

II. Responses to Comments

II. Responses to Comments

A. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a draft EIR. CEQA Guidelines Section 15088(a) states that "[t]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the notice comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to each of the written comments received regarding the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes Table II-1 on page II-2 which summarizes the environmental issues raised by each commenter regarding the Draft EIR, as well as Table II-2 on page II-8 directing the reader to detailed discussions of issues raised in multiple comment letters. Section II.C, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 to this Final EIR.

II. Responses to Comments

B. Matrix of Comments Received on the Draft EIR

Table II-1
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise and Vibration	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support	
AGENCIES																																			
1	Ali Poosti Division Manager Wastewater Engineering Services Division LA Sanitation and Environment 2714 Media Center Dr. Los Angeles, CA 90065-1733																								X										
ORGANIZATIONS																																			
2	Kelilah D. Federman Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Ste. 1000 South San Francisco, CA 94080-7037				X						X	X		X		X																	X		
3	Diana Plotkin President Beverly Wilshire Homes Association 8443 W. Fourth St. Los Angeles, CA 90048-4101																															X			
4	Concerned Citizens of Beverly Hills/Beverly Grove c/o Steve Mayer mayer@iname.com	X			X						X												X									X			
5	Steve Kramer Greater Miracle Mile Chamber of Commerce 5858 Wilshire Blvd., Ste. 205 Los Angeles, CA 90036-4523																																		X

Table II-1 (Continued)
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6	Adrian Scott Fine Senior Director of Advocacy Los Angeles Conservancy 523 W. Sixth St., Ste. 826 Los Angeles, CA 90014-1248							X																																												
7	Beverly Grossman Palmer Strumwasser & Woocher LLP 10940 Wilshire Blvd., Ste. 2000 Los Angeles, CA 90024-3949		X		X			X								X		X					X										X																			
INDIVIDUALS																																																				
8	Adriana Aguirre Westbury Terrace Condominiums 321 S. San Vicente Blvd., Apt. 103 Los Angeles, CA 90048-3332			X		X										X							X										X																			
9	Sara Ameri saraameri.sa@gmail.com				X	X						X				X							X																													
10	Shirin Asgarian shirinasgarian@yahoo.com				X											X							X																													
11	Ava Azizi 317 S. Holt Ave. Los Angeles, CA 90048-6202		X			X										X							X																													
12	Avraham Bibi bibos12@hotmail.com															X																																				
13	Mary Brennan 405 ½ Le Doux Rd. Los Angeles, CA 90048-4057		X													X							X									X																				
14	Diana Chou Asad Ameri 321 S. San Vicente Blvd., Apt. 205 Los Angeles, CA 90048-3332					X		X								X							X																													
15	Jazmin Delgado jazmindelgadob@gmail.com		X													X							X																													

Table II-1 (Continued)
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16	Nina Diamante 321 S. San Vicente Blvd., Apt. 402 Los Angeles, CA 90048-3332					X										X																				
17	Mahshid Ehteshami mehteshami@aol.com					X	X									X							X									X				
18	Collin Ellis drcollinellis@gmail.com															X																				
19	Massoud M. Eshmoili 321 S. San Vicente Blvd. Los Angeles, CA 90048-3359				X	X										X							X													
20	Shayna Eshmoili seshmoili@gmail.com																						X									X				
21	Rudy Farmanara 321 S. San Vicente Blvd., Apt. 206 Los Angeles, CA 90048-3332					X										X							X													
22	Yassaman Hariri 321 S. San Vicente Blvd., Apt. 401 Los Angeles, CA 90048-3332															X							X									X				
23	Illya Hasse Manager K&L Wine Merchants—Hollywood 1400 Vine St. Los Angeles, CA 90028-8110															X							X													
24	Tom Henneman Event Director Town & Country Event Rentals 7725 Airport Business Park Way Van Nuys, CA 91406-1723		X																				X													
25	Eva Hernandez 321 S. San Vicente Blvd. Apt. 406 Los Angeles, CA 90048-3332					X						X											X													
26	Travis W. Ivy 321 S. San Vicente Blvd., Apt. 208 Los Angeles, CA 90048-3332				X	X										X							X									X				

Table II-1 (Continued)
Matrix of Comments Received on the Draft EIR

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27	Andra Jay ukjaybird@aol.com															X																					
28	Paul Kish 321 S, San Vicente Ave., Apt. 702 Los Angeles, CA 90048-3354																															X					
29	Kristin Lee kristenjoylee@gmail.com					X										X		X					X														
30	Lydia Lipkin 321 S. San Vicente Blvd., Apt. 501 Los Angeles, CA 90048-3322															X							X														
31	Andy Liu aliu24@gmail.com		X	X												X							X								X						
32	Nick Lopez info@whoisnicklopez.com															X		X					X														
33	MacLou Trust 321 S. San Vicente Blvd., Apt. 1002 Los Angeles, CA 90048-3354															X							X														
34	Kevin Maghami 321 S. San Vicente Blvd. Los Angeles, CA 90048-3359															X																					
35	Kevin Maghami 321 S. San Vicente Blvd. Los Angeles, CA 90048-3359															X																X					
36	Carol May 321 S. San Vicente Blvd. Los Angeles, CA 90048-3359																						X														
37	Brannack McLain brannack.mclain@gmail.com		X													X							X														
38	Mimi H. Milstein Jon Milstein mmholiday@aol.com															X							X														
39	S. Jon Parsi 321 S. San Vicente Blvd., Apt. 1108 Los Angeles, CA 90048-3337																															X					

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40	Steve Reczek 403 ½ S. Le Doux Rd. Los Angeles, CA 90048-4057															X							X													
41	Ann Rubin 6524 Commodore Sloat Dr. Los Angeles, CA 90048-5314		X					X			X										X		X													
42	Barbara Seid Westbury Terrace Condominiums 321 S. San Vicente Blvd., Apt. 608 Los Angeles, CA 90048-3354															X							X													
43	Murray Selarz murrayselarz@gmail.com																		X				X									X				
44	Ashley Sholder asholderdesign@gmail.com		X	X												X							X										X			
45	Norman Sklarewitz 321 S. San Vicente Blvd., Apt. 504 Los Angeles, CA 90048-3332					X										X																				
46	Norman Sklarewitz 321 S. San Vicente Blvd., Apt. 504 Los Angeles, CA 90048-3332															X							X													
47	Norman Sklarewitz 321 S. San Vicente Blvd., Apt. 504 Los Angeles, CA 90048-3332															X																				
48	Camille Soroudi soroudi@gmail.com															X							X													
49	Violetta Starkes Nik Starkes 321 S. San Vicente Blvd. Los Angeles, CA 90048-3359				X											X							X									X				
50	Gina Tuttle ginatuttle@mac.com				X											X							X													
51	Gina Tuttle ginatuttle@mac.com															X							X													

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52	Eric and Selina Vail 8611 Burton Way, Apt. 1 Los Angeles, CA 90048-3933																																			X																	
53	Janet Wei janet.wei@gmail.com					X																																															
54	Negin Yamini 5670 Wilshire Blvd, Ste. 1837 Los Angeles, CA 90036					X									X								X																														
FORM LETTERS																																																					
55	Opposition Form Letter No. 1 (12 commenters)					X									X			X					X																														
56	Opposition Form Letter No. 2 (2 commenters)					X									X			X					X																														

**Table II-2
Master Responses by Topic**

Topic	Response to Comment Nos.
Health Risk Assessment (HRA)	2-14
Greenhouse Gas Emissions (GHGs)	2-21, 2-22, & 2-24 to 2-28
Soil vapor and groundwater	2-33 & 2-34
Dewatering	2-35
CalEEMod input values for construction input values	2-51 to 2-56
Vehicle trips and mobile source emissions	2-57
Air quality regulatory requirements, project design features, & mitigation measures	2-58
SWAPE's screening-level HRA	2-61 to 2-67
SWAPE's changes to CalEEMod input values	2-69
SWAPE's suggest GHG thresholds	2-71
Noise mitigation measures	2-76 to 2-78
Vibration mitigation measures	2-79 to 2-81
Haul truck speeds	2-84
Noise impacts from loading areas	2-86 to 2-88
Existing traffic counts (date taken)	3-1
Metro Rapid Bus Stop	4-4
Historical Resources	6-2 to 6-11
Multi-purpose room capacity	7-2
Access from Burton Way	7-4
Trip generation rates	7-5
Alley vehicle operations	7-4 & 7-7 to 7-9
Parking	7-9
Operational noise associated with the multi-purpose room	7-18 to 7-21
Vibration impacts at Westbury Terrace	7-22
Aesthetic impacts and PRC Section 21099(d)(1)	7-23 & 9-7
Fire protection	7-24 & 7-25
Construction Traffic Management Plan	7-29
Construction duration	8-3
Level of Service (LOS) vs Vehicle Miles Traveled (VMT)	8-5
Dust control (SCAQMD Rule 403)	11-2
Health impacts from noise	11-3
Noise impacts and alternate sleep schedules	15-3
Police protection	29-5
Accident data	21-4 & 29-7
Pedestrian safety	30-5
 <i>Source: Eyestone Environmental, 2021.</i>	

II. Responses to Comments

C. Comment Letters

Comment Letter No. 1

Ali Poosti
Division Manager
Wastewater Engineering Services Division
LA Sanitation and Environment
2714 Media Center Dr.
Los Angeles, CA 90065-1733

Comment No. 1-1

This is in response to your May 13, 2021 Notice of Completion and Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 331–333 S San Vicente Blvd and 8531–8555 W Burton Way, Los Angeles, CA 90048. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review, there were no changes to the project and the previous response is valid. Please notify our office in the instance that additional environmental review is necessary for this project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at chris.demonbrun@lacity.org

Response to Comment No. 1-1

This comment, stating that there have been no changes to the Project and the commenter's previous response is valid, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 2

Kelilah D. Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080-7037

Matt Hagemann
Paul E. Rosenfeld
SWAPE
2656 29th St., Ste. 201
Santa Monica, CA 90405-2984

Deborah A. Jue
Wilson Ihrig
5900 Hollis St., Ste. T1
Emeryville, CA 94608-2008

Comment No. 2-2

On behalf of the Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA” or “Commenters”), we submit these comments on the Draft Environmental Impact Report (“DEIR”) prepared by the City of Los Angeles (“City”) for the Our Lady of Mt. Lebanon Project (“Project”) pursuant to the California Environmental Quality Act (“CEQA”).¹ The Project is proposed by Bishop A. Elias Zaidan, Successor Trustee of Our Lady of Mt. Lebanon–St. Peter Maronite Catholic Cathedral–Los Angeles Real Estate Trust (“Applicant”).² The Applicant proposes: 1) development of a 19-story, multi-family residential building with 153 residential units (including 17 Very Low Income units) with a maximum height of 225 feet; 2) deconstruction, off-site storage, reassembly, habilitation, and limited alteration of the existing cathedral of Our Lady of Mt. Lebanon–St. Peter Maronite Catholic Cathedral (“Cathedral”); and 3) removal of three existing ancillary church buildings, and their replacement with a new three-story building.³ The Project also includes 16,800 square feet (“SF”) of open space, including approximately 9,200 SF of common open space and 7,600 SF of private open space, and a total of 397 vehicle parking spaces, including 252 residential parking spaces and 145 church parking spaces, within a five-level subterranean parking structure.

