

APPLICATIONS

APPEAL APPLICATION Instructions and Checklist



THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date: _____

Determination authority notified Receipt Number: _____

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: CPC-2024-325-CU-MCUP-CUX-SPP-DRB-SPR-WDI

APN: 5032-022-003, -004, -005, 017, and -018

Project Address: 3701 – 3761 West Stocker Street

Final Date to Appeal: April 8, 2026

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: Site Plan Review and all remaining entitlements.

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision

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: Supporters Alliance for Environmental Responsibility (SAFER)

Company/Organization: Lozeau Drury LLP on behalf of SAFER

Mailing Address: 1123 Park View Drive

City: Covina **State:** CA **Zip Code:** 91724

Telephone: 510-836-4200 **E-mail:** victoria@lozeaudrury.com

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

Self Other: _____

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

REPRESENTATIVE / AGENT INFORMATION

Name: Victoria Yundt

Company/Organization: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland **State:** CA **Zip Code:** 94612

Telephone: 510-836-4200 **E-mail:** victoria@lozeaudrury.com

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  **Date:** 4/3/2026

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.

GENERAL APPEAL FILING REQUIREMENTS

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. Appeals may be filed either online or in person as referenced below.

ONLINE APPEAL FILINGS THROUGH ONLINE APPLICATION SYSTEM (OAS)

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.



QR Code to Online Appeal Filing

IN PERSON APPEAL FILINGS

Drop off at DSC: Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC locations, as well as the South Los Angeles DSC on Tuesdays and Thursdays, and payment can be made by credit card or check.

- a. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications.
- b. 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.

CITY PLANNING DEVELOPMENT SERVICES CENTERS – PUBLIC COUNTERS

Office	Address	Phone Number	Email
Metro DSC	201 N. Figueroa Street 4th Floor Los Angeles, CA 90012	(213) 482-7077	planning.figcounter@lacity.org
Van Nuys DSC	6262 Van Nuys Boulevard, Suite 251 Van Nuys, CA 91401	(818) 374-5050	planning.mbc2@lacity.org
South LA DSC <i>Tuesday and Thursday Only</i>	8475 S. Vermont Avenue, 1st Floor Los Angeles, CA 90044	(213) 978-1465	planning.southla@lacity.org

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.

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 COMMUNITIES (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.

Justification/Reason for Appeal

3701 – 3761 West Stocker Street

CPC-2024-325-CU-MCUP-CUX-SPP-DRB-SPR-WDI

I. REASON FOR THE APPEAL

The decision to prepare a Mitigated Negative Declaration (“MND”) for 3701 – 3761 West Stocker Street (CPC-2024-325-CU-MCUP-CUX-SPP-DRB-SPR-WDI) rather than an Environmental Impact Report (“EIR”) fails to comply with the California Environmental Quality Act (“CEQA”). The MND fails to adequately assess the project’s significant environmental impacts. An EIR is necessary to analyze and mitigate these significant environmental impacts. Therefore, the City of Los Angeles (“City”) must prepare and circulate an EIR rather than a MND prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

For the specific reasons set forth in the attached comment letter dated February 25, 2026, the Project contains significant environmental impacts that were not analyzed in the MND. Furthermore, proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) As such, the City Planning Commission’s approval of the City’s environmental review determination for the Project was in error.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The City Planning Commission’s February 26, 2026 approval of the project’s environmental review determination was made in error. Instead of preparing a MND for the project’s environmental review, the City should have instead prepared and circulated an EIR prior to approving the project. Preparing and circulating an EIR would examine the significant environmental impacts associated with the Project that were not addressed in the MND.



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste 150
Oakland, CA 94612

www.lozeaudrury.com
victoria@lozeaudrury.com

February 25, 2026

Via Email

Monique Lawshe, President
Caroline Choe, Vice President
Priscilla Chavez, Commissioner
Martina Diaz, Commissioner
Sarah Johnson, Commissioner
Phyllis Klein, Commissioner
Brian Rosenstein, Commissioner
Jacob Saitman, Commissioner
Elizabeth Zamora, Commissioner
Cecilia Lamas, Executive Assistant III
Los Angeles City Planning Commission
200 N Spring Street Room 340
Los Angeles, CA 90012
cpc@lacity.org

Kyle Winston, City Planner
Department of City Planning
City of Los Angeles
200 N Spring Street Room 720
Los Angeles, CA 90012
kyle.winston@lacity.org

Re: Comment on Mitigated Negative Declaration prepared for the Stoker Street Creative Project, City Planning Commission February 26, 2026 Agenda Item 7

Dear President Lawshe, Honorable City Planning Commissioners, Ms. Lamas, and Mr. Winston:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) and its members living and working in and around the City of Los Angeles regarding the Mitigated Negative Declaration (“MND”) for the Stoker Street Creative Project, which proposes the development of a 256,700 square foot film production studio complex located at 3701-3761 Stoker Street in the City of Los Angeles (“Project”), to be heard by the City Planning Commission on February 26, 2026.

SAFER’s review of the MND was assisted by air quality experts Patrick Sutton, P.E. and Yilin Tian, Ph.D. of environmental consulting firm, Baseline Environmental Consulting (“Baseline”), whose written comments and CVs are attached as Exhibit A.

