information File No. 1117, which addresses construction within 100 feet

of Metro-owned rail or bus rapid transit right-of-way." As stated here, this ongoing coordination with Metro is a regulatory requirement per Zoning Information File No. 1117 and the claim that this ongoing consultation is deferred mitigation is baseless.

As also discussed in Response to Comment No. 2-3 of the Final EIR, although no significant impacts were identified, in part in response to Metro's comments, revisions to the Project were made that increase the distance between the B Line subway tunnel and the Project. Specifically, Building B has been setback an additional 13.5 feet from Hollywood Boulevard and an additional 8 feet of excavation has been assumed for building foundations. This results in a corresponding increase in the amount of soil export from the Project Site. These revisions are reflected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR and are predominantly related to minor changes to noise levels. As demonstrated therein, these changes do not result in a new or substantially more severe impact than those previously identified in the Draft EIR. The Geotechnical Response Memorandum included as Appendix FEIR-2 of the Final EIR further confirms the new location of Building B and the proposed mat foundation would avoid additional surcharge on Metro's B Line tunnel. The commenter provides no evidence that the analysis or methodology in the Final EIR is flawed.

Comment No. 4

B. The FEIR Fails to Disclose and Mitigate Significant Hazardous Materials Impacts

1. The FEIR Fails to Adequately Analyze Significant Onsite Soil Contamination

The DEIR's Phase I and II Environmental Site Assessments found that VOCs, including tetrachloroethylene ("PCE") and Trichloroethylene ("TCE"), were found onsite in levels exceeding residential and commercial thresholds.[17] The Phase II ESA collected soil and vapor samples from borings to a maximum depth of 40 feet bgs.[18] Samples were taken at this depth because the Project was expected to require excavation up to 40 feet bgs.[19] However, the Project was subsequently revised in the FEIR to require excavation up to 48 feet bgs.[20]

The City's own evidence demonstrates that soil contamination at this depth is likely greater than identified in the DEIR. Specifically, the Phase II ESA discloses that PCE was reported at 40 feet bgs at a concentration of 127 ug/m^3, far in excess of the residential threshold of 14 ug/m^3 and commercial threshold of 67 ug/m^3.[21] The Phase II ESA identified PCE is increasing with depth at borings 9 and 10.[22] The Phase II ESA also states that the source of PCE identified on the Project Site is unknown and may represent a larger area that is undefined.[23] The Phase II ESA concludes that, should contaminated soil be removed at a depth of 40 bgs, "[r]esidual VOCs may be present below this depth but may not be significant based on these results."[24] The Phase II ESA did not include analysis of the soil below 40 bgs, so does not discount the possibility of significant contamination below that depth.

Despite this evidence, the FEIR does not include a new soil analysis quantifying contamination levels at 48 feet bgs. The full extent of soil contamination at the Project's increased excavation depth is therefore unknown. The FEIR's failure to analyze this previously identified significant impact fails to meet CEQA's requirements that an EIR establish baseline conditions at the Project site and evaluate the severity of impacts associated with altering baseline conditions. CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.[25] As numerous courts have held, the impacts of a project must be measured against the "real conditions on the ground."[26] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[27] Use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts.[28] The City must then assess the severity of the Project's impacts in the CEQA document.

Here, the Phase II ESA acknowledges that the source and extent of contamination below 40 bgs is currently undefined. The Phase II ESA states that VOCs at 48 feet bgs may be greater than the levels detected in the Phase II ESA, yet the City failed to perform any additional soil sampling to quantify contamination levels at the new Project depth of 48 feet. These facts demonstrate that the FEIR's significance findings and proposed mitigation, which remain based on the DEIR's analysis of 40-foot excavation, are not based on substantial evidence. Specifically, HAZ-MM-1 purports to reduce impacts to a less-than-significant level by removing all contaminated soil (to a 40-foot depth). However, this approach may not be effective if there are higher levels of contamination at 48 feet bgs or below.

Dr. Clark concludes that the increased excavation depth may result in more severe public health and contamination impacts than disclosed in the DEIR. Dr. Clark explains that, if there are high levels of contamination in the soil below the Project (48 bgs or below), they may infiltrate upwards into the Project's buildings.[29] In that situation, simply removing currently contaminated soils would be ineffective, and additional mitigation would be required.[30] By failing to characterize baseline soil conditions at the new Project depth, and failing to analyze the severity of impacts associated with excavating the soil contamination below 40 feet bgs, the FEIR fails to comply with CEQA's disclosure requirements. The FEIR also lacks substantial evidence to conclude that HAZ-MM-1 would be effective in light of these substantial physical changes in the Project.

17 DEIR, pg. IV.F-26.

18 DEIR, Appendix F, PDF pg. 1583.

19 *Id.*

20 FEIR, Section III (Revisions to DEIR).

21 DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.

22 DEIR, Appendix F, PDF pg. 1583.

23 DEIR, Appendix F, PDF pg. 1583. ("the PCE in soil vapor at boring 10 is undefined … the source of PCE at boring 9 is unknown and may represent a larger area that is undefined").

24 DEIR, Appendix F, PDF pg. 1583.

25 CEQA Guidelines, § 15125, subd. (a).

26 *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; City of Carmel-by-the Sea v. Bd. of Supervisors (1986) 183 Cal.App.3d 229, 246.

27 CEQA Guidelines, § 15125, subd. (a).

28 *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.

29 Clark Comments, pg. 8.

30 *Id.*

Response to Comment No. 4

This comment claims the updated analysis of hazards in the Final EIR is inadequate. However, the commenter fails to acknowledge revisions to the EIR and mischaracterizes the proposed mitigation measure.

First, the Final EIR does address the increased excavation depth. The commenter conflates soil and soil vapor contamination and then provides no basis for linking the cited residential and commercial screening thresholds, which are meant to trigger additional consideration but which do not mandatorily require additional investigation or testing, with thresholds of significance under CEQA. No volatile organic compounds were reported in soil at the Project Site.

The commenter also fails to acknowledge that the greater depth of excavation, rather than being performed to accommodate deeper uses at the Project Site, is occurring only in conjunction with an improved thicker foundation that itself will deter vapor intrusion to the Project due to its much greater density than the resident native soil.

Second, the commenter incorrectly states that Mitigation Measure HAZ-MM-1 applies only to a depth of 40 feet. The commenter is referred to pages IV.F-38 and -39 of Section IV.F, Hazards and Hazardous Materials, of the Draft EIR; pages III-6 and III-7 of Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR (note these revisions and corrections consist of defining acronyms only); and IV-8 and IV-9 of Section IV, Mitigation Monitoring Program, of the Final EIR. In no iteration does the mitigation measure specify a depth because the general approach to mitigating contaminated soils (i.e., removal and proper disposal of the contaminated soil) does not change based on depth. It is also noted that mitigation of the contaminated soil would also occur in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166. Section IV.F, Hazards and Hazardous Materials at page IV.F-33 and IV.F-34 states:

> *SCAQMD Rule 1166 requires that an approved mitigation plan be obtained from SCAQMD prior to commencing any of the following activities: the excavation of an underground storage tank or piping, which has stored VOCs; the excavation or grading of soil containing VOC material including gasoline, diesel, crude oil, lubricant, waste oil, adhesive, paint, stain, solvent, resin, monomer, and/or any other material containing VOCs; the handling or storage of VOC-contaminated soil [soil which registers >50 parts per million (ppm) or greater using an organic vapor analyzer (OVA) calibrated with hexane] at or from an excavation or grading site; or the treatment of VOC-contaminated soil at a facility. SCAQMD Rule 1166 further requires that a copy of the approved mitigation plan be on-site during the entire excavation period and that*

the SCAQMD executive officer be notified at least 24 hours prior to excavation. In accordance with SCAQMD Rule 1166, monitoring for VOC contamination would occur at least once every 15 minutes and VOC concentration readings would be recorded. When VOC-contaminated soil is detected, the approved mitigation plan would be implemented.

As with Mitigation Measure HAZ-MM-1, compliance with SCAQMD Rule 1166 is not dependent on depth. The commenter has not provided substantial evidence that Mitigation Measure HAZ-MM-1 and compliance with SCAQMD Rule 1166 are inadequate. Similarly, the commenter's comments about the possibility of contamination below 40 feet bgs is speculative and provides no citation requiring an applicant to test environmental media in every location where there is a theoretical presence of contamination. Such a rule does not exist under CEQA, especially where a licensed professional's opinion supports a reasonable conclusion that sufficient investigation has occurred. The commenter also mischaracterizes what the Phase II ESA states; it does not state or imply that VOCs at 48 feet bgs may be greater than the levels at 40 feet bgs. Rather, the Phase II ESA indicates the VOCs may be present at deeper levels.

Refer to Response to Comment No. 5 below regarding Dr. Clark's contention that the potential for vapor intrusion may be greater with a deeper excavation depth.

Comment No. 5

2. The FEIR Fails to Mitigate Vapor Intrusion Impacts from Deep and Offsite Sources

The EIR's Phase I and II Environmental Site Assessments found that VOCs, including PCE and TCE, were found onsite in levels exceeding residential and commercial thresholds.[31] Dr. Clark also demonstrates that the current concentrations of PCE would exceed screening levels for PCE in air (0.46 ug/m^3).[32] Mitigation Measure HAZ-MM-1 provides that contaminated soils will excavated and removed. The DEIR states that the reported contaminants would be removed during excavation to 40 feet below ground surface.[33] However, since the Project was revised in the FEIR to require excavation up to 48 feet bgs,[34] this mitigation is inadequate because it does not mitigate PCE contamination infiltrating from (1) off-site sources, and (2) plumes below 48 feet bgs.[35]

As explained above, the Phase II ESA detected PCE at 40 feet bgs at a concentration of 127 ug/m^3, far in excess of the residential threshold of 14 ug/m^3 and commercial threshold of 67 ug/m^3.[36] The Phase II ESA also shows that this contamination is increasing with depth at borings 9 and 10,[37] and may represent a larger area that is undefined.[38] The Phase II ESA concludes that the increase in concentration with depth suggests an off-site source north of the Project Site.[39] The Phase II ESA concludes that, should contaminated soil be removed at a depth of 40 bgs, residual VOCs may be present below this depth.[40] However, there are many potential off-site sources of contaminants infiltrating the Project site which have contributed to onsite contamination. The Phase I ESA discloses that four properties were identified as within 0.125 miles and upgradient of the Project Site on the Historical Gas Station database, and nine properties were identified as within 0.125 miles and upgradient of the Project Site on the Historical Dry Cleaners database.[41] The DEIR identifies a potential vapor encroachment condition ("VEC") as a result of these neighboring uses.[42]

Dr. Clark explains that, if there is an off-site or deep source of PCE that is currently infiltrating into the Project site, as is stated in the Phase II ESA, simply removing the currently contaminated soil pursuant to HAZ-MM-1 would not fully mitigate the impact.[43] After the currently contaminated soil onsite is removed, the vapor encroachment condition would remain.[44] Without additional mitigation, this vapor encroachment would continue to exceed residential and commercial thresholds. Thus, impacts remain significant and unmitigated.

Dr. Clark also explains that the removal of contaminated soil up to 48 feet bgs may actually increase risks of vapor intrusion from contaminated soil below that depth. By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure.[45] The FEIR does not analyze or disclose any of these impacts.

Dr. Clark explains that the City should implement feasible measures to reduce impacts from vapor intrusion, such as subslab venting or subslab depressurization systems, which are common long-term mitigation technologies.[46] Vapor barriers can be used in conjunction with these measures.[47] Mitigation monitoring is necessary to demonstrate the initial and continued effectiveness of the mitigation.[48] These measures are not considered in the FEIR

or included in the MMRP [sic]. Vapor intrusion impacts thus remain significant and unmitigated.

[31] DEIR, pg. IV.F-26.

[32] Clark Comments, pg. 7.

[33] DEIR, pg. IV.F-26.

[34] FEIR, Section III (Revisions to DEIR).

[35] DEIR, pg. IV.F-26.

[36] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.

[37] DEIR, Appendix F, PDF pg. 1583.

[38] *Id.*; DEIR, pg. IV.F-26.

[39] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.

[40] DEIR, Appendix F, PDF pg. 1583.

[41] DEIR, Appendix F, PDF pg. 10.

[42] DEIR, pg. IV.F-32.

[43] Clark Comments, pg. 8.

[44] *Id.*

[45] *Id.*

[46] DTSC, Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion (February 2023), pg. 47, available at https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI_SupGuid_Screening-Evaluating.pdf.

[47] *Id.* at 48.

[48] *Id.*

Response to Comment No. 5

This comment claims that the Final EIR fails to analyze potential vapor encroachment conditions associated with increased depth. This is incorrect for the reasons discussed below.

First, as stated in Section IV.F, Hazards, and Hazardous Materials of the Draft EIR, "[t]he reported contaminants in soil and soil vapor would likely be removed during excavation of the Project Site to 40 feet below ground surface. *Residual VOCs may be present below*

this depth [emphasis added] but are likely sourced from groundwater and not from historic site operations." While the excavation depth has increased to 48 feet, the deepest uses did not correspondingly move deeper with this change in excavation depth.

Again, as with the prior comment, the commenter provides no basis for linking the cited residential and commercial screening thresholds with thresholds of significance under CEQA. As to TCE, it was reported in one soil boring (B5). No other TCE concentrations were reported in the other nine borings. The TCE concentrations decreased with depth. Four borings that were closer to off-site community were all reported as non-detect for TCE. The commenter's opinion that vapor intrusion impacts are significant is not tied to any CEQA threshold of significance. The commenter's supplied list of mitigation technologies is informative but the technologies have long been known and no specific technology is required by CEQA or any other applicable authority.

Comment No. 6

3. The FEIR Improperly Defers Details of the Soil Management Plan

The FEIR proposes to mitigate impacts from disturbance of contaminated soil by implementing a Soil Management Plan ("SMP") pursuant to HAZ-MM-1.[49] HAZ-MM-1 specifies some of the required components of the SMP, but defers formulation of many details critical to the effectiveness of the SMP. HAZ-MM-1 states that routine soil sampling and testing would be required, but does not specify a minimum frequency. The measure also does not specify which exact contaminants would be sampled and tested for. The measure also does not specify performance standards for the cleanup, let alone quantitative targets for each contaminant. For example, the measure lacks performance standards for what concentration of contaminants in a portion of soil would require it to be removed, as well as standards for acceptable concentrations in the soil before construction can commence. The measure also does not require oversight from DTSC or a self-certified local agency qualified to conduct oversight for cleanup activities, a deficiency with DTSC also raised in its comments on the DEIR.[50] Instead, the FEIR states the SMP will be implemented under the supervision of a qualified environmental professional.[51] And the MMRP provides that the SMP shall be submitted to the Los Angeles Department of Building and Safety.[52] DTSC commented that the City Planning department is not self-certified to provide oversight for environmental investigations and cleanup.[53]

Deferring formulation of mitigation measures is generally impermissible.[54] If identification of specific mitigation measures is impractical until a later stage in the Project, specific performance criteria must be articulated and further approvals must be made contingent upon meeting these performance criteria.[55] Mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[56] As summarized in the CEQA Guidelines, deferral of mitigation details is permitted if the agency "(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will [be] considered, analyzed, and potentially incorporated in the mitigation measure."[57]

In *East Oakland Stadium Alliance v. City of Oakland*,[58] the Court of Appeal considered an EIR's soil contamination mitigation that met CEQA's requirements for deferred mitigation. That EIR required preparation of a Remedial Action Plan approved by DTSC, identified target cleanup levels for each contaminant of concern, and required the preparation of health and safety plans consistent with applicable regulations to protect workers and the public during the remediation activities.[59] The Court determined that "the extensive history of remediation efforts at the site, the establishment of quantitative target levels for each COC, the presentation in the consultant's report of a detailed range of alternative approaches to remediation, and the presence of a state agency responsible for oversight of remediation are sufficient to satisfy the requirements for deferring the final details of contamination mitigation."[60]

Here, unlike the EIR in *East Oakland Stadium Alliance*, HAZ-MM-1 fails to establish specific performance standards, does not require appropriate regulatory oversight from a certified regulatory agency, and merely states that contaminated soil would be removed. This vague goal does not ensure that PCE concentrations would be reduced to a particular level, or that cleanup would comply with applicable laws.

Unlike the EIR in *East Oakland Stadium Alliance*, HAZ-MM-1 does not require DTSC oversight, instead providing that the SMP would be submitted to the Department of Building and Safety. DTSC commented that the City's Department of Building and Safety is not a local agency self-certified to provide oversight for environmental investigations and cleanup.[61] Health and Safety Code § 101480, as amended by AB 304 (Stats. 2021, ch. 698),

provides that a local agency must have adequate staff resources and technical expertise to provide oversight of an individual site.[62] A local agency must include (1) a Local Officer,[63] 2) Licensed Professionals,[64] and 3) Technical Staff.[65] Because the Department of Building and Safety is not a self-certified local agency, oversight by this department would not meet CEQA's requirements. As explained above, mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[66]

To ensure that the Project's soil contamination impacts are adequately mitigated, the EIR should be revised to comply with DTSC's recommendations. Per DTSC's comments on the DEIR, the City should enter into a voluntary agreement or receive oversight from a self-certified local agency.[67] For example, the Los Angeles County Fire Department, Health & Hazardous Materials Division, is a self-certified local agency.[68] Additionally, pursuant to DTSC's recommendations, mitigation should be part of a Remedial Action Plan ("RAP") or Removal Action Workplan ("RAW"), as an "SMP alone cannot sufficiently identify and document the potential contaminants that may pose a threat to human health and the environment."[69] Dr. Clark explains that these plans would ensure that onsite contamination is fully characterized and the site is cleaned up to meet objective performance standards.[70]

49 FEIR, pg. IV-8.

50 FEIR, pg. II-7.

51 FEIR, pg. II-7

52 FEIR, MMRP, pg. IV-8.

53 FEIR, pg. II-7

54 *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; Pub. Resources Code, § 21061.

55 *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393; *Quail Botanical*, *supra*, 29 Cal.App.4th at pg. 1604, fn. 5.

56 *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.

57 CEQA Guidelines § 15126.4(a)(1)(B).

58 (2023) 89 Cal. App. 5th 1226

59 *Id.* at 1267.

60 *Id.*

61 FEIR, pg. II-7

[62] HSC § 101480; AB 304 Frequently Asked Questions, https://www.waterboards.ca.gov/water_issues/programs/ab_304/docs/ab304faqs.pdf.

[63] Local Officer: A Local Officer is defined in HSC Section 101480 as "a county health officer, city health officer, or county director of environmental health who has been granted authority by the city's or county's governing body to enter into a remedial action agreement and oversee a remedial investigation or remedial action, or both, at a waste release site."

[64] Licensed Professionals: Licensed Professionals must have current registration in California as a Professional Civil Engineer, or Professional Geologist and should have experience overseeing or performing site investigation and remediation of unauthorized releases of hazardous substances. Only a civil engineer or geologist registered under the provisions set forth in Business and Professions Code, sections 6700 et seq. and 7800 et seq., respectively, may be considered a Licensed Professional for the purpose of the Remedial Action Agreement.

[65] Technical Staff: Technical Staff should possess the technical expertise and capabilities to adequately oversee the remedial investigation or remedial action, or both. Technical Staff may be licensed professionals or may be subordinates, as defined in Business and Professions Code, sections 6705 and 7805. A subordinate is any person who assists a Licensed Professional without assuming the responsible charge of work. Technical Staff may also include Licensed Professionals, as described above.

[66] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.

[67] FEIR, pg. II-7.

[68] DTSC, List of Certified Local Agencies, https://dtsc.ca.gov/local-agency-resources/.

[69] FEIR, pg. II-7.

[70] Clark Comments, pg. 9.

Response to Comment No. 6

This comment claims that the Soil Management Plan (SMP) required per Mitigation Measure HAZ-MM-1 lacks specifics and is thus considered deferred mitigation. Refer to Response to Comment No. 4 above regarding the adequacy of Mitigation Measure HAZ-MM-1. As discussed therein, Mitigation Measure HAZ-MM-1 would be implemented in concert with SCAQMD Rule 1166. The specific performance measures and testing intervals mentioned in the comment are part of SCAQMD Rule 1166 and are therefore achieved through regulatory compliance.

With respect to DTSC or other environmental agency oversight, the commenter cites no specific provision of law that requires it for the Project. The commenter's citation to *East Oakland Stadium Alliance v. City of Oakland* is inapposite because the project in that case (i.e., a new ballpark for the Oakland A's) was proposed to be sited on land (Howard Terminal)

that had been an existing active cleanup site overseen by DTSC for multiple years before the ballpark project was proposed. Those facts are not present here as there is no environmental agency overseeing the Project Site and the comment has cited no law requiring such oversight.

Comment No. 7

4. The Project's Soil Contamination Impacts Constitute New Information Requiring Recirculation of the EIR

The increase in depth of excavation to 48 feet bgs constitutes significant new information requiring recirculation of the EIR. The CEQA Guidelines provide that significant new information requiring recirculation of an EIR includes information showing that "[a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented," or "[a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."[71]

Here, the increase in depth results in new, potentially significant public health, air quality, and hazardous materials impacts. Whereas the DEIR included samples up to 40 feet bgs, consistent with the Project's proposed depth of 40 feet bgs, the FEIR fails to analyze soil contamination at 48 feet bgs. The Phase II ESA indicates that vapor intrusion risks may be greater at these depths, and acknowledges that contamination below 40 feet bgs is currently undefined. Increased vapor intrusion risks may require additional mitigation beyond simply removing onsite soil. Since HAZ-MM-1 does not mitigate these new risks, future residents, construction workers, and neighbors would thus potentially be exposed to greater levels of VOCs than disclosed in the DEIR. This is significant new information requiring recirculation of the EIR.

Deeper excavation in an area where PCE contamination is significant and is increasing with depth may result in increased vapor intrusion risks. As explained by Dr. Clark, by removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure.[72] This would constitute a

new significant environmental impact "from a new mitigation measure proposed to be implemented."[73] The EIR must be revised and recirculated.

[71] CEQA Guidelines, Section 15088.5.

[72] Clark Comments, pg. 8.

[73] CEQA Guidelines, Section 15088.5.

Response to Comment No. 7

Refer to Response to Comment Nos. 4 through 6 above. As demonstrated therein, the hazards analysis in the Draft and Final EIR meets the requirements of CEQA and recirculation is not required.

Comment No. 8

C. The FEIR Underestimates Air Quality Impacts Due to Increased Excavation

The DEIR initially assumed that the Project would require excavation of soil up to 40 feet below ground surface (bgs). The DEIR's quantitative air quality analysis assumed that the grading period, which includes excavation, would take 110 days.[74] The Project was revised in the FEIR to require excavation up to 48 bgs.[75] The amount of soil to be removed from the site was increased from 210,000 cubic yards (cy) to 252,000 cy.[76] Dr. Clark explains that this represents a 20 percent increase in the volume of soil to be exported during the grading phase.[77] However, the CalEEMod calculations in the air quality analysis were not updated to reflect the increased depth of construction and amount of soil required to be removed from the site.

The duration of the grading period in the Project's emissions modeling must be increased to reflect the increased excavation required. The FEIR's existing air quality analysis thus underestimates the Project's emissions of criteria air pollutants and TACs. The FEIR's HRA also erroneously assumes that grading would take 110 days. The City thus lacks substantial evidence to conclude that the Project would not exceed significance thresholds for criteria air pollutants and health risk thresholds for exposure to TACs.

Additional excavation below 48 bgs may also be required to mitigate onsite PCE contamination. As discussed above, the Phase II ESA found that PCE levels exceed residential and commercial thresholds at 40 feet bgs, are increasing with depth at boring 9 and 10, and may represent a larger area that is undefined.[78] HAZ-MM-1, the FEIR's mitigation for this impact, calls for removal of contaminated soil. Because the measure does not propose other methods to mitigate vapor instruction impacts from onsite contamination, such as a vapor barrier, additional excavation below 48 bgs may be required to reduce PCE levels to below applicable thresholds. This additional excavation would result in greater air quality impacts than disclosed in the FEIR, and must be considered.

The City may argue that analysis of air quality impacts resulting from deeper excavation is speculative. This is incorrect. The FEIR discloses that the Project will excavate an additional 8 feet of soil than previously analyzed. Excavators have air emissions, as do the additional truck trips required to haul the additional excavated material from the Project site. Moreover, soil samples must be taken at 48 feet bgs to determine whether additional excavation is needed beyond the proposed 48 feet, in order to avoid health impacts from soil vapor intrusion. All of these factors must be analyzed in a revised and recirculated EIR.

74 DEIR, Appendix B, PDF pg. 110.

75 FEIR, Section III, pg. III-1.

76 *Id.*

77 Clark Comments, pg. 9.

78 DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.

Response to Comment No. 8

This comment incorrectly states that the air quality analysis was not updated to reflect the increased excavation. The commenter is referred to pages III-3 and III-26 of Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR and the accompanying Appendix FEIR-4, Construction Onsite Custom Report, of the Final EIR. As stated on page III-26 of the Final EIR, "the resulting changes to the air quality calculations are so minimal they would not affect the tables, no revisions to the pollutant concentrations disclosed in the Draft EIR are required." Furthermore, this comment does not provide substantial evidence that the air quality analysis does not account for 252,000 cubic yards of

export. The Draft EIR analysis accounts for 110 days of excavation, 150 hauls per day, and 16 cubic yard trucks which is equivalent to 264,000 cubic yards of export).