The Project would be located at 331–333 S. San Vicente Boulevard and 8531–8555 W. Burton Way, Los Angeles, CA 90048 (Assessor’s Parcel No. 4334-009-161. The Project is within the Wilshire Community Plan Area, under General Plan Designation High Medium Residential, and zoned [Q]R4-1-O. The Applicant requests a Density Bonus, a Zoning Administrator Determination, Site Plan Review, and Vesting Tentative Tract Map Review.

Based on our review of the DEIR, it is clear that the DEIR fails as an informational document under CEQA and lacks substantial evidence to support its conclusions that the Project's significant impacts would be mitigated to the greatest extent feasible. There is also substantial evidence demonstrating that the Project's potentially significant environmental impacts are far more extensive than disclosed in the DEIR. Commenters and their expert consultants have identified numerous potentially significant impacts that the DEIR either mischaracterizes, underestimates, or fails to identify. In particular, the DEIR fails to accurately analyze and mitigate the Project's construction and operational air quality, greenhouse gas ("GHG"), health risk, and hazardous materials impacts. Further, noise and vibration impacts were not accurately analyzed or mitigated.

We have reviewed the DEIR, its technical appendices, and reference documents with assistance of Commenters' expert consultants, whose comments and qualifications are attached. We prepared our comments on air quality, public health, GHG emissions, and hazardous materials with the assistance of air quality and GHG expert Paul E. Rosenfeld, Ph.D. and hazardous materials expert Matt Hagemann, P.G., C.Hg of Soil Water Air Protection Enterprises, whose comments are included in the SWAPE Comments ("SWAPE Comments"). The SWAPE Comments, Dr. Rosenfeld's and Mr. Hagemann's expert curriculum vitae ("CV") are attached hereto as Exhibit A. We have prepared our comments on noise and vibration with the assistance of Deborah Jue, acoustics, noise, and vibration expert of Wilson Ihrig. Ms. Jue's Comments ("Jue Comments") and Ms. Jue's CV are attached hereto as Exhibit B.

¹ Pub. Res. Code §§ 21000 et seq.

² Notice of Completion and Availability of Draft Environmental Impact Report for the Our Lady of Mt. Lebanon Project, ENV-2019-1857-EIR, May 13, 2021.

³ *Id.*

Response to Comment No. 2-2

This introductory comment summarizes the Project Description and requested entitlements for the Project, and expresses the commenter's opinion that the Draft EIR does not meet the requirements of CEQA. Specific issues raised by the commenter in their letter and associated exhibits are addressed in Response to Comment Nos. 2-5 through 2-90, below. As demonstrated herein, the Draft EIR meets the standards of CEQA and recirculation is not warranted. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 2-3**I. STATEMENT OF INTEREST**

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 and public service impacts of the Project. The coalition includes 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.

Individual members of CREED LA and its member organizations include Hak Kim, John P. Bustos, Gery Kennon, Chris S. Macias, and Robert E. Murphy. These individuals 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.

In addition, 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.

Response to Comment No. 2-3

This comment is the commenter's statement of interest. It is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 2-4**II. LEGAL BACKGROUND**

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances).⁴ The EIR is the very heart of CEQA.⁵ "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."⁶

CEQA has two primary purposes. First, CEQA is designed to inform decision makers 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

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures.¹⁰ 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.”¹¹ 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 where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”¹²

While the 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.*”¹³ As the courts have explained, “a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”¹⁴ “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.’”¹⁵

⁴ See, e.g., Pub. Res. Code §§ 21000 et seq.

⁵ *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

⁶ *Comtys. For a Better Env’ v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 (“CBE v. CRA”).

⁷ 14 Cal. Code Regs. § 15002(a)(1).

⁸ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

⁹ *Berkeley Keep Jets Over the Bay v. Bd. Of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

¹⁰ 14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.

¹¹ 14 CCR §15002(a)(2).

¹² PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

¹³ *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

¹⁴ *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

¹⁵ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, quoting *Laurel Heights*, 47 Cal.3d at 405.

Response to Comment No. 2-4

This comment provides legal background on the EIR process. It is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 2-5

III. THE DEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS AND LACKS SUBSTANTIAL EVIDENCE TO SUPPORT ITS CONCLUSIONS REGARDING PROJECT 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 for each impact must be supported by substantial evidence, including accurate scientific and factual data.¹⁶ The EIR should not rely on scientifically outdated information to assess the significance of impacts, and should result from "extensive research and information gathering," including consultation with state and federal agencies, local officials, and the interested public.¹⁷ To be adequate, the EIR should evidence the lead agency's good faith effort at full disclosure.¹⁸ An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.¹⁹

In this case, the DEIR fails to satisfy the basic purposes of CEQA. The DEIR lacks adequate information to inform the public of the full extent and severity of the Project's impacts. And the DEIR's conclusions regarding air quality, public health, GHG emissions, hazardous materials, and cultural resources are not supported by substantial evidence. An EIR may conclude that impacts are insignificant only after providing an adequate analysis of the magnitude of the impacts and the degree to which they will be mitigated. Thus, if the lead agency, here the City of Los Angeles, fails to investigate a potential impact, its finding of insignificance will not withstand legal scrutiny.²⁰ The City must address these shortcomings and recirculate a revised DEIR for public review and comment.

¹⁶ 14 Cal. Code Regs. § 15064(b).

¹⁷ *Berkeley Keep Jets Over the Bay Comm. V. Board of Port Comm.* (2001) 91 Cal. App.4th 1344, 1367; *Schaeffer Land Trust v. San Jose City Council*, 215 Cal.App.3d 612, 620.

¹⁸ CEQA Guidelines § 15151; see also *Laurel Heights I* (1998) 47 Cal.3d 376, 406.

¹⁹ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732.

²⁰ Pub. Res. Code § 21081.6(b); 14 C.C.R. § 15126.4(a)(2).

Response to Comment No. 2-5

This comment reiterates the commenter’s opinion that the Draft EIR does not meet the requirements of CEQA and claims that the analyses related to air quality, public health, GHG emissions, hazardous materials, and cultural resources were not adequate. Specific responses to the commenter’s claims related to air quality are addressed in Response to Comment Nos. 2-5 through 2-13 and 2-51 through 2-59; responses to the commenter’s claims related to public health are addressed in Response to Comment Nos. 2-14 through 2-20 and 2-60 through 2-67; responses to the commenter’s claims related to GHG emissions are addressed in Response to Comment Nos. 2-33 through 2-35 and 2-48 through 2-50; and responses to the commenter’s claims related to cultural resources are addressed in Response to Comment Nos. 2-30 through 2-32. As demonstrated therein, the Draft EIR meets the standards of CEQA, adequately addressed these topic areas, and recirculation is therefore not warranted.

Comment No. 2-6

A. The DEIR Underestimates the Project’s Construction Emissions

According to the DEIR, the City used the California Emissions Estimator Model Version CalEEMod.2016.3.2 (“CalEEMod”) to calculate the Project’s construction and operational emissions. SWAPE explains in its comments that CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project’s construction and operational emissions are calculated and “output files” are generated.

SWAPE explains that the CalEEMod output files for the Project disclose to the reader what parameters were utilized in calculating the Project’s air pollutant emissions. SWAPE reviewed the Project’s CalEEMod output files and found that several of the values inputted into the model are inconsistent with information disclosed in the DEIR. SWAPE also found that, when the correct input parameters are used, the Project would result in significant impacts to regional air quality.

Projects that exceed the recommended daily thresholds for project-specific impacts would cause individually significant impacts and a cumulatively considerable increase in emissions for those pollutants for which the air basin is in non-attainment.²¹ The Project site is located in the South Coast Air Basin (“Air Basin”), which includes the City of Los Angeles and other geographic regions under the jurisdiction of the South Coast Air Quality

Management District (“SCAQMD”).²² The Air Basin is in non-attainment under State Standards for: Ozone, MP10, PM2.5; and under Federal Standard for: Ozone (extreme non-attainment) and PM2.5 (Serious Non-attainment).²³ The DEIR states that the Project’s construction-related daily maximum regional construction emissions would not exceed any of the South Coast Air Quality Management District (“SCAQMD”) daily significance thresholds.²⁴ However, based on SWAPE’s analysis, this statement is not supported by substantial evidence.²⁵

²¹ DEIR, p. IV.A-58.

²² DEIR, p. IV.A-2.

²³ *Id.* at p. IV.A-3.

²⁴ *Id.* at p. IV.A-58.

²⁵ SWAPE Comments p. 14.