As discussed below, there is substantial evidence supporting a fair argument that the Project may have significant and unmitigated impacts on human health and air quality necessitating the preparation of an EIR. Accordingly, SAFER requests that the City not approve

the MND and instead prepare an EIR to ensure that potentially significant environmental impacts of this Project are fully disclosed, analyzed, and mitigated.

PROJECT DESCRIPTION

The Project consists of the demolition of five substantially unoccupied office buildings, totaling 123,354 square feet and the construction of a campus for studio and sound stage production, totaling 256,758 square feet exclusive of the parking garage (114,405 square feet), on an approximately five-acre site at 3701-3761 Stoker Street, Los Angeles, California. The integrated campus would consist of six new buildings.

LEGAL STANDARD

As the California Supreme Court held, “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” (*Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-20.) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code [“PRC”] § 21068; see also 14 CCR § 15382.) An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens, supra*, 124 Cal.App.4th at 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process “protects not only the environment but also informed self-government.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.)

An EIR is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” (PRC § 21080(d); see also, *Pocket Protectors, supra*, 124 Cal.App.4th at 927.) An MND instead of an EIR is proper only if project revisions would avoid or mitigate the potentially significant effects identified in the initial study “to a point where clearly no significant effect on the environment would occur, and . . . there is no substantial evidence in light of the whole record before the

public agency that the project, as revised, may have a significant effect on the environment.” (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331 [quoting PRC §§ 21064.5, 21080(c)(2)].) In that context, “may” means a reasonable possibility of a significant effect on the environment. (PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors, supra*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05.)

An EIR must be prepared rather than an MND “whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Under this “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors, supra*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors, supra*, 124 Cal.App.4th at 928.)

The “fair argument” standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This ‘fair argument’ standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency’s decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

(Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-74.) The Courts have explained that “it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is de novo, with a preference for resolving doubts in favor of environmental review.” (*Pocket Protectors, supra*, 124 Cal.App.4th at 928.)

DISCUSSION

I. The MND’s Analysis of the Project’s Health Impacts from Emissions of Diesel Particulate Matter Is Not Supported by Substantial Evidence.

Air quality experts Patrick Sutton, P.E. and Yilin Tian, Ph.D. of environmental consulting

firm Baseline reviewed the MND's analysis of the Project's air quality impacts. Baseline's comment letter and CVs are attached as Exhibit A. As discussed below, Baseline concluded that the MND failed to adequately analyze the Project's health impacts from emissions of diesel particulate matter ("DPM"). (*See* Ex. A, pp. 1-4.) An EIR should be prepared to include an updated air quality analysis.

The MND's analysis of the cancer risk posed by emissions of DPM was inadequate. Baseline explains that DPM is a toxic air contaminant ("TAC") identified by the California Air Resources Board ("CARB") due to its potential to cause cancer and other adverse health risks. (Ex. A, p. 1.) Baseline notes that "DPM is typically composed of carbon particles and a variety of organic compounds including more than 40 known cancer-causing organic substances." (*Id.*) However, the MND failed to include a detailed health risk assessment ("HRA") to evaluate potential air quality and health risk impacts to nearby sensitive receptors during project construction. (Ex. A, p. 2.) The MND's failure to conduct a quantified HRA for the Project's construction emissions results in an inadequate evaluation of the Project's impacts and renders the MND's less-than-significant conclusion unsupported by substantial evidence.

As noted by Baseline, Project construction would generate DPM emissions from the exhaust of off-road diesel construction equipment. (Ex. A, pp. 1-2.) The MND explains that several sensitive receptors are located near the Project site, including:

- A multi-family residential complex adjacent to the northern property boundary;
- Single- and multi-family residential developments located to the south and southeast of the site across Stocker Street, approximately 85 feet from the property boundary;
- The View Park Convalescent Center located approximately 275 feet northwest of the property boundary; and
- A tract of single-family homes located approximately 315 feet west of the site.

(Ex. A, pp. 1-2 [citing MND, p. 44].) According to Baseline, these sensitive receptors located in close proximity to the Project site could be exposed to DPM emissions generated during construction. (Ex. A, pp. 1-5.) CEQA requires that the MND correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. However, such an analysis is not possible without a quantified HRA. (*Id.*, p. 2.)