Refer to Response to Comment Nos. 4 through 7 above for a discussion of contaminated soils.

Comment No. 9

D. The FEIR Fails to Disclose and Mitigate Significant Health Risk Impacts

CREED LA commented that the DEIR violated CEQA by failing to support its conclusions with an HRA. In response, the FEIR includes an HRA showing that the combined construction and operational cancer risk from exposure to TACs generated by the Project would be 3.7 in one million, which is below the 10 in one million significance threshold.[79] Dr. Clark demonstrates that the HRA contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[80]

1. The FEIR's HRA Fails to Disclose Health Risk Impacts on All Groups of Sensitive Receptors

CEQA requires analysis of human health impacts. CEQA's statutory scheme and legislative intent include an express mandate that agencies consider and analyze human health impacts, acknowledges that human beings are an integral part of the "environment", and mandates that public agencies determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,"[81] and to "take immediate steps to identify any critical thresholds for the *health and safety of the people* of the state and take all coordinated actions necessary to prevent such thresholds being reached."[82]

The HRA prepared in response to CREED LA's comments fails to analyze impacts on all sensitive receptors. Health risk impacts on children are measured using Age Sensitivity Factors ("ASFs").[83] As stated in the FEIR, ASFs "account for increased sensitivity of early-life exposure to carcinogens."[84] ASFs account for increased sensitivity of children by weighting the impacts of their exposure to a project's estimated emissions of TACs. In the

Project's HRA, the City fails to make early-life exposure adjustments to analyze impacts on children, thus failing to disclose the severity of the Project's health risk impacts on this group of sensitive receptors.[85]

The FEIR claims that relevant guidance does not support the use of ASFs to analyze health impacts of DPM.[86] The FEIR's analysis in support of this claim is recycled from prior projects' EIRs.[87] Although CREED LA has rebutted this argument in the past, the repetitive legal and factual flaws in the City's analysis are discussed herein.

The FEIR first considers guidance by California Office of Environmental Health Hazard Assessment ("OEHHA"), acknowledging that it recommends an age-weighting factor be applied to all carcinogens regardless of purported mechanism of action.[88] Since DPM is carcinogenic, the OEHHA guidance provides that ASFs should be applied to analyze this Project's DPM impacts on children. But the FEIR argues that the OEHHA guidance should not be considered because it has not been adopted by the South Coast Air Quality Management District ("SCAQMD") as a CEQA significance threshold.[89] This argument is flawed because the City does not identify any supporting evidence demonstrating that OEHHA's scientific conclusions regarding children's heightened susceptibility to TACs such as DPM should be overlooked.

The FEIR also ignores that SCAQMD has commented on many HRAs conducted in the South Coast Air Basin by criticizing the failures of other agencies to apply ASFs for projects with DPM emissions.[90] SCAQMD comment letters cite to the 2015 OEHHA Guidelines when recommending that CEQA projects apply ASFs.[91] Thus, the claim that ASFs and OEHHA guidance are inapplicable to the Project due to lack of support from SCAQMD lacks merit.

The FEIR also ignores that the City itself has applied ASFs in previous construction HRAs.[92] The City offers no reasoning for why substantial evidence supported the use of ASFs for other construction projects and not this one.

The FEIR elects to rely on U.S. EPA guidance[93] related to early life exposure adjust factors whereby the adjustment factors are only considered when carcinogens act "through the mutagenic mode of action."[94] The FEIR argues that DPM is not mutagenic because only some of its constituent particles are mutagenic—and as a result, use of ASFs is not required

for measuring DPM health impacts. This conclusion is unsupported, and is contradicted by EPA guidance finding that DPM is mutagenic:

> [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** and 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.[95] [emphasis added]

The U.S. EPA clearly identifies DPM as a mutagenic carcinogen. Thus, use of ASFs is warranted pursuant to the EPA guidance referenced by the City. The City's failure to apply ASFs is not supported by substantial evidence.

The FEIR also ignores CEQA's legal requirement to analyze whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,"[96] which necessarily includes children and infants. Children and infants are more sensitive to acute exposure to TACs, and suffer greater health impacts over short periods of exposure. ASFs are a scientifically accepted method of quantifying the risk to children and infants. Therefore, health impacts on children are not disclosed without use of ASFs due to the increased sensitivity of children to the harmful effects of DPM. The omission of information regarding the Project's health effects on children constitutes an ongoing failure to analyze a potentially significant impact under CEQA.

2. The Project's Health Risk Impacts Would Be Significant

Dr. Clark demonstrates that, when errors in the HRA are corrected, the Project's impacts are shown to exceed the 10 in one million cancer risk significance threshold. Dr. Clark applied ASFs to the concentration modeled for the construction phase assumed in the FEIR, and found that the cumulative risk for exposure of infants during the 3.9375 years (45 months) of construction is 22.3 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold.[97] This is substantial evidence of a significant impact requiring mitigation in a recirculated EIR.

[79] FEIR, pg. II-34; Appendix FEIR-3, pg. 1.

[80] Clark Comments, pg. 3.

[81] Pub. Res. Code ("PRC") § 21083(b)(3), (d) [emphasis added].

[82] See PRC §21000 et seq. [emphasis added]

[83] Appendix FEIR-3, pg. 4.

[84] Appendix FEIR-3, pg. 4.

[85] Appendix FEIR-3, pg. 6.

[86] Appendix FEIR-3, pg. 5-6.

[87] City of Los Angeles, Final Environmental Impact Report for the 8th Grand and Hope Project, SCH 2019050010, available at https://planning.lacity.gov/eir/8th-Grand-and-Hope/feir/App_2.pdf; City of Los Angeles, Final Environmental Impact Report for the New Beatrice West Project, SCH New Beatrice West Project, available at https://planning.lacity.gov/EIR/New-Beatrice-West-Project/FEIR/files/App_2.pdf.

[88] Appendix FEIR-3, pg. 4.

[89] Appendix FEIR-3, pg. 4-5.

[90] SCAQMD, Comments on Draft Mitigated Negative Declaration (DMND) for the Proposed Walnut Specific Plan No. 3 Mixed-Use Development Located North of Valley Boulevard, Bounded by Pierre Road to the West and Suzanne Road to the East (February 2015), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/february/dmndwalnutsp.pdf?sfvrsn=4 ("Although the HRA specifically states that the analysis used recent guidance from OEHHA, the breathing rates used do not correspond to OEHHA's new guidance using the different age groups. The cancer risk was also calculated using one ASF value, which is not consistent with OEHHA's calculation recommendation for the different age groups."); SCAQMD, Comments on Second Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed West Valley Logistics Center Specific Plan (SCH No.: 2012071058) (March 2018), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/deirwestvalleylogistics-032018.pdf ("When calculating cancer risks, the age sensitivity factors (ASF) accounts for greater susceptibility in early life, starting from the 3rd trimester of pregnancy to 70 years").

[91] *Id.*

[92] City of Los Angeles, Air Quality Technical Report For the Proposed 1020 S. Figueroa Street Project (June 2016), available at https://planning.lacity.gov/eir/1020SoFigueroa/DEIR/Appendix_C_Air_Quality_Technical_Report.pdf; City of Los Angeles, Initial Study for 698 New Hampshire Project, pg. B23-B24, available at https://planning.lacity.gov/staffrpt/mnd/Pub_102716/ENV-2016-1414.pdf; City of Los Angeles, Air Quality Technical Report for 698 New Hampshire Project (September 2017), pg. 52-53, available at https://planning.lacity.gov/eir/FigPico/files/Apx%20C_Air%20Quality%20Tech%20Report.pdf; City of Los Angeles, Final EIR for Harvard-Westlake Parking Improvement Plan (June 2017), pg. 66, available at https://planning.lacity.gov/eir/Harvard_WestLake/FEIR/0.0%20FEIR%20Responses%20to%20Comments%20and%20MMP.pdf.

[93] U.S. EPA. 2006. Memorandum—Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance—Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments That Include Carcinogens Described in the Supplemental

Guidance as having a Mutagenic Mode of Action. (Like the OEHHA guidance, the EPA guidance also has not been formally adopted by SCAQMD, rendering the FEIR's justification for dismissing the OEHHA guidance specious.)

94 Appendix FEIR-3, pg. 6.

95 U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) Chemical Assessment Summary: Diesel engine exhaust; CASRN N.A., pg. 11, available at https://iris.epa.gov/static/pdfs/0642_summary.pdf.

96 PRC § 21083(b)(3), (d).

97 Clark Comments, pg. 5.

Response to Comment No. 9

The commenter contends that the Health Risk Assessment (HRA) contained in the Final EIR is inadequate because age sensitivity factors (ASFs) were not included in the HRA and summarizes Dr. Clark's calculations using ASFs. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts including potential impacts related to health risk based on substantial evidence, including the expert opinions of its EIR preparers and City staff. This comment does not provide substantial evidence to demonstrate that the HRA included as Appendix FEIR-3 was required to classify diesel exhaust as a whole to be a mutagenic compound and thus inadequate because ASFs were not included for purposes of preparing a quantitative HRA under CEQA. The comment also does not demonstrate that the City abused its discretion in selecting, based on expert opinion, an appropriate methodology with which to perform the quantitative HRA. In addition, the City's decision to prepare a quantitative HRA to fully evaluate and respond to comments received on the Draft EIR (and which ultimately confirmed the conclusion in the Draft EIR) did not deprive the public or decisionmakers of the analysis contained in the HRA. Dr. Clark's comments regarding his preferred methodology with respect to ASFs is noted for the record and will be made available to the decision-makers for their review and consideration. Please refer to Response to Comment No. 22 for additional discussion as to why the City's selected methodology is supported by substantial evidence, including its carefully reasoned decision that ASFs from diesel exhaust should not be considered as a whole to be a mutagenic compound for purposes of the quantitative HRA that was included as Appendix FEIR-3 to the Final EIR. As further explained in the HRA presented as Appendix FEIR-3, and response to comments below, the City specifically considered the possible inclusion of ASFs, and then

determined based on substantial evidence that ASFs were not appropriate for inclusion in light of the specific facts applicable to the Project. Dr. Clark's alternative version of the analysis using ASFs is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 10

E. The FEIR Still Fails to Adequately Analyze Cumulative Health Risk Impacts

The DEIR reasoned that projects that do not exceed SCAQMD's significance thresholds for project-level air quality and health risk impacts would not be cumulatively considerable.[98] CREED LA demonstrated that this approach violates CEQA because it improperly focuses upon the individual project's relative effects and omits facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[99] The FEIR responds that its project-level analysis constitutes an adequate cumulative impacts analysis because it complies with SCAQMD guidance.[100]

The FEIR's approach has been rejected by the courts for failing to comply with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable."[101] The leading case on this issue is *Kings County Farm Bureau v. City of Hanford*.[102] In *Kings County*, the city prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant. Notwithstanding the fact that the EIR found that the project region was out of attainment for PM_{10} and ozone, the city failed to incorporate mitigation for the project's cumulative air quality impacts from project emissions because it concluded that the Project would contribute "less than one percent of area emissions for all criteria pollutants."[103] The city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA. The court rejected this approach, finding it "contrary to the intent of CEQA." The court stated:

> We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF's "ratio" theory, the greater the over-all problem, the less significance a project has in a cumulative impacts analysis. We conclude the standard for a cumulative impacts analysis is defined by the use of the term

> "collectively significant" in Guidelines section 15355 and the analysis must assess the collective or combined effect of energy development. The EIR improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[104]

Here, the FEIR's analysis is flawed because, as previously explained in CREED LA's comments, the Project's construction emissions could combine with construction of concurrent projects to result in heightened health risk impacts—impacts not reflected in the City's analysis. The DEIR identified numerous projects proposed within a 0.5 mile radius of the Project site.[105] CREED LA also explained that the City's analysis ignores that the Project census tract has a CalEnviroScreen score of 99.3 for DPM, making it among the highest pollution-burdened communities in the State.[106] The Project's emissions would add to similar, existing sources of pollution, but this combined impact is not considered in the FEIR. Further, while the DEIR admits that the Project region is out of attainment for the federal and State one-hour and eight-hour ozone standards, State PM_{10} standards, federal 24-hour $PM_{2.5}$ standard, and federal and State annual $PM_{2.5}$ standard,[107] the City reasons that cumulative impacts would be less than significant based on a project-specific threshold.[108]

In *People of the State of California v. City of Fontana*, the Attorney General's petition for writ of mandate challenged a Mitigated Negative Declaration ("MND") that erroneously applied SCAQMD guidance in the same way as the instant EIR.[109] The petition explained:

> [T]he MND's cumulative air quality impact analysis does not account for—or even acknowledge—the multitude of other warehouses near the Project. Rather than consider the environmental setting within which the Project will be situated, the MND simply states that the Project will not result in a cumulatively considerable increase in emissions because the Project's individual air quality impacts will be less than significant. The MND even applies this reasoning to its analysis of health impacts from localized emissions, despite making no attempt to determine or disclose the severity of the existing health impacts from localized emissions in the community.[110]

The Attorney General further explained that merely citing to SCAQMD guidance does not justify a failure to analyze a Project's cumulative impacts:

> The MND cites Appendix D of an August 2003 white paper published by the South Coast Air Quality Management District ("SCAQMD") entitled "White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution" ("2003 SCAQMD White Paper"). **To the extent that the 2003 SCAQMD White Paper asserts that any project with less than significant individual air quality impacts also necessarily has less than significant cumulative air quality impacts, it is inconsistent with CEQA** for at least the reasons stated above. Moreover, the 2003 SCAQMD White Paper lacks substantial evidence to support such a contention, and thus the MND's reliance on it violates CEQA. (Cal. Code Regs., tit. 14, § 15064.7, subd. (c).) The MND further violated CEQA by failing to provide substantial evidence to support its reliance on the 2003 SCAQMD White Paper, Appendix D as "guidance." (Ibid.) Finally, even if the MND's reliance on the 2003 SCAQMD White Paper were proper and supported by substantial evidence, the MND did not consider other evidence—such as public comments and the existence of many other sources of pollution near the Project site—showing that the Project could have a significant cumulative air quality impact. (See Cal. Code Regs., tit. 14, § 15064, subd. (b).) [emphasis added][111]

The Attorney General's litigation resulted in a settlement which requires compliance with an ordinance adopted on April 12, 2022 that establishes sustainability standards for warehouses in Fontana.[112] The City of Fontana's decision to suspend its erroneous reliance on SCAQMD's drop-in-the-bucket approach and to address cumulative impacts in a settlement with the Attorney General's office reflects an approach consistent with CEQA.

In sum, the FEIR's cumulative health risk and air quality impacts analysis does not comply with CEQA. The City must prepare a revised EIR that properly evaluates and mitigates such impacts.

1. The Project's Impacts Would be Cumulatively Considerable Under the Draft SCAQMD Thresholds

The FEIR argues that its cumulative impacts analysis is adequate because it follows methodology in a 2003 SCAQMD White Paper.[113] The FEIR ignores that SCAQMD is currently updating its methodology.[114] Guidance from SCAQMD's November 6, 2024 Working Group recommends that agencies use a more stringent health risk significance threshold for SB 535 Disadvantaged Communities.[115] Although the protocols have not been formally adopted, SCAQMD has commented on recent projects, recommending that the draft protocols be applied.[116] Substantial evidence demonstrates that the Project's cumulative health risk impacts would exceed the draft SCAQMD cumulative impacts thresholds.

The draft SCAQMD protocols include a flowchart lowering the cancer risk significance threshold (from 10 in one million) if certain factors reflecting high pollution burden are met.[117]

Step 1 of the flowchart is to determine the background cancer risk affecting the Project area via the SCAQMD Multiple Air Toxics Exposure Study (MATES). Per the MATES V Data Visualization Tool, the location of the Project site is in the 70th percentile of highest cancer risks in the South Coast Air Basin, with a cancer risk of 528 in one million.[118] Per the draft thresholds, areas experiencing a background excess cancer risk in the 90th to 50th percentile would result in a drop of the cancer risk thresholds from 10 in one million to 5 in one million.[119]

Step 2 of the WG 6 flow diagram is to determine whether two additional criteria would apply. The cancer risk would be reduced from 5 in one million to 3 in one million if either criterion applies. Criterion #1 is whether there are 951 daily heavy-duty truck trips or more that would traverse the truck route to the freeway with Existing + Project + Future volumes. If there are more than 951 heavy duty truck trips, then the cancer risk threshold would drop from 5 in one million to 3 in one million.[120] The record does not clearly establish whether this criterion is met. Criterion #2 is whether the Project is located in a SB 535 disadvantaged community or an AB 617 community. If the project is within such an area, then the threshold would be reduced from 5 in one million to 3 in one million. Here, the Project is located in a SB 535 disadvantaged community.[121] Thus, the cancer risk threshold is reduced to 3 in one million.

The FEIR's HRA estimates that the maximum off-site residential cancer risk (combined operational and construction) would be 3.7 in one million at the residential receptors directly south of the Project site.[122] This health risk impact would exceed the 3 in one million significance threshold potentially applicable to the Project. The results of Dr. Clark's corrected HRA (cancer risk of 22.3 in 1,000,000) would exceed this threshold by a greater amount. This evidence of a significant impact constitutes "significant new information" requiring recirculation of the EIR.[123]

98 DEIR, pg. IV.A-72.

99 *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("*Kings County*"); see also, *Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.

100 FEIR, pg. II-47.

101 PRC § 21083(b)(2); 14 CCR § 15130; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 719-21.

102 *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("*Kings County*"); see also, *Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.

103 *Kings County*, *supra*, at 719.

104 *Id.* at 721.

105 DEIR, pg. III-9, Table III-1.

106 DEIR, Appendix B, PDF pg. 54.

107 DEIR, pg. IV.A-3.

108 FEIR, pg. II-47.

109 *People of the State of California v. City of Fontana*, Case No. CIVSB2121829, Petition for Writ of Mandate, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.

110 *People of the State of California v. City of Fontana*, Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 9, paragraph 32, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.

111 *People of the State of California v. City of Fontana*, Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 13, paragraph 49.

112 *Id.*, Stipulation For Entry Of Final Judgment On Consent, available at https://climatecasechart.com/wp-content/uploads/case-documents/2022/20220414_docket-CIVSB2121605-CIVSB2121829_stipulation.pdf.

113 FEIR, pg. II-47.

[114] SCAQMD, CEQA Policy Development: Analyzing Cumulative Impacts from Air Toxics in CEQA Documents, https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new).

[115] https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new); https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.

[116] SCAQMD, Comments on Draft Environmental Impact Report (DEIR) for the Proposed DJT4 Parcel Delivery Facility Project (Proposed Project) (SCH No. 2023070241) (December 20, 2024).

[117] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21.

[118] DEIR, pg. IV.A-25; SCAQMD, Gridded Cancer Risk, https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk#data_s=id%3AdataSource_112-7c8f2a4db79b4a918d46b4e8985a112b%3A15547.

[119] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21.

[120] *Id.*

[121] https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities (last accessed July 15, 2025).

[122] FEIR, pg. II-34.

[123] CEQA Guidelines, Section 15088.5(a)(1).

Response to Comment No. 10

The commenter contends that the cumulative air quality and health risk analyses contained in the Final EIR are inadequate and have been rejected by the courts for failing to comply with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable." This comment incorrectly states that "the city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA" As acknowledged in this comment, the Final EIR's methodology was conducted consistent with SCAQMD's White Paper for preparing cumulative impact analysis.

The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts including potential impacts related to air quality and health risk based on substantial evidence, including the expert opinions of its EIR preparers, City staff, and SCAQMD. This comment does not provide substantial evidence to demonstrate that the cumulative air quality and health risk

analyses were inadequate and should have used the commentor's preferred methodology which is inconsistent with SCAQMD methodology. Furthermore, while SCAQMD is currently considering new guidance regarding cumulative operational health risk for CEQA purposes and working group meetings have occurred, contrary to what is stated in this comment no draft guidance is available or approved. Documents provided during SCAQMD's November 6, 2024 Working Group included a range of different approaches to analyzing cumulative health risk and should not be considered "guidance" as stated in this comment.

Comment No. 11

F. The FEIR Still Fails to Adequately Analyze Impacts Associated with the Project's Excess Parking

CREED LA's comments on the DEIR explained that the Project provides more parking spaces than required by law, which may induce VMT and negate the benefits of the Project's location near public transit. CREED LA explained that this would constitute a potentially significant GHG and energy impact.

Regarding GHG emissions, the DEIR did not adopt a quantitative GHG significance threshold, and concluded that the Project would result in a less than significant GHG impact because it would be consistent with applicable GHG reduction plans and policies.[124] CREED LA demonstrated that this excess parking would conflict with GHG policies calling for reduced parking. In response, the FEIR argues that, under State Planning and Zoning law, a project need not conform with all aspects of a plan.[125] This argument ignores that the DEIR established "consistency with applicable plans and policies" as a significance threshold, and that CEQA requires disclosure of inconsistencies with applicable policies.[126] The FEIR therefore must disclose all inconsistencies with these policies.

The FEIR also argues that GHG impacts would be less than significant because the Project would be located in a High-Quality Transit Area ("HQTA"), would be near a Metro station, provide bicycle parking, and implement a Transportation Demand Management ("TDM") program. The FEIR does not analyze the possibility that excess parking may negate these benefits. As explained in the California Department of Transportation's June 8, 2023, comment letter on the Project, "[r]esearch looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine

a project's ability to encourage public transit and active modes of transportation."[127] The FEIR must be revised to include this missing analysis.

Regarding energy impacts, the FEIR claims that impacts would be less than significant because the Project would charge for parking, implement a TDM program, and would not exceed VMT significance thresholds.[128] This response ignores that Appendix F of the CEQA Guidelines identifies "[t]he project's projected transportation energy use requirements and its overall use of efficient transportation alternatives" as an example of an energy impact.[129] The FEIR fails to address that the Project's provision of parking in excess of State standards would undermine the "overall use of efficient transportation alternatives." The FEIR must be revised to disclose this impact and evaluate the feasibility of reducing parking.[130]

[124] DEIR, pg. IV.E-56-57.

[125] FEIR, pg. II-51.

[126] Cal. Code Regs. Tit. 14, § 15125.

[127] DEIR, Appendix A, PDF pg. 345.

[128] FEIR, pg. II-53.

[129] CEQA Guidelines, Appendix F, Section II (C)(6).

[130] 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").

Response to Comment No. 11

This comment repeats claims made in the commenter's December 23, 2024 comment letter on the Draft EIR related to the number of parking spaces provided. Refer to Response to Comment No. 5-23 of Section II, Responses to Comments, of the Final EIR. As stated therein:

> *The Draft EIR analyzes the environmental impacts associated with Project, which includes parking. The impact analysis included in Section IV of the Draft EIR accounts for the Project Description provided in Section II of the Draft EIR, including the provision of 894 parking spaces and the associated impacts on Air Quality, Energy, Noise, Transportation, and other potential impacts from the Project, including the Project's provided parking. While it is acknowledged that the CAPCOA handbook and*

> *other relevant research show that limited residential parking supply or reduced off-street parking is associated with decreased automobile trips and VMT, providing parking is not, on its own, an inconsistency or an impact. The Draft EIR and the Transportation Assessment included as Appendix J of the Draft EIR do not account for any parking reductions and the analyses included therein relating to impacts associated with parking and energy usage are therefore conservative.*[2,3]

More succinctly, the Draft EIR analyzes the Project as proposed by the Applicant. The commenter again provides no evidence that this analysis was inadequate or that the Project exceeds any applicable thresholds as a result of the number of parking spaces proposed.

The commenter further fails to provide any evidence that the provision of parking in and of itself is an inconsistency with policies related to GHG reduction. A project must be viewed in its totality when determining consistency with these policies, and as stated throughout the GHG policy consistency analysis in the Draft EIR and specifically on pages IV.E-60 and -61 of Section IV.E, Greenhouse Gas Emissions, of the Draft EIR:

> *The Project represents an infill development within an existing urbanized area that would concentrate new development consistent with the overall growth pattern encouraged in the 2020–2045 RTP/SCS and 2024–2050 RTP/SCS. The Project's convenient access to public transit and opportunities for walking and biking would result in a reduction of vehicle trips, vehicle miles traveled (VMT), and GHG emissions. Specifically, the Project Site is located in a transit-rich neighborhood serviced by the Los Angeles County Metropolitan Transportation Authority (Metro) and LADOT bus lines. The Project Site is located approximately 0.3 mile from the Metro B Line Hollywood/Vine Station that provides connection to the Metro D Line and Union Station, which serves as a regional hub. Additional transit options include LADOT DASH lines Hollywood Loop and Hollywood/Wilshire and Metro local lines 2, 180, 207,*

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[2] CAPCOA, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, August 2021.

[3] Daniel G. Chatman, Does TOD Need the T? On the Importance of Factors Other Than Rail Access, Journal of the American Planning Association, May 9, 2013.

and 217. In addition, the Project Site's proximity to a variety of commercial uses and services would encourage residents and employees of the Project Site to walk to nearby commercial uses, as well as destinations to meet their shopping needs, thereby reducing VMT and GHG emissions. Therefore, the Project would be consistent with these reduction strategies.

Again, the commenter has provided no evidence that this analysis is inaccurate. This conclusion is also applicable to energy and the commenter's unsupported claim that the Project's proposed parking in and of itself would undermine the overall use of efficient transportation alternatives is without merit.