Response to Comment No. 2-6

Refer to Response to Comment Nos. 2-50 through 2-67, below for a detailed discussion of SWAPE’s comments related to the Project’s air quality analysis.

Comment No. 2-7

SWAPE determined that the DEIR contains unsubstantiated changes to the CalEEMod default values in several respects. First, the DEIR’s CalEEMod modeling contains unsupported changes to the Project’s construction phase length.²⁶ These unsubstantiated changes to the CalEEMod default phase lengths spread the emissions over a longer period of time for some phases, but not others, resulting in lower overall construction emissions without providing supporting evidence to substantiate the revised construction timelines.²⁷ For example, the Project’s demolition phase length was increased by approximately 555%, from the default value of 20- to 131-days; [sic] the grading phase length was increased by approximately 545%, from the default value of 20- to 129-days; [sic] the mat foundation phase length was decreased by approximately 99%, from the default value of 230- to 2-days; [sic] the building foundation phase length was decreased by approximately 82%, from the default value of 230- to 41-days; [sic] the building construction phase length was increased by approximately 108%, from the default value of 230- to 478-days; [sic] the paving phase length was increased by 225%, from the default value of 20- to 65- days; [sic] and the architectural coating phase length was increased by 225%, from the default value of 20- to 65-days.²⁸ [sic] While it is not uncommon for construction timelines to vary from project to project, any changes to default air quality modeling values must be supported by project-specific evidence demonstrating that the changes are consistent with the project.²⁹ If not, air quality modeling could simply be altered to utilize longer timelines, thereby decreasing the significance of daily construction emissions without evidentiary support.

Here, by altering the individual construction phase lengths without proper justification, the DEIR's models' calculations were altered without evidentiary support, and underestimate emissions as a result.³⁰ Rather than provide meaningful details about the Project's construction activities and phases, the DEIR simply points to a section of its own air quality analysis entitled "Air Quality Analysis Assumptions" to explain the values used in its modeling.³¹ As SWAPE explains, simply providing the assumptions included in the Project's modeling does not provide substantial evidence to support the air quality analysis because assumptions do not justify assumptions.³² SWAPE determined that, by including unsubstantiated changes to the default individual construction phase lengths, the DEIR's modeling may simply underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.³³ Therefore, the DEIR's conclusions regarding the Project's construction air quality emissions lack substantial evidence. The DEIR should be revised and recirculated to adequately analyze construction emissions and disclose the basis for the DEIR's modeling assumptions.

²⁶ SWAPE Comments, p. 6.

²⁷ SWAPE Comments, p. 6.

²⁸ SWAPE Comments, p. 6.

²⁹ SWAPE Comments, p. 7; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 732 (lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding).. [sic]

³⁰ *Id.*

³¹ SWAPE Comments, p. 6-7.

³² *Id.*

³³ *Id.*

Response to Comment No. 2-7

Refer to Response to Comment No. 2-54, below for a detailed discussion of SWAPE's comment related to CalEEMod input values for construction phase length.

Comment No. 2-8

Further, the DEIR fails to provide substantial evidence to support its analysis of off-road construction equipment unit amounts and usage hours.³⁴ For example, the DEIR zeroed out at least seven (7) categories of standard off-road construction equipment values without explaining why that equipment would not be used for the Project.³⁵ By including unsubstantiated changes to the default off-road construction equipment unit amounts and usage hours, the DEIR underestimates the Project's construction related emissions without supporting evidence. SWAPE concluded that these models lack substantial evidence, and should not be relied on to determine the significance of air quality impacts.³⁶ The DEIR's analysis of off-road construction impacts to air quality lacks substantial evidence.

³⁴ *Id.* at p. 8.

³⁵ *Id.*

³⁶ *Id.* at p. 9.

Response to Comment No. 2-8

Refer to Response to Comment No. 2-55, below for a detailed discussion of SWAPE's comment related to CalEEMod input values for construction equipment unit amounts and usage hours.

Comment No. 2-9

The DEIR lacks substantial evidence to support the revised construction trip analysis underlying the air quality impact analysis.³⁷ For example, the DEIR reduced the number of default construction worker trips to and from the Project site, without describing how many on-site workers would be required during each construction phase. SWAPE concluded that the DEIR includes unsubstantiated changes to the default construction trip lengths and numbers.³⁸ This results in potentially underestimated construction-related emissions.³⁹ The DEIR's construction-related emissions analysis therefore is not supported by substantial evidence. The DEIR should be revised and recirculated to accurately analyze construction-related air quality impacts.

³⁷ *Id.* at p. 11.

³⁸ *Id.*

³⁹ *Id.*

Response to Comment No. 2-9

Refer to Response to Comment No. 2-56, below for a detailed discussion of SWAPE's comment related to CalEEMod input values for construction trip numbers.

Comment No. 2-10

In order to accurately estimate Project's construction-related emissions, SWAPE prepared updated an CalEEMod model, using the Project-specific information provided by the DEIR. In particular, SWAPE corrected the CO2 intensity factor; proportionally increased the individual construction phase lengths to match the proposed construction duration of 2021 to 2024; and omitted the unsubstantiated changes to the off-road construction equipment unit amounts and usage hours, construction trip numbers.⁴⁰ SWAPE concluded that NOx emissions associated with Project construction would be approximately 226 pounds per day ("lbs/day"), exceeding the applicable SCAQMD significance threshold of 100 pounds per day.⁴¹ SWAPE's updated modeling demonstrates that the Project would result in a

potentially significant air quality impact that was not previously identified or addressed in the DEIR.⁴² Therefore, the DEIR's statement that construction emissions are less than significant is not supported by substantial evidence.⁴³ A revised EIR should be circulated to provide an adequate construction-related air quality analysis.

⁴⁰ *Id.* at p. 14.

⁴¹ *Id.* at p. 14.

⁴² SWAPE Comments, p. 14; *Comtys. For a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 (when impact exceeds CEQA significance threshold, agency must disclose in the EIR that the impact is significant); *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960; *CBE v. SCAQMD*, 48 Cal.4th at 327 (impact is significant because exceeds "established significance threshold for NOx ... constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact").

⁴³ DEIR, p. I-14.

Response to Comment No. 2-10

Refer to Response to Comment No. 2-51 through 2-56, below for a detailed discussion of SWAPE's comments related to CalEEMod input values. Refer to Response to Comment No. 2-59, below for a detailed discussion of SWAPE's comment related to SWAPE's unsubstantiated updated modeling.

Comment No. 2-11

B. The DEIR Underestimates the Project's Operational Emissions

The DEIR concludes that the operational air quality impacts are less than significant.⁴⁴ This statement is not based on substantial evidence. The DEIR overestimates the size of the existing land uses that would be removed from the Project site.⁴⁵ By overestimating the floor surface area of the existing land uses, the DEIR overestimates the emissions associated with the existing land uses, resulting in an underestimation of the net change in operational emissions associated with the Project.⁴⁶ Therefore, the DEIR's analysis of operational air emissions is not supported by substantial evidence. A revised DEIR must be circulated to adequately analyze operational air emissions.

⁴⁴ DEIR, p. I-14.

⁴⁵ DEIR, p. IV.A-60.

⁴⁶ SWAPE Comments, p. 5.

Response to Comment No. 2-11

Refer to Response to Comment No. 2-53, below for a detailed discussion of SWAPE's comment related to CalEEMod input values for existing land uses.

Comment No. 2-12

The DEIR states that the Project would support SCAQMD's 2016 Air Quality Management Plan ("AQMP") and Southern California Association of Governments ("SCAG") Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS") objectives by reducing vehicle miles travelled ("VMT") and the related vehicular air emissions and that the Project would be consistent with the goals and policies of the AQMP.⁴⁷ These statements, though, are not supported by substantial evidence. SWAPE determined that the DEIR relies on modeling which overestimates vehicle trips associated with existing land uses.⁴⁸ This causes the DEIR's model to underestimate new mobile source emissions associated with operation of the Project.⁴⁹ The Project therefore potentially conflicts with the AQMP and the RTP/SCS, and the DEIR lacks substantial evidence demonstrating that it does not. These conflicts must be analyzed as a potentially significant impact in a revised and recirculated EIR.

⁴⁷ DEIR, p. IV.A-52.

⁴⁸ SWAPE Comments, p. 11.

⁴⁹ *Id.*

Response to Comment No. 2-12

Refer to Response to Comment No. 2-57, below for a detailed discussion of SWAPE's comment related to vehicle trips associated with existing land uses and new mobile source emissions.

Comment No. 2-13

SWAPE determined that the DEIR's operational air emissions models incorporated mitigation measures to reduce emissions to less than significant levels.⁵⁰ But, the DEIR states that "Project-level impacts related to Threshold (b) during construction and operation of the Project were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant."⁵¹ This statement is not supported by substantial evidence. SWAPE determined that the DEIR includes modeling including operational mitigation measures. The model includes energy-, area-, water-, and waste-related operational mitigation measures.⁵² The DEIR includes the mitigation measures in order to reduce the impact to less-than-significant, but fails to require such measures as binding mitigation, as required by CEQA.⁵³

⁵⁰ *Id.* at 14.

⁵¹ DEIR, p. IV.A-61.

⁵² SWAPE Comments, p. 14.

⁵³ 14 Cal. Code Regs. § 15126.4(a)(2).

Response to Comment No. 2-13

Refer to Response to Comment No. 2-58, below for a detailed discussion of SWAPE's comment related to regulatory requirements, project design features, and mitigation measures.

Comment No. 2-14

Further, the inclusion of the models may underestimate the Project's operational emissions, and underestimate the significance of the Project's emissions. The DEIR must be revised and recirculated to include the measures relied on in the models as binding mitigation measures. Or otherwise, exclude the measures from the models to detail the Project's impacts' true level of significance.

Response to Comment No. 2-14

Refer to Response to Comment No. 2-58, below for a detailed discussion of SWAPE's comment related to regulatory requirements, project design features, and mitigation measures.