Furthermore, the failure of the MND to provide a quantified HRA is inconsistent with the most recent guidance of the Office of Environmental Health Hazard Assessment ("OEHHA"). (Ex. A, pp. 2-3.) OEHHA states that "the uncertainty in assessing very short-term exposures to toxic air contaminants only applies to construction activities lasting less than two months." (*Id.*, p. 2.) OEHHA recommends that exposure from projects lasting more than 2 months be evaluated for the duration of the project. (*Id.*) Here, the MND states that the duration of the Project's construction is expected to last approximately 35 months, (MND, pp. 27, 40, 45), "which is substantially longer than the two-month limitation for short-term exposures recommended by

OEHHA.” (Ex. A, p. 2.)¹

In addition, OEHHA also states that there is “*valid scientific concern*” regarding the health effects on children exposed to airborne carcinogens such as DPM from short-term construction activities lasting more than two months. (Ex. A, pp. 2-3.) According to Baseline, “[t]his is because infants and children are generally more susceptible to health effects from exposure to carcinogens than adults.” (Ex. A, p. 3.) Baseline further explains that “when accounting for the higher breathing rate per body mass and higher fraction of time at home for a child versus an adult, the estimated cancer risk for a child can be up to 48 times higher than an adult exposed to the same concentration of DPM.” (*Id.*) As such, “the [dismissal] of construction-related health risks in the [MND] due to the short-term nature of construction activities is not supported by substantial evidence, especially regarding the health risks the project would pose to nearby children.” (*Id.*) Thus, a quantified HRA for construction of the Project is necessary to ensure that the Project’s health risks are disclosed, compared to the applicable significance thresholds, and properly mitigated.

Baseline also found that the MND improperly concludes that construction-related TAC impacts would be less than significant because Project emissions would not exceed local or regional thresholds. (Ex. A, p. 3.) However, as Baseline explains, the thresholds developed by the South Coast Air Quality Management District (“SCAQMD”) apply to criteria pollutants and were not designed to evaluate localized health risks from DPM. (*Id.*) Because diesel exhaust from construction equipment contains higher concentrations of DPM than typical ambient PM2.5 levels, Baseline concludes that the MND’s reliance on ambient air quality standards for PM2.5 does not provide substantial evidence that health risks from construction-related DPM exposure would be less than significant. (*Id.*)

Lastly, the MND’s conclusion that estimated emissions of approximately 1.13 pounds of DPM per day over the Project’s 35-month construction period would not result in substantial pollutant concentrations at nearby sensitive receptors is unsupported by substantial evidence. (Ex. A, pp. 3-4.) In contrast, as discussed below, Baseline’s health risk assessment indicates that the Project’s construction-related DPM emissions could result in significant impacts to the health of nearby sensitive receptors. (*Id.*, pp. 4-5.)

As a result of these errors, the MND cannot be relied upon to determine the significance of the Project’s air quality and health risk impacts from construction-related DPM emissions.

¹ It’s also important to note that, although the MND states multiple times that the Project’s construction will take 35 months, the air quality analysis prepared for the Project assumes that construction would occur over a 25-month period. (MND, pp. 27, 40, 45.) For example, the MND states on page 27 that “Project construction is anticipated to take approximately 35 months” (MND, p. 27), which, as Baseline points out, “is longer than the 25-month period that appears to be erroneously referenced in the air quality analysis for the [MND].” (Ex. A, p. 2.)

II. An EIR is Required Because there is Substantial Evidence Supporting a Fair Argument that the Project May Have a Significant Impact on Human Health from Diesel Particulate Matter Emissions.

As discussed above, Baseline reviewed the Project's impacts to human health due to emissions of DPM. (Ex. A, pp. 4-5.) Baseline concluded that the MND failed to adequately analyze the Project's potentially significant impact to human health from emissions of DPM. (*Id.*, pp. 1-5.) An EIR should be prepared to adequately analyze this impact.

According to Baseline, the multi- and single-family residences located near the Project site could be exposed to significant DPM emissions generated during project construction. (Ex. A, p. 1.) However, the MND did not evaluate the health risks to nearby residents from exposure to DPM emissions during project construction, including the impacts to infants and children. (*Id.*, pp. 1-4.) Using the information presented in the MND, Baseline prepared an HRA using EPA's AERMOD air dispersion model to estimate construction-related DPM emissions and evaluated how these emissions would affect nearby sensitive receptors. (*Id.*, p. 4.) Baseline's modeling shows that the maximally exposed individual receptor is the multi-family residential complex adjacent to the northern property boundary of the Project site. (*Id.*) Baseline found that an infant exposed to DPM emissions over the Project's full 35-month construction duration would have an estimated cancer risk of 103.7 in one million, exceeding the SCAQMD threshold of 10 in one million. (*Id.*, pp. 4-5.) Therefore, Baseline concluded that "project construction would expose sensitive receptors to substantial pollutant concentrations and the air quality impact would be significant." (*Id.*, p. 5.)

Because there is substantial evidence of a fair argument that the Project may have significant impacts on air quality and the health of nearby sensitive receptors from project-generated DPM emissions, the City must prepare an EIR for the Project.

CONCLUSION

As discussed above, the MND and expert comments of Baseline are substantial evidence of a fair argument that the Project may have significant impacts on human health and air quality. For those reasons, an EIR must be prepared for the Project. Thank you for considering these comments. SAFER reserves the right to supplement this comment throughout the administrative process. (*See Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).)

Sincerely,



Victoria Yundt
Lozeau Drury LLP

EXHIBIT A



January 8, 2026
25251-00

Richard Drury
Lozeau Drury LLP
1939 Harrison St., Suite 150
Oakland, CA 94612

Subject: Review of Air Quality Impacts Analyzed for the Stocker Street Creative Project, 3701-3761 Stocker Street, Los Angeles, California.