Lastly, with respect to the commenter's statement that "the DEIR did not adopt a quantitative GHG significance threshold, and concluded that the Project would result in a less than significant GHG impact because it would be consistent with applicable GHG reduction plans and policies", the City as Lead Agency determines the thresholds of significance, not the EIR itself. As clearly stated on page IV.E-47 of the Draft EIR, "[t]he City has not adopted a numeric threshold for the analysis of GHG impacts. As noted above, CEQA Guidelines Section 15064.4 allows the City to determine a threshold of significance that applies to the Project, and, accordingly, the threshold of significance applied here is whether the Project is consistent with applicable plans, policies, regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions." The commenter provides no evidence that this methodology is flawed.

Comment No. 12

G. The FEIR Still Fails to Adequately Evaluate Potentially Significant Noise and Vibration Impacts

1. The FEIR Fails to Accurately Establish the Environmental Setting

CREED LA's comments on the DEIR demonstrated that the DEIR failed to accurately establish the environmental setting for noise. The DEIR improperly relied on short-term ambient noise measurements, and failed to include validation measurements for its traffic noise model. The FEIR responds that existing noise levels were recorded in accordance

with the City's standards, but is non-responsive to the specific issues raised in CREED LA's comments.[131]

Mr. Faner explains that the FEIR still fails to address the issue of the DEIR relying on two 15-minute measurements to extrapolate a 24-hour CNEL at nine measurement locations. There is not substantial evidence in the record showing that these short-term measurements are representative of a 24-hour period.[132] The Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual ("FTA Manual") recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements.[133]

Mr. Faner also explains that the FEIR still fails to demonstrate how typical the short-term measurement data were for the rest of the daytime and nighttime conditions. Substantial evidence does not show that the time selected for noise measurements is representative of the rest of the day or even of the worst case (quietest conditions).[134]

Additionally, the FEIR still fails to include validation measurements for its traffic noise model. Mr. Faner explains that a validation measurement for the Federal Highway Traffic Noise Model requires counting traffic during the noise measurement in order to properly compare the measured noise levels with the model calculated noise levels.[135] Without a traffic count, there is no basis to confirm the validity of the traffic model. Here, the FEIR does not reference any traffic counts conducted during the existing noise measurements.[136]

131 FEIR, pg. II-60.

132 Faner Comments, pg. 1.

133 *Id.*

134 *Id.* at 1, 2.

135 *Id.* at 2.

136 *Id.*

Response to Comment No. 12

This comment repeats claims made in the commenter's December 23, 2024 comment letter and does not introduce new information.

As discussed in Response to Comment No. 5-30 of the Final EIR, the existing ambient noise levels in the vicinity of the Project Site were measured in accordance with the City's noise standards, as specified in the LAMC Sections 111.01(a) and 111.03. As stated in Table IV.H-6 in Section IV.H, Noise, of the Draft EIR, the existing ambient noise levels in terms of CNEL (at receptor locations R2 through R10) were estimated based on the short-term noise measurements consistent with FTA procedures in Appendix E (Option 4) of the 2018 FTA guidance. Per the FTA, use of this option would moderately underestimate existing CNEL noise levels due to the use of the adjustment constant in the equations (i.e., a 2-dBA adjustment). Therefore, the noise impact analysis in the Draft EIR is conservative, as future CNEL noise levels are compared with the existing CNEL noise level. In addition, the estimated CNEL levels (at receptor locations R2 through R10) are consistent with the actual measured CNEL level at receptor location R1. Specifically, the difference in the measured CNEL level of 62.6 dBA (CNEL) and the average of the daytime and nighttime levels (58.5 dBA L_{eq}) at receptor location R1 was 4.1 dBA, which is consistent with the 3.7 dBA difference in the estimated CNEL and the average daytime and nighttime levels at receptor locations R2 through R10. As such, the estimated existing CNEL ambient noise levels at receptor locations R2 through R10 are appropriate for use in the noise analysis.

With respect to the traffic noise model, Response to Comment No. 5-31 of the Final EIR provides a comparison of the calculated traffic noise level to the actual measured noise level along two roadway segments, Gower Street (between Hollywood Boulevard and Selma Avenue) and Hollywood Boulevard (between Gower Street and Bronson Avenue). As stated therein, the calculated traffic noise levels are within 3 dBA of the measured ambient noise levels along the calculated roadway segments, which is within the +/- 3 dB allowance per the FHWA, and thus no additional calibration is required.

Comment No. 13

2. The FEIR Still Fails to Analyze Construction Ground-borne Noise at Recording Studios

CREED LA demonstrated that the DEIR's analysis fails to address ground-borne noise impacts at two recording studios identified as receptors R3 and R10, located 5 feet and 10 feet, respectively, from construction activities. The FEIR responds that recording studios are not considered sensitive receptors under the LA CEQA Thresholds Guide.[137] The FEIR

ignores that the City adopted the document "Construction Noise and Vibration: Updates to Thresholds and Methodology" (August 2024), which states that "[r]ecording studios will be added as a sensitive use relative to construction vibration impacts."[138] Mr. Faner explains that groundborne noise is a consequence of groundborne vibration, so it therefore must be considered.[139] Further demonstrating that recording studios are sensitive receptors is that FTA manual has guidance applicable to sensitive buildings such as recording studios.[140]

As shown in CREED LA's prior comments, the Project's construction activities would generate groundborne noise in excess of the FTA's 25 dBA significance threshold.[141] This significant impact must be disclosed and mitigated.

[137] FEIR, pg. II-64.

[138] Faner Comments, pg. 3.

[139] *Id.*

[140] *Id.*

[141] *Id.*

Response to Comment No. 13

This comment repeats claims made in the commenter's December 23, 2024 comment letter and does not introduce new information.

As discussed in Response to Comment No. 5-33 of the Final EIR, groundborne noise analysis at the interior of the recording studios (represented by receptor locations R3 and R10) were not evaluated, as recording studios are not considered to be noise sensitive receptors per the L.A. CEQA Thresholds Guide. However, as discussed in Response to Comment No. 5-33, ground-borne vibration impacts were evaluated for the recording studios in the Draft EIR, as groundborne noise is dependent on groundborne vibration. As provided in Table IV.H-28 in Section IV.H, Noise, of the Draft EIR, vibration levels generated by large construction equipment (i.e., large bulldozers, caisson drilling, and loaded trucks) would exceed the 65 VdB significance criteria for recording studios (receptor locations R3 and R10). As set forth in the Draft EIR, there are no feasible mitigation measures to reduce the potential vibration impacts with respect to human annoyance and off-site construction vibration impacts related to human annoyance were found to be significant and unavoidable.

Comment No. 14

3. The FEIR's Analysis of Stationary Mechanical Noise Is Still Not Supported by Substantial Evidence

CREED LA's comments on the DEIR demonstrated that the DEIR failed to support its analysis of HVAC noise with substantial evidence. Mr. Faner calculated that noise impacts would be significant. The FEIR fails to resolve this issue.

CREED LA commented that the DEIR likely underestimates the noise levels generated by HVAC units required for the Project. Whereas Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at receptor R2, a single 90 dBA PWL fan would generate a noise level of 69 dBA at receptor R2.[142] The FEIR responds that its noise analysis is based on representative noise levels for typical HVAC equipment ranging from 80 to 100 dBA sound power levels.[143] The FEIR explains that more detailed study is not feasible because detailed building plans have not yet been finalized.[144] This response is inadequate. Mr. Faner explains that the FEIR still does not provide a citation for the FEIR's estimated HVAC reference levels.[145] These noise levels are much lower than reasonably foreseeable for the Project, as a single 90 dBA PWL fan would result in higher noise impacts. The City's estimated noise levels are thus not supported by substantial evidence.

CREED LA commented that the DEIR underestimates the number of HVAC units required for the Project. Whereas the noise analysis assumes 33 HVAC units for the residential zones of the project, Mr. Faner showed that a project this size would need 49 to 72 twenty-five-ton units to properly ventilate the space, applying standard industry rule-of-thumb calculations.[146] The FEIR simply responds that detailed building plans are not yet available for the Project, and does not support its estimate with any calculations or other evidence.[147] However, the does not provide any evidence suggesting that Mr. Faner's estimate is inaccurate, nor has the Project's size been decreased such that fewer HVAC units would be needed than calculated by Mr. Faner. Thus, the only substantial evidence in the record shows that the FEIR's HVAC noise estimates are underestimated.

Noise impacts from stationary equipment remain potentially significant. These impacts must be accurately analyzed in a revised and recirculated EIR.

[142] *Id.*

[143] FEIR, pg. II-65.

[144] *Id.*

[145] Faner Comments, pg. 4.

[146] Faner DEIR Comments, 7.

[147] FEIR, pg. II-66.

Response to Comment No. 14

This comment repeats claims made in the commenter's December 23, 2024 comment letter and does not introduce new information.

As discussed in Response to Comment No. 5-34 of the Final EIR, a detailed noise evaluation of the Project building mechanical design system is not available at this stage of the Project as there are no actual design-level drawings to be reviewed. Detailed building plans are prepared during the regulatory building permit phase after a project is approved. Therefore, a noise analysis for the building mechanical equipment is based on representative sound levels for typical HVAC equipment ranging from 80 dBA to 100 dBA sound power levels, with the assumption that mechanical equipment is planned to be located at every building. Furthermore, as indicated on page IV.H-42 of the Draft EIR, the Project would comply with LAMC Section 112.02, which prohibits noise from air conditioning, refrigerating, heating, pumping, and filtering equipment so as to not exceed ambient noise levels by more than 5 dBA. Therefore, as concluded in the Draft EIR, the noise impacts associated with building mechanical equipment would be less than significant.

As discussed in Response to Comment No. 5-35, the estimated noise level provided by the commenter is based on a number of assumptions. Specifically, the commenter makes premature assumptions about the type of HVAC equipment to be installed because the building's mechanical design has not been started at this stage of the Project; assumes that building mechanical HVAC equipment would be located at a distance of 15 feet from the Project Site property lines; and assumes that the mechanical equipment would likely have a direct line of sight to the receptor location. However, this assumption is not valid as the Project would incorporate Project Design Feature NOI-PDF-3, which specifies that all outdoor mounted mechanical equipment will be enclosed or screened from off-site noise-

sensitive receptors. This screening is included in the Project's design and would effectively prevent the scenario suggested by the commenter.

Finally, as discussed above and in Response to Comment No. 5-36, detailed engineering design of the building HVAC systems is not available at this stage of the Project. Therefore, the noise analysis for the building mechanical equipment is based on representative HVAC equipment for each of the Project buildings. In addition, as indicated on Page IV.H-42 in Section IV.H, Noise, of the Draft EIR, the Project would comply with LAMC Section 112.02, which prohibits noise from air conditioning, refrigerating, heating, pumping, and filtering equipment so as to not exceed ambient noise levels by more than 5 dBA. Therefore, as concluded in the Draft EIR, the noise impacts associated with building mechanical equipment would be less than significant, and additional analysis is not required.

Comment No. 15

4. The FEIR Fails to Identify All Feasible Mitigation for the Project's Significant Impacts

The DEIR concluded that construction noise impacts would be significant and unavoidable, but CREED LA demonstrated that the DEIR failed to identify all feasible mitigation measures to reduce these impacts to the greatest extent feasible. Under CEQA, if the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[148] The FEIR fails to adopt feasible noise mitigation measures identified in CREED LA's comments.

Mr. Faner recommended a measure requiring continuous noise monitoring during construction.[149] Continuous measurement would provide improved assurance that mitigation measures such as the proposed barrier walls are providing the estimated noise reductions. The FEIR responds that monitoring is unwarranted, as a noise consultant would provide documentation that the barriers would achieve the specified noise reduction.[150] But the FEIR does not specify what kind of documentation would be deemed sufficient to verify the adequacy of the barriers. Use of continuous noise monitors would guarantee the effectiveness of the proposed mitigation.

Mr. Faner identified additional measures to reduce impacts at the upper levels of the receptors R1 and R7.[151] These include erecting scaffolding to support construction noise control blankets, installing heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site, and offering to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1. The FEIR argues that the construction of temporary noise barriers at the balconies/and or breezeways facing the Project site would in itself be a noise impact, but Mr. Faner explains that the duration of the noise barrier construction is minimal compared to the Project construction.[152] Thus, this measure would be effective.

Mr. Faner also identified mitigation for the Project's construction vibration impacts, which the DEIR concludes would result in a significant and unavoidable impact to human annoyance.[153] Mr. Faner recommended offering to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives. The FEIR fails to address this proposed mitigation measure, merely reiterating that noise and vibration impacts would be significant and cannot be fully mitigated.[154]

In sum, the EIR must be revised to identify all feasible mitigation measures to reduce the Project's significant impacts.

[148] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.

[149] Faner Comments, pg. 2.

[150] FEIR, pg. II-68.

[151] Faner Comments, pg. 2-3.

[152] *Id.*

[153] *Id.* at 3.

[154] FEIR, pg. II-69.

Response to Comment No. 15

This comment repeats claims made in the commenter's December 23, 2024 comment letter and does not introduce new information.

As discussed in Response to Comment No. 5-40 of the Final EIR, continuous noise monitoring is not needed as the Draft EIR discloses the Project's potential noise impacts during construction and operational activities. Further, prior to the issuance of a demolition permit, the Applicant shall demonstrate compliance with Mitigation Measure NOI-MM-1, and provide documentation prepared by a noise consultant to verify compliance with mitigation measures (i.e., plans showing that the temporary and impermeable sound barriers would achieve the specified noise reduction). In addition, all mitigation measures, including Measure NOI-MM-1, are included in Section IV, Mitigation Monitoring Plan, of the Final EIR, to ensure compliance. As such, long-term noise monitoring as suggested in the comment is not warranted.

As discussed in Response to Comment No. 5-41 of the Final EIR, the suggested mitigation measures are not feasible because: they would require physical construction activities to be implemented at the adjacent residential buildings that is not owned by the Applicant; the heavy construction equipment such as forklifts and aerial lifts as well as the tools that would be needed to attach the scaffolding, noise blankets, or plexiglass panels along the entire extent of the building façade, which are up to 4 stories, would result in significant noise impacts; daylight into these buildings would be severely impacted and the outdoor balconies would not be usable if scaffolding and a sound blanket were to be erected; and, these mitigation measures would require the approval of other property owners to implement and that approval cannot be guaranteed.

As discussed in Response to Comment No. 5-42 of the Final EIR, the City has not adopted a noise or vibration standard or significance threshold with respect to sleep disturbance. It should be noted that Project construction would be limited to the daytime hours, with the exception of the mat pour, which would extend into the nighttime hours, as required for a continuous pour (limited to few days). As provided by the Mitigation Measure NOI-MM-2, during the nighttime mat pour, locate construction along the north northern portion of the Project Site, as far from the residential uses on Carlton Way, to the extent feasible. In addition, mat pour activities would not generate excessive vibration levels and would not result in significant impacts to the residential uses along Carlton Way.

Comment No. 16

III. The City Lacks Substantial Evidence to Approve the Entitlements

A. Approval of a Vesting Tentative Tract Map Would Be Unsupported by the Record

The Subdivision Map Act provides guidance as to the findings that the agency must make when approving a tentative map, and requires agencies to deny map approval if the project would result in significant environmental or public health impacts. Government Code, section 66474, provides:

> A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:
>
> (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
>
> (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
>
> (c) That the site is not physically suitable for the type of development.
>
> (d) That the site is not physically suitable for the proposed density of development.
>
> (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
>
> (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
>
> (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access

> through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

LAMC Section 17.15(c)(2), "Vesting Tentative Maps," provides that "a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency, or the City Planning Commission or the City Council on appeal determines:

> (a) A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
>
> (b) The condition or denial is required in order to comply with state or federal law.

Here, approval of the vesting tentative tract map would place the community in a condition dangerous to its health and safety. Emissions from the Project's construction equipment would emit TACs resulting in a significant cancer risk, and the Project's excavation may expose workers and residents to harmful levels of VOCs. The Advisory Agency therefore lacks substantial evidence to make the necessary findings. The City must correct the errors in the EIR, adopt adequate mitigation measures to reduce impacts to less than significant levels, and must provide substantial evidence supporting the Project's proposed statement of overriding considerations to address the Project's outstanding, unmitigated significant impacts before the City can approve the VTTM.

Response to Comment No. 16

This comment fails to provide data or analysis as to how the City's Advisory Agency lacks substantial evidence to make the necessary findings to approve a Vesting Tentative Tract Map. To the extent the commenter is claiming that impacts related to TACs and VOCs, those impacts have been evaluated in the EIR and impacts were found to be less than significant. Please refer to Response to Comment Nos. 9 and 22 for additional information regarding the EIR's Health Risk Assessment.

Comment No. 17

B. Approval of Site Plan Review Would Be Unsupported by the Record

Site Plan Review approval requires making certain environmental findings. LAMC Sec. 16.05(A) provides that:

> The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

LAMC Sec. 16.05(E) further provides that:

a. In granting site plan approval, the Director may condition and/or modify the project, or select an alternative project, as he or she deems necessary to implement the general or specific plan and to mitigate significant adverse effects of the development project on the environment and surrounding areas.

b. The Director shall not approve or conditionally approve a site plan review for a development project unless an appropriate environmental review

> clearance has been prepared in accordance with the requirements of CEQA.

The Project's significant impacts prevent approval of site plan review pursuant to LAMC Sec. 16.05(A). The City must require additional environmental mitigation pursuant to LAMC Sec. 16.05(E)(a) to reduce the Project's health risk impacts to a less-than-significant level.

Response to Comment No. 17

This comment provides a generic and ambiguous response that assumes the City cannot make the appropriate findings to approve Site Plan Review. The commenter does not explain what impacts may prevent approval nor does the commenter explain what mitigation would be required. To the extent the commenter is referring to health risk impacts, please see Response to Comment Nos. 9 and 22. No further response is required.

Comment No. 18

C. Approval of the Density Bonus Would Be Unsupported by the Record

The Project seeks a Density Bonus Compliance Review pursuant to LAMC Section 12.22 A.25. The LAMC provides that the City shall not approve a Density Bonus and requested Incentives if:

> The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.[155]

The Project's significant environmental and public health impacts are Specific Adverse Impacts that prevent approval of the Density Bonus and Incentives.

[155] LAMC, Section 12.22 A.25(g)(2)(i)(c)(ii)

Response to Comment No. 18

This comment provides a generic and ambiguous response that assumes the City cannot make the appropriate findings to approve the proposed density bonus and incentives. To begin, density bonus approvals are ministerial actions under state law. The commenter does not explain what impacts may prevent approval nor does the commenter explain what mitigation would be required. To the extent the commenter is referring to health risk impacts, please see Response to Comment Nos. 9 and 22. No further response is required.

Comment No. 19

IV. CONCLUSION

As is explained herein, the FEIR's analyses remain substantially inaccurate and incomplete, failing to comply with the requirements of CEQA. As a result, the FEIR still fails to adequately disclose and mitigate the Project's significant impacts. As a consequence of these impacts, the City cannot make the requisite findings under CEQA to certify the FEIR or under the City's Municipal Code to approve the Project's entitlements. CARE CA urges the Deputy Advisory Agency and Zoning Administrator to require the City to revise and recirculate the EIR before any further action is taken on the Project.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Exhibit A—Clark & Associates letter dated July 2, 2025 [11 pages]

Exhibit B—Wilson Ihrig letter dated June 23, 2025 [6 pages]

Response to Comment No. 19

This comment concludes the letter and introduces the attachments. Refer to Response to Comment Nos. 1 through 18 above and 20 through 40 below. As demonstrated

therein, the EIR was prepared in accordance with the requirements of CEQA and the commenter has failed to provide substantial evidence that recirculation is required.

Comment No. 20

Exhibit A—Clark & Associates letter dated July 2, 2025

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the City of Los Angeles' (the City) FEIR[1] for the above referenced project.

Clark's review does not constitute validation or endorsement of the conclusions or content presented in the IS/MND. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

Project Description:

According to the Project Description,[2] "The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, 4,038 square feet of restaurant uses, and 500 square feet of storage space. The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000-square-foot, six-story office and retail building; Building B would be a 289,079-square-foot, 35-story residential tower; Building C would be a 23,560-square-foot, four-story residential building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. One of the low-rise structures would be a 4,038-square-foot, two-story restaurant, and the remaining 10 structures would include 38 residential townhomes. Upon completion, the Project would result in a total floor area of 501,185 square feet on an 3.7-acre site, for a Floor Area Ratio (FAR) of 3.1:1 and a maximum building height of 419 feet. All of the existing improvements and uses on the Project Site would be demolished.

The area surrounding the Project Site is highly urbanized and includes a mix of low- to mid-rise buildings containing a variety of commercial and residential uses. The surrounding

properties are generally zoned for C4 commercial use or R4 multiple dwelling residential use, consistent with the zoning of the Project Site. South of the Hollywood Lot—and to the east of the Carlton Lot—are various primarily multi-family apartment buildings; to the west of the Carlton Lot are a multi-family apartment building, the Shir Hashirim Montessori School, and a two-story office building and associated surface parking. Multi-family apartment buildings are also located across the Carlton Lot on the south side of Carlton Way.

Construction of the Project would commence with demolition of the existing structures and surface parking areas. This phase would be followed by grading and excavation for the subterranean parking, which would extend to a depth of 40 feet below ground surface. The building foundations would then be laid, followed by building construction, paving/concrete installation, and landscape installation. Project construction is anticipated to commence in 2026 and be completed in 2029. Eyestone estimated that approximately 210,000 cubic yards of export would be hauled from the Project Site.[3] The properties to the southwest and southeast of the Project Site along Carlton Way are primarily residential and represent the most sensitive receptors to emissions from the Project Site.

[1] Eyestone Environmental, LLC. 2025. 6000 Hollywood Boulevard Project, Final Environmental Impact Report. Prepared by Eyestone Environmental, LLC for the City of Los Angeles Department of City Planning. May 2025

[2] Ibid. pg 1—cover page

[3] DEIR. pg II-25

Response to Comment No. 20

This comment introduces Exhibit A and summarizes the original project description included in Section II, Project Description, of the Draft EIR. Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR revised the Project Description and accompanying analysis to reflect an increase in excavation depth from 40 to 48 feet and a corresponding increase in soil export from 210,000 cubic yards to 252,000 cubic yards. The comment also refers to an "IS/MND" but an EIR was prepared for the Project, not a Mitigated Negative Declaration.

Comment No. 21

After a careful review of the FEIR and supporting documents it is clear that the FEIR's assertion that there are not significant air quality impacts from the Project is not supported by the data contained in the FEIR. There are clear flaws in the FEIR's analysis of air quality issues, most specifically the health risk analysis, that must be corrected in a revised environmental impact report (REIR).

The HRA prepared by Eyestone has critical flaws which underestimate the risk for exposure to diesel particulate matter (DPM) from the construction and operational phases of the Project.

Response to Comment No. 21

This comment states the overall claim that the Final EIR's analysis of air quality impacts was insufficient and requests recirculation. Specific issues addressed by the commenter are addressed in Response to Comment Nos. 22 through 28 below. As demonstrated therein, the Final EIR meets the requirements of CEQA and recirculation is not required.

Comment No. 22

1. The City's Health Risk Analysis (HRA) underrepresents the potential health risk from exposure to diesel particulate matter (DPM) by failing to include an Age Sensitivity Factor (ASF) in the quantification of risk. Eyestone claims that since the City and the SCAQMD have not developed recommendations on the use of age sensitive factors (ASFs), they rely on U.S. EPA's guidance which states that ASFs are appropriate for carcinogens that act through the mutagenic mode of action. Eyestone fails to address the determination from the California Air Resources Board (CARB) that DPM does in fact work via a mutagenic mode of action. The State of California's Scientific Review Panel's 1998 Report On Diesel Exhaust is very clear about the mode of action for DPM.[4] In the Health Effects Section of the Report's Summary, the Board (made up of health scientists including toxicologists) states "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."

[4] CARB. 1998. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel's April 22, 1998, Meeting. https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf

Response to Comment No. 22

The commenter disputes the methodology used in the HRA contained in the Final EIR, and states the commenter's opinion that, based on portions of the referenced study by this comment (which is addressed below), the HRA should have considered DPM and diesel exhaust to be mutagenic compounds and that, on such basis, the HRA should have applied age sensitivity factors.[4] Eyestone Environmental considered this approach, and respectfully disagrees with the commenter's opinion for the reasons described below and in the HRA.

It is acknowledged that there is some scientific uncertainty regarding the health effects of DPM and diesel exhaust and the appropriateness, or lack thereof, of incorporating early-life exposure adjustments. There is therefore a variety of methodologies that have been recognized by regulatory agencies with expertise in these matters, and not all experts agree on the preferred approach. This uncertainty and the variability of methodologies was noted in the HRA included as Appendix FEIR-3. For example, page 5 of the HRA cites to the SCAQMD Staff Report presented to the SCAQMD Governing Board[5] regarding the Final Environmental Assessment for Proposed Amended Rules to Implement OEHHA Revisions to the Air Toxics Hot Spots Program Risk Assessment Guidelines and proposed amendments to Rule 1401.[6] As discussed therein, SCAQMD staff, in response to public

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[4] Diesel engine exhaust is a complex mixture of airborne particles and gases. Diesel particulate matter (DPM), composed of elemental carbon particles and adsorbed organic compounds, is the most frequently determined measure of diesel exhaust and the measure reported in toxicological studies of diesel engine exhaust. For the purposes of this discussion, the two terms are used interchangeably.