Comment No. 2-15

C. The DEIR Underestimates Potentially Significant Construction and Operational Health Risks from Diesel Particulate Matter Emissions

The DEIR fails as an informational document because it fails to explain why it was not feasible to provide an analysis that connected the Project's air quality effects to human health consequences.⁵⁴ "CEQA requires that an EIR make a reasonable effort to discuss relevant specifics regarding the connection between two segments of information already contained in the EIR, the general health effects associated with a particular pollutant and the estimated amount of that pollutant the project will likely produce."⁵⁵ Without an adequate analysis of health risk, the general public and its responsible officials cannot make an informed decision on whether to approve the project.⁵⁶ The DEIR should be revised and recirculated to include a quantified health risk analysis to connect the Project's impacts with human health consequences.

⁵⁴ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525.

⁵⁵ *Id.* at 521.

⁵⁶ *Santa Clarita Organization for Planning the Environment* 106 Cal.App.4th 715, 724.

Response to Comment No. 2-15

The comment above is the first comment regarding the potential diesel particulate matter (DPM) emissions associated with the Project. This response addresses the comment above and subsequent comments regarding the Project's impact with respect to DPM emissions, and response to such subsequent comments will in many cases reference this response.

The following three-part master response details why the air quality and health risk analyses contained in the Draft EIR are sufficient and additional review is not necessary. In addition, this master response explains why the law and regulatory guidance does not require the City to prepare a Health Risk Assessment (HRA) for the Project. Nonetheless, while not required, the City elected to prepare an HRA (for informational purposes only) to further inform the public and decisionmakers. This master response summarizes the results of the HRA, which further confirmed that the Project would not have any significant air quality impact on sensitive receptors.

1. The Project is not required by law to prepare a Health Risk Assessment.

The Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Hot Spots Act) regulates stationary sources. The Hot Spots Act is designed to provide information to state and local agencies and to the general public on the extent of airborne emissions from stationary sources and the potential public health impacts of those emissions.¹ The Office of Environmental Health Hazard Assessment (OEHHA), in conjunction with the California Air Resources Board (CARB) and the California Air Pollution Control Officers Association (CAPCOA), has adopted guidance manuals for use in implementing the Air Toxics "Hot Spots" Program (Hot Spots Program) as part of the Hot Spots Act (Health and Safety Code Section 44360 et. Seq.). In 2003, OEHHA adopted the *Air Toxics Hot Spots Program Risk Assessment Guidelines—The Air Toxics Program Guidance Manual for Preparation of Health Risk Assessments* (2003 Guidance Manual). OEHHA adopted a new version of the manual in March 2015, called the *Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (2015 Guidance Manual). The guidance manuals are intended to address health risks from airborne contaminants released by stationary sources.² The intent of developing the guidance manuals is to provide HRA procedures for use in the Hot

¹ OEHHA, *Air Toxics Hot Spots Program Risk Assessment Guidelines—The Air Toxics Program Guidance Manual for Preparation of Health Risk Assessments*, August 2003, Section 1.1, p. 1-1. See also, OEHHA, *Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments*, February 2015, <https://oehha.ca.gov/air/cmr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>, Section 1.1, p. 1-1, accessed September 16, 2021.

² OEHHA, *2003 Guidance Manual and 2015 Guidance Manual at Section 1.1, p. 1-2.*

Spots Program or for the permitting of new or modified stationary sources.³ Stationary sources are typically industrial-type uses that emit toxic air contaminants (TACs)⁴ and are regulated by and/or require permits from the Air Districts. Examples of stationary sources include: metal finishing/manufacturing, chrome plating facilities, various product manufacturing (e.g., food, chemical, material, etc.), stationary diesel engines (e.g., emergency backup generators), and refineries.⁵ The guidance manuals are not meant to be used for a health risk evaluation of typical non-stationary source land use projects such as residential and commercial development projects.

OEHHA did not opine on or include CEQA significance thresholds applicable to construction activities or the operation of non-stationary source projects in the guidance manuals.⁶ Additionally, in the *Risk Management Guidance for Stationary Sources of Air Toxics* (2015), CARB and CAPCOA recognized that the OEHHA guidance manuals do not include guidance for CEQA and that this would be handled by individual Air Districts.⁷

For these reasons, the Project is not subject to regulation under the Hots Spots Act, the 2003 Guidance Manual, or 2015 Guidance Manual.

The following provides further analysis demonstrating why an HRA is not required by law to be prepared.

CAPCOA HRA Guidance

The CAPCOA guidance document *Health Risk Assessments for Proposed Land Use Projects* (2009) (CAPCOA HRA Guidance) provides lead agencies with guidance regarding

³ OEHHA, *2003 Guidance Manual and 2015 Guidance Manual at Section 1.1, p. 1-2.*

⁴ “Toxic air contaminant” means an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. See *Health and Safety Code Section 39655.*

⁵ CARB and CAPCOA, “*Risk Management Guidance for Stationary Sources,*” July 2015, Section I.D, p. 5 and Appendix A, Table A-1: *Statewide ARB Air Toxics Regulations for Stationary Sources*, ww2.arb.ca.gov/sites/default/files/classic/toxics/rma/rmgssat.pdf, accessed September 16, 2021.

⁶ “*Final Environmental Assessment for: Proposed Amended Rule 307.1—Alternative Fees for Air Toxics Emissions Inventory; Proposed Amended Rule 1401—New Source Review of Toxic Air Contaminants; Proposed Amended Rule 1402—Control of Toxic Air Contaminants from Existing Sources; SCAQMD Public Notification Procedures for Facilities Under the Air Toxics ‘Hot Spots’ Information and Assessment Act (AB 2588) and Rule 1402; and, SCAQMD Guidelines for Participating in the Rule 1402 Voluntary Risk.*” (SCAQMD Final EA) SCAQMD, September 2016, pp. 1-2 and 2-23, September 2016. *Affected facilities are those in identified for the AB 2588 Air Toxics Hot Spots program, which does not include the proposed Project nor mixed-use projects like the proposed Project that are not stationary sources. Further, the SCAQMD states it “does not have guidance on construction Health Risk Assessments.”*

⁷ CARB and CAPCOA, *Risk Management Guidance for Stationary Sources*, July 2015, Section III.J, p. 16.

when and how an HRA should be prepared. It bases the risk assessment methodology on the procedures developed by the OEHHA to meet the mandates of the Hot Spots Act. CAPCOA recognized that “[w]hile local air districts have ample experience evaluating and mitigating toxic emissions from permitted stationary sources, most have limited experience preparing or reviewing risk assessments associated with multiple toxic sources or assessments for exhaust from mobile sources that are typically found when evaluating health risks to proposed land use projects.” To bridge the gap between stationary sources subject to regulation by the Air Districts under the Hot Spots Act and health risk impacts from and to land use projects, CAPCOA prepared the CAPCOA HRA Guidance.⁸ The CAPCOA HRA Guidance does not include how risk assessments for construction projects should be addressed in CEQA, and only recommends assessment of health risks related to two types of land use projects, as described below.

Type A—Land use projects with toxic emissions that impact receptors, including:

- Combustion related power plants;
- Gasoline dispensing facilities;
- Asphalt batch plants;
- Warehouse distribution centers;
- Quarry operations; and
- Other stationary sources that emit toxic substances.

Type B—Land use projects that will place receptors in the vicinity of existing toxics sources, including residential, commercial, and institutional developments proposed to be located in the vicinity of existing toxic emission sources, such as:

- Stationary sources;
- High traffic roads;

⁸ “While local air districts have ample experience evaluating and mitigating toxic emissions from permitted statutory sources, most have limited experience preparing or reviewing risk assessment associated with multiple toxic sources or assessment for exhaust from mobile sources that are typically found when evaluating health risks to proposed land use projects. In order to provide consistency to lead agencies, project proponents and the general public throughout the state, the [CAPCOA] formed a subcommittee ... to develop guidance on assessing the health risk impacts from and to proposed land use projects.” CAPCOA, *Health Risk Assessment for Proposed Land Use Projects*, July 2009, p. 1, www.capcoa.org/wp-content/uploads/2020/12/with-stamp_CAPCOA_HRA_LU_Guidelines_8-6-09-min.pdf, accessed September 16, 2021.

- Freeways;
- Rail yards; and
- Ports

The Project is not a Type A or Type B land use project under the CAPCOA HRA Guidance. The operation of the Project does not include any of the industrial uses listed, nor does it include a stationary source that emits TACs. Nor is the Project a warehouse or distribution facility that generates more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units.⁹ The Project also does not involve siting sensitive receptors near an existing stationary source or industrial use, including stationary sources, freeways, rail yards, or ports. Additionally, as shown in the Average Daily Traffic (ADT) Memo prepared by Linscott, Law & Greenspan in December 2021, included as Appendix FEIR-2 to this Final EIR, the roads adjacent to the Project Site are not high traffic roads, so the Project does not contemplate siting sensitive receptors near high traffic roads.¹⁰ For these reasons, the preparation of an HRA (or AERSCREEN screening-level analysis) to assess the health risks due to the operation of the Project is not required.

The CAPCOA HRA Guidance does not consider construction-related health risks. Additional guidance was expected to be included in the CAPCOA HRA Guidance once the toxic emissions from construction can be better quantified with updated science. This has not yet occurred, and was not available when the City prepared the notice of preparation for the Project and its environmental analysis. As such, preparation of an HRA to assess health risks due to construction of the Project is not required.

SCAQMD Guidance

The South Coast Air Quality Management District (SCAQMD) is the Air District in charge of implementing, regulating, and enforcing the Hot Spots Program in the South Coast Air Basin. SCAQMD has promulgated rules in furtherance of the Hot Spots Act,¹¹ and prepared supplemental guidelines for preparing HRAs as a supplement to OEHHA's

⁹ CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005, www.arb.ca.gov/ch/handbook.pdf, accessed December 20, 2021, and SCAQMD, *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*, August 2003.