Dear Mr. Drury:

Baseline Environmental Consulting (Baseline) has reviewed the air quality analysis included in the Initial Study and Mitigated Negative Declaration (IS/MND) for the Stocker Street Creative Project (project) at 3701-3761 Stocker Street in the City of Los Angeles (City), California. The purpose of our review was to determine whether potential environmental impacts related to air quality were appropriately evaluated, mitigated, and disclosed to the public. Based on our review, we have identified flaws in the analysis used to support the significance determinations for the IS/MND, as described in detail below.

Air Quality Health Risks to Sensitive Receptors

Project construction would generate diesel particulate matter (DPM) emissions from the exhaust of off-road diesel equipment that could pose a health risk to nearby sensitive receptors. The California Air Resources Board has identified DPM as a toxic air contaminant (TAC) based on its potential to cause cancer and other adverse health effects.¹ Adverse health effects associated with particulate matter can vary based on factors such as particle size, source, and chemical composition. DPM is typically composed of carbon particles and a variety of organic compounds including more than 40 known cancer-causing organic substances.

Sensitive receptors near the project site could be exposed to DPM emissions generated during project construction. As discussed on page 44 of the IS/MND, nearby sensitive receptors include:

- A multi-family residential complex adjacent to the northern property boundary;

¹ California Air Resources Board, 1998. Initial Statement of Reasons for Rulemaking; Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, June.

Mr. Richard Drury
January 8, 2026
Page 2

- Single- and multi-family residential developments located to the south and southeast of the site across Stocker Street, approximately 85 feet from the property boundary;
- The View Park Convalescent Center located approximately 275 feet northwest of the property boundary; and
- A tract of single-family homes located approximately 315 feet west of the site.

However, the IS/MND did not provide a quantitative assessment of the health risks to nearby sensitive receptors exposed to DPM emissions generated during project construction. Instead, the IS/MND provided a qualitative analysis concluding that the project would not expose sensitive receptors to substantial DPM concentrations. As discussed below, this conclusion is not supported by substantial evidence.

Unsubstantiated Analysis of Construction Health Risks

Regarding the exposure of sensitive receptors to substantial DPM emissions during project construction, the IS/MND states the following on page 45:

Based on SCAQMD guidance, health effects from TACs are usually described in terms of individual cancer risk, which is the likelihood that a person exposed to TACs over a 70-year lifetime will contract cancer. Project construction activity would not result in long-term substantial sources of TAC emissions (i.e., 30 or 70 years) and would not generate ongoing construction TAC emissions. Given the temporary and short-term construction schedule (approximately 25 months), the Project would not result in a long-term (i.e., lifetime or 30-year) exposure as a result of Project construction.

The IS/MND states that the project construction would be short-term (25 months) but does not provide a substantiated basis for waiving a construction health risk assessment. According to the Office of Environmental Health Hazard Assessment's (OEHHA) guidance for preparing health risk assessments,² the uncertainty in assessing very short-term exposures to TACs only applies to construction activities lasting less than two months. Based on the air quality analysis in the IS/MND, construction of the project would occur over an approximately 25-month period, which is substantially longer than the two-month limitation for short-term exposures recommended by OEHHA. It should also be noted that the IS/MND states on page 27 that "Project construction is anticipated to take approximately 35 months", which is longer than the 25-month period that appears to be erroneously referenced in the air quality analysis for the IS/MND.

According to OEHHA, there is valid scientific concern regarding the health effects on children exposed to airborne carcinogens such as DPM from short-term construction activities lasting more

² Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February.

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than two months. This is because infants and children are generally more susceptible to health effects from exposure to carcinogens than adults. In addition, when accounting for the higher breathing rate per body mass and higher fraction of time at home for a child versus an adult, the estimated cancer risk for a child can be up to 48 times higher than an adult exposed to the same concentration of DPM. Therefore, the dismissal of construction-related health risks in the IS/MND due to the short-term nature of construction activities is not supported by substantial evidence, especially regarding the health risks the project would pose to nearby children.

On page 45, the IS/MND also claims that the project would have a less-than-significant impact related to construction TAC emissions, concentrations, and exposures because "... none of the Project's emissions exceed any local or regional thresholds". The South Coast Air Quality Management District's (SCAQMD) regional and localized significance thresholds only apply to criteria air pollutants and were not designed to evaluate localized health risks from exposure to DPM. As stated in the SCAQMD's Localized Significance Threshold Methodology, the local significance thresholds "represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard." On average, DPM constitutes about 8 percent of the ambient fine particulate matter (PM_{2.5}) in California, although DPM levels vary regionally due to the non-uniform distribution of sources throughout the state. The federal and state ambient air quality standards established for PM_{2.5} were designed to be protective of human health for ambient conditions; however, PM_{2.5} emitted from the exhaust of diesel-powered construction equipment contain a much higher concentration of DPM than typical ambient concentrations. Therefore, there is no substantial evidence to support a strong correlation between the health risks associated with the ambient air quality standards for PM_{2.5} and the health risks associated with DPM emissions during construction.