[5] SCAQMD, Governing Board Meeting Agenda: June 5, 2015 (Agenda Item No. 28), www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2015/2015-jun1-028.pdf?sfvrsn=9.

[6] Prior to the 2015 OEHHA Guidelines, ASFs were not included in previous OEHHA guidance (Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (2003 Guidance Manual).

comment in connection with toxic air contaminant exposures under Rule 1401, indicated that 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." As noted in the HRA, thus far, SCAQMD has not conducted such workshops nor developed policy pertaining to the applicability of applying the 2015 OEHHA Guidance for CEQA purposes.

The discussion below illustrates why the study selectively quoted by the commenter does not provide substantial evidence that age sensitivity factors were warranted in this HRA.

USEPA Guidance Indicates that Early Life Exposure Adjustments Are Warranted Only In Limited Circumstances, Not Applicable Here, for Compounds Exhibiting a Mutagenic Mode of Action

USEPA guidance relating to the use of early life exposure adjustments (*Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F*)[7] are considered when carcinogens act "through the mutagenic mode of action." This USEPA guidance specifically noted that this approach provides public health conservatism. As reported:

> *The Agency considered both the advantages and disadvantages of extending the recommended, age dependent adjustment factors for carcinogenic potency to carcinogenic agents for which the mode of action remains unknown. EPA recommends these factors only for carcinogens acting through a mutagenic mode of action based on a combination of analysis of available data and long-standing science policy positions that set out the Agency's overall approach to carcinogen risk assessment, e.g., the use of a linear, no threshold extrapolation procedure in the absence of data in order to be health protective. In general, the Agency prefers to rely on analyses of data rather than on general defaults. When data are available for a*

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[7] USEPA, Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, March 2005, www3.epa.gov/airtoxics/childrens_supplement_final.pdf.

> *susceptible lifestage, they should be used directly to evaluate risks for that chemical and that lifestage on a case-by-case basis. In the case of nonmutagenic carcinogens, when the mode of action is unknown, the data were judged by EPA to be too limited and the modes of action too diverse to use this as a category for which a general default adjustment factor approach can be applied. In this situation per the Agency's Guidelines for Carcinogen Risk Assessment, a linear low-dose extrapolation methodology is recommended. It is the Agency's long-standing science policy position that use of the linear low-dose extrapolation approach (without further adjustment) provides adequate public health conservatism in the absence of chemical-specific data indicating differential early-life susceptibility or when the mode of action is not mutagenicity.*

In other words, this USEPA Guidance acknowledges that not all carcinogenic agents act through a mutagenic mode of action. The USEPA Guidance indicates that for carcinogenic agents for which the mode of action remains unknown (that is, for carcinogenic agents that have not been established to be mutagenic), USEPA's position is that "linear low-dose extrapolation", "without further adjustment", provides adequate public health conservatism. Therefore, this USEPA Guidance supports the methodology that was recommended by Eyestone Environmental' s air quality experts and which was accordingly used to prepare the quantitative HRA that was included in Appendix FEIR-3.

The State of California's Scientific Review Panel's 1998 Report on Diesel Exhaust Relied on Substantially the Same Studies and Included the Same Degree of Uncertainty as Noted Below in the USEPA's IRIS Assessment

The comment referred to the State of California's Scientific Review Panel's 1998 Report on Diesel Exhaust (the "1998 Report") acknowledges under Exposure Related Conclusions (Item 4) that "The organic fraction consists of soluble organic compounds such as aldehydes, alkanes and alkenes, and high-molecular weight PAH and PAH-derivatives, such as nitro-PAHs. Many of these PAHs and PAH-derivatives, especially nitro-PAHs, have been found to be potent mutagens and carcinogens." This conclusion regarding diesel exhaust by the State of California's Scientific Review Panel is consistent with what was emphasized in Appendix FEIR-3 at page 6, in which PAHs and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust

particulate mass. The commentor is also referred to Page 22 of USEPA's Integrated Risk Information System (IRIS) Chemical Assessment Summary for Diesel Engine Exhaust (IRIS Assessment), in which additional context is provided regarding mutagenicity data. The IRIS Assessment states: "The application of mutagenicity data to the question of the potential carcinogenicity of diesel engine exhaust is based on the premise that genetic alterations are found in all cancers and that several of the chemicals found in diesel engine exhaust possess mutagenic activity in a variety of genetic assays. These genetic alterations can be produced by gene mutations, deletions, translocations, aneuploidy, or amplification of genes; hence, no single genotoxicity assay should be expected to either qualitatively or quantitatively predict rodent carcinogenicity. With diesel engine exhaust or other mixtures, additional complications arise because of the complexity of the material being tested." Again, this information, when applied in conjunction with the USEPA guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F), supports the methodology used in the HRA. This is particularly true because, as provided as Appendix FEIR-3, polycyclic aromatic hydrocarbons (PAHs), and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass. This comment, and the referenced study, does not provide substantial evidence that whole diesel engine exhaust has been shown to elicit a mutagenic mode of action, nor that age sensitivity factors are warranted in this HRA.

The 1998 Report was based on many of the same studies that were cited in USEPA's IRIS Assessment. The USEPA (IRIS Assessment, concludes, in part, based on the weight-of-evidence judgement of the likelihood that diesel exhaust is a human carcinogen and states that "diesel exhaust (DE) *is likely to be carcinogenic to humans* by inhalation from environmental exposures."[8] However, this conclusion of the IRIS Assessment is different than a conclusion that diesel exhaust as a whole is a mutagenic compound. This difference is critical to a judgment as to whether it would be analytically appropriate for the HRA to include age sensitive factors when analyzing the effects of diesel exhaust.

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[8] USEPA, National Center for Environmental Assessment, Integrated Risk Information System (IRIS), Diesel Engine Exhaust United States, last Updated February 28, 2003, p. 11, https://iris.epa.gov/static/pdfs/0642_summary.pdf.

It is acknowledged that USEPA's IRIS Assessment has identified as "lines of evidence" for its overarching conclusion that, for example, there is "strong but less than sufficient evidence for a causal association between [diesel exhaust] exposure and increased lung cancer risk among workers in varied occupations where exposure to DE occurs; [and there is] extensive supporting data including the demonstrated mutagenic and/or chromosomal effects of [diesel exhaust] and 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."[9] These facts were considered by Eyestone Environmental and the City in the preparation of the HRA. In fact, the HRA expressly disclosed that certain organic constituents of diesel exhaust—comprising less than one percent of diesel exhaust particulate mass—exhibit mutagenic modes of action. Therefore, the comment is incorrect when it asserts that the HRA ignored this issue, or ignored the evidence in the literature that might support the use of early life adjustments.

The commenter fails to give sufficient weight to (nor in many cases does the commenter even acknowledge) other information set forth in the IRIS Assessment or 1998 Report which indicates that it has not been established that diesel exhaust as a whole exhibits a mutagenic mode of action.

For example, while the IRIS Assessment indicates that the "qualitative evidence for potential human carcinogenicity is considered strong … inferences are involved and uncertainties are present." The IRIS Assessment goes on to describe this uncertainty at length:

> *First, there has been a considerable scientific debate about the significance of the available human evidence for a causal association between occupational exposure and increased lung cancer risk. Some experts view the evidence as weak and/or inconsistent while others consider the evidence compelling, due to a lack of consensus about whether the effects of smoking and other potential confounders have been adequately accounted for in key studies, and the lack of agreed-upon historical DE exposure data for the key studies. These issues highlight the difficulty in*

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[9] *Ibid.*

> *delineating an exposure-based dose-response relationship. 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. Data gaps also limit conclusions regarding the full extent of DE's carcinogenic potential. These limitations include lack of knowledge concerning the susceptibility of young animals to DE's carcinogenic effects relative to more mature animals, the human carcinogenic potential of DE by oral and dermal exposures, and the inconclusive epidemiologic evidence for DE being associated with other forms of cancer.*

In other words, the studies included in the IRIS Assessment and 1998 Report indicate that a mutagenic mode of action has been identified in rats following high DE exposures, but no such mode of action has been identified in humans [*"the mode of action for the DE lung cancer risk in humans is not known" … "There is virtually no information about the relative role of DE constituents in mediating carcinogenic effects at the low-exposure levels or in humans."]*

Additionally, we emphasize that, as discussed in Appendix FEIR-3 at page 6, for diesel particulates, PAHs, and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass.[10] Given that the estimate of the increased cancer risk from inhalation exposure is expressed in terms of total diesel particulate, in Eyestone Environmental' s expert judgment, it is not reasonable to apply mutagenic mode of action to the total amount of diesel particulate.

In sum, while the IRIS Assessment and 1998 Report, as well as the HRA, acknowledge that there is strong evidence of diesel exhaust carcinogenicity, substantial uncertainty remains about the mode of action for diesel exhaust as a whole. Furthermore,

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[10] United States Environmental Protection Agency, Health Assessment Document for Diesel Engine Exhaust (EPA/600/8-90/057F), 2002.

and contrary to what is implied by this comment, USEPA's IRIS Assessment and 1988 Report do not provide guidance in support of the use of age sensitive factors for diesel exhaust or purport that whole diesel engine exhaust has shown to elicit a mutagenic mode of action.[11]

Moreover, based on a review of relevant guidance on the applicability of the use of early life exposure adjustments to identified carcinogens, the use of these factors would not be applicable to the HRA provided in the Final EIR. Indeed, neither the Lead Agency nor SCAQMD, have developed generally applicable recommendations on whether these factors should be used for CEQA analyses of potential DPM construction or operational impacts.

In sum, the study cited in this comment is not sufficient to indicate that diesel exhaust as a whole should be treated as having a mutagenic mode of action, and therefore do not support the commenter's belief that a different methodology than the one adopted by the City should have been used.

In Contrast to the Inapplicable or Inconclusive Study Cited by the Commenter, Applicable Guidance Supports the Methodology Applied in the HRA

USEPA Guidance also supports the methodology used in the HRA. For example, for the HRA prepared in the Final EIR, the HRA relied upon USEPA guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." As discussed above, PAHs and their derivatives within diesel particulate, which are known to exhibit a mutagenic mode of action, comprise less than one percent of the exhaust particulate mass. In sum, the alternative methodology requested by the commenter and the background study referenced by the commenter (including the USEPA and the 1998 Report) were carefully considered by the air quality experts that prepared the HRA. However, in the expert judgment of the City's air quality experts, the totality of prior studies regarding

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[11] United States Environmental Protection Agency, National Center for Environmental Assessment, Integrated Risk Information System (IRIS), Diesel Engine Exhaust, Last Updated February 28, 2003, p. 12, https://iris.epa.gov/static/pdfs/0642_summary.pdf.

the mutagenic mode of action of diesel exhaust *as a whole*, and the specific circumstances applicable to the Project, indicate that early life exposure adjustments are not appropriate for use in the HRA presented as Appendix FEIR-3. No information in the CREED Letter alters this conclusion or analysis.

Comment No. 23

2. The City's choice to ignore the incorporation of ASFs into its analysis is not supported by SCAQMD guidance. The SCAQMD's guidance on the preparation of health risk analyses in the Air Basin includes ASFs in the calculation of exposure for the maximum individual cancer risk (MICR).[5] The City must evaluate the health risk from exposure to DPM in a manner consistent with the guidance from the State.[6]

3. My previous comments pointed out that the method is being used by other agencies in the preparation of CEQA compliant analyses. The example I previously provided included the use of ASFs in the Norwalk Entertainment District Specific Plan. In its 2022 construction activities HRA, the City of Norwalk specifically used the ASFs consistent with the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 to ensure that the health impacts from construction activities would assess risks for susceptible subpopulations such as children.

[5] SCAQMD. Risk Assessment Procedures For Rules 1401, 1401.1 and 212. Version 8.1. Dated September 2, 2017 pgs 7,12, https://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/riskassessproc-v8-1.pdf.

[6] OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments.* Dated February 2015.

Response to Comment No. 23

The commenter again asserts his objection to the methodology selected by the City, and asserts that because a different lead agency has apparently selected the methodology he prefers on a factually distinguishable project, the City of Los Angeles must make that

same choice of methodologies on this Project. The commenter's assertions are without merit.

As documented extensively throughout this response to comment, Eyestone Environmental respectfully disagrees with the commenter's preferred methodology for the reasons stated herein. Please refer to Response to Comment No. 22 as to why the commenter incorrectly asserts that the State has designated DPM as a mutagenic chemical and, therefore, ASFs are applicable.

When considering the methodology the commenter prefers, it is important to understand the purpose of the OEHHA guidance regarding mutagenic compounds and related age sensitivity factors cited in this comment as it is not applicable to the Project. OEHHA adopted the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (2003 Guidance Manual) in October of 2003. The Guidance Manual was developed by OEHHA, in conjunction with the California Air Resources Board (CARB), for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et. seq.). The Air Toxics "Hot Spots" Program requires certain stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Program are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

OEHHA adopted a new version of the *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (2015 Guidance Manual) in March of 2015. CARB acknowledges that the Guidance Manual does not include guidance for projects prepared under the auspices of CEQA and that it would be "handled by individual [Air Pollution Control] Districts." As noted by CARB,

> *The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in September 1987. Under this, stationary sources are required to report the types and quantities of certain substances their facilities routinely release into the air. Emissions of interest are those that result from the routine operation of a facility or that are predictable, including but not limited to continuous and intermittent releases and process upsets or leaks…*

> *The Act requires that toxic air emissions from stationary sources (facilities) be quantified and compiled into an inventory according to criteria and guidelines developed by the ARB, that each facility be prioritized to determine whether a risk assessment must be conducted, that the risk assessments be conducted according to methods developed by OEHHA….*

There are two broad classes of facilities subject to the AB 2588 Program: Core facilities and facilities identified within discrete industry-wide source categories. Core facilities subject to AB 2588 compliance are sources whose criteria pollutant emissions (particulate matter, oxides of sulfur, oxides of nitrogen, and volatile organic compounds) are 25 tons per year or more as well as those facilities whose criteria pollutant emissions are 10 tons per year or more but less than 25 tons per year. Industry-wide source facilities are classified as smaller operations with relatively similar emission profiles (e.g., auto body shops, gas stations, and dry cleaners using perchloroethylene).

The emissions generated from the construction and subsequent occupancy of an office and commercial development project (such as the proposed Project) are not classified as core operations, nor are they subject to industry-wide source evaluation.

The intent in developing the 2015 Guidance Manual was to provide HRA procedures for use in the Air Toxics Hot Spots Program or for the permitting of certain new or modified stationary sources. As noted above, the Project is not a new or modified stationary source that requires air quality permits to construct or operate. Air districts are to determine which facilities will prepare an HRA based on a prioritization process. The 2015 Guidance Manual also provides recommendations related to cancer risk evaluation of short-term projects regarding certain stationary sources. As discussed in Section 8.2.10 of the 2015 Guidance Manual, "[t]he local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation." Short-term projects that would require a permitting decision by SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The 2015 Guidance Manual also does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). Thus, the 2015 Guidance Manual and, as noted below, the SCAQMD Risk Assessment Procedures for *1401, 1401.1, 1402,*

and 212 A-8, are inapplicable as a factual matter to the proposed Project and the HRA, and does not support the commenter's opinion that age adjustment factors should have been utilized.

OEHHA's *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (2015 Guidance Manual).[12]I provides age sensitivity factors to account for potential increased sensitivity of early-in-life exposure to carcinogens. For risk assessments conducted under the auspices of AB 2588, a weighting factor is applied to all carcinogens regardless of purported mechanism of action. 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 (New Source Review of Toxic Air Contaminants), use of the 2015 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.*

SCAQMD, as a commenting agency, has not conducted public workshops nor developed policy relating to the applicability of applying the 2015 OEHHA guidance for projects prepared by other public/lead agencies subject to CEQA.

To emphasize variability in methodology for conducting HRAs, regulatory agencies throughout the State of California including the DTSC which is charged with protecting individuals and the environment from the effects of toxic substances and responsible for

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[12] Office of Environmental Health Hazard Assessment, Air Toxicology and Epidemiology, Adoption of Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. March 6, 2015, https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.

assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved, have adopted the USEPA's policy in the application of early-life exposure adjustments. As discussed above, USEPA guidance relating to the use of early life exposure adjustments (*Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F*) are considered only when carcinogens act "through the mutagenic mode of action." As discussed extensively throughout this comment, in Eyestone Environmental's expert judgment, as informed by the expertise of Mark Hagmann, P.E., and a review of the cited literature, early life exposure adjustments are not required, nor are they warranted, for DPM emissions.

The commenter provides an example of a lead agency (i.e., the City of Norwalk) choosing to use ASFs consistent with OEHHA *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments* and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 in an HRA for the Norwalk Entertainment District Specific Plan. This example simply highlights that lead agencies have the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts including potential impacts related to health risk. This example does not support a conclusion that SCAQMD (or any other agency with jurisdiction over the Project) has developed and provided binding guidance to the City of Los Angeles that it must use ASFs in CEQA documents related to land use development projects, and the commenter cites to no other such legal requirement. Dr. Clark's opinion regarding the use of ASFs is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 24

4. Using the results from the City's analysis of DPM emissions from the construction phase and operational phase of the Project it can be demonstrated that the risk from exposure to DPM exceeds the significance threshold of 10 in one million (10 in 1,000,000). In Appendix B to the Health Risk Assessment prepared by Eyestone Environmental LLC for the City (Appendix FEIR-3 to the FEIR), Eyestone uses the algorithms outlined in the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212. To calculate the inhalation cancer

risk for any receptor in the modeling domain dose of the chemical in air ($Dose_{air}$) is calculated from the annual concentration of the carcinogen (C_{air}). The exposure concentration is then multiplied by the breathing rate per body weight (BR/BW), inhalation absorption factor (A), the exposure frequency (days per 365 days) and a conversion factor of 10^{-6} (micrograms to milligrams, liters to cubic meters). This annual average concentration is multiplied by the cancer slope (CPF) for the chemical along with the appropriate age sensitivity factor (ASF) the exposure duration (ED) and then divided by the averaging time (AT)

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

2. $$Risk_{inh} = Dose_{air} * CPF * ASF * ED/AT$$

Using the concentration modeled for the construction phase reported by Eyestone; and the appropriate exposure factors for each age range (see table below) the cumulative risk for exposure of infants during the 3.9375 years (45 months) of construction is 22.3 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact.

Age Group	Risk Per Million	ASF	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
3rd Trimester	9.04E-01	10	1	0.25	1.1	2.30E-05	0.067	361	1	0.958904
0-1	6.96E+00	10	0.85	0.75	1.1	6.95E-05	0.067	1090	1	0.958904
1-2	1.16E+01	10	0.85	1.25	1.1	6.95E-05	0.067	1090	1	0.958904
2<9	2.80E+00	3	0.72	1.5	1.1	5.49E-05	0.067	861	1	0.958904

Age Group	Risk Per Million	ASF	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
Total	2.23E+01									

The City must quantify and disclose these significant impacts in a supplemental EIR for the Project.

Response to Comment No. 24

The commenter provides his calculation of the risk exposure to DPM, using commenter's preferred methodology (with the application of ASFs). As documented extensively throughout Response to Comments No. 22 and 23, Eyestone Environmental respectfully disagrees with the commenter's preferred methodology for the reasons stated herein. Furthermore, the commenter analyzed an exposure duration of 48 months even though this comment acknowledges a construction duration of 45 months. An assumed longer construction duration would overstate the Project-related cancer risk. As discussed in Response to Comments No. 22 and 23, a quantified HRA using ASFs is not required, is not warranted under the facts of the Project, and the City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies based on substantial evidence for evaluating a project's impacts including potential impacts related to health risk.

Comment No. 25

5. The City has failed to address concerns regarding the lateral and vertical extent of soil vapor contamination onsite, along with identifying the source of the contamination. According to the DEIR,[7] the Project Site was identified on multiple governmental databases, including FINDS, ECHO, and HWTS as a facility that uses, stores, or has released hazardous wastes. The Project Site was identified on HAZNET database for generating hazardous wastes on multiple occasions including but not limited to the use of halogenated solvents between 1989 and 1991; and, hydrocarbon solvents between 1989 and 1996.

The Phase I Environmental Assessment (ESA)[8] of the Project Site states that based on the long term occupancy of the Site as an auto repair shop and the use of halogenated and hydrocarbon solvents at the Site, the conditions may represent a recognized environmental condition (REC). The Phase I also stated that vapor encroachment conditions (VEC) could exist from offsite sources near the Project Site.

A Phase II ESA of the Project Site, measured tetrachloroethylene (PCE) and trichloroethylene (TCE) above the residential screening levels in the shallow soil and deeper soils (5 feet below ground surface (bgs) and 15 feet bgs) across the Project Site. Of the nine borings installed onsite, only two borings (Boring B4 and Boring B9) were completed to

40 feet bgs. The other seven borings were completed to 15 feet bgs. Boring B-9 had no measurable concentration of PCE above the laboratory reporting limit (reported as Non-Detect or ND) in samples collected at 5 feet bgs, 15 feet bgs, and 25 feet bgs. At 40 feet bgs Boring B-9 reported a concentration of PCE at 127 ug/m^3. In addition, the highest concentration of PCE (565 ug/m^3) and TCE (1270 ug/m^3) measured onsite were collected at Boring B-5, immediately outside of Service Bay D.

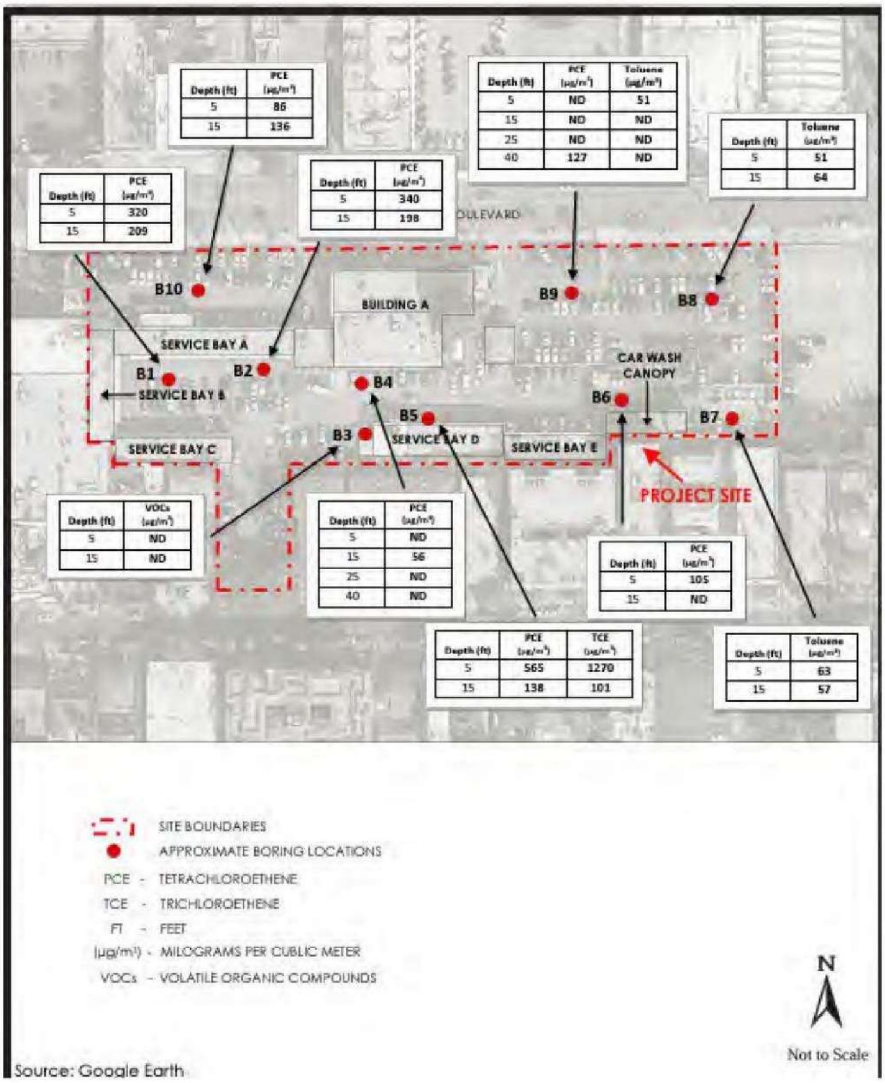

Figure 1: Soil Vapor Concentrations Measured On-Site

It is clear that occupants of the buildings may be exposed to volatile organic compounds (VOCs), such as TCE and PCE, via several mechanisms: (1) the intrusion of volatile components through the floor, and (2) the influx of volatile components from outside air via gaps in walls, windows and doors.

Vapor emissions pose a potential hazard to receptors within buildings constructed over the VOC-affected soil and/or soil vapor plume.[9,10,11,12] A building may trap the emissions indoors, and the resultant indoor air concentrations may be significantly higher than those in the ambient air.

A default assumption in the U.S. EPA's Vapor Intrusion Guidance (VIG)[13] is that when the distance between the slab and top of the plume is shallow, the soil attenuation factor (SAF) or alpha (α) is assumed to be 0.03 (meaning the soil gas concentration is multiplied by 3% to calculate the indoor air concentration) regardless of the actual subsurface conditions existing beneath a barrier. Using the alpha of 0.03 it is clear that the residences to the south of Boring B-5 (which reported concentrations of 1,270 ug/m^3 of TCE and 565 ug/m^3 of PCE in soil vapor) could be exposed to 38.1 ug/m^3 of TCE and 16.95 ug/m^3 of PCE in the indoor air. DTSC has developed modified screening levels based on the U.S. Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs) for use in the human health risk assessment process at hazardous waste sites and permitted facilities (colloquially known as DTSC-SLs). The screening levels are published for the primary media of exposure (soil, water, and air). Current indoor air screening levels for PCE and TCE in air are 0.46 ug/m^3 and 0.48 ug/m^3, representing health risks of 1 in one million. The concentrations of VOCs measured onsite are at least 36 times higher than RSLs, representing risks of at least 36 in one million for each compound.