¹⁰ See CAPCOA HRA Guidance, Section 5.0, p. 8.

¹¹ See SCAQMD Rules and Regulations XIV—Toxics and Other Non-Criteria Pollutants, Rules 1401 and 1402.

guidance manuals.¹² These SCAQMD rules and supplemental guidelines provide guidance for the preparation of HRAs for stationary and certain mobile sources, as described below.¹³ SCAQMD has developed limited guidance and documents relevant to HRAs and CEQA analyses for non-stationary source land use projects. Specifically, these rules and guidelines do not require HRAs to be prepared as part of CEQA documents that evaluate the construction and operational impacts of residential and/or commercial projects, like the mixed-use Project.¹⁴ These documents are discussed in more detail, below.

To start with, SCAQMD does not have recommended guidance on HRAs for operational impacts related to non-stationary source land use projects, except for the following guidance documents, neither of which requires preparation of an HRA for the Project:

- *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (2003) (Mobile Source Guidance)
- *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (2005) (Local Planning Guidance)

The Mobile Source Guidance provides interim guidance and recommended procedures for preparing HRAs for projects with the potential for DPM impacts, including the following limited activities: (1) truck idling and movement (such as, but not limited to, truck stops, warehouse/distribution centers or transit centers); (2) ship hotelling at ports; and (3) train idling. The Project does not include any of these industrial-related activities. The Project includes the development of approximately 173,232 square feet of floor area with a 19-story residential building, expansion of church facilities, and construction of 397 subterranean parking spaces. A conservative estimate of the number of daily truck trips is

¹² SCAQMD, *AB 2588 and Rule 1402 Supplemental Guidelines for Preparing Risk Assessment for the Air Toxics 'Hot Spots' Information and Assessment Act*, October 2020, www.aqmd.gov/docs/default-source/planning/risk-assessment/ab-2588-supplemental-guidelines.pdf?sfvrsn=19, accessed September 16, 2021.

¹³ SCAQMD, *Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*, August 2003.

¹⁴ SCAQMD *Final EA*, pp. 1-2 and 2-23, September 2016. Affected facilities are those identified for the AB 2588 Air Toxics Hot Spots program, which does not include the proposed Project nor mixed-use projects like the proposed Project that are not stationary sources. Further, SCAQMD states it, "does not have guidance on construction Health Risk Assessments."

provided below based on the National Cooperative Highway Research Program Truck Trip Generation Data.¹⁵

- Table D-2e of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Other Land Uses (includes housing)) provides an average of 0.011 truck trips per 1,000 sf or approximately **two trucks per day** for the Project's 148,641 square feet (153 dwelling units) of residential uses. It is conservatively assumed that all of these delivery trucks would be heavy-duty diesel trucks even though many residential truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).
- Table D-2d of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Office and Services) provides an average of 0.039 truck trips per 1,000 sf. For purposes of this discussion, the church/institutional uses are included within this use. The Project's remaining 24,591 square feet of development would generate approximately **one truck per day**. This analysis conservatively does not include a credit for existing land uses removed as part of the Project (i.e., 2,520 square feet of parish rectory/meeting rooms, 5,426 square feet of social hall/multi-purpose room, and 4,424 square feet of offices). Once again, this assumes that all trucks would be diesel even though many office truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

As shown above, the Project is estimated to generate approximately three trucks per day during operation of the Project. This is significantly fewer trucks than the anticipated volume of trucks associated with a truck stop, warehouse/distribution center, or transit center. The Project's operational trucks would also be substantially fewer than the 100 trucks per day or more than 40 trucks with operating transport refrigeration units, the thresholds used by CAPCOA, SCAQMD, and CARB for siting new sensitive land uses near these types of sources.¹⁶ As such, the Project is not expected to be a substantial source of DPMs and the preparation of an HRA is therefore not required.

The Local Planning Guidance referenced above also does not require preparation of a quantitative HRA within the vicinity of the Project Site as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TACs, including stationary sources, high traffic roads, freeways, rail yards, or ports. Additionally, the Project is not considered to be a substantial source of DPM emissions warranting an HRA since daily truck trips to the Project Site would not exceed 100 trucks

¹⁵ *National Cooperative Highway Research Program (NCHRP, Synthesis 298 Truck Trip Generation Data, 2001, <http://onlinepubs.trb.org/onlinepubs/nchrp/nchrpsyn298.pdf>.*

¹⁶ *CARB, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005, www.arb.ca.gov/ch/handbook.pdf, accessed September 16, 2021.*

per day or more than 40 trucks with operating transport refrigeration units, which are the applicable screening thresholds in the Local Planning Guidance.

With regard to construction impacts, SCAQMD does not recommend preparing HRAs to determine the human health risk associated with the construction of land use projects. Specifically, SCAQMD's CEQA Air Quality Handbook (1993) (Air Quality Handbook) does not recommend analysis of TACs from short-term construction activities associated with land use development projects due to the limited duration of exposure related to construction impacts. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.¹⁷ Because the construction schedule for the Project is based on estimates that the phases which require the most heavy-duty diesel vehicle usage, such as demolition, site grading, and excavation, would last for a much shorter duration (e.g., approximately 6 months), and the overall construction schedule would be limited to approximately 36 months, construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (36 out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted.

In addition, SCAQMD has not provided any guidance on how to apply the 2015 Guidance Manual to construction activities.¹⁸ This was further confirmed by Eyestone Environmental, LLC (Eyestone), which contacted SCAQMD to determine whether the SCAQMD had any available guidance on use of the 2015 Guidance Manual. According to the SCAQMD CEQA Program Supervisor, SCAQMD continues to evaluate the 2015 Guidance Manual, but has not developed any recommendations on its use in evaluating the human health risk associated with a project's potential construction impacts. Additionally, any SCAQMD guidance that may be provided in the future would be included on SCAQMD's CEQA Air Quality Analysis Handbook webpage.¹⁹ At this time, the SCAQMD has not provided any additional guidance to the CEQA Air Quality Analysis Handbook webpage. The Draft EIR followed the guidance, available at the time of the notice of preparation, included on this webpage, as detailed in the Methodology section on page IV.A-34 through IV.A-38, which specifically address TAC and associated health risks.

¹⁷ SCAQMD, *CEQA Handbook, 1993, Chapters 5, 9, and 10.*

¹⁸ SCAQMD, *Final EA, September 2016, p. 2-23.*

¹⁹ See screenshot of SCAQMD's CEQA Air Quality Analysis Handbook webpage, accessed September 13, 2021.

Moreover, SCAQMD recommends consulting with the lead agency for projects subject to CEQA. Here, in preparing CEQA documents, the City relies in part on the L.A. City CEQA Thresholds Guide (Thresholds Guide). Note also, that the Draft EIR considers, on pages IV.A-32-34, factors from the Thresholds Guide, but does not make those factors the threshold of significance. The Thresholds Guide recognizes that new sources of TACs are regulated by SCAQMD. It also states that TACs can occur from certain construction activities during site remediation activities, or during building demolition, and that TACs may be released during industrial or manufacturing processes, or other activities that involve the use, storage, processing, or disposal of toxic materials. The Thresholds Guide does not specifically state that the preparation of a HRA is required to evaluate short-term construction impacts related to DPM emissions. Rather, the Thresholds Guide does set forth the following factors for consideration on a case-by-case basis in making a determination of significance with regard to toxic air contaminants: the regulatory framework for the toxic material(s) and process(es) involved; the proximity of the toxic air contaminants to sensitive receptors; the quantity, volume, and toxicity of the contaminants expected to be emitted; the likelihood and potential level of exposure; and the degree to which project design will reduce the risk of exposure. Based on this information, the methodology utilized in the Draft EIR remains consistent with City guidance for preparation of HRAs because the Proposed Project is not a stationary source of toxic air contaminants and would not otherwise expose sensitive receptors to toxic air contaminants above established regulatory thresholds. An HRA assessing construction impacts was not required to be prepared.

California Supreme Court Guidance

The Draft EIR's analysis of air quality impacts is consistent with the California Supreme Court's decision in *Sierra Club v. County of Fresno*, 6 Cal.5th 502 (2018) (*County of Fresno*). The City has prepared a document titled *Air Quality and Health Effects (Sierra Club v. County of Fresno)*, which explains why a specific health effect cannot be feasibility or accurately determined from a particular significant air quality impact; and explains that the court case focused on projects with significant air quality impacts. Applying the principles *County of Fresno*, it provides lead agency guidance on how to implement the case in future CEQA documents.

The comment requests that an HRA be prepared to assess health risk impacts from DPM. However, the Draft EIR concluded that impacts from TACs and criteria pollutants would be less than significant without mitigation measures. As such, an HRA did not have to be prepared for the Project.

2. Even if an HRA was required for the Project, SWAPE comments are based on incorrect methodology and inputs and faulty assumptions that are inconsistent with the Project description and relevant legal requirements.

A key defect in the SWAPE analysis is that it relied solely on a “screening level” AERSCREEN model to evaluate health risks. A screening level analysis can be appropriate to assess whether a more detailed, refined modeling assessment is needed. However, the screening model relies on rough, overly conservative assumptions to assess if a project could cause a significant health impact. If, based on the screening analysis, there is no potential for a significant impact, then no additional analysis is required. In this way, screening models can help save time and money by eliminating the need for some projects to complete more expensive, time-consuming dispersion modeling.

However, this use of screening models alone is not consistent with the industry standard or agency guidance. A screening-level assessment is “normally used when no representative meteorological data are available and may be used as a preliminary estimate to determine if a more detailed assessment is warranted.”²⁰ Screening level results that show a potential significant impact are only relevant to the extent they demonstrate that SWAPE could have then conducted, but did not conduct, additional analysis using a refined model that would have resulted in a dramatically lower human risk, as demonstrated in the project-level HRA prepared in response to these comments (refer to Appendix FEIR-4 to this Final EIR). As discussed below, though not required, this project-level HRA analyzed human health risk consistent with actual SCAQMD methodology and used AERMOD to complete refined dispersion modeling. AERMOD accounts for a variety of refined, site-specific conditions that facilitate a more accurate assessment of potential impacts compared to the less refined AERSCREEN screening model used in the SWAPE analysis.