Furthermore, the IS/MND states the following on page 45:

Construction of the Project is forecasted to last for approximately 35 months according to the preliminary schedule. Over the course of the construction duration, the analysis in CalEEMod determined that average diesel PM emissions from on-site heavy-duty equipment would be approximately 1.13 pounds per working day, spread across the five-acre site. This magnitude of diesel PM emissions is a conservative estimate based on the assumed near-continuous operation of equipment during the workday, when in reality there may be considerable downtime throughout days of active construction. Emissions would be distributed across the construction site where equipment is active and would be dispersed quickly due to the elevated atmospheric mixing height and higher wind speeds during the daytime. It is unlikely that diesel PM concentrations would reach levels of any public health concern at sensitive receptor locations in the project vicinity during the construction period, and diesel PM emissions would cease upon completion of construction activities.

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There is no supporting evidence provided to explain why emitting 1.13 pound per day of DPM would not result in substantial pollutant concentrations at nearby sensitive receptors. Furthermore, the health risk assessment prepared by Baseline (see below) demonstrates that emitting approximately 1.13 pound of DPM per day would result in substantial pollutant concentrations at nearby sensitive receptors.

Construction Health Risk Analysis

Baseline has prepared a health risk assessment to estimate the incremental increase in cancer risk at nearby sensitive receptors exposed to DPM emissions during project construction. The annual average concentrations of DPM during construction were estimated in the vicinity of the project using the U.S. Environmental Protection Agency's AERMOD air dispersion model. For this analysis, emissions of exhaust coarse particulate matter (PM₁₀) were used as a surrogate for DPM. The average daily emission rate of exhaust DPM from off-road diesel construction equipment was based on the information provided on page 45 of the IS/MND. The input parameters and assumptions used for estimating emission rates of DPM from off-road diesel construction equipment are provided in **Attachment A**.

The exhaust from off-road equipment was represented in the AERMOD model as an area source encompassing the project site with a unit emission rate of 1 gram per second, which was later scaled by the actual average emission rate. A variable emissions scenario was used based on the assumption that daily emissions from project construction would occur from 7:00 AM to 9:00 PM Monday through Friday.

A uniform grid of ground-level receptors spaced 20 meters apart with a breathing height of 1.8 meters was encompassed around the project site as a means of developing isopleths (i.e., concentration contours) that illustrate the air dispersion pattern of emissions from the construction site. The AERMOD model input parameters included five years of meteorological data from Santa Monica Municipal Airport (KSMO) located about 6.2 miles northwest of the project site.

Based on the annual average concentrations of DPM estimated using the air dispersion model, potential health risks were evaluated for the maximally exposed individual resident (MEIR) located in the multi-family residential complex adjacent to the northern property boundary of the project site. The incremental increase in cancer risk from on-site DPM emissions was assessed for an infant exposed to DPM starting from birth. It was assumed that the MEIR would be exposed to an annual average DPM concentration over the entire estimated 35-month duration of construction. This exposure scenario represents the most sensitive individual who could be exposed to adverse air quality conditions in the vicinity of the project site. The input parameters and results of the health risk assessment are included in **Attachment A**.

Table 1 summarizes the estimated health risks at the MEIR due to unmitigated DPM emissions from project construction. The estimated cancer risk at the MEIR from exposure to DPM emissions during

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project construction is approximately 103.7 in a million, which exceeds the SCAQMD’s cancer-risk threshold of 10 in a million. Therefore, project construction would expose sensitive receptors to substantial pollutant concentrations and the air quality impact would be significant.

Table 1. Health Risks at MEIR During Project Construction

Construction Scenario	Cancer Risk (per million)
Unmitigated Emissions	103.7
Threshold of Significance	10
Threshold Exceedance?	Yes

Source: See Attachment A

Conclusions

Based on our review of the IS/MND, construction of the project would result in a significant impact related to air quality. As a result, Baseline recommends that the City of Los Angeles prepare a revised CEQA analysis to evaluate and mitigate the air quality concerns described above.

Sincerely,



Patrick Sutton
Principal Environmental Engineer



Yilin Tian, Ph.D.
Environmental Engineer

ATTACHMENT A

Health Risk Assessment

Summary of AERMOD Model Parameters, Assumptions, and Results for DPM Emissions from Construction

AERMOD Model Parameters and Assumptions			
Source Type	Units	Value	Notes
Area Source: Off-Road Equipment Exhaust (DPM)			
Average Daily DPM Emission	lb/day	1.130	Exhaust PM10 emissions from offroad equipment were based on the information provided on page 45 of the IS/MND.
Average Hours/Work Day	hours/day	14.0	Assumed Monday through Friday: 7 am to 9 pm
DPM Emission Rate	gram/second	0.0102	This DPM emission rate is used to convert the unit emission results from AERMOD into the project emission results.
Release Height	meters	5.0	Assumed for off-road equipment exhaust height
Initial Vertical Dimension	meters	1.4	USEPA, 2022
AERMOD Model Results			
Sensitive Receptor	Pollutant	Annual Average Concentration	Notes
MEIR	DPM ($\mu\text{g}/\text{m}^3$)	27.98	Unit emission rate concentration
MEIR	DPM ($\mu\text{g}/\text{m}^3$)	0.285	Actual concentration

Notes:

DPM = diesel particulate matter

PM10 = particulate matter with aerodynamic resistance diameters equal to or less than 10 microns

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

U.S. Environmental Protection Agency (USEPA), 2022. User's Guide for the AMS/EPA Regulatory Model (AERMOD).