Given that the boring installations across the Project Site are inconsistent with regards to the depth of the borings and the measurements of chlorinated solvents in the borings, it is evident that the City has not defined the lateral and vertical extent of contamination onsite. Additionally, the City has not clearly defined the source or sources of contamination onsite and offsite. All efforts to remediate the contamination by excavation will be meaningless if the lateral and vertical extents are not defined. Excavating to 40 feet bgs may remove a portion of the contamination but will not ultimately remove all of the source(s), posing a future hazard for occupants of the building. As DTSC and the CSWRCB[14] pointed out in their recent

guidance, "The closer a building is to subsurface contamination, the greater the potential for VI (*sic*, vapor intrusion). Both the lateral and vertical distance of a building from soil and groundwater contamination should be considered" By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure. The "mitigation" of soil vapor would therefore be inadequate in that case. To ensure the safety of all future occupants, the City must clearly identify the lateral and vertical extent of the contaminant, identify appropriate remedial technology, perform pilot testing to ensure that the technology is working as designed, and identify barrier technology that may be included in the Project design to prevent exposure of occupants to the contamination at the Site. This issue must be addressed in a supplemental EIR for the Project.

[7] DEIR. pg IV.F-20

[8] Citadel EHS. 2021. Phase I Environmental Site Assessment Report, 6000 Hollywood Boulevard, Los Angeles, CA 90028. Dated July 16, 2021. Pg vii

[9] DTSC. 2015. Preliminary Endangerment Assessment Guidance Manual. 2015. (California Environmental Protection Agency [Cal/EPA] DTSC, original 1994, second printing 1999, third printing 2015)

[10] DTSC. 2020. Human Health Risk Assessment Note Number 3: DTSC-modified Screening Levels (DTSC-SLs). (DTSC/HERO, June, 2020)

[11] U.S. EPA. 2015. OSWER Technical Guide For Assessing and Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air. OSWER Publication 9200.2-154. Dated June 2015.

[12] DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

[13] U.S. EPA. 2015. OSWER Technical Guide For Assessing and Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air. OSWER Publication 9200.2-154. Dated June 2015.

[14] DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

Response to Comment No. 25

Refer to Response to Comment Nos. 5 above regarding Dr. Clark's claims about vapor intrusion.

eyestone ENVIRONMENTAL

MEMORANDUM

Comment No. 26

6. The City's response to the Department of Toxic Substances Control (DTSC) regarding the need for regulatory oversight during the cleanup of the site, assuming that the application of Mitigation Measure HAZ-MM-1 (a Soil Management Plan) under the oversite of an unnamed environmental professional, would mitigate all risks is not supported by the evidence in the DEIR. As noted above, the Project Site was identified on HAZNET database for generating hazardous wastes on multiple occasions including but not limited to the use of halogenated solvents between 1989 and 1991; and, hydrocarbon solvents between 1989 and 1996. Subsurface investigation of the Site has identified concentrations of PCE and TCE well above the residential screening levels in the shallow soil and deeper soils across the Project Site.

As DTSC noted in its comments on the Project, the City of Los Angeles should enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a self-certified local agency, DTSC, or Regional Water Quality Control Board (RWQCB). It must be noted that by choosing to ignore the comments from DTSC, that the City is assuming liability for future claims against contamination that is currently present at the Site but not assessed by the City.

SMPs are not equivalent to removal action workplans (RAW) or remedial action plans (RAP) that are required from DTSC or the RWQCB. SMPs deal only with the methods for handling impacted soils during an operation. RAWs and RAPs are designed to ensure unrestricted use of the site by containing or removing impact media (e.g., soil, groundwater, soil vapor). A RAW may be required when DTSC determines, based on information obtained during characterization activities, that further action is required to address contamination at levels that pose a health risk to existing and/or future property users or that may be an ongoing source of contamination to the environment. Cleanup goals are established in the RAW that are compatible with current and planned uses and ensure protection of human health and the environment. Contaminated sites are generally cleaned up to levels that allow for unrestricted, commercial/industrial, or recreational uses. A deed restriction (Land Use Covenant or LUC) will be required for cleanups that do not meet unrestricted use levels.

Given the high levels of VOCs currently being measured onsite the City must re-assess the impacts of the measured soil vapor onsite and offsite; and, require active mitigation of the soil vapor prior to the development of the Project Site in a supplemental EIR.

Response to Comment No. 26

Refer to Response to Comment No. 6 above regarding DTSC oversight.

Comment No. 27

7. Changes in the assumptions regarding the volume of soils to be excavated and the duration of the grading operations may have changed the emissions estimates of criteria pollutants from the Project. According to the FEIR in Section I, Executive Summary, pages 1-23, the sixth and seventh sentences of the first paragraph will be changed to show that the maximum depth of the subterranean parking lot will be changed from 40 feet bgs to 48 feet bgs. The result is that the estimated soil to be exported will be 252,000 cubic yards not 210,000 cubic yards. This represents a 20 percent (20% increase) in the volume of soil to be exported during the Grading Phase of the Project.

A review of the CalEEMod analysis from the DEIR shows that 210,000 cubic yards will be exported and no effort is made by the City to reanalyze how the deeper excavation and increase in exported soils impacts emissions from the Project. This should be included in a supplemental EIR for the Project.

Response to Comment No. 27

Refer to Response to Comment No. 8, above. The increase in excavation was analyzed in the Final EIR and supporting documentation was provided.

Comment No. 28

Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed based in the FEIR. A supplemental EIR is necessary to address these substantial concerns fully and transparently.

Response to Comment No. 28

This comment concludes the letter and reiterates the commenter's overall claim that the Final EIR was inadequate. Refer to Response to Comment Nos. 20 through 27, above for specific issues raised by the commenter. As demonstrated therein, the Final EIR meets the requirements of CEQA and recirculation is not required.

Comment No. 29

Exhibit B—Wilson Ihrig letter dated June 23, 2025

Wilson Ihrig has reviewed the Response to Comments (RTC) included in the Final Environmental Report (FEIR) dated May 2025. The FEIR is largely unresponsive and does not address potentially significant operational and construction impacts.

Response to Comment No. 29

This comment introduces Exhibit B and claims the Final EIR was unresponsive. Refer to Response to Comment Nos. 30 through 40 below. As demonstrated therein, the Final EIR was prepared in accordance with CEQA and the commenter has not provided substantial evidence to the contrary.

Comment No. 30

Baseline Conditions are Not Properly Established, RTC 5-30

The FEIR is not responsive to our comments on the Draft EIR (DEIR), as the FEIR still does not provide substantial evidence to show that the noise study's measured noise levels are representative of the actual noise environment around the Project.

The FEIR does not address the issue of the DEIR relying on two 15-minute measurements to extrapolate a 24-hour CNEL at nine measurement locations. This 30 total minute per location comprises about 2% of a 24-hour period, so only 2% of the day is represented at the nine short-term only measurement locations.

The FEIR cites LAMC procedural requirements, but LAMC sections 111.01(a) and 11.03 do not discuss extrapolating short-term data to estimate a 24-hour noise metric such as a CNEL. The noise analysis refers to the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual[1] (FTA Manual) procedures for determining existing noise. However, Appendix E of the FTA Manual recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements. The three one-hour measurements are meant to include three distinct timeframes: peak-hour roadway traffic, midday, and nighttime.

The FEIR also does not address the issue of the Draft EIR not discussing how typical the short-term measurement data were for the rest of the daytime and nighttime conditions. There is no evidence provided that the time selected for noise measurements is representative of the rest of the day or even of the worst case (quietest conditions).

Lastly, the FEIR does not discuss the DEIR's use of Type 2 sound level meters, which are accurate within +/- 1.5 dBA[2], while characterizing the ambient noise within tenths of a decibel. This practice is misleading because it implies a level of precision that is not supported by the instrumentation.

[1] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

[2] ANSI/ASA S1.43 Integrating Sound Level meters states that the tolerance limits for time averaging meters is +/- 1.5 dBA for Type 2 meters (Table 7) https://law.resource.org/pub/us/cfr/ibr/002/ansi.s1.43.1997.pdf

Response to Comment No. 30

Refer to Response to Comment No. 12 above.

Comment No. 31

No Validation Measurements Performed For Traffic Model, RTC 5-31

The FEIR fails to adequately address our previous comments regarding the lack of validation measurements in the DEIR. The FEIR compares the traffic model's calculated noise levels to the measured existing noise levels. However, the FEIR does not reference any traffic counts conducted during the existing noise measurements. A validation measurement for the Federal Highway (FHWA) Traffic Noise Model (TNM) requires counting traffic during the noise measurement in order to properly compare the measured noise levels with the model calculated noise levels. Without a traffic count, there is no basis to confirm the validity of the traffic model.

Response to Comment No. 31

Refer to Response to Comment No. 12 above.

Comment No. 32

Additional Mitigation Measures Not Considered For Construction Noise, RTC 5-40, 5-41

The FEIR is not responsive to our comments regarding additional noise mitigation measures that are not considered in the DEIR.

5-40

The FEIR disregards the need for continuous noise monitoring as a mitigation measure. A noise plan to provide mitigation measures is one step to reducing noise impacts. However,

without follow-up monitoring during construction, there is no assurance that the noise plan is adequate or being followed.

As noted in our comments on the DEIR, it is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a very low cost. Two such companies that provide equipment just for this purpose are Sigicom[3] and Sonitus.[4] The cost for a single monitoring system is less than $1,000 per month, which is similar to the fees that could be charged by an acoustical consultant for a single day of measurements. The FEIR lacks substantial evidence to show that this would be an unfeasible mitigation measure for the project.

[3] https://www.sigicom.com/.

[4] https://www.sonitussystems.com

Response to Comment No. 32

Refer to Response to Comment No. 15 above.

Comment No. 33

5-41

The FEIR disregards alternative measures to reduce impacts at the upper levels of receptors R1 and R7, including erecting noise barriers at the balconies and/or breezeways that face the Project site and offering to upgrade windows and exterior doors of upper floor residential units not shielded by the sound barriers as defined in NOI-MM-1. The FEIR notes that the construction of temporary noise barriers at the balconies/and or breezeways facing the Project site would in itself be a noise impact, but the duration of the noise barrier construction is minimal compared to the Project construction.

Construction for the project would last on the order of 12 months from site preparation to erection. That is a significant amount of time for people to be exposed to significant noise from construction. To not consider additional mitigation measures is unacceptable, as these homes would be rendered unoccupiable during construction hours. See comments previously provided for noise mitigation options for exterior areas and upper floor units not

shielded under NOI-MM-1, including the construction of noise barriers at the balconies and/or breezeways and the upgrading of windows and exterior doors.

Response to Comment No. 33

Refer to Response to Comment No. 15 above.

Comment No. 34

Vibration Mitigation Option Not Considered For Construction, RTC 5-42

The FEIR disregards a possible mitigation measure to relocate residents when Project construction extends into nighttime hours, as will be required for a continuous pour. Relocating residents must still be considered as a way to reduce the impact of sleep disturbance during nighttime hours, especially if the continuous pour continues beyond more than 2-3 nights.

As noted in our comments to the DEIR, this was done, pre-COVID-19, for work-from-home residents in a property adjacent to a construction project in Oakland where Wilson Ihrig advised on construction noise and vibration control, so it is not an unprecedented mitigation option. Determining the exact number of residential units that would require this treatment would require additional information. The FEIR lacks substantial evidence to show that this would be an unfeasible mitigation measure for the project.

Response to Comment No. 34

Refer to Response to Comment No. 15 above.

Comment No. 35

Construction Ground-borne Noise Not Evaluated At Recording Studios, RTC 5-33

The FEIR does not take into account the most recent guidance from the City of L.A. Department of City Planning. Per the Advisory Memo[5] dated 25 September 2024, the City of LA has adopted the document "Construction Noise and Vibration: Updates to Thresholds

and Methodology"[6] (August 2024), which contains new guidance for construction noise and vibration. The document states that, "Recording studios will be added as a sensitive use relative to construction vibration impacts" (page 12). Groundborne noise is a consequence of groundborne vibration, so it therefore must be considered.

The DEIR already references the FTA guidance manual for construction vibration reference level. The FTA manual has guidance applicable to sensitive buildings such as recording studios. For example, 25 dBA should be used as a significance threshold. The FTA manual also provides guidance for estimating groundborne noise from groundborne vibration levels, as discussed in our comments to the DEIR. Thus, the vibration values shown in IV.H-10 of the DEIR would result in the groundborne noise levels shown below in Table 1, also previously provided in our comments to the DEIR, at Receptors R3 and R10. Following the FTA guidance manual results in groundborne noise levels in excess of the 25 dBA significance threshold for several construction activities.

Table 1 Construction Groundborne Noise Impacts

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

[5] https://planning.lacity.gov/odocument/10d91dc4-da7d-493c-860e-9d0038cf1de2/Update%20CEQA%20Thresholds%20Memo_09.25.2024_Signed.pdf

[6] https://planning.lacity.gov/odocument/fba26ae5-ca95-48c3-aace-ae3bf0cb43b1/Construction%20Noise%20and%20Vibration%20-%20Proposed%20Updates%20to%20Thresholds%20and%20Methodology%20&%20Attachments.pdf

Response to Comment No. 35

Refer to Response to Comment No. 13 above.

Comment No. 36

Noise Analysis Provides Little Information Regarding HVAC Model, RTC 5-34, 5-35, 5-36, 5-37

The FEIR is not responsive to our comments and still lacks substantial evidence to support the assumptions and results of the HVAC noise analysis in the DEIR.

5-34

The FEIR does not provide a citation for the HVAC reference levels. We acknowledge that the specific equipment schedule and layout may not be available at this time. However, for the purposes of CEQA, it is necessary to identify "typical" equipment and use conservative assumptions as to placement to show evidence that supports the FEIR's conclusions. As we noted in our comments on the DEIR, additional modeling parameters such as the location and height of the HVAC units, whether obstacles such as enclosures or parapets are present, etc. are also not stated in either the noise analysis section or the DEIR. Because this information has not been provided, it is impossible to accurately confirm the validity of the calculations and the noise model.

The Project would include restaurant and retail uses, which have much different HVAC needs than residential uses. The FEIR does not specify whether it uses different HVAC equipment reference levels for the restaurant, retail, or residential uses of the Project.

The FEIR also does not address how the Project would comply with LAMC Section 112.02. For example, it does not state what specific limitations on equipment, sound barriers, etc. would be necessary to comply. The purpose of an EIR is to show that feasible measures can be used to avoid significant impacts. If unusual measures are needed to avoid significant impacts, they should be disclosed here.

Response to Comment No. 36

Refer to Response to Comment No. 14 above.

Comment No. 37

5-35

The FEIR does not provide details regarding the estimated noise levels from mechanical equipment, including the resulting 43 dBA noise level at receptor R2 indicated in Comment No. 5-35. As mentioned above, the FEIR does not provide a citation for the HVAC reference levels. The FEIR additionally does not specify the propagation distance or shielding used in the calculations.

As written, NOI-PDF-3 would likely provide 5 dB attenuation, but the FEIR does not provide evidence that the 5 dB attenuation would satisfy the significance thresholds.

Response to Comment No. 37

Refer to Response to Comment No. 14 above.

Comment No. 38

5-36

The FEIR does not address the issue posed in Comment No. 5-36. It still does not provide justification for the use of only 33 HVAC units for the residential zones of the Project. As noted in our comments on the DEIR, based on engineering rules of thumb, we estimate that 49 to 72 twenty-five ton units are needed to properly ventilate the space.

Response to Comment No. 38

Refer to Response to Comment No. 14 above.

Comment No. 39

5-37

See responses to the RTC for 5-34 through 5-36. The FEIR provides no substantial evidence to support its analysis. See comments previously provided on the DEIR for information on developing substantial evidence to document the HVAC analysis.

Response to Comment No. 39

Refer to Response to Comment No. 14 above.

Comment No. 40

Conclusions

The FEIR still does not adequately address the issues posed in the comments to the DEIR. The noise study relies on an inadequate baseline ambient measurement that does not sufficiently characterize the existing baseline noise condition. It finds significant and unavoidable construction noise and vibration impacts, but it omits some potentially feasible mitigation measures that may reduce the number of significant and unavoidable construction impacts. The noise study also provides very little information to explain its methodology regarding its HVAC noise analysis. In doing so, it may underestimate operational noise impacts on the surrounding community.

Please feel free to contact me with any questions on this information.

Response to Comment No. 40

This comment concludes the letter and summarizes the issues raised therein. Refer to Response to Comment Nos. 29 through 39 above. As demonstrated therein, the Final EIR was prepared in accordance with CEQA and the commenter has not provided substantial evidence to the contrary.

Attachments:

Attachment A

Attachment A

CREED Letter

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July 15, 2025

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Re: Agenda Item 1 – 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR)

Dear Mr. Caporaso, Ms. Toy-Lee, Ms. Strelich, and Ms. King:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding the 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) ("Project"). The Project will be considered as Agenda Item 1 at the City of Los Angeles ("City") Deputy Advisory Agency and Zoning Administrator hearing on July 16, 2025.

CREED LA submitted comments on the Draft Environmental Impact Report ("DEIR") prepared by the City on December 23, 2024, during the public comment period. CREED LA's comments demonstrated that the DEIR failed to comply with the requirements of the California Environmental Quality Act ("CEQA").[1] The City released the Final EIR ("FEIR") in advance of this hearing. We reviewed the FEIR with the assistance of air quality expert Dr. James Clark[2] and noise expert Patrick Faner,[3] and conclude that the FEIR includes significant new information, fails to

[1] PRC § 21100 et seq.
[2] Dr. Clark's technical comments and curricula vitae are attached hereto as **Exhibit A**.
[3] Mr. Faner technical comments and curricula vitae are attached hereto as **Exhibit B**.

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adequately respond to comments, and still fails to comply with CEQA's disclosure and mitigation requirements.

Recirculation of an EIR is required when significant new information is added after the DEIR is circulated for public review but before certification of the FEIR.[4] In particular, the FEIR describes substantial changes to the Project's design that may result in new or more severe environmental and public health impacts than previously analyzed. The original Project design required 40 feet of below ground surface ("bgs") excavation for the building foundations. The Project design was subsequently revised, and is now described in the FEIR to require excavation 48 feet bgs, which will result in deeper excavation into contaminated soil than was analyzed in the DEIR. The DEIR's Phase II ESA found significant contamination from volatile organic compounds ("VOCs") at 40 feet bgs at boring 9, and identified PCE contamination levels increasing in severity with increased depth at borings 9 and 10.[5] However, the DEIR did not examine Project excavation at 48 feet, and therefore lacks analysis or mitigation for the increased VOC releases that would occur at greater soil depths. The Project's increased excavation depth creates a new potential for exposure to soil contamination that was not analyzed in the DEIR or FEIR, and is not adequately addressed by the measures in the proposed Mitigation Monitoring and Reporting Program ("MMRP"). The increased excavation also would result in increased air quality and public health impacts not disclosed in the FEIR. These impacts require additional analysis and mitigation in a recirculated EIR.

The FEIR also fails to meaningfully address significant impacts identified in CREED LA's comments. Dr. Clark demonstrates that the FEIR's health risk analysis ("HRA") contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[6] The FEIR also fails address the Project's combined impacts with other nearby construction projects, which would impact a community ranking in the 99.3 percentile in the State for diesel particulate matter pollution.[7] The FEIR also fails to acknowledge greenhouse gas and energy impacts associated with the large amount of parking proposed by the Project. Finally, the FEIR fails to resolve significant noise impacts demonstrated by Mr. Faner. Recirculation of the EIR is necessary to address these issues.

Several other discretionary approvals are required to implement the Project, including a Vesting Tentative Tract Map pursuant to LAMC Section 17.15, Site

[4] 14 CCR §15088.5(a).
[5] DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.
[6] Clark Comments, pg. 3.
[7] DEIR, Appendix B, PDF pg. 54.

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Plan Review pursuant to LAMC Section 16.05, Density Bonus Compliance Review pursuant to LAMC Section 12.22 A.25, and a Conditional Use Permit pursuant to LAMC Section 12.24 W.1 (collectively, "Approvals"). Due to the Project's inadequate environmental review, the City cannot make the requisite findings to approve the Project Approvals under the City's municipal code or Subdivision Map Act, or to certify the FEIR or adopt a statement of overriding considerations pursuant to CEQA.[8]

CREED LA urges the Deputy Advisory Agency and Zoning Administrator to require the City to revise and recirculate the EIR to comply with CEQA before any further action is taken on the Project. CREED LA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.[9]

I. STATEMENT OF INTEREST

CREED LA is non-profit organization formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The organization's members includes Los Angeles residents Thomas Brown, John Bustos, Gery Kennon, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and Los Angeles County.

Individual members of CREED LA live in the City of Los Angeles, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members.

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[8] Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

[9] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. THE FEIR DOES NOT COMPLY WITH CEQA

A. The FEIR Still Fails to Adequately Analyze the Project's Potentially Significant Geotechnical Impacts

CREED LA's prior comments demonstrated that the DEIR failed to analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. CREED LA explained that the City violated CEQA by improperly deferring analysis until after Project approval and failing to support its conclusion that impacts would be less than significant.

In response, the FEIR alters the Project by moving the entire Project 13.5 feet south and deepening the foundation.[10] The FEIR states that, due to these changes, "Appendix FEIR-2 confirms that the Project would not result in significant impacts related to surcharge of the Metro tunnel.[11] This conclusion is not supported by substantial evidence in the record. Appendix FEIR-2 is a one-page letter presenting the consultant's bare conclusions, without any supporting technical analysis. Thus, the City still lacks substantial evidence to conclude that geotechnical impacts on the Metro tunnel would be less than significant.

The FEIR also claims that its lack of analysis of geotechnical impacts on the Metro tunnel does not constitute impermissibly deferred mitigation because the Project's design is not finalized, and the City would continue to coordinate with

[10] FEIR, Appendix FEIR-2, pg. 1.
[11] FEIR, pg. II-56, 58.

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Metro.[12] The City misunderstands CREED LA's comment and the legal standard for impact analysis. By deferring analysis of geotechnical impacts to a post-approval phase, the FEIR violates CEQA's threshold requirement that an EIR disclose the severity of a project's impacts and the probability of their occurrence *before* a project can be approved.[13] In *Sundstrom v. County of Mendocino,*[14] the First District Court of Appeal rejected a mitigation measure that required the applicant to submit hydrological studies subject to review and approval by a planning commission and county environmental health department.[15] The Court explained that the deferred analysis of hydrological conditions failed to meet CEQA's requirement that an environmental impact should be assessed as early as possible in government planning.[16]

The FEIR makes the same mistake here by proposing to defer geotechnical analysis to post-approval consultation with Metro. Although CEQA Guidelines Section 15126.4 authorizes deferred formulation of mitigation measures in limited circumstances, it does not authorize deferral of the impacts analysis, as is the case here. It is also unclear how the City asserts it can determine that moving the Project 13.5 feet south would resolve any potential geotechnical impacts, yet simultaneously claim that analysis of the Project's potential geotechnical impact analysis is infeasible at this time. The FEIR's conclusion that the Project's geotechnical impacts would be less than significant with mitigation is also unsupported. The EIR must be revised to include the missing geotechnical analysis, disclose potentially significant impacts, and implement mitigation that would reduce any new geotechnical impacts associated with the Project's new design to less than significant levels.

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[12] FEIR, pg. II-58.
[13] 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 ("*CBIA v. BAAQMD*") (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs. ("Berkeley Jets")* (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.
[14] (1988) 202 Cal.App.3d 296.
[15] *Id.* at 306.
[16] *Id.*

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B. The FEIR Fails to Disclose and Mitigate Significant Hazardous Materials Impacts

1. The FEIR Fails to Adequately Analyze Significant Onsite Soil Contamination

The DEIR's Phase I and II Environmental Site Assessments found that VOCs, including tetrachloroethylene ("PCE") and Trichloroethylene ("TCE"), were found onsite in levels exceeding residential and commercial thresholds.[17] The Phase II ESA collected soil and vapor samples from borings to a maximum depth of 40 feet bgs.[18] Samples were taken at this depth because the Project was expected to require excavation up to 40 feet bgs.[19] However, the Project was subsequently revised in the FEIR to require excavation up to 48 feet bgs.[20]

The City's own evidence demonstrates that soil contamination at this depth is likely greater than identified in the DEIR. Specifically, the Phase II ESA discloses that PCE was reported at 40 feet bgs at a concentration of 127 ug/m^3, far in excess of the residential threshold of 14 ug/m^3 and commercial threshold of 67 ug/m^3.[21] The Phase II ESA identified PCE is increasing with depth at borings 9 and 10.[22] The Phase II ESA also states that the source of PCE identified on the Project Site is unknown and may represent a larger area that is undefined.[23] The Phase II ESA concludes that, should contaminated soil be removed at a depth of 40 bgs, "[r]esidual VOCs may be present below this depth but may not be significant based on these results."[24] The Phase II ESA did not include analysis of the soil below 40 bgs, so does not discount the possibility of significant contamination below that depth.