The most important differences between AERSCREEN and AERMOD are the following:

- Meteorological Data—The AERSCREEN model assumes calm wind conditions at all times and a stable atmosphere (i.e., no atmospheric mixing) and does not have the capability to incorporate locally measured wind speed and wind direction data. Thus, AERSCREEN does not account for the dispersion of pollutants that occurs from wind. This is a significant limitation because wind directed away from sensitive receptor locations relative to a source of emissions would disperse pollutants away from sensitive receptors and thereby reduce the

²⁰ California Environmental Protection Agency, *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*.

impact of TAC emissions on those receptors. Because the AERSCREEN model fails to account for local wind speed and wind direction, its application results in artificially elevated pollutant concentrations at sensitive receptors and, therefore, artificially elevated health risk levels. The HRA prepared in response to these comments instead used AERMOD which allows for SCAQMD representative meteorological data (Central Los Angeles) to be used in calculation of annual concentrations. This SCAQMD meteorological data provides hourly conditions (e.g., wind speed, wind direction, and stability class) over a five-year period (43,800 hours). With these conditions, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

- Site-Specific Conditions—AERMOD allows for analysis of multiple volume sources which is required to adequately represent Project construction and operation. The use of a single rectangular source with a release height of three meters to represent construction and operational activities provided in the SWAPE analysis does not adequately represent the Project Site, does not account for complex terrain conditions, and likely overstates emissions because of the plume interaction with terrain. In addition, a volume source and not an area source is the type of source recommended by SCAQMD for modeling construction equipment and diesel truck exhaust emissions (SCAQMD LST Guidelines).²¹ In addition, the SCAQMD LST Guidelines recommend a five-meter release height instead of three meters, which would also overestimate potential concentrations. By accounting for site-specific conditions around the Project Site, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.
- Source-to-Receptor Distance—The SWAPE analysis reported that the maximum impacts occurred 50 meters downwind. This is highly unusual for a screening model to provide a higher concentration further downwind for an area source as the pollutant travels further away from the source, the plume becomes wider and pollutant concentrations decrease. An exception to this general rule is for a stack/chimney point source where the source is released high enough and with enough velocity/buoyancy that the ground concentrations closer to the source can result in lower pollutant concentrations. As a result, any findings from the SWAPE analyses based on modeling that shows higher concentrations from an area source further downwind are likely incorrect.

In sum, the AERSCREEN evaluation used by SWAPE provides a much less accurate, and significantly overstated, assessment of Project health risks compared to the

²¹ *Area sources are used to model releases that occur over an area. Examples of area sources include landfills, open tanks, slag dumps and lagoons. Volume sources are used to model releases from a variety of industrial sources, such as building roof monitors, fugitive leaks from an industrial facility, multiple vents, and conveyor belts. CAPCOA, Guidance Document, Health Risk Assessments for Proposed Land Use Projects, July 2009.*

refined AERMOD evaluation. Moreover, the SWAPE screening level analysis was not performed in accordance with requirements included in SCAQMD's LST methodology and OEHHA's guidance because it did not account for the following: (1) site-specific conditions; (2) use of a refined dispersion model; (3) use of SCAQMD mandated meteorological data from the closest/most representative meteorological monitoring site within the Project area; and (4) higher pollutant concentrations at more distant receptors for an area source. If the SWAPE analysis accounted for the guidance and data discussed above, then the emissions would have been substantially less than claimed in this comment.

In addition, SWAPE's screening-level HRA has several significant flaws that account for the misleading and incorrect analysis and explain in part the unrealistically high results. The first flaw is that SWAPE assumes Project construction would occur at full intensity for seven days per week, including Sundays and holidays over the entire length of construction. This is not a valid assumption. As stated on page IV.G-16 in Section IV.FG, Noise, of the Draft EIR, LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. to 7:00 a.m., Monday through Friday, between 6:00 p.m. and 8:00 a.m., on Saturday, and no construction on Sunday. The Project would comply with LAMC Section 41.40. Also, SWAPE's screening-level analysis incorrectly assumes that construction activities will generate approximately 687 pounds (lbs) of DPM over the 1,095-day construction period. As shown in the CalEEMod worksheets contained in Appendix B of the Draft EIR, the Proposed Project's construction would actually occur over a period of 939 days. SWAPE's incorrect assumptions contribute to substantially overestimated construction emissions and overestimated health risks at sensitive receptors.

The second flaw is that SWAPE used the Draft EIR's CalEEMod output for total regional construction emissions to represent on-site construction activity (Exhibit A SWAPE Letter, p. 17), which means that SWAPE incorrectly assumed that all of the DPM emissions from mobile sources (e.g., delivery and haul truck trips) would all occur at the Project Site. This was also improper because mobile sources, by their very nature, do not generate emissions at a single location but rather along the entire vehicle trip, which would disperse the emissions along regional roadways and not concentrate the emissions at a single location. When conducting HRAs, dispersion of pollutants is a critical consideration because health risk impacts are a direct result of TAC concentrations. The screening operational HRA incorrectly assumed that all mobile source emissions would occur at a single location, which results in concentrations at sensitive receptors that are artificially elevated to highly unreasonable levels.

The third flaw is that SWAPE assumed the Project's "operational activities will generate approximately 40.4 pounds of DPM per year throughout operation (Exhibit A SWAPE Letter, p. 18). This value was calculated based on the total exhaust PM₁₀ emissions, which includes all area, energy, and mobile source exhaust PM₁₀ emissions in the CalEEMod operational output files provided in the Draft EIR. However, SWAPE

incorrectly assumed the 40.4 pounds of exhaust PM₁₀ emissions were the result of diesel fuel combustion. In fact, only a small portion of these operational emissions are DPM emissions. In reality, most of the area and energy exhaust PM₁₀ emissions are not DPM-related, and instead are the result of gasoline-fueled landscaping equipment and natural gas combustion for building, heating, and cooking. Similarly, the operational mobile source exhaust PM₁₀ emissions are from a combination of primarily gasoline-fueled vehicles, such as passenger vehicles and light-duty pick-up trucks, and a smaller number of diesel-fueled trucks, as provided in the vehicle fleet percentages in the CARB on-road vehicle emissions factor (EMFAC) model. It is highly inappropriate and factually incorrect to characterize non-DPM (i.e., non-diesel fuel exhaust) PM₁₀ emissions as DPM emissions because only a small portion of these emissions are in fact DPM emissions.

For all of these reasons, SWAPE's health risk results are misleading, highly inaccurate, and lack credibility. In other words, SWAPE's conclusions are not supported by credible evidence, much less substantial evidence, and therefore do not support the conclusion that the Project would have a significant health risk impact with respect to DPM emissions (to the contrary, as discussed in the following section, it would not). Even SWAPE acknowledged the serious limitations in its screening-level study, stating that "[o]ur analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection."

As discussed above, the Project's potential health risk impact on nearby sensitive uses (e.g., nearby residences and/or school campus) from the proposed construction activities would be more accurately identified by the AERMOD methodology. As discussed in detail in the next section, the project-level HRA prepared for the Project for informational purposes in response to SWAPE's comments demonstrates that the Project would not have a significant health risk impact from DPM emissions associated with the construction and operation of the Project.

3. For informational purposes only, a quantitative HRA was prepared to address the human health risk associated with both the construction and operation of the Project.

- a. SCAQMD has provided guidelines regarding OEHHA's 2003 Guidance Manual use in land use projects where the City is the lead agency, but has not done so with regard to OEHHA's 2015 Guidance Manual.

OEHHA, in conjunction with CARB and CAPCOA, adopted the 2003 Guidance Manual for use in implementing the Hot Spots Program as part of the Hot Spots Act. The 2003 Guidance Manual is intended to address health risks from airborne contaminants

released by stationary sources.²² The intent of developing the 2003 Guidance Manual is to provide HRA procedures for use in the Hot Spots Program or for the permitting of new or modified stationary sources.²³ As stated above, the 2003 Guidance Manual is not meant to be used for a health risk evaluation of non-stationary source land use projects that are not anticipated to result in significant TAC emissions. As discussed in the project-level HRA prepared in response to this comment, it should be noted that the primary sources of potential air toxics associated with Project operations include DPM from delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets), and heavy-duty diesel trucks and construction vehicles during Project construction. These activities, and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions based on review of the air toxic sources listed in SCAQMD's guidelines.

As stated previously, SCAQMD has prepared limited guidance on preparation of HRAs for non-stationary source land use projects. The only SCAQMD guidance on the operation of non-stationary source land use projects are discussed above: Mobile Source Guidance and the Local Planning Guidance. The Local Planning Guidance relies on the 2003 Guidance Manual, not the 2015 Guidance Manual. SCAQMD has not updated or supplemented the Local Planning Guidance or the Mobile Source Guidance documents to incorporate the 2015 Guidance Manual. The CAPCOA HRA Guidance also relies on the 2003 Guidance Manual and has not been updated to reflect the 2015 Guidance Manual.

Additionally, SCAQMD has not yet promulgated any rules with regard to the application of the 2015 Guidance Manual to non-stationary source land use projects at the local level.²⁴ SCAQMD reviewed and considered the 2015 Guidance Manual and whether it should be a basis for analyzing the health risk impacts associated with the construction and operation of non-stationary source land use projects, but it has not adopted any rules or guidelines for use in CEQA health risk analyses for non-stationary source land use projects where the City is lead agency.²⁵ To date, SCAQMD has not conducted public

²² OEHHA, 2003 Guidance Manual and 2015 Guidance Manual at Section 1.1, p. 1-2.

²³ OEHHA, 2003 Guidance Manual and 2015 Guidance Manual at Section 1.1, p. 1-2.