Summary of Health Risk Assessment at the Maximally Exposed Individual Resident

Health Risk Assessment Parameters and Results				
Inhalation Cancer Risk Assessment for DPM	Units	MEIR		Notes
		0-2 Year Infant	2-9 Year Children	
DPM Concentration (C)	$\mu\text{g}/\text{m}^3$	0.285	0.285	AERMOD Annual Average
Daily Breathing Rate (DBR)	L/kg-day	1090	861	95th percentile (OEHHA, 2015)
Inhalation absorption factor (A)	unitless	1.0	1.0	OEHHA, 2015
Exposure Frequency (EF)	unitless	0.96	0.96	350 days/365 days in a year (OEHHA, 2015)
Dose Conversion Factor (CF_D)	$\text{mg}\cdot\text{m}^3/\mu\text{g}\cdot\text{L}$	0.000001	0.000001	Conversion of μg to mg and L to m^3
Dose (D)	$\text{mg}/\text{kg}/\text{day}$	0.000298	0.000235	$C\cdot\text{DBR}\cdot A\cdot\text{EF}\cdot\text{CF}_D$ (OEHHA, 2015)
Cancer Potency Factor (CPF)	$(\text{mg}/\text{kg}/\text{day})^{-1}$	1.1	1.1	OEHHA, 2015
Age Sensitivity Factor (ASF)	unitless	10	3	OEHHA, 2015
Annual Exposure Duration (ED)	years	2.00	0.92	Based on total construction period
Averaging Time (AT)	years	70	70	70 years for residents (OEHHA, 2015)
Fraction of time at home (FAH)	unitless	1	1	OEHHA, 2015
Cancer Risk Conversion Factor (CF)	m^3/L	1000000	1000000	Chances per million (OEHHA, 2015)
Cancer Risk	per million	93.6	10.2	$D\cdot\text{CPF}\cdot\text{ASF}\cdot\text{ED}/\text{AT}\cdot\text{FAH}\cdot\text{CF}$ (OEHHA, 2015)
Total Cancer Risk	per million	103.7		

Notes:

DPM = diesel particulate matter

REL = reference exposure level

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

L/kg-day = liters per kilogram-day

m^3/L = cubic meters per liter

$(\text{mg}/\text{kg}/\text{day})^{-1}$ = 1/milligrams per kilograms per day

Office of Environmental Health Hazard Assessment (OEHHA), 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February.

PROJECT TITLE:
**Stocke Street Creative Project
 Construction Off-Road Equipment Exhaust**

COMMENTS:
 Concentrations based on unit emission rate (1 g/s)