Despite this evidence, the FEIR does not include a new soil analysis quantifying contamination levels at 48 feet bgs. The full extent of soil contamination at the Project's increased excavation depth is therefore unknown. The FEIR's failure to analyze this previously identified significant impact fails to meet CEQA's requirements that an EIR establish baseline conditions at the Project site and evaluate the severity of impacts associated with altering baseline

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[17] DEIR, pg. IV.F-26.
[18] DEIR, Appendix F, PDF pg. 1583.
[19] *Id.*
[20] FEIR, Section III (Revisions to DEIR).
[21] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.
[22] DEIR, Appendix F, PDF pg. 1583.
[23] DEIR, Appendix F, PDF pg. 1583. ("the PCE in soil vapor at boring 10 is undefined… the source of PCE at boring 9 is unknown and may represent a larger area that is undefined").
[24] DEIR, Appendix F, PDF pg. 1583.

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conditions. CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.[25] As numerous courts have held, the impacts of a project must be measured against the "real conditions on the ground."[26] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[27] Use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts.[28] The City must then assess the severity of the Project's impacts in the CEQA document.

Here, the Phase II ESA acknowledges that the source and extent of contamination below 40 bgs is currently undefined. The Phase II ESA states that VOCs at 48 feet bgs may be greater than the levels detected in the Phase II ESA, yet the City failed to perform any additional soil sampling to quantify contamination levels at the new Project depth of 48 feet. These facts demonstrate that the FEIR's significance findings and proposed mitigation, which remain based on the DEIR's analysis of 40-foot excavation, are not based on substantial evidence. Specifically, HAZ-MM-1 purports to reduce impacts to a less-than-significant level by removing all contaminated soil (to a 40-foot depth). However, this approach may not be effective if there are higher levels of contamination at 48 feet bgs or below.

Dr. Clark concludes that the increased excavation depth may result in more severe public health and contamination impacts than disclosed in the DEIR. Dr. Clark explains that, if there are high levels of contamination in the soil below the Project (48 bgs or below), they may infiltrate upwards into the Project's buildings.[29] In that situation, simply removing currently contaminated soils would be ineffective, and additional mitigation would be required.[30] By failing to characterize baseline soil conditions at the new Project depth, and failing to analyze the severity of impacts associated with excavating the soil contamination below 40 feet bgs, the FEIR fails to comply with CEQA's disclosure requirements. The FEIR also lacks substantial evidence to conclude that HAZ-MM-1 would be effective in light of these substantial physical changes in the Project.

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[25] CEQA Guidelines, § 15125, subd. (a).
[26] *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.
[27] CEQA Guidelines, § 15125, subd. (a).
[28] *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.
[29] Clark Comments, pg. 8.
[30] *Id.*

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2. The FEIR Fails to Mitigate Vapor Intrusion Impacts from Deep and Offsite Sources

The EIR's Phase I and II Environmental Site Assessments found that VOCs, including PCE and TCE, were found onsite in levels exceeding residential and commercial thresholds.[31] Dr. Clark also demonstrates that the current concentrations of PCE would exceed screening levels for PCE in air (0.46 ug/m^3).[32] Mitigation Measure HAZ-MM-1 provides that contaminated soils will excavated and removed. The DEIR states that the reported contaminants would be removed during excavation to 40 feet below ground surface.[33] However, since the Project was revised in the FEIR to require excavation up to 48 feet bgs,[34] this mitigation is inadequate because it does not mitigate PCE contamination infiltrating from (1) off-site sources, and (2) plumes below 48 feet bgs.[35]

As explained above, the Phase II ESA detected PCE at 40 feet bgs at a concentration of 127 ug/m^3, far in excess of the residential threshold of 14 ug/m^3 and commercial threshold of 67 ug/m^3.[36] The Phase II ESA also shows that this contamination is increasing with depth at borings 9 and 10,[37] and may represent a larger area that is undefined.[38] The Phase II ESA concludes that the increase in concentration with depth suggests an off-site source north of the Project Site.[39] The Phase II ESA concludes that, should contaminated soil be removed at a depth of 40 bgs, residual VOCs may be present below this depth.[40] However, there are many potential off-site sources of contaminants infiltrating the Project site which have contributed to onsite contamination. The Phase I ESA discloses that four properties were identified as within 0.125 miles and upgradient of the Project Site on the Historical Gas Station database, and nine properties were identified as within 0.125 miles and upgradient of the Project Site on the Historical Dry Cleaners database.[41] The DEIR identifies a potential vapor encroachment condition ("VEC") as a result of these neighboring uses.[42]

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[31] DEIR, pg. IV.F-26.
[32] Clark Comments, pg. 7.
[33] DEIR, pg. IV.F-26.
[34] FEIR, Section III (Revisions to DEIR).
[35] DEIR, pg. IV.F-26.
[36] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.
[37] DEIR, Appendix F, PDF pg. 1583.
[38] *Id.*; DEIR, pg. IV.F-26.
[39] DEIR, Appendix F, PDF pg. 1583, DEIR, pg. IV.F-26.
[40] DEIR, Appendix F, PDF pg. 1583.
[41] DEIR, Appendix F, PDF pg. 10.
[42] DEIR, pg. IV.F-32.

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Dr. Clark explains that, if there is an off-site or deep source of PCE that is currently infiltrating into the Project site, as is stated in the Phase II ESA, simply removing the currently contaminated soil pursuant to HAZ-MM-1 would not fully mitigate the impact.[43] After the currently contaminated soil onsite is removed, the vapor encroachment condition would remain.[44] Without additional mitigation, this vapor encroachment would continue to exceed residential and commercial thresholds. Thus, impacts remain significant and unmitigated.

Dr. Clark also explains that the removal of contaminated soil up to 48 feet bgs may actually increase risks of vapor intrusion from contaminated soil below that depth. By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure.[45] The FEIR does not analyze or disclose any of these impacts.

Dr. Clark explains that the City should implement feasible measures to reduce impacts from vapor intrusion, such as subslab venting or subslab depressurization systems, which are common long-term mitigation technologies.[46] Vapor barriers can be used in conjunction with these measures.[47] Mitigation monitoring is necessary to demonstrate the initial and continued effectiveness of the mitigation.[48] These measures are not considered in the FEIR or included in the MMRP. Vapor intrusion impacts thus remain significant and unmitigated.

3. The FEIR Improperly Defers Details of the Soil Management Plan

The FEIR proposes to mitigate impacts from disturbance of contaminated soil by implementing a Soil Management Plan ("SMP") pursuant to HAZ-MM-1.[49] HAZ-MM-1 specifies some of the required components of the SMP, but defers formulation of many details critical to the effectiveness of the SMP. HAZ-MM-1 states that routine soil sampling and testing would be required, but does not specify a minimum frequency. The measure also does not specify which exact contaminants

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[43] Clark Comments, pg. 8.
[44] *Id.*
[45] *Id.*
[46] DTSC, Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion (February 2023), pg. 47, available at https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/02/VI_SupGuid_Screening-Evaluating.pdf.
[47] *Id.* at 48.
[48] *Id.*
[49] FEIR, pg. IV-8.

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would be sampled and tested for. The measure also does not specify performance standards for the cleanup, let alone quantitative targets for each contaminant. For example, the measure lacks performance standards for what concentration of contaminants in a portion of soil would require it to be removed, as well as standards for acceptable concentrations in the soil before construction can commence. The measure also does not require oversight from DTSC or a self-certified local agency qualified to conduct oversight for cleanup activities, a deficiency with DTSC also raised in its comments on the DEIR.[50] Instead, the FEIR states the SMP will be implemented under the supervision of a qualified environmental professional.[51] And the MMRP provides that the SMP shall be submitted to the Los Angeles Department of Building and Safety.[52] DTSC commented that the City Planning department is not self-certified to provide oversight for environmental investigations and cleanup.[53]

Deferring formulation of mitigation measures is generally impermissible.[54] If identification of specific mitigation measures is impractical until a later stage in the Project, specific performance criteria must be articulated and further approvals must be made contingent upon meeting these performance criteria.[55] Mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[56] As summarized in the CEQA Guidelines, deferral of mitigation details is permitted if the agency "(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will [be] considered, analyzed, and potentially incorporated in the mitigation measure."[57]

In *East Oakland Stadium Alliance v. City of Oakland*,[58] the Court of Appeal considered an EIR's soil contamination mitigation that met CEQA's requirements for deferred mitigation. That EIR required preparation of a Remedial Action Plan approved by DTSC, identified target cleanup levels for each contaminant of concern, and required the preparation of health and safety plans consistent with applicable

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[50] FEIR, pg. II-7.
[51] FEIR, pg. II-7
[52] FEIR, MMRP, pg. IV-8.
[53] FEIR, pg. II-7
[54] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; Pub. Resources Code, § 21061.
[55] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393; Quail Botanical, supra, 29 Cal.App.4th at pg. 1604, fn. 5.
[56] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.
[57] CEQA Guidelines § 15126.4(a)(1)(B).
[58] (2023) 89 Cal. App. 5th 1226

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regulations to protect workers and the public during the remediation activities.[59] The Court determined that "the extensive history of remediation efforts at the site, the establishment of quantitative target levels for each COC, the presentation in the consultant's report of a detailed range of alternative approaches to remediation, and the presence of a state agency responsible for oversight of remediation are sufficient to satisfy the requirements for deferring the final details of contamination mitigation."[60]

Here, unlike the EIR in *East Oakland Stadium Alliance*, HAZ-MM-1 fails to establish specific performance standards, does not require appropriate regulatory oversight from a certified regulatory agency, and merely states that contaminated soil would be removed. This vague goal does not ensure that PCE concentrations would be reduced to a particular level, or that cleanup would comply with applicable laws.

Unlike the EIR in *East Oakland Stadium Alliance*, HAZ-MM-1 does not require DTSC oversight, instead providing that the SMP would be submitted to the Department of Building and Safety. DTSC commented that the City's Department of Building and Safety is not a local agency self-certified to provide oversight for environmental investigations and cleanup.[61] Health and Safety Code § 101480, as amended by AB 304 (Stats. 2021, ch. 698), provides that a local agency must have adequate staff resources and technical expertise to provide oversight of an individual site.[62] A local agency must include (1) a Local Officer,[63] 2) Licensed Professionals,[64] and 3) Technical Staff.[65] Because the Department of Building and

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[59] *Id.* at 1267.
[60] *Id.*
[61] FEIR, pg. II-7
[62] HSC § 101480; AB 304 Frequently Asked Questions, https://www.waterboards.ca.gov/water_issues/programs/ab_304/docs/ab304faqs.pdf.
[63] Local Officer: A Local Officer is defined in HSC Section 101480 as "a county health officer, city health officer, or county director of environmental health who has been granted authority by the city's or county's governing body to enter into a remedial action agreement and oversee a remedial investigation or remedial action, or both, at a waste release site."
[64] Licensed Professionals: Licensed Professionals must have current registration in California as a Professional Civil Engineer, or Professional Geologist and should have experience overseeing or performing site investigation and remediation of unauthorized releases of hazardous substances. Only a civil engineer or geologist registered under the provisions set forth in Business and Professions Code, sections 6700 et seq. and 7800 et seq., respectively, may be considered a Licensed Professional for the purpose of the Remedial Action Agreement.
[65] Technical Staff: Technical Staff should possess the technical expertise and capabilities to adequately oversee the remedial investigation or remedial action, or both. Technical Staff may be licensed professionals or may be subordinates, as defined in Business and Professions Code, sections 6705 and 7805. A subordinate is any person who assists a Licensed Professional without assuming

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Safety is not a self-certified local agency, oversight by this department would not meet CEQA's requirements. As explained above, mitigation that does no more than allow approval by a county department without setting enforceable standards is inadequate.[66]

To ensure that the Project's soil contamination impacts are adequately mitigated, the EIR should be revised to comply with DTSC's recommendations. Per DTSC's comments on the DEIR, the City should enter into a voluntary agreement or receive oversight from a self-certified local agency.[67] For example, the Los Angeles County Fire Department, Health & Hazardous Materials Division, is a self-certified local agency.[68] Additionally, pursuant to DTSC's recommendations, mitigation should be part of a Remedial Action Plan ("RAP") or Removal Action Workplan ("RAW"), as an "SMP alone cannot sufficiently identify and document the potential contaminants that may pose a threat to human health and the environment."[69] Dr. Clark explains that these plans would ensure that onsite contamination is fully characterized and the site is cleaned up to meet objective performance standards.[70]

4. The Project's Soil Contamination Impacts Constitute New Information Requiring Recirculation of the EIR

The increase in depth of excavation to 48 feet bgs constitutes significant new information requiring recirculation of the EIR. The CEQA Guidelines provide that significant new information requiring recirculation of an EIR includes information showing that "[a] new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented," or "[a] substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."[71]

Here, the increase in depth results in new, potentially significant public health, air quality, and hazardous materials impacts. Whereas the DEIR included samples up to 40 feet bgs, consistent with the Project's proposed depth of 40 feet bgs, the FEIR fails to analyze soil contamination at 48 feet bgs. The Phase II ESA

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the responsible charge of work. Technical Staff may also include Licensed Professionals, as described above.

[66] *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.

[67] FEIR, pg. II-7.

[68] DTSC, List of Certified Local Agencies, https://dtsc.ca.gov/local-agency-resources/.

[69] FEIR, pg. II-7.

[70] Clark Comments, pg. 9.

[71] CEQA Guidelines, Section 15088.5.

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indicates that vapor intrusion risks may be greater at these depths, and acknowledges that contamination below 40 feet bgs is currently undefined. Increased vapor intrusion risks may require additional mitigation beyond simply removing onsite soil. Since HAZ-MM-1 does not mitigate these new risks, future residents, construction workers, and neighbors would thus potentially be exposed to greater levels of VOCs than disclosed in the DEIR. This is significant new information requiring recirculation of the EIR.

Deeper excavation in an area where PCE contamination is significant and is increasing with depth may result in increased vapor intrusion risks. As explained by Dr. Clark, by removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure.[72] This would constitute a new significant environmental impact "from a new mitigation measure proposed to be implemented."[73] The EIR must be revised and recirculated.

C. The FEIR Underestimates Air Quality Impacts Due to Increased Excavation

The DEIR initially assumed that the Project would require excavation of soil up to 40 feet below ground surface (bgs). The DEIR's quantitative air quality analysis assumed that the grading period, which includes excavation, would take 110 days.[74] The Project was revised in the FEIR to require excavation up to 48 bgs.[75] The amount of soil to be removed from the site was increased from 210,000 cubic yards (cy) to 252,000 cy.[76] Dr. Clark explains that this represents a 20 percent increase in the volume of soil to be exported during the grading phase.[77] However, the CalEEMod calculations in the air quality analysis were not updated to reflect the increased depth of construction and amount of soil required to be removed from the site.

The duration of the grading period in the Project's emissions modeling must be increased to reflect the increased excavation required. The FEIR's existing air quality analysis thus underestimates the Project's emissions of criteria air pollutants and TACs. The FEIR's HRA also erroneously assumes that grading

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[72] Clark Comments, pg. 8.
[73] CEQA Guidelines, Section 15088.5.
[74] DEIR, Appendix B, PDF pg. 110.
[75] FEIR, Section III, pg. III-1.
[76] *Id.*
[77] Clark Comments, pg. 9.

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would take 110 days. The City thus lacks substantial evidence to conclude that the Project would not exceed significance thresholds for criteria air pollutants and health risk thresholds for exposure to TACs.

Additional excavation below 48 bgs may also be required to mitigate onsite PCE contamination. As discussed above, the Phase II ESA found that PCE levels exceed residential and commercial thresholds at 40 feet bgs, are increasing with depth at boring 9 and 10, and may represent a larger area that is undefined.[78] HAZ-MM-1, the FEIR's mitigation for this impact, calls for removal of contaminated soil. Because the measure does not propose other methods to mitigate vapor instruction impacts from onsite contamination, such as a vapor barrier, additional excavation below 48 bgs may be required to reduce PCE levels to below applicable thresholds. This additional excavation would result in greater air quality impacts than disclosed in the FEIR, and must be considered.

The City may argue that analysis of air quality impacts resulting from deeper excavation is speculative. This is incorrect. The FEIR discloses that the Project will excavate an additional 8 feet of soil than previously analyzed. Excavators have air emissions, as do the additional truck trips required to haul the additional excavated material from the Project site. Moreover, soil samples must be taken at 48 feet bgs to determine whether additional excavation is needed beyond the proposed 48 feet, in order to avoid health impacts from soil vapor intrusion. All of these factors must be analyzed in a revised and recirculated EIR.

D. The FEIR Fails to Disclose and Mitigate Significant Health Risk Impacts

CREED LA commented that the DEIR violated CEQA by failing to support its conclusions with an HRA. In response, the FEIR includes an HRA showing that the combined construction and operational cancer risk from exposure to TACs generated by the Project would be 3.7 in one million, which is below the 10 in one million significance threshold.[79] Dr. Clark demonstrates that the HRA contains errors that underestimate the Project's impacts, and that when these errors are corrected, the cancer risk for the most sensitive population would be 22.3 in 1,000,000, a significant impact.[80]

[78] DEIR, Appendix F, PDF pg. 1583, 1587; DEIR, pg. IV.F-26.
[79] FEIR, pg. II-34; Appendix FEIR-3, pg. 1.
[80] Clark Comments, pg. 3.

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1. The FEIR's HRA Fails to Disclose Health Risk Impacts on All Groups of Sensitive Receptors

CEQA requires analysis of human health impacts. CEQA's statutory scheme and legislative intent include an express mandate that agencies consider and analyze human health impacts, acknowledges that human beings are an integral part of the "environment", and mandates that public agencies determine whether the "environmental effects of a project will cause substantial *adverse effects on human beings,* either directly or indirectly,"[81] and to "take immediate steps to identify any critical thresholds for the *health and safety of the people* of the state and take all coordinated actions necessary to prevent such thresholds being reached."[82]

The HRA prepared in response to CREED LA's comments fails to analyze impacts on all sensitive receptors. Health risk impacts on children are measured using Age Sensitivity Factors ("ASFs").[83] As stated in the FEIR, ASFs "account for increased sensitivity of early-life exposure to carcinogens."[84] ASFs account for increased sensitivity of children by weighting the impacts of their exposure to a project's estimated emissions of TACs. In the Project's HRA, the City fails to make early-life exposure adjustments to analyze impacts on children, thus failing to disclose the severity of the Project's health risk impacts on this group of sensitive receptors.[85]

The FEIR claims that relevant guidance does not support the use of ASFs to analyze health impacts of DPM.[86] The FEIR's analysis in support of this claim is recycled from prior projects' EIRs.[87] Although CREED LA has rebutted this argument in the past, the repetitive legal and factual flaws in the City's analysis are discussed herein.

The FEIR first considers guidance by California Office of Environmental Health Hazard Assessment ("OEHHA"), acknowledging that it recommends an age-

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[81] Pub. Res. Code ("PRC") § 21083(b)(3), (d) [emphasis added].
[82] *See* PRC §21000 et seq. [emphasis added]
[83] Appendix FEIR-3, pg. 4.
[84] Appendix FEIR-3, pg. 4.
[85] Appendix FEIR-3, pg. 6.
[86] Appendix FEIR-3, pg. 5-6.
[87] City of Los Angeles, Final Environmental Impact Report for the 8th Grand and Hope Project, SCH 2019050010, available at https://planning.lacity.gov/eir/8th-Grand-and-Hope/feir/App_2.pdf; City of Los Angeles, Final Environmental Impact Report for the New Beatrice West Project, SCH New Beatrice West Project, available at https://planning.lacity.gov/EIR/New-Beatrice-West-Project/FEIR/files/App_2.pdf.

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weighting factor be applied to all carcinogens regardless of purported mechanism of action.[88] Since DPM is carcinogenic, the OEHHA guidance provides that ASFs should be applied to analyze this Project's DPM impacts on children. But the FEIR argues that the OEHHA guidance should not be considered because it has not been adopted by the South Coast Air Quality Management District ("SCAQMD") as a CEQA significance threshold.[89] This argument is flawed because the City does not identify any supporting evidence demonstrating that OEHHA's scientific conclusions regarding children's heightened susceptibility to TACs such as DPM should be overlooked.

The FEIR also ignores that SCAQMD has commented on many HRAs conducted in the South Coast Air Basin by criticizing the failures of other agencies to apply ASFs for projects with DPM emissions.[90] SCAQMD comment letters cite to the 2015 OEHHA Guidelines when recommending that CEQA projects apply ASFs.[91] Thus, the claim that ASFs and OEHHA guidance are inapplicable to the Project due to lack of support from SCAQMD lacks merit.

The FEIR also ignores that the City itself has applied ASFs in previous construction HRAs.[92] The City offers no reasoning for why substantial evidence supported the use of ASFs for other construction projects and not this one.

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[88] Appendix FEIR-3, pg. 4.
[89] Appendix FEIR-3, pg. 4-5.
[90] SCAQMD, Comments on Draft Mitigated Negative Declaration (DMND) for the Proposed Walnut Specific Plan No. 3 Mixed-Use Development Located North of Valley Boulevard, Bounded by Pierre Road to the West and Suzanne Road to the East (February 2015), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/february/dmndwalnutsp.pdf?sfvrsn=4 ("Although the HRA specifically states that the analysis used recent guidance from OEHHA, the breathing rates used do not correspond to OEHHA's new guidance using the different age groups. The cancer risk was also calculated using one ASF value, which is not consistent with OEHHA's calculation recommendation for the different age groups."); SCAQMD, Comments on Second Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed West Valley Logistics Center Specific Plan (SCH No.: 2012071058) (March 2018), available at https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/deirwestvalleylogistics-032018.pdf ("When calculating cancer risks, the age sensitivity factors (ASF) accounts for greater susceptibility in early life, starting from the 3rd trimester of pregnancy to 70 years").
[91] *Id.*
[92] City of Los Angeles, Air Quality Technical Report For the Proposed 1020 S. Figueroa Street Project (June 2016), available at https://planning.lacity.gov/eir/1020SoFigueroa/DEIR/Appendix_C_Air_Quality_Technical_Report.pdf ; City of Los Angeles, Initial Study for 698 New Hampshire Project, pg. B23-B24, available at https://planning.lacity.gov/staffrpt/mnd/Pub_102716/ENV-2016-1414.pdf; City of Los Angeles, Air Quality Technical Report for 698 New Hampshire Project (September 2017), pg. 52-53, available at https://planning.lacity.gov/eir/FigPico/files/Apx%20C_Air%20Quality%20Tech%20Report.pdf; City of Los Angeles, Final EIR for Harvard-Westlake Parking Improvement Plan (June 2017), pg. 66,

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The FEIR elects to rely on U.S. EPA guidance[93] related to early life exposure adjust factors whereby the adjustment factors are only considered when carcinogens act "through the mutagenic mode of action."[94] The FEIR argues that DPM is not mutagenic because only some of its constituent particles are mutagenic – and as a result, use of ASFs is not required for measuring DPM health impacts. This conclusion is unsupported, and is contradicted by EPA guidance finding that DPM is mutagenic:

> [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** and 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.[95] [emphasis added]

The U.S. EPA clearly identifies DPM as a mutagenic carcinogen. Thus, use of ASFs is warranted pursuant to the EPA guidance referenced by the City. The City's failure to apply ASFs is not supported by substantial evidence.

The FEIR also ignores CEQA's legal requirement to analyze whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly,"[96] which necessarily includes children and infants. Children and infants are more sensitive to acute exposure to TACs, and suffer greater health impacts over short periods of exposure. ASFs are a scientifically accepted method of quantifying the risk to children and infants. Therefore, health impacts on children are not disclosed without use of ASFs due to the increased sensitivity of children to the harmful effects of DPM. The omission of

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available at https://planning.lacity.gov/eir/Harvard_WestLake/FEIR/0.0%20FEIR%20Responses%20to%20Comments%20and%20MMP.pdf.

[93] U.S. EPA. 2006. Memorandum – Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance – Science Policy Council Cancer Guidelines Implementation Workgroup Communication II: Performing Risk Assessments That Include Carcinogens Described in the Supplemental Guidance as having a Mutagenic Mode of Action. (Like the OEHHA guidance, the EPA guidance also has not been formally adopted by SCAQMD, rendering the FEIR's justification for dismissing the OEHHA guidance specious.)

[94] Appendix FEIR-3, pg. 6.

[95] U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) Chemical Assessment Summary: Diesel engine exhaust; CASRN N.A., pg. 11, available at https://iris.epa.gov/static/pdfs/0642_summary.pdf.

[96] PRC § 21083(b)(3), (d).

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information regarding the Project's health effects on children constitutes an ongoing failure to analyze a potentially significant impact under CEQA.

2. The Project's Health Risk Impacts Would Be Significant

Dr. Clark demonstrates that, when errors in the HRA are corrected, the Project's impacts are shown to exceed the 10 in one million cancer risk significance threshold. Dr. Clark applied ASFs to the concentration modeled for the construction phase assumed in the FEIR, and found that the cumulative risk for exposure of infants during the 3.9375 years (45 months) of construction is 22.3 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold.[97] This is substantial evidence of a significant impact requiring mitigation in a recirculated EIR.