SOURCES:
1

RECEPTORS:
336

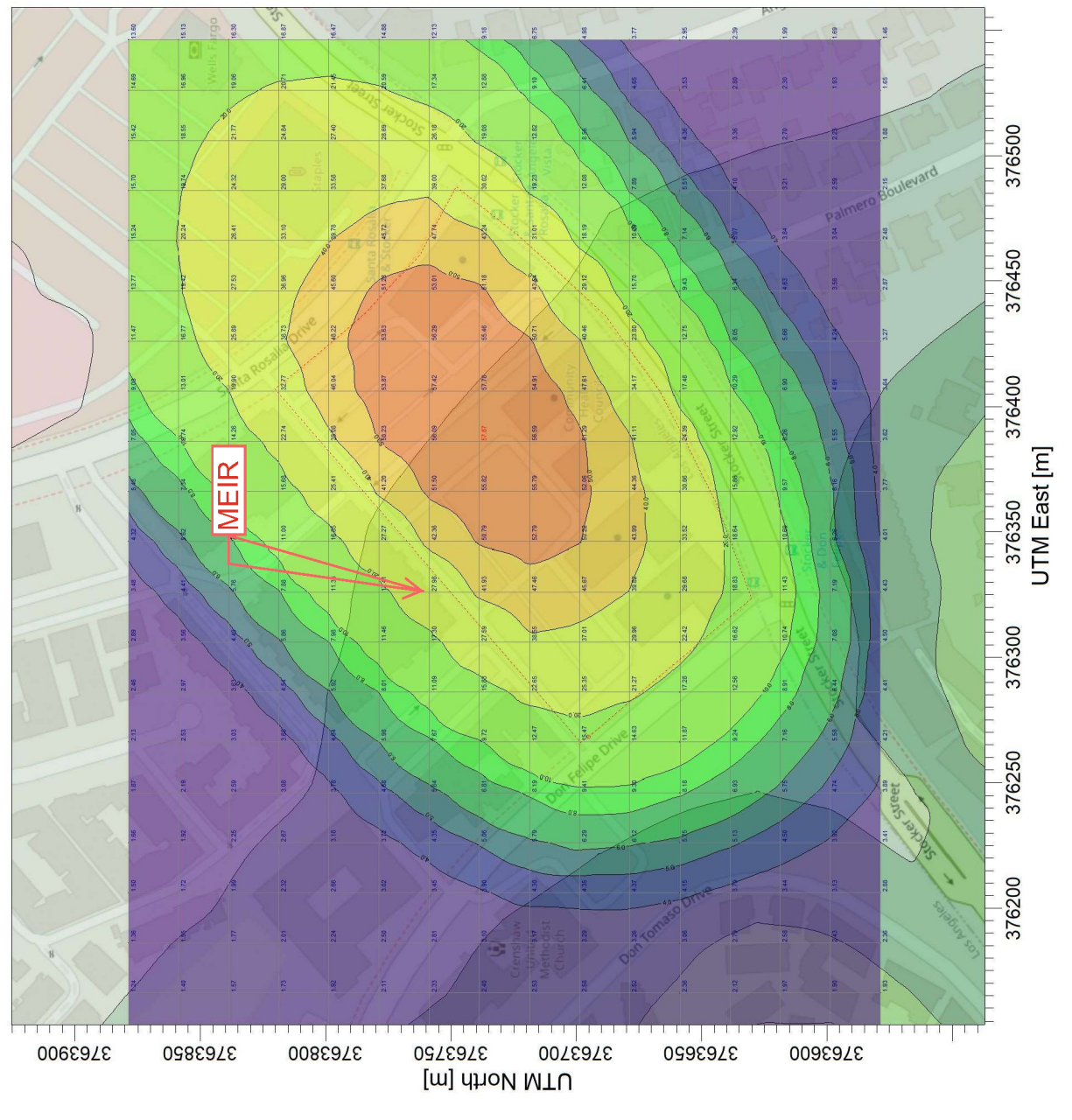
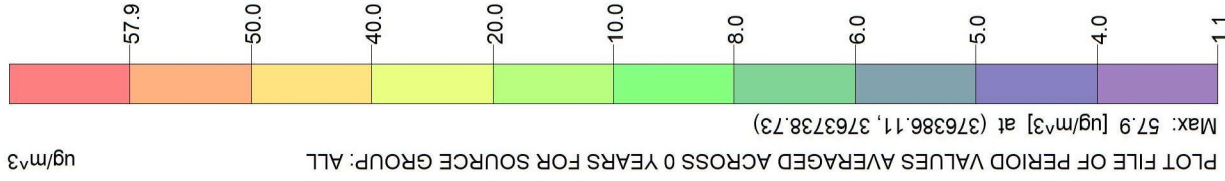
OUTPUT TYPE:
Concentration

MAX:
57.9 ug/m³

COMPANY NAME:
Baseline Environmental Consulting

SCALE:
 1:2,644
 0 0.05 km

PROJECT NO.:
25251-00



ATTACHMENT B

Staff Resumes

Principal Environmental Engineer



Areas of Expertise

Air Quality, GHGs, Noise, Hazardous Materials, Geology, and Hydrology

Education

M.S., Civil and Environmental Engineering, University of California – Davis

B.S., Environmental Science, Dickinson College

Registration

Professional Engineer No. 13609 (RI)

Years of Experience

20 Years

Patrick Sutton is an environmental engineer who specializes in the assessment of hazardous materials released into the environment. Mr. Sutton prepares technical reports in support of environmental review, such as Phase I/II Environmental Site Investigations, Air Quality Reports, and Health Risk Assessments. He has prepared numerous CEQA/NEPA evaluations for air quality, GHGs, noise, energy, geology, hazardous materials, and water quality related to residential, commercial, and industrial projects, as well as large infrastructure developments. His proficiency in a wide range of modeling software (AERMOD, CalEEMod, RCEM, CT-EMFAC) as well as relational databases, GIS, and graphics design allows him to thoroughly and efficiently assess and mitigate environmental concerns.

For mixed-use development projects, Mr. Sutton has prepared health risk assessments for sensitive receptors exposed to toxic air contaminants based on air dispersion modeling. For large transportation improvement projects, Mr. Sutton has prepared air quality and hazardous materials technical reports in accordance with Caltrans requirements. The air quality assessments include the evaluation of criteria air pollutants, mobile source air toxics, and GHG emissions to support environmental review of the project under CEQA/NEPA and to determine conformity with the State Implementation Plan. The hazardous materials investigations include sampling and statistically analysis of aerially-deposited lead adjacent to highway corridors. Mr. Sutton is also an active member of ASTM International and is the author of the Standard Practice for Low-Flow Purging and Sampling Used for Groundwater Monitoring.

Project Experience

Alameda CTC I-80/Ashby Avenue Interchange Improvements. Prepared Phase I/II ESAs to evaluate contaminants of potential concern in soil and groundwater. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and support CEQA/NEPA environmental review.

Oakland Downtown Specific Plan EIR. Prepared a program- and project-level Air Quality and GHG Emissions analysis. Developed a mitigation measure with performance standards to ensure GHG emissions from future projects comply with the Citywide 2030 GHG reduction target.

CCTA I-680 Express Lanes from SR 84 to Alcosta Boulevard Project. Prepared Initial Site Assessment and Preliminary Site Investigation to evaluate contaminants of potential concern in soil and groundwater. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Altamont Corridor Expressway (ACE/Forward) Project EIR/EIS. Prepared a program- and project-level Hazardous Materials analysis for over 120 miles of railroad corridor from San Jose to Merced. Hazardous materials concerns, such as release sites, petroleum pipelines, agricultural pesticides, and nearby school sites were evaluated in GIS.

BART Silicon Valley Extension Project. Prepared Initial Site Assessment and Hazardous Materials EIS/EIR section for extending 6 miles of proposed BART service through the Cities of San Jose and Santa Clara.

Project Environmental Engineer



Areas of Expertise

Air Quality, GHG, Noise, Energy, and Environmental Compliance

Education

Ph.D./M.S., Environmental Science and Engineering, Clarkson University

B.S., Environmental Science, Beijing University of Technology

Registrations/Certifications

40-hour HAZWOPER training

Engineer-In-Training, No. 167986

Years of Experience

13 Years

Yilin Tian is an environmental engineer who specializes in the analysis of air quality and human exposure to toxic air contaminants. She has extensive experience conducting environmental reviews under NEPA and CEQA, focusing on air quality, greenhouse gas (GHG) emissions, noise and vibration, and energy impacts. Yilin is familiar with federal, state, and local environmental regulations and guidelines related to NEPA/CEQA review. She has worked on variety of land uses development projects, including large mixed-use infill, wetland restoration, quarry use modification, levee improvement, and highway expansion projects. In addition, she has collaborated with agencies such as SFPUC, CPUC, and EBMUD. Yilin is experienced with preparing health risk assessments for sensitive receptors exposed to toxic air contaminants during construction and operation. Yilin is proficient with air pollution models (e.g., CalEEMod, AERMOD, and CT-EMFAC), noise models (e.g., FHWA TNM, FHWA RCNM, and SoundPLAN), geospatial data analysis, and database management.

Besides NEPA/CEQA studies, Yilin has worked with the Bay Area Air Management District (BAAQMD) to improve existing emissions estimation techniques and update emission inventories related to wood-burning devices and ammonia emissions in the Bay Area. Her strong background in statistics and air pollutants emissions allows her to process and analyze data properly and efficiently.

Yilin has assisted the City of Berkeley and the San Francisco Public Utilities Commission (SFPUC) with environmental compliance and mitigation monitoring, including reviewing submittals and performing environmental field inspections. Beyond that, Yilin has experience with Phase I Environmental Site Assessments, air monitoring, and noise monitoring.

Project Experience

Potrero Yard Modernization Project EIR. Prepared Supplemental Air Quality, HRA, and Noise and Vibration analysis for the refined project design of the Potrero Yard Modernization Project.

Belvedere Seismic Upgrade Project EIR. Prepared Air Quality, GHG Emissions, and Noise and Vibration analysis for the installation of sheet piling along specific roadway segments in an area of existing levees in Belvedere.

Saratoga Housing Element Update EIR. Prepared noise and vibration analysis for the Saratoga General Plan Housing Element Update.

I-80/Ashby Avenue Interchange Improvement Project. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Residential Wood Combustion for San Francisco Bay Area. Updated the methodology and datasets used by the BAAQMD to quantify residential wood combustion emissions within the San Francisco Bay Area Air Basin.

Environmental Compliance Monitoring for the City of Berkeley. Reviewed noise reduction plans submitted by the developers against the requirements of the MMRP and standard conditions of approval.

Applicant Copy

Office: Van Nuys

Application Invoice No: 108190



68001108190

City of Los Angeles
Department of City Planning



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.gov/pdiscaseinfo/> and enter the Case Number.

Payment Info: \$281.67 was paid on 04/03/2026 with receipt number 200545716149

Applicant: Victoria Yundt (Supporters Alliance for Environmental Responsibili)
Representative: Victoria Yundt (Lozeau Drury LLP)
Project Address: 3701 W STOCKER ST, 90008

NOTES: Appeal by an aggrieved party of the entire determination.

CPC-2024-325-CU-MCUP-CUX-SPP-DRB-SPR-WDI-1A			
Item	Fee	%	Charged Fee
Appeal by Person Other Than The Applicant	\$229.00	100 %	\$229.00
Case Total			\$229.00
* Fees Subject to Surcharges			\$229.00
Fees Not Subject to Surcharges			\$0.00
Plan & Land Use Fees Total			\$0.00
Expediting Fee			\$0.00
Development Services Center Surcharge (3%)			\$6.87
City Planning Systems Development Surcharge (6%)			\$13.74
Operating Surcharge (7%)			\$16.03
General Plan Maintenance Surcharge (7%)			\$16.03

* Fees Subject to Surcharges	\$229.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$0.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$6.87
City Planning Systems Dev. Surcharge (6%)	\$13.74
Operating Surcharge (7%)	\$16.03
General Plan Maintenance Surcharge (7%)	\$16.03
Grand Total	\$281.67
Total Overpayment Amount	\$0.00
Total Paid (amount must equal sum of all checks)	\$281.67

Council District:

Plan Area:

Processed by STEVEN WECHSLER on 4/3/2026

Signature: _____