E. The FEIR Still Fails to Adequately Analyze Cumulative Health Risk Impacts

The DEIR reasoned that projects that do not exceed SCAQMD's significance thresholds for project-level air quality and health risk impacts would not be cumulatively considerable.[98] CREED LA demonstrated that this approach violates CEQA because it improperly focuses upon the individual project's relative effects and omits facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[99] The FEIR responds that its project-level analysis constitutes an adequate cumulative impacts analysis because it complies with SCAQMD guidance.[100]

The FEIR's approach has been rejected by the courts for failing to comply with CEQA's requirement that a project mitigate impacts that are "cumulatively considerable."[101] The leading case on this issue is *Kings County Farm Bureau v. City of Hanford.*[102] In *Kings County*, the city prepared an EIR for a 26.4-megawatt coal-fired cogeneration plant. Notwithstanding the fact that the EIR found that the project region was out of attainment for PM_{10} and ozone, the city failed to incorporate mitigation for the project's cumulative air quality impacts from project

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[97] Clark Comments, pg. 5.
[98] DEIR, pg. IV.A-72.
[99] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("*Kings County*"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.
[100] FEIR, pg. II-47.
[101] PRC § 21083(b)(2); 14 CCR § 15130; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 719-21.
[102] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("Kings County"); *see also, Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.

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emissions because it concluded that the Project would contribute "less than one percent of area emissions for all criteria pollutants."[103] The city reasoned that, because the project's air emissions were small in ratio to existing air quality problems, that this necessarily rendered the project's "incremental contribution" minimal under CEQA. The court rejected this approach, finding it "contrary to the intent of CEQA." The court stated:

> We find the analysis used in the EIR and urged by GWF avoids analyzing the severity of the problem and allows the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling. Under GWF's "ratio" theory, the greater the over-all problem, the less significance a project has in a cumulative impacts analysis. We conclude the standard for a cumulative impacts analysis is defined by the use of the term "collectively significant" in Guidelines section 15355 and the analysis must assess the collective or combined effect of energy development. The EIR improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[104]

Here, the FEIR's analysis is flawed because, as previously explained in CREED LA's comments, the Project's construction emissions could combine with construction of concurrent projects to result in heightened health risk impacts– impacts not reflected in the City's analysis. The DEIR identified numerous projects proposed within a 0.5 mile radius of the Project site.[105] CREED LA also explained that the City's analysis ignores that the Project census tract has a CalEnviroScreen score of 99.3 for DPM, making it among the highest pollution-burdened communities in the State.[106] The Project's emissions would add to similar, existing sources of pollution, but this combined impact is not considered in the FEIR. Further, while the DEIR admits that the Project region is out of attainment for the federal and State one-hour and eight-hour ozone standards, State PM10 standards, federal 24-hour PM2.5 standard, and federal and State annual PM2.5 standard,[107] the City reasons that cumulative impacts would be less than significant based on a project-specific threshold.[108]

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[103] *Kings County, supra,* at 719.
[104] *Id.* at 721.
[105] DEIR, pg. III-9, Table III-1.
[106] DEIR, Appendix B, PDF pg. 54.
[107] DEIR, pg. IV.A-3.
[108] FEIR, pg. II-47.

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In *People of the State of California v. City of Fontana,* the Attorney General's petition for writ of mandate challenged a Mitigated Negative Declaration ("MND") that erroneously applied SCAQMD guidance in the same way as the instant EIR.[109] The petition explained:

> [T]he MND's cumulative air quality impact analysis does not account for—or even acknowledge—the multitude of other warehouses near the Project. Rather than consider the environmental setting within which the Project will be situated, the MND simply states that the Project will not result in a cumulatively considerable increase in emissions because the Project's individual air quality impacts will be less than significant. The MND even applies this reasoning to its analysis of health impacts from localized emissions, despite making no attempt to determine or disclose the severity of the existing health impacts from localized emissions in the community.[110]

The Attorney General further explained that merely citing to SCAQMD guidance does not justify a failure to analyze a Project's cumulative impacts:

> The MND cites Appendix D of an August 2003 white paper published by the South Coast Air Quality Management District ("SCAQMD") entitled "White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution" ("2003 SCAQMD White Paper"). **To the extent that the 2003 SCAQMD White Paper asserts that any project with less than significant individual air quality impacts also necessarily has less than significant cumulative air quality impacts, it is inconsistent with CEQA** for at least the reasons stated above. Moreover, the 2003 SCAQMD White Paper lacks substantial evidence to support such a contention, and thus the MND's reliance on it violates CEQA. (Cal. Code Regs., tit. 14, § 15064.7, subd. (c).) The MND further violated CEQA by failing to provide substantial evidence to support its reliance on the 2003 SCAQMD White Paper, Appendix D as "guidance." (Ibid.) Finally, even if the MND's reliance on the 2003 SCAQMD White Paper were proper and supported by substantial evidence, the MND did not consider other evidence—such as public comments and the existence of many other sources of pollution near the Project site—showing that the Project could have a

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[109] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.
[110] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 9, paragraph 32, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.

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> significant cumulative air quality impact. (See Cal. Code Regs., tit. 14, § 15064, subd. (b).) [emphasis added][111]

The Attorney General's litigation resulted in a settlement which requires compliance with an ordinance adopted on April 12, 2022 that establishes sustainability standards for warehouses in Fontana.[112] The City of Fontana's decision to suspend its erroneous reliance on SCAQMD's drop-in-the-bucket approach and to address cumulative impacts in a settlement with the Attorney General's office reflects an approach consistent with CEQA.

In sum, the FEIR's cumulative health risk and air quality impacts analysis does not comply with CEQA. The City must prepare a revised EIR that properly evaluates and mitigates such impacts.

1. The Project's Impacts Would be Cumulatively Considerable Under the Draft SCAQMD Thresholds

The FEIR argues that its cumulative impacts analysis is adequate because it follows methodology in a 2003 SCAQMD White Paper.[113] The FEIR ignores that SCAQMD is currently updating its methodology.[114] Guidance from SCAQMD's November 6, 2024 Working Group recommends that agencies use a more stringent health risk significance threshold for SB 535 Disadvantaged Communities.[115] Although the protocols have not been formally adopted, SCAQMD has commented on recent projects, recommending that the draft protocols be applied.[116] Substantial evidence demonstrates that the Project's cumulative health risk impacts would exceed the draft SCAQMD cumulative impacts thresholds.

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[111] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 13, paragraph 49.
[112] *Id.*, Stipulation For Entry Of Final Judgment On Consent, available at https://climatecasechart.com/wp-content/uploads/case-documents/2022/20220414_docket-CIVSB2121605-CIVSB2121829_stipulation.pdf.
[113] FEIR, pg. II-47.
[114] SCAQMD, CEQA Policy Development: Analyzing Cumulative Impacts from Air Toxics in CEQA Documents, https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new).
[115] https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new); https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13.
[116] SCAQMD, Comments on Draft Environmental Impact Report (DEIR) for the Proposed DJT4 Parcel Delivery Facility Project (Proposed Project) (SCH No. 2023070241) (December 20, 2024).

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The draft SCAQMD protocols include a flowchart lowering the cancer risk significance threshold (from 10 in one million) if certain factors reflecting high pollution burden are met.[117]

Step 1 of the flowchart is to determine the background cancer risk affecting the Project area via the SCAQMD Multiple Air Toxics Exposure Study (MATES). Per the MATES V Data Visualization Tool, the location of the Project site is in the 70th percentile of highest cancer risks in the South Coast Air Basin, with a cancer risk of 528 in one million.[118] Per the draft thresholds, areas experiencing a background excess cancer risk in the 90th to 50th percentile would result in a drop of the cancer risk thresholds from 10 in one million to 5 in one million.[119]

Step 2 of the WG 6 flow diagram is to determine whether two additional criteria would apply. The cancer risk would be reduced from 5 in one million to 3 in one million if either criterion applies. Criterion #1 is whether there are 951 daily heavy-duty truck trips or more that would traverse the truck route to the freeway with Existing + Project + Future volumes. If there are more than 951 heavy duty truck trips, then the cancer risk threshold would drop from 5 in one million to 3 in one million.[120] The record does not clearly establish whether this criterion is met. Criterion #2 is whether the Project is located in a SB 535 disadvantaged community or an AB 617 community. If the project is within such an area, then the threshold would be reduced from 5 in one million to 3 in one million. Here, the Project is located in a SB 535 disadvantaged community.[121] Thus, the cancer risk threshold is reduced to 3 in one million.

The FEIR's HRA estimates that the maximum off-site residential cancer risk (combined operational and construction) would be 3.7 in one million at the residential receptors directly south of the Project site.[122] This health risk impact would exceed the 3 in one million significance threshold potentially applicable to the Project. The results of Dr. Clark's corrected HRA (cancer risk of 22.3 in 1,000,000)

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[117] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21.
[118] DEIR, pg. IV.A-25; SCAQMD, Gridded Cancer Risk, https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk#data_s=id%3AdataSource_112-7c8f2a4db79b4a918d46b4e8985a112b%3A15547.
[119] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=405a8561_13, pg. 21.
[120] *Id.*
[121] https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities (last accessed July 15, 2025).
[122] FEIR, pg. II-34.

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would exceed this threshold by a greater amount. This evidence of a significant impact constitutes "significant new information" requiring recirculation of the EIR.[123]

F. The FEIR Still Fails to Adequately Analyze Impacts Associated with the Project's Excess Parking

CREED LA's comments on the DEIR explained that the Project provides more parking spaces than required by law, which may induce VMT and negate the benefits of the Project's location near public transit. CREED LA explained that this would constitute a potentially significant GHG and energy impact.

Regarding GHG emissions, the DEIR did not adopt a quantitative GHG significance threshold, and concluded that the Project would result in a less than significant GHG impact because it would be consistent with applicable GHG reduction plans and policies.[124] CREED LA demonstrated that this excess parking would conflict with GHG policies calling for reduced parking. In response, the FEIR argues that, under State Planning and Zoning law, a project need not conform with all aspects of a plan.[125] This argument ignores that the DEIR established "consistency with applicable plans and policies" as a significance threshold, and that CEQA requires disclosure of inconsistencies with applicable policies.[126] The FEIR therefore must disclose all inconsistencies with these policies.

The FEIR also argues that GHG impacts would be less than significant because the Project would be located in a High-Quality Transit Area ("HQTA"), would be near a Metro station, provide bicycle parking, and implement a Transportation Demand Management ("TDM") program. The FEIR does not analyze the possibility that excess parking may negate these benefits. As explained in the California Department of Transportation's June 8, 2023, comment letter on the Project, "[r]esearch looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation."[127] The FEIR must be revised to include this missing analysis.

Regarding energy impacts, the FEIR claims that impacts would be less than significant because the Project would charge for parking, implement a TDM

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[123] CEQA Guidelines, Section 15088.5(a)(1).
[124] DEIR, pg. IV.E-56-57.
[125] FEIR, pg. II-51.
[126] Cal. Code Regs. Tit. 14, § 15125.
[127] DEIR, Appendix A, PDF pg. 345.

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program, and would not exceed VMT significance thresholds.[128] This response ignores that Appendix F of the CEQA Guidelines identifies "[t]he project's projected transportation energy use requirements and its overall use of efficient transportation alternatives" as an example of an energy impact.[129] The FEIR fails to address that the Project's provision of parking in excess of State standards would undermine the "overall use of efficient transportation alternatives." The FEIR must be revised to disclose this impact and evaluate the feasibility of reducing parking.[130]

G. The FEIR Still Fails to Adequately Evaluate Potentially Significant Noise and Vibration Impacts

1. The FEIR Fails to Accurately Establish the Environmental Setting

CREED LA's comments on the DEIR demonstrated that the DEIR failed to accurately establish the environmental setting for noise. The DEIR improperly relied on short-term ambient noise measurements, and failed to include validation measurements for its traffic noise model. The FEIR responds that existing noise levels were recorded in accordance with the City's standards, but is non-responsive to the specific issues raised in CREED LA's comments.[131]

Mr. Faner explains that the FEIR still fails to address the issue of the DEIR relying on two 15-minute measurements to extrapolate a 24-hour CNEL at nine measurement locations. There is not substantial evidence in the record showing that these short-term measurements are representative of a 24-hour period.[132] The Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual ("FTA Manual") recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements.[133]

Mr. Faner also explains that the FEIR still fails to demonstrate how typical the short-term measurement data were for the rest of the daytime and nighttime conditions. Substantial evidence does not show that the time selected for noise measurements is representative of the rest of the day or even of the worst case

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[128] FEIR, pg. II-53.
[129] CEQA Guidelines, Appendix F, Section II (C)(6).
[130] 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").
[131] FEIR, pg. II-60.
[132] Faner Comments, pg. 1.
[133] *Id.*

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(quietest conditions).[134]

Additionally, the FEIR still fails to include validation measurements for its traffic noise model. Mr. Faner explains that a validation measurement for the Federal Highway Traffic Noise Model requires counting traffic during the noise measurement in order to properly compare the measured noise levels with the model calculated noise levels.[135] Without a traffic count, there is no basis to confirm the validity of the traffic model. Here, the FEIR does not reference any traffic counts conducted during the existing noise measurements. [136]

2. The FEIR Still Fails to Analyze Construction Groundborne Noise at Recording Studios

CREED LA demonstrated that the DEIR's analysis fails to address groundborne noise impacts at two recording studios identified as receptors R3 and R10, located 5 feet and 10 feet, respectively, from construction activities. The FEIR responds that recording studios are not considered sensitive receptors under the LA CEQA Thresholds Guide.[137] The FEIR ignores that the City adopted the document "Construction Noise and Vibration: Updates to Thresholds and Methodology" (August 2024), which states that "[r]ecording studios will be added as a sensitive use relative to construction vibration impacts."[138] Mr. Faner explains that groundborne noise is a consequence of groundborne vibration, so it therefore must be considered.[139] Further demonstrating that recording studios are sensitive receptors is that FTA manual has guidance applicable to sensitive buildings such as recording studios.[140]

As shown in CREED LA's prior comments, the Project's construction activities would generate groundborne noise in excess of the FTA's 25 dBA significance threshold.[141] This significant impact must be disclosed and mitigated.

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[134] *Id.* at 1, 2.
[135] *Id.* at 2.
[136] *Id.*
[137] FEIR, pg. II-64.
[138] Faner Comments, pg. 3.
[139] *Id.*
[140] *Id.*
[141] *Id.*

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3. The FEIR's Analysis of Stationary Mechanical Noise Is Still Not Supported by Substantial Evidence

CREED LA's comments on the DEIR demonstrated that the DEIR failed to support its analysis of HVAC noise with substantial evidence. Mr. Faner calculated that noise impacts would be significant. The FEIR fails to resolve this issue.

CREED LA commented that the DEIR likely underestimates the noise levels generated by HVAC units required for the Project. Whereas Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at receptor R2, a single 90 dBA PWL fan would generate a noise level of 69 dBA at receptor R2.[142] The FEIR responds that its noise analysis is based on representative noise levels for typical HVAC equipment ranging from 80 to 100 dBA sound power levels.[143] The FEIR explains that more detailed study is not feasible because detailed building plans have not yet been finalized.[144] This response is inadequate. Mr. Faner explains that the FEIR still does not provide a citation for the FEIR's estimated HVAC reference levels.[145] These noise levels are much lower than reasonably foreseeable for the Project, as a single 90 dBA PWL fan would result in higher noise impacts. The City's estimated noise levels are thus not supported by substantial evidence.

CREED LA commented that the DEIR underestimates the number of HVAC units required for the Project. Whereas the noise analysis assumes 33 HVAC units for the residential zones of the project, Mr. Faner showed that a project this size would need 49 to 72 twenty-five-ton units to properly ventilate the space, applying standard industry rule-of-thumb calculations.[146] The FEIR simply responds that detailed building plans are not yet available for the Project, and does not support its estimate with any calculations or other evidence. [147] However, the does not provide any evidence suggesting that Mr. Faner's estimate is inaccurate, nor has the Project's size been decreased such that fewer HVAC units would be needed than calculated by Mr. Faner. Thus, the only substantial evidence in the record shows that the FEIR's HVAC noise estimates are underestimated.

Noise impacts from stationary equipment remain potentially significant. These impacts must be accurately analyzed in a revised and recirculated EIR.

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[142] *Id.*
[143] FEIR, pg. II-65.
[144] *Id.*
[145] Faner Comments, pg. 4.
[146] Faner DEIR Comments, 7.
[147] FEIR, pg. II-66.

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4. The FEIR Fails to Identify All Feasible Mitigation for the Project's Significant Impacts

The DEIR concluded that construction noise impacts would be significant and unavoidable, but CREED LA demonstrated that the DEIR failed to identify all feasible mitigation measures to reduce these impacts to the greatest extent feasible. Under CEQA, if the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[148] The FEIR fails to adopt feasible noise mitigation measures identified in CREED LA's comments.

Mr. Faner recommended a measure requiring continuous noise monitoring during construction.[149] Continuous measurement would provide improved assurance that mitigation measures such as the proposed barrier walls are providing the estimated noise reductions. The FEIR responds that monitoring is unwarranted, as a noise consultant would provide documentation that the barriers would achieve the specified noise reduction.[150] But the FEIR does not specify what kind of documentation would be deemed sufficient to verify the adequacy of the barriers. Use of continuous noise monitors would guarantee the effectiveness of the proposed mitigation.

Mr. Faner identified additional measures to reduce impacts at the upper levels of the receptors R1 and R7.[151] These include erecting scaffolding to support construction noise control blankets, installing heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site, and offering to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1. The FEIR argues that the construction of temporary noise barriers at the balconies/and or breezeways facing the Project site would in itself be a noise impact, but Mr. Faner explains that the duration of the noise barrier construction is minimal compared to the Project construction.[152] Thus, this measure would be effective.

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[148] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[149] Faner Comments, pg. 2.
[150] FEIR, pg. II-68.
[151] Faner Comments, pg. 2-3.
[152] *Id.*

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Mr. Faner also identified mitigation for the Project's construction vibration impacts, which the DEIR concludes would result in a significant and unavoidable impact to human annoyance.[153] Mr. Faner recommended offering to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives. The FEIR fails to address this proposed mitigation measure, merely reiterating that noise and vibration impacts would be significant and cannot be fully mitigated.[154]

In sum, the EIR must be revised to identify all feasible mitigation measures to reduce the Project's significant impacts.

III. The City Lacks Substantial Evidence to Approve the Entitlements

A. Approval of a Vesting Tentative Tract Map Would Be Unsupported by the Record

The Subdivision Map Act provides guidance as to the findings that the agency must make when approving a tentative map, and requires agencies to deny map approval if the project would result in significant environmental or public health impacts. Government Code, section 66474, provides:

> A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:
>
> > (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
> >
> > (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
> >
> > (c) That the site is not physically suitable for the type of development.
> >
> > (d) That the site is not physically suitable for the proposed density of development.

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[153] *Id.* at 3.
[154] FEIR, pg. II-69.

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> (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
>
> (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
>
> (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

LAMC Section 17.15(c)(2), "Vesting Tentative Maps," provides that "a permit, approval, extension or entitlement may be conditioned or denied if the Advisory Agency, or the City Planning Commission or the City Council on appeal determines:

> (a) A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or
>
> (b) The condition or denial is required in order to comply with state or federal law.

Here, approval of the vesting tentative tract map would place the community in a condition dangerous to its health and safety. Emissions from the Project's construction equipment would emit TACs resulting in a significant cancer risk, and the Project's excavation may expose workers and residents to harmful levels of VOCs. The Advisory Agency therefore lacks substantial evidence to make the necessary findings. The City must correct the errors in the EIR, adopt adequate mitigation measures to reduce impacts to less than significant levels, and must provide substantial evidence supporting the Project's proposed statement of overriding considerations to address the Project's outstanding, unmitigated significant impacts before the City can approve the VTTM.

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B. Approval of Site Plan Review Would Be Unsupported by the Record

Site Plan Review approval requires making certain environmental findings. LAMC Sec. 16.05(A) provides that:

> The purposes of site plan review are to promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, traffic circulation, sewers, other infrastructure and environmental setting; and to control or mitigate the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process, or on surrounding properties by reason of inadequate site planning or improvements.

LAMC Sec. 16.05(E) further provides that:

a. In granting site plan approval, the Director may condition and/or modify the project, or select an alternative project, as he or she deems necessary to implement the general or specific plan and to mitigate significant adverse effects of the development project on the environment and surrounding areas.
b. The Director shall not approve or conditionally approve a site plan review for a development project unless an appropriate environmental review clearance has been prepared in accordance with the requirements of CEQA.

The Project's significant impacts prevent approval of site plan review pursuant to LAMC Sec. 16.05(A). The City must require additional environmental mitigation pursuant to LAMC Sec. 16.05(E)(a) to reduce the Project's health risk impacts to a less-than-significant level.

C. Approval of the Density Bonus Would Be Unsupported by the Record

The Project seeks a Density Bonus Compliance Review pursuant to LAMC Section 12.22 A.25. The LAMC provides that the City shall not approve a Density Bonus and requested Incentives if:

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> The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.[155]

The Project's significant environmental and public health impacts are Specific Adverse Impacts that prevent approval of the Density Bonus and Incentives.

IV. CONCLUSION

As is explained herein, the FEIR's analyses remain substantially inaccurate and incomplete, failing to comply with the requirements of CEQA. As a result, the FEIR still fails to adequately disclose and mitigate the Project's significant impacts. As a consequence of these impacts, the City cannot make the requisite findings under CEQA to certify the FEIR or under the City's Municipal Code to approve the Project's entitlements. CARE CA urges the Deputy Advisory Agency and Zoning Administrator to require the City to revise and recirculate the EIR before any further action is taken on the Project.

Thank you for your consideration of these comments. Please include them in the record of proceedings for the Project.

Sincerely,



Aidan P. Marshall

Attachments
APM:acp

[155] LAMC, Section 12.22 A.25(g)(2)(i)(c)(ii)

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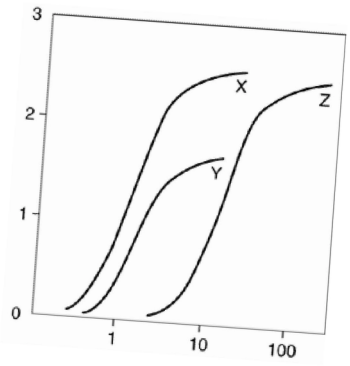
EXHIBIT A



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July 2, 2025

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Mr. Aidan Marshall

Subject: Comments On Final Environmental Impact Report (FEIR) for 6000 Hollywood Boulevard Project Environmental Case: ENV-2022-6688-EIR, State Clearinghouse Number 2023050659

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the City of Los Angeles' (the City) FEIR[1] for the above referenced project.

Clark's review does not constitute validation or endorsement of the conclusions or content presented in the IS/MND. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

Project Description:

According to the Project Description,[2] "The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, 4,038 square feet of restaurant uses, and 500 square feet of storage space. The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000-square-foot, six-story office and retail building; Building B would be a 289,079-square-foot, 35-story residential tower; Building C would be a 23,560-square-foot, four-story residential

[1] Eyestone Environmental, LLC. 2025. 6000 Hollywood Boulevard Project, Final Environmental Impact Report. Prepared by Eyestone Environmental, LLC for the City of Los Angeles Department of City Planning. May 2025

[2] Ibid. pg 1 – cover page

building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. One of the low-rise structures would be a 4,038-square-foot, two-story restaurant, and the remaining 10 structures would include 38 residential townhomes. Upon completion, the Project would result in a total floor area of 501,185 square feet on an 3.7-acre site, for a Floor Area Ratio (FAR) of 3.1:1 and a maximum building height of 419 feet. All of the existing improvements and uses on the Project Site would be demolished.

The area surrounding the Project Site is highly urbanized and includes a mix of low- to mid-rise buildings containing a variety of commercial and residential uses. The surrounding properties are generally zoned for C4 commercial use or R4 multiple dwelling residential use, consistent with the zoning of the Project Site. South of the Hollywood Lot—and to the east of the Carlton Lot—are various primarily multi-family apartment buildings; to the west of the Carlton Lot are a multi-family apartment building, the Shir Hashirim Montessori School, and a two-story office building and associated surface parking. Multi-family apartment buildings are also located across the Carlton Lot on the south side of Carlton Way.

Construction of the Project would commence with demolition of the existing structures and surface parking areas. This phase would be followed by grading and excavation for the subterranean parking, which would extend to a depth of 40 feet below ground surface. The building foundations would then be laid, followed by building construction, paving/concrete installation, and landscape installation. Project construction is anticipated to commence in 2026 and be completed in 2029. Eyestone estimated that approximately 210,000 cubic yards of export would be hauled from the Project Site.[3] The properties to the southwest and southeast of the Project Site along Carlton Way are primarily residential and represent the most sensitive receptors to emissions from the Project Site.

After a careful review of the FEIR and supporting documents it is clear that the FEIR's assertion that there are not significant air quality impacts from the Project is not supported by the data contained in the FEIR. There are clear flaws in the FEIR's analysis of air quality issues, most specifically the health risk analysis, that must be corrected in a revised environmental impact report (REIR).

The HRA prepared by Eyestone has critical flaws which underestimate the risk for exposure to diesel particulate matter (DPM) from the construction and operational phases of the Project.

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[3] DEIR. pg II-25

1. The City's Health Risk Analysis (HRA) underrepresents the potential health risk from exposure to diesel particulate matter (DPM) by failing to include an Age Sensitivity Factor (ASF) in the quantification of risk. Eyestone claims that since the City and the SCAQMD have not developed recommendations on the use of age sensitive factors (ASFs), they rely on U.S. EPA's guidance which states that ASFs are appropriate for carcinogens that act through the mutagenic mode of action. Eyestone fails to address the determination from the California Air Resources Board (CARB) that DPM does in fact work via a mutagenic mode of action. The State of California's Scientific Review Panel's 1998 Report On Diesel Exhaust is very clear about the mode of action for DPM.[4] In the Health Effects Section of the Report's Summary, the Board (made up of health scientists including toxicologists) states "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."
2. The City's choice to ignore the incorporation of ASFs into its analysis is not supported by SCAQMD guidance. The SCAQMD's guidance on the preparation of health risk analyses in the Air Basin includes ASFs in the calculation of exposure for the maximum individual cancer risk (MICR).[5] The City must evaluate the health risk from exposure to DPM in a manner consistent with the guidance from the State.[6]
3. My previous comments pointed out that the method is being used by other agencies in the preparation of CEQA compliant analyses. The example I previously provided included the use of ASFs in the Norwalk Entertainment District Specific Plan. In its 2022 construction activities HRA, the City of Norwalk specifically used the ASFs consistent with the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212 to ensure that the health impacts from

[4] CARB. 1998. Findings of the Scientific Review Panel on The Report On Diesel Exhaust as adopted at the Panel's April 22, 1998, Meeting. https://ww2.arb.ca.gov/sites/default/files/classic/toxics/dieseltac/de-fnds.pdf

[5] SCAQMD. Risk Assessment Procedures For Rules 1401, 1401.1 and 212. Version 8.1. Dated September 2, 2017 pgs 7,12, https://www.aqmd.gov/docs/default-source/permitting/rule-1401-risk-assessment/riskassessproc-v8-1.pdf.

[6] OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments.* Dated February 2015.

construction activities would assess risks for susceptible subpopulations such as children.

4. Using the results from the City's analysis of DPM emissions from the construction phase and operational phase of the Project it can be demonstrated that the risk from exposure to DPM exceeds the significance threshold of 10 in one million (10 in 1,000,000). In Appendix B to the Health Risk Assessment prepared by Eyestone Environmental LLC for the City (Appendix FEIR-3 to the FEIR), Eyestone uses the algorithms outlined in the Office of Environmental Health Hazard Assessment's (OEHHA) Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments and the SCAQMD's Risk Assessment Procedures for Rules 1401, 1401.1, and 212. To calculate the inhalation cancer risk for any receptor in the modeling domain dose of the chemical in air ($Dose_{air}$) is calculated from the annual concentration of the carcinogen (C_{air}). The exposure concentration is then multiplied by the breathing rate per body weight (BR/BW), inhalation absorption factor (A), the exposure frequency (days per 365 days) and a conversion factor of 10^{-6} (micrograms to milligrams, liters to cubic meters). This annual average concentration is multiplied by the cancer slope (CPF) for the chemical along with the appropriate age sensitivity factor (ASF) the exposure duration (ED) and then divided by the averaging time (AT)

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

2. $$Risk_{inh} = Dose_{air} * CPF * ASF * ED/AT$$

Using the concentration modeled for the construction phase reported by Eyestone; and the appropriate exposure factors for each age range (see table below) the cumulative risk for exposure of infants during the 3.9375 years (45 months) of construction is 22.3 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact.

Age Group	Risk Per Million	ASF	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
3rd Trimester	9.04E-01	10	1	0.25	1.1	2.30E-05	0.067	361	1	0.958904
0-1	6.96E+00	10	0.85	0.75	1.1	6.95E-05	0.067	1090	1	0.958904
1-2	1.16E+01	10	0.85	1.25	1.1	6.95E-05	0.067	1090	1	0.958904
2<9	2.80E+00	3	0.72	1.5	1.1	5.49E-05	0.067	861	1	0.958904

Age Group	Risk Per Million	ASF	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
Total	2.23E+01									

The City must quantify and disclose these significant impacts in a supplemental EIR for the Project.

5. The City has failed to address concerns regarding the lateral and vertical extent of soil vapor contamination onsite, along with identifying the source of the contamination. According to the DEIR,[7] the Project Site was identified on multiple governmental databases, including FINDS, ECHO, and HWTS as a facility that uses, stores, or has released hazardous wastes. The Project Site was identified on HAZNET database for generating hazardous wastes on multiple occasions including but not limited to the use of halogenated solvents between 1989 and 1991; and, hydrocarbon solvents between 1989 and 1996.

The Phase I Environmental Assessment (ESA)[8] of the Project Site states that based on the long term occupancy of the Site as an auto repair shop and the use of halogenated and hydrocarbon solvents at the Site, the conditions may represent a recognized environmental condition (REC). The Phase I also stated that vapor encroachment conditions (VEC) could exist from offsite sources near the Project Site.

A Phase II ESA of the Project Site, measured tetrachloroethylene (PCE) and trichloroethylene (TCE) above the residential screening levels in the shallow soil and deeper soils (5 feet below ground surface (bgs) and 15 feet bgs) across the Project Site. Of the nine borings installed onsite, only two borings (Boring B4 and Boring B9) were completed to 40 feet bgs. The other seven borings were completed to 15 feet bgs. Boring B-9 had no measurable concentration of PCE above the laboratory reporting limit (reported as Non-Detect or ND) in samples collected at 5 feet bgs, 15 feet bgs, and 25 feet bgs. At 40 feet bgs Boring B-9 reported a concentration of PCE at 127 ug/m^3. In addition, the highest concentration of PCE (565 ug/m^3) and TCE (1270 ug/m^3) measured onsite were collected at Boring B-5, immediately outside of Service Bay D.

[7] DEIR. pg IV.F-20

[8] Citadel EHS. 2021. Phase I Environmental Site Assessment Report, 6000 Hollywood Boulevard, Los Angeles, CA 90028. Dated July 16, 2021. Pg vii

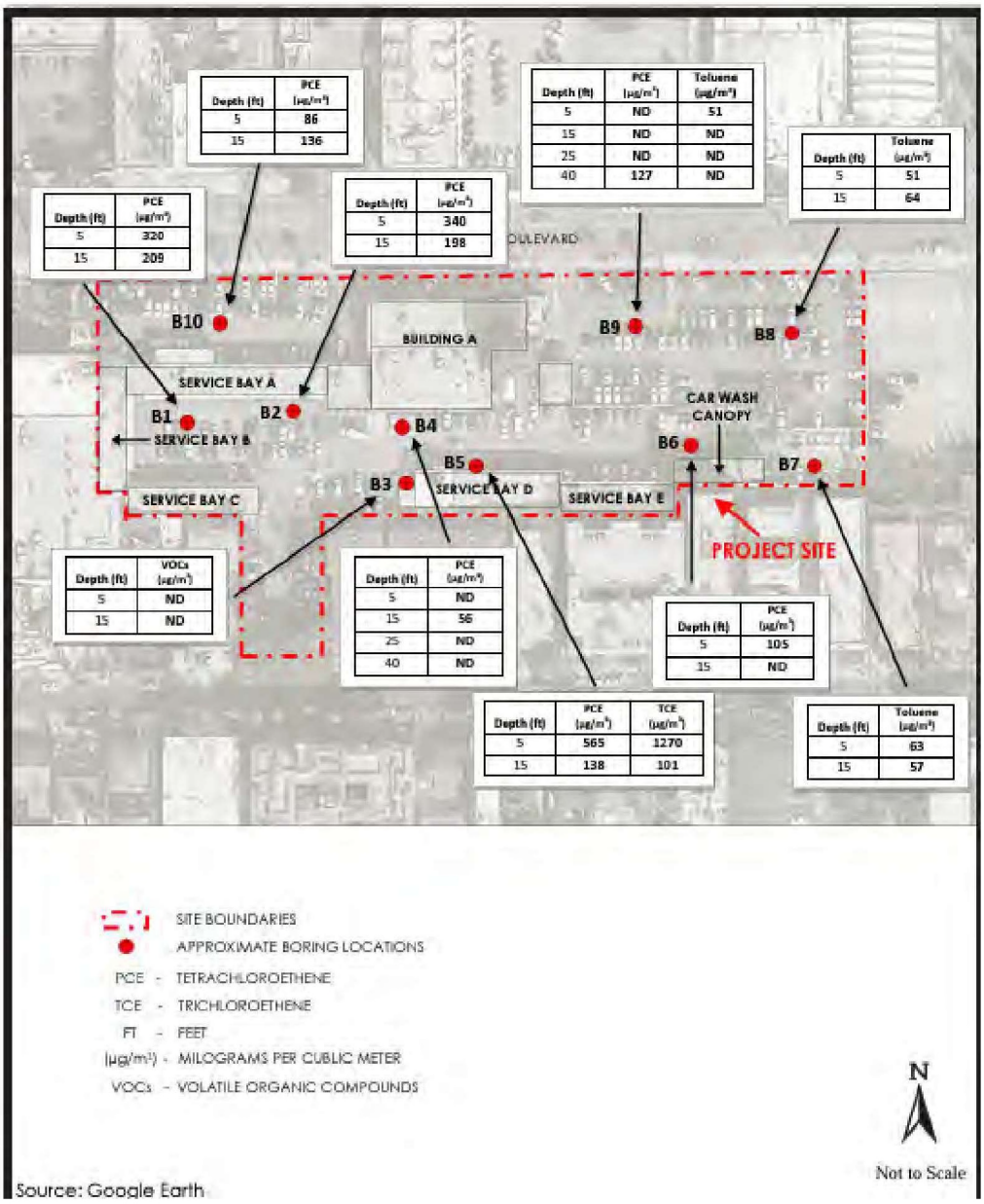

Figure 1: Soil Vapor Concentrations Measured On-Site

It is clear that occupants of the buildings may be exposed to volatile organic compounds (VOCs), such as TCE and PCE, via several mechanisms: (1) the intrusion of volatile components through the floor, and (2) the influx of volatile components from outside air via gaps in walls, windows and doors.

Vapor emissions pose a potential hazard to receptors within buildings constructed over the

VOC-affected soil and/or soil vapor plume.[9,10,11,12] A building may trap the emissions indoors, and the resultant indoor air concentrations may be significantly higher than those in the ambient air.

A default assumption in the U.S. EPA's Vapor Intrusion Guidance (VIG)[13] is that when the distance between the slab and top of the plume is shallow, the soil attenuation factor (SAF) or alpha (α) is assumed to be 0.03 (meaning the soil gas concentration is multiplied by 3% to calculate the indoor air concentration) regardless of the actual subsurface conditions existing beneath a barrier. Using the alpha of 0.03 it is clear that the residences to the south of Boring B-5 (which reported concentrations of 1,270 ug/m^3 of TCE and 565 ug/m^3 of PCE in soil vapor) could be exposed to 38.1 ug/m^3 of TCE and 16.95 ug/m^3 of PCE in the indoor air. DTSC has developed modified screening levels based on the U.S. Environmental Protection Agency (USEPA) Regional Screening Levels (RSLs) for use in the human health risk assessment process at hazardous waste sites and permitted facilities (colloquially known as DTSC-SLs). The screening levels are published for the primary media of exposure (soil, water, and air). Current indoor air screening levels for PCE and TCE in air are 0.46 ug/m^3 and 0.48 ug/m^3, representing health risks of 1 in one million. The concentrations of VOCs measured onsite are at least 36 times higher than RSLs, representing risks of at least 36 in one million for each compound.

Given that the boring installations across the Project Site are inconsistent with regards to the depth of the borings and the measurements of chlorinated solvents in the borings, it is evident that the City has not defined the lateral and vertical extent of contamination onsite. Additionally, the City has not clearly defined the source or sources of contamination onsite and offsite. All efforts to remediate the contamination by excavation will be meaningless if the lateral and vertical extents are not defined. Excavating to 40 feet bgs may remove a portion of the contamination but will not

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[9] DTSC. 2015. Preliminary Endangerment Assessment Guidance Manual. 2015. (California Environmental Protection Agency [Cal/EPA] DTSC, original 1994, second printing 1999, third printing 2015)

[10] DTSC. 2020. Human Health Risk Assessment Note Number 3: DTSC-modified Screening Levels (DTSC-SLs). (DTSC/HERO, June, 2020)

[11] U.S. EPA. 2015. OSWER Technical Guide For Assessing and Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air. OSWER Publication 9200.2-154. Dated June 2015.

[12] DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

[13] U.S. EPA. 2015. OSWER Technical Guide For Assessing and Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air. OSWER Publication 9200.2-154. Dated June 2015.

ultimately remove all of the source(s), posing a future hazard for occupants of the building. As DTSC and the CSWRCB[14] pointed out in their recent guidance, "The closer a building is to subsurface contamination, the greater the potential for VI (*sic*, vapor intrusion). Both the lateral and vertical distance of a building from soil and groundwater contamination should be considered" By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the remedial action of excavating soils will shorten that pathway and thereby increase the potential for vapor migration into the new structure. The "mitigation" of soil vapor would therefore be inadequate in that case. To ensure the safety of all future occupants, the City must clearly identify the lateral and vertical extent of the contaminant, identify appropriate remedial technology, perform pilot testing to ensure that the technology is working as designed, and identify barrier technology that may be included in the Project design to prevent exposure of occupants to the contamination at the Site. This issue must be addressed in a supplemental EIR for the Project.

6. The City's response to the Department of Toxic Substances Control (DTSC) regarding the need for regulatory oversight during the cleanup of the site, assuming that the application of Mitigation Measure HAZ-MM-1 (a Soil Management Plan) under the oversite of an unnamed environmental professional, would mitigate all risks is not supported by the evidence in the DEIR. As noted above, the Project Site was identified on HAZNET database for generating hazardous wastes on multiple occasions including but not limited to the use of halogenated solvents between 1989 and 1991; and, hydrocarbon solvents between 1989 and 1996. Subsurface investigation of the Site has identified concentrations of PCE and TCE well above the residential screening levels in the shallow soil and deeper soils across the Project Site.

As DTSC noted in its comments on the Project, the City of Los Angeles should enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a self-certified local agency, DTSC, or Regional Water Quality Control Board (RWQCB). It must be noted that by choosing to ignore the comments from DTSC, that the City is assuming liability for future claims against contamination that is currently present at the Site but not assessed by the City.

SMPs are not equivalent to removal action workplans (RAW) or remedial action plans (RAP)

[14] DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

that are required from DTSC or the RWQCB. SMPs deal only with the methods for handling impacted soils during an operation. RAWs and RAPs are designed to ensure unrestricted use of the site by containing or removing impact media (e.g., soil, groundwater, soil vapor). A RAW may be required when DTSC determines, based on information obtained during characterization activities, that further action is required to address contamination at levels that pose a health risk to existing and/or future property users or that may be an ongoing source of contamination to the environment. Cleanup goals are established in the RAW that are compatible with current and planned uses and ensure protection of human health and the environment. Contaminated sites are generally cleaned up to levels that allow for unrestricted, commercial/industrial, or recreational uses. A deed restriction (Land Use Covenant or LUC) will be required for cleanups that do not meet unrestricted use levels.

Given the high levels of VOCs currently being measured onsite the City must re-assess the impacts of the measured soil vapor onsite and offsite; and, require active mitigation of the soil vapor prior to the development of the Project Site in a supplemental EIR.

7. Changes in the assumptions regarding the volume of soils to be excavated and the duration of the grading operations may have changed the emissions estimates of criteria pollutants from the Project. According to the FEIR in Section I, Executive Summary, pages 1-23, the sixth and seventh sentences of the first paragraph will be changed to show that the maximum depth of the subterranean parking lot will be changed from 40 feet bgs to 48 feet bgs. The result is that the estimated soil to be exported will be 252,000 cubic yards not 210,000 cubic yards. This represents a 20 percent (20% increase) in the volume of soil to be exported during the Grading Phase of the Project.

A review of the CalEEMod analysis from the DEIR shows that 210,000 cubic yards will be exported and no effort is made by the City to reanalyze how the deeper excavation and increase in exported soils impacts emissions from the Project. This should be included in a supplemental EIR for the Project.

Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed based in the FEIR. A supplemental EIR is necessary to address these substantial concerns fully and transparently.

Sincerely,



EXHIBIT B

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001.61

June 23, 2025

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

SUBJECT: **6000 Hollywood Boulevard Project**
Los Angeles, California
Follow-up Comments on the FEIR Response to Comments

Dear Mr. Marshall,

Wilson Ihrig has reviewed the Response to Comments (RTC) included in the Final Environmental Report (FEIR) dated May 2025. The FEIR is largely unresponsive and does not address potentially significant operational and construction impacts.

Baseline Conditions are Not Properly Established, RTC 5-30

The FEIR is not responsive to our comments on the Draft EIR (DEIR), as the FEIR still does not provide substantial evidence to show that the noise study's measured noise levels are representative of the actual noise environment around the Project.

The FEIR does not address the issue of the DEIR relying on two 15-minute measurements to extrapolate a 24-hour CNEL at nine measurement locations. This 30 total minute per location comprises about 2% of a 24-hour period, so only 2% of the day is represented at the nine short-term only measurement locations.

The FEIR cites LAMC procedural requirements, but LAMC sections 111.01(a) and 11.03 do not discuss extrapolating short-term data to estimate a 24-hour noise metric such as a CNEL. The noise analysis refers to the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual[1] (FTA Manual) procedures for determining existing noise. However, Appendix E of the FTA Manual recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements. The three one-hour measurements are meant to include three distinct timeframes: peak-hour roadway traffic, midday, and nighttime.

The FEIR also does not address the issue of the Draft EIR not discussing how typical the short-term measurement data were for the rest of the daytime and nighttime conditions. There is no evidence

[1] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

provided that the time selected for noise measurements is representative of the rest of the day or even of the worst case (quietest conditions).

Lastly, the FEIR does not discuss the DEIR's use of Type 2 sound level meters, which are accurate within +/- 1.5 dBA[2], while characterizing the ambient noise within tenths of a decibel. This practice is misleading because it implies a level of precision that is not supported by the instrumentation.

No Validation Measurements Performed For Traffic Model, RTC 5-31

The FEIR fails to adequately address our previous comments regarding the lack of validation measurements in the DEIR. The FEIR compares the traffic model's calculated noise levels to the measured existing noise levels. However, the FEIR does not reference any traffic counts conducted during the existing noise measurements. A validation measurement for the Federal Highway (FHWA) Traffic Noise Model (TNM) requires counting traffic during the noise measurement in order to properly compare the measured noise levels with the model calculated noise levels. Without a traffic count, there is no basis to confirm the validity of the traffic model.

Additional Mitigation Measures Not Considered For Construction Noise, RTC 5-40, 5-41

The FEIR is not responsive to our comments regarding additional noise mitigation measures that are not considered in the DEIR.

5-40

The FEIR disregards the need for continuous noise monitoring as a mitigation measure. A noise plan to provide mitigation measures is one step to reducing noise impacts. However, without follow-up monitoring during construction, there is no assurance that the noise plan is adequate or being followed.

As noted in our comments on the DEIR, it is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a very low cost. Two such companies that provide equipment just for this purpose are Sigicom[3] and Sonitus.[4] The cost for a single monitoring system is less than $1,000 per month, which is similar to the fees that could be charged by an acoustical consultant for a single day of measurements. The FEIR lacks substantial evidence to show that this would be an unfeasible mitigation measure for the project.

5-41

The FEIR disregards alternative measures to reduce impacts at the upper levels of receptors R1 and R7, including erecting noise barriers at the balconies and/or breezeways that face the Project site and offering to upgrade windows and exterior doors of upper floor residential units not shielded by the sound barriers as defined in NOI-MM-1. The FEIR notes that the construction of temporary noise barriers at the balconies/and or breezeways facing the Project site would in itself be a noise impact, but the duration of the noise barrier construction is minimal compared to the Project construction.

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[2] ANSI/ASA S1.43 Integrating Sound Level meters states that the tolerance limits for time averaging meters is +/- 1.5 dBA for Type 2 meters (Table 7) https://law.resource.org/pub/us/cfr/ibr/002/ansi.s1.43.1997.pdf

[3] https://www.sigicom.com/.

[4] https://www.sonitussystems.com

Construction for the project would last on the order of 12 months from site preparation to erection. That is a significant amount of time for people to be exposed to significant noise from construction. To not consider additional mitigation measures is unacceptable, as these homes would be rendered unoccupiable during construction hours. See comments previously provided for noise mitigation options for exterior areas and upper floor units not shielded under NOI-MM-1, including the construction of noise barriers at the balconies and/or breezeways and the upgrading of windows and exterior doors.

Vibration Mitigation Option Not Considered For Construction, RTC 5-42

The FEIR disregards a possible mitigation measure to relocate residents when Project construction extends into nighttime hours, as will be required for a continuous pour. Relocating residents must still be considered as a way to reduce the impact of sleep disturbance during nighttime hours, especially if the continuous pour continues beyond more than 2-3 nights.

As noted in our comments to the DEIR, this was done, pre-COVID-19, for work-from-home residents in a property adjacent to a construction project in Oakland where Wilson Ihrig advised on construction noise and vibration control, so it is not an unprecedented mitigation option. Determining the exact number of residential units that would require this treatment would require additional information. The FEIR lacks substantial evidence to show that this would be an unfeasible mitigation measure for the project.

Construction Ground-borne Noise Not Evaluated At Recording Studios, RTC 5-33

The FEIR does not take into account the most recent guidance from the City of L.A. Department of City Planning. Per the Advisory Memo[5] dated 25 September 2024, the City of LA has adopted the document "Construction Noise and Vibration: Updates to Thresholds and Methodology"[6] (August 2024), which contains new guidance for construction noise and vibration. The document states that, "Recording studios will be added as a sensitive use relative to construction vibration impacts" (page 12). Groundborne noise is a consequence of groundborne vibration, so it therefore must be considered.

The DEIR already references the FTA guidance manual for construction vibration reference level. The FTA manual has guidance applicable to sensitive buildings such as recording studios. For example, 25 dBA should be used as a significance threshold. The FTA manual also provides guidance for estimating groundborne noise from groundborne vibration levels, as discussed in our comments to the DEIR. Thus, the vibration values shown in IV.H-10 of the DEIR would result in the groundborne noise levels shown below in Table 1, also previously provided in our comments to the DEIR, at Receptors R3 and R10. Following the FTA guidance manual results in groundborne noise levels in excess of the 25 dBA significance threshold for several construction activities.

[5] https://planning.lacity.gov/odocument/10d91dc4-da7d-493c-860e-9d0038cf1de2/Update%20CEQA%20Thresholds%20Memo_09.25.2024_Signed.pdf
[6] https://planning.lacity.gov/odocument/fba26ae5-ca95-48c3-aace-ae3bf0cb43b1/Construction%20Noise%20and%20Vibration%20-%20Proposed%20Updates%20to%20Thresholds%20and%20Methodology%20&%20Attachments.pdf

Table 1 Construction Groundborne Noise Impacts

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

Noise Analysis Provides Little Information Regarding HVAC Model, RTC 5-34, 5-35, 5-36, 5-37

The FEIR is not responsive to our comments and still lacks substantial evidence to support the assumptions and results of the HVAC noise analysis in the DEIR.

5-34

The FEIR does not provide a citation for the HVAC reference levels. We acknowledge that the specific equipment schedule and layout may not be available at this time. However, for the purposes of CEQA, it is necessary to identify "typical" equipment and use conservative assumptions as to placement to show evidence that supports the FEIR's conclusions. As we noted in our comments on the DEIR, additional modeling parameters such as the location and height of the HVAC units, whether obstacles such as enclosures or parapets are present, etc. are also not stated in either the noise analysis section or the DEIR. Because this information has not been provided, it is impossible to accurately confirm the validity of the calculations and the noise model.

The Project would include restaurant and retail uses, which have much different HVAC needs than residential uses. The FEIR does not specify whether it uses different HVAC equipment reference levels for the restaurant, retail, or residential uses of the Project.

The FEIR also does not address how the Project would comply with LAMC Section 112.02. For example, it does not state what specific limitations on equipment, sound barriers, etc. would be necessary to comply. The purpose of an EIR is to show that feasible measures can be used to avoid significant impacts. If unusual measures are needed to avoid significant impacts, they should be disclosed here.

5-35

The FEIR does not provide details regarding the estimated noise levels from mechanical equipment, including the resulting 43 dBA noise level at receptor R2 indicated in Comment No. 5-35. As

mentioned above, the FEIR does not provide a citation for the HVAC reference levels. The FEIR additionally does not specify the propagation distance or shielding used in the calculations.

As written, NOI-PDF-3 would likely provide 5 dB attenuation, but the FEIR does not provide evidence that the 5 dB attenuation would satisfy the significance thresholds.

5-36

The FEIR does not address the issue posed in Comment No. 5-36. It still does not provide justification for the use of only 33 HVAC units for the residential zones of the Project. As noted in our comments on the DEIR, based on engineering rules of thumb, we estimate that 49 to 72 twenty-five ton units are needed to properly ventilate the space.

5-37

See responses to the RTC for 5-34 through 5-36. The FEIR provides no substantial evidence to support its analysis. See comments previously provided on the DEIR for information on developing substantial evidence to document the HVAC analysis.

Conclusions

The FEIR still does not adequately address the issues posed in the comments to the DEIR. The noise study relies on an inadequate baseline ambient measurement that does not sufficiently characterize the existing baseline noise condition. It finds significant and unavoidable construction noise and vibration impacts, but it omits some potentially feasible mitigation measures that may reduce the number of significant and unavoidable construction impacts. The noise study also provides very little information to explain its methodology regarding its HVAC noise analysis. In doing so, it may underestimate operational noise impacts on the surrounding community.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG

Patrick Faner
Associate

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