²⁴ State law gives Air Districts the discretion to establish their own risk management policies, except where ARB's statewide ATCMs set the minimum requirements. Risk Management Guidance for Stationary Sources of Air Toxics, 2015, p. 15, ww2.arb.ca.gov/sites/default/files/classic/toxics/rma/rmgssat.pdf?_ga=2.165767996.34434941.1631031776-686937763.1582649966, accessed September 16, 2021. "This document recognizes that the [2015] OEHHA changes may impact each District's risk thresholds for use in CEQA analyses, but does not include guidance for CEQA. This will be handled by individual Districts." *Id.* at p. 19.

²⁵ See SCAQMD staff presentations to the Governing Board in 2014 and 2015 acknowledging the need to update guidelines, and in the interim directing lead agencies to use the 1993 CEQA Air Quality Analysis Handbook: (1) Presentation to Governing Board, Proposed Work Plan for Implementing OEHHA's Revised Air Toxics Hot Spots Program Risk Assessment Guidelines, March 6, 2015, pp. 10 and 15, www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2015/2015-mar6-026-presentation.pdf

(Footnote continued on next page)

workshops nor developed policy relating to the applicability of applying the revised OEHHA guidance for projects prepared by other public/lead agencies subject to CEQA or for mixed-use residential and commercial projects, such as the Proposed Project.

Moreover, SCAQMD has thus far declined to provide guidance on evaluating health risk impacts associated with construction activities. Specifically, it has stated that it “currently does not have guidance on construction Health Risk Assessments and only applies the revised [2015] OEHHA Guidelines for operational impacts” to its Hot Spots Act Programs.²⁶ As discussed previously, the Project is not subject to the Hot Spots Act or Hot Spots Programs because it is not a stationary source. Accordingly, for the Project, SCAQMD recommends that the City use the Air Quality Handbook for the air quality analysis in the Draft EIR as well as the Mobile Source Guidance if a mobile source HRA is required.²⁷

For these reasons, the project-level HRA used the risk assessment process provided in the OEHHA’s 2003 Guidance Manual rather than the risk assessment process provided in the 2015 Guidance Manual.

- b. The USEPA has found that DPM is not a mutagenic pollutant that requires use of the age sensitivity factors utilized in the 2015 Guidance Manual.

Meanwhile, another government agency has effectively determined that the 2015 Guidance Manual should not be applied to non-stationary-source land use projects because it requires the consideration of Age Sensitivity Factors (ASFs). The 2015 Guidance Manual provides ASFs to account for potential increased sensitivity of early-in-life exposure to carcinogens. For risk assessments conducted under the Hot Spots Act for stationary source projects, a weighting factor is applied to all carcinogens. However, the ASF factors cannot be applied to a project-level HRA for the Project because neither the City, as the lead agency, nor SCAQMD has developed guidance or rules as to whether these factors should be used to analyze the DPM health risk associated with the construction of a non-stationary-source land use project that is analyzed pursuant to CEQA requirements.

sfvrsn=6, accessed on September 16, 2021; (2) Presentation to Governing Board, Potential Impacts of New OEHHA Risk Guidelines on SCAQMD Programs, May 2014, pp. 9 and 10, www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/may-specsess-8b.pdf, accessed on September 16, 2021.

²⁶ SCAQMD, *Final EA*, 2016, p. 2-23.

²⁷ SCAQMD, *Comment Letter, Notice of Preparation of an Environmental Impact Report for the Proposed 3rd and Fairfax Mixed-Use Project (ENV-2018-2771-EIR)*, March 5, 2019 (Appendix B to the Draft EIR, pp. 24–25 [recommending that the Lead Agency use the 1993 Air Quality Analysis Handbook as guidance when preparing air quality analysis]).

The project-level HRA relied on United States Environmental Protection Agency (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.” The USEPA has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. DPM, polycyclic aromatic hydrocarbons (PAHs) and their derivatives comprise less than one percent of exhaust particulate mass. To date, the USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action. Therefore, ASFs or other early life exposure adjustments were not considered in the project-level HRA.

- c. The application of the 2003 Guidance Manual in the Project HRA is supported by substantial evidence.

Even assuming that the preparation of a HRA was required for the Project (which it was not), the City’s application of the 2003 Guidance Manual to prepare the Project HRA is supported by substantial evidence. As discussed above, the City’s approach is consistent with adopted SCAQMD guidance because (1) SCAQMD has not promulgated rules that implement the 2015 Guidance Manual for non-stationary-source land use projects where the City is lead agency and (2) neither City, as lead agency, nor SCAQMD has developed any recommendations as to whether ASFs (which are incorporated in the 2015 Guidance Manual) should be used for CEQA analyses of potential DPM impacts and the USEPA has found that DPM is not a mutagenic pollutant that would require the use of the ASFs in the 2015 Guidance Manual or otherwise. Ultimately, in this regulatory context, the lead agency has discretion to determine whether an HRA is required or not for the Proposed Project, even if there is a disagreement among experts.

- d. The project-level HRA properly concludes that the Project would result in less-than-significant cancer and non-cancer impacts with respect to DPM emissions and further demonstrates that SWAPE’s screening-level HRA is not credible.

For informational purposes, the project-level HRA, which is attached to this Final EIR as Appendix FEIR-4 to this Final EIR, provides an analysis of potential health risk impacts related to the proposed construction and operation of the Project. The analysis uses the more thorough and accurate AERMOD dispersion model, which takes into consideration SCAQMD representative meteorological data (Central Los Angeles), site-specific conditions, and source-to-receptor distance. The HRA also identifies the baseline condition around the Project Site and evaluates the incremental change in health risk concentration exposure from DPM emitted by heavy-duty diesel construction equipment during construction of the Project and delivery trucks during operation of the Project. As indicated above, the primary source of potential air toxics associated with the Project is DPM from heavy-duty diesel trucks and construction equipment used during construction and to a lesser extent delivery trucks accessing the Project Site during operation of the

Project. The SCAQMD recommends that an HRA be conducted for substantial sources of long-term DPM operational sources (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions.²⁸ While Project construction would not represent a long-term source of DPM emissions,²⁹ the SCAQMD Guidance was used for purposes of modeling parameters and assumptions.

The results from the health risk calculations provide an estimate of the potential risks and hazards to individuals through inhalation of Project construction DPM emissions over a 36-month duration. Consistent with OEHHA guidelines, health risk impacts from Project operational DPM emissions were assessed over a 70-year exposure duration for residential receptors, a nine-year exposure duration for student receptors, and 30-year exposure duration for school worker (teacher) receptors. The estimated risks and hazards include: lifetime excess cancer risk estimates, and cumulative chronic Hazard Index estimates for the receptor locations of concern.

The results of the HRA yield a maximum off-site individual cancer risk of 8.3 in a million for residential uses located north of the Project Site. The maximum chronic risk of 0.093 occurs within this same residential receptor area. As the Project would not emit carcinogenic or toxic air contaminants that result in impacts which exceed the maximum individual cancer risk of ten in one million or the chronic Health Index of 1.0, Project-related toxic emission impacts would be less than significant.

Comment No. 2-16

The DEIR concluded that the Health Risk from Toxic Air Contaminants (“TACs”) is less than significant for both construction and operational emissions.⁵⁷ Further, the DEIR states that “regional, localized, and TAC emissions during construction and operation would not be cumulatively considerable.”⁵⁸ But, the DEIR concludes that the Project would have less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis. SWAPE concluded that the DEIR’s qualitative analysis of health risk is flawed and unsupported. The DEIR’s conclusion that health risk impacts are less than significant is not based on substantial evidence, for three reasons.

First, the DEIR fails to quantitatively evaluate the Project’s construction related and operational TACs or make a reasonable effort to connect these emissions to potential health risk impacts posed to nearby existing sensitive receptors.⁵⁹ The DEIR’s Transportation Study indicates that the Project will generate approximately 764 average

²⁸ SCAQMD, *Mobile Source Guidance*, August 2003.

²⁹ *Project construction is short term—32 months. Moreover, the Project is residential, commercial, and open spaces uses, none of which are associated with heavy-duty truck use or significant DPM emissions.*

daily vehicle trips, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to diesel particulate matter (“DPM”) emissions.⁶⁰ The DEIR fails to analyze the Project-generated TACs and or indicate the concentrations at which such pollutants would trigger adverse health effects. CEQA requires a Project DEIR to “analyze any significant environmental effects the project might cause by bringing development and people into the area affected.”⁶¹

Second, the DEIR’s failure to provide a health risk analysis is inconsistent with CEQA’s requirement to analyze the human health impacts of a project, and with guidance from the Office of Environmental Health Hazard Assessment (“OEHHA”). OEHHA recommends a formal health risk assessment for construction exposures lasting longer than 2-months, and “[e]xposures from projects lasting more than 6 months should be evaluated for the duration of the project” and provides feasible methods to conduct this analysis.⁶² Here, Project construction will last 36 months, well beyond the OEHHA 2-month threshold. The Project is likely to be in use for at least 30 years, well beyond the 6-month OEHHA threshold. Thus, OEHHA guidance specifies that cancer exposure from the Project should be evaluated for the duration of the Project.⁶³ The OEHHA guidance recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident.⁶⁴ In order to comply with CEQA, SWAPE similarly recommends that an analysis of health risk impacts from Project construction and operation be included in a revised and recirculated EIR.⁶⁵

The DEIR claims that an HRA is not required for the Project, because the Project will not have more than 100 truck trips per day or more than 40 trucks with operating transport refrigeration units.⁶⁶ This statement misses the point and fails to meet CEQA’s legal standard for analyzing the Project’s health risk. CEQA expressly requires that an EIR to discuss, inter alia, “health and safety problems caused by the physical changes” resulting from the project.⁶⁷ When a project results in exposure to toxic contaminants, this analysis requires a “human health risk assessment.”⁶⁸

This statement is also not supported by substantial evidence, because the DEIR fails to provide the total number of truck trips the Project will entail, or provide the baseline truck trips in its air quality analysis. The court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* determined that a reader of the EIR could not reasonably be expected to ferret out an unreferenced discussion in an earlier document, interpret that discussion’s unexplained figures without assistance, and spontaneously incorporate them into the EIR’s own discussion.⁶⁹ The court held “[t]he data in the EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.”⁷⁰ The DEIR is also inadequate as an informational document for failing to provide adequate analysis of the air quality and health impacts posed by the Project’s truck trips

It is commonplace for lead agencies to prepare quantitative health risk analyses for construction and operational emissions posed by commercial and residential land use projects like this one. For example, a similar project in San Diego provided an HRA Study. There, the Project entailed conversion of a church space for use as a child care facility.⁷¹ The Project required no exterior modification, yet a health risk assessment was conducted.⁷² There is no reasonable question that an HRA should be conducted here, because the health risk to sensitive receptors is potentially significant and unmitigated.

By claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the Project's cumulative excess cancer risk to the applicable SCAQMD numeric threshold of 10 in one million, and lacks any quantitative evidence to support its conclusion that the health risk would be under the threshold.⁷³ Pursuant to CEQA, an analysis of the health risk posed to nearby existing sensitive receptors from Project construction and operation should have been conducted.⁷⁴ Absent such analysis, the DEIR's assertions that health impacts are less than significant is not based on substantial evidence. The DEIR must be revised and recirculated on this basis.

⁵⁷ DEIR, p IV.A-66.

⁵⁸ DEIR, p. IV.A-67.

⁵⁹ SWAPE Comments, p. 16.

⁶⁰ DEIR, Appendix S, p. 32.

⁶¹ 14 Cal. Code Regs. § 15126.2(a).

⁶² 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/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

⁶³ OEHHA 2015, p. 8-18.

⁶⁴ SWAPE Comments, p. 16.

⁶⁵ SWAPE Comments, p. 16.

⁶⁶ DEIR, p. IV.A-66.

⁶⁷ 14 CCR § 15126.2(a).

⁶⁸ *Sierra Club*, 6 Cal.5th at 520; *Berkeley Keep Jets Over the Bay Com. V. Bd. Of Port Comrs.* ("Berkeley Jets") (2001) 91 Cal.App.4th 1344, 1369; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219–1220 (CEQA requires that there must be some analysis of the correlation between the project's emissions and human health impacts).

⁶⁹ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.

⁷⁰ *Id.*

⁷¹ The City of San Diego, Report to the Hearing Officer, Re: C3 Church Child Care. Process Three, (April 6, 2016), available at: [ho-16-025_c3_church_child_care.pdf](https://www.sandiego.gov/ho-16-025_c3_church_child_care.pdf) (sandiego.gov).

⁷² *Id.*

⁷³ *Id.* at 17; “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, (April 2019), available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁷⁴ SWAPE Comments, p. 17.

Response to Comment No. 2-16

Refer to Response to Comment No. 2-14, above for a detailed discussion related to health risk from DPM emissions.

Comment No. 2-17

In order to estimate the health impacts posed to residential sensitive receptors as a result of the Project’s construction-related and operational TAC emissions, SWAPE prepared a quantitative health risk analysis using the emissions values identified in the DEIR. SWAPE’s calculations regarding health risk are shown in the figure below.⁷⁵

The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk without ASFs*	ASF	Cancer Risk with ASFs*
Construction	0.25	1.44	361	2.0E-06	10	2.0E-05
<i>3rd Trimester Duration</i>	<i>0.25</i>			<i>2.0E-06</i>	<i>3rd Trimester Exposure</i>	<i>2.0E-05</i>
Construction	2.00	1.44	1090	4.7E-05	10	4.7E-04
<i>Infant Exposure Duration</i>	<i>2.00</i>			<i>4.7E-05</i>	<i>Infant Exposure</i>	<i>4.7E-04</i>
Construction	0.75	1.44	572	9.3E-06	3	2.8E-05
Operation	13.25	0.2544	572	2.9E-05	3	8.7E-05
<i>Child Exposure Duration</i>	<i>14.00</i>			<i>3.8E-05</i>	<i>Child Exposure</i>	<i>1.2E-04</i>
Operation	14.00	0.2544	261	1.0E-05	1	1.0E-05
<i>Adult Exposure Duration</i>	<i>14.00</i>			<i>1.0E-05</i>	<i>Adult Exposure</i>	<i>1.0E-05</i>
<i>Lifetime Exposure Duration</i>	<i>30.00</i>			<i>9.8E-05</i>	<i>Lifetime Exposure</i>	<i>6.2E-04</i>

* We, along with CARB and SCAQMD, recommend using the more updated and health protective 2015 OEHHA guidance, which includes ASFs.

As demonstrated in the table above, the excess cancer risk to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 50 meters away, over the course of Project construction and operation, utilizing ASFs, is approximately 10, 120, 470, and 20 in one million, respectively.⁷⁶ The excess cancer risk over the course of a residential lifetime (30 years), utilizing ASFs, is approximately 620 in one million.⁷⁷ The 3rd trimester, infant, child, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10

in one million, thus resulting in a potentially significant impact not previously addressed or mitigated in the DEIR.⁷⁸ The excess cancer risk over the course of a residential lifetime (30 years), without ASFs, is approximately 98 in one million.⁷⁹ The infant, child, adult, and lifetime cancer risks, without ASFs, exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or mitigated in the DEIR under multiple methods of analysis.⁸⁰

Since SWAPE's screening-level HRA indicates a potentially significant impact, the City should prepare an updated EIR with an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors.⁸¹ The City should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk analysis which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.⁸² The DEIR must be revised and recirculated to adequately analyze health risk impacts as detailed herein.

⁷⁵ *Id.* at p. 20.

⁷⁶ SWAPE Comments, p. 20.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ SWAPE Comments, p. 20.

⁸¹ *Id.* at 21.

⁸² *Id.*

Response to Comment No. 2-17

Refer to Response to Comment No. 2-14, above for a detailed discussion related to their screening-level health risk assessment. Please note that SWAPE failed to provide the AERSCREEN output files, CalEEMod output files, or Air Quality and Health Risk calculation worksheets as part of their comment letter and, therefore, review of the full scope of the model inputs, analyses, assumptions, and methodology was not feasible.

Comment No. 2-18

D. The DEIR Fails to Include All Feasible Measures to Reduce the Project's Significant Construction and Operational Emissions and Related Public Health Impacts to Less than Significant Levels

CEQA requires that an EIR describe feasible measure which could minimize significant adverse impacts.⁸³ Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.⁸⁴ The DEIR provides only

nonbinding project design features to reduce air quality, GHG and other Project impacts, rather than enforceable mitigation measures, as required by CEQA.

The project design features include various measures to be implemented by the Applicant to prevent the occurrence of, or to minimize, the significance of potential environmental effects. CEQA defines “mitigation” as “[a]voiding the impact altogether by not taking a certain action or parts of an action; [m]inimizing impacts by limiting the degree or magnitude of the action and its implementation; [r]ectifying the impact by repairing, rehabilitating, or restoring the impacted environment; [r]educing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or [c]ompensating for the impact by replacing or providing substitute resources or environments.”⁸⁵ The project design features are therefore not “mitigation” within the meaning of CEQA.

The DEIR fails to include the project design features as enforceable mitigation. CEQA requires that mitigation measure be enforceable through conditions of approval, contracts or other means that are legally binding.⁸⁶ This requirement is intended to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored.⁸⁷ A review of the DEIR demonstrates that no project design features related to air quality, GHGs, or public health have been incorporated as binding mitigation. The remaining project design features are not included as either mitigation measures or Conditions, and are therefore unenforceable.

⁸³ 14 Cal. Code Regs. § 15064(a)(1).

⁸⁴ *Id.* at § 15064(a)(2).

⁸⁵ 14 Cal. Code Regs. § 15370.

Response to Comment No. 2-18

This comment incorrectly states that the proposed Project Design Features and compliance with regulatory requirements are unenforceable. The proposed Project Design Features are included in Section IV, Mitigation Monitoring Program, to this Final EIR, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. Likewise, the Mitigation Monitoring Program will be included in the Conditions of Approval for the Project, were it approved, requiring proof of enforcement at every appropriate stage of Project permitting and development. Furthermore, compliance with regulatory requirements (e.g., Title 24) is mandatory and is enforced through the building permit process.

Comment No. 2-19

The DEIR states that “[t]he Project would incorporate project design features to support and promote environmental sustainability, as discussed in Section IV.C, Greenhouse Gas

Emissions, to this Draft EIR. While these features are designed primarily to reduce greenhouse gas emissions, they would also likely serve to reduce criteria air pollutants discussed herein.”⁸⁸ The DEIR states that the GHG reduction measures would likely reduce criteria air pollutants. But the project design features are neither enforceable, nor certain to be effective at reducing criteria air pollutants, in violation of CEQA.

⁸⁶ Pub. Res. Code § 21081.6(b); 14 C.C.R. § 15126.4(a)(2); *Lotus v. Dep’t of Transp.* (2014) 223 Cal. App. 4th 645, 651–52.

⁸⁷ *Fed’n of Hillside & Canyon Ass’n v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261; *Anderson First Coal. V. City of Anderson* (2005) 130 Cal.4th 1173, 1186.

⁸⁸ DEIR, p. IV.A-59 (emphasis added).

Response to Comment No. 2-19

Refer to Response to Comment No. 2-58, below for a detailed discussion of SWAPE’s specific comments related to regulatory requirements and project design features as enforceable mitigation.

Comment No. 2-20

The DEIR must be revised and recirculated to incorporate all project design features as binding mitigation measures. Without incorporating these project design features as binding mitigation measures or as Conditions of Approval, the City and the public lack a mechanism to enforce the project design features, and to require the Applicant to implement them in the first place. Because the project design features are currently unenforceable, the DEIR lacks substantial evidence to support its conclusion that application of the project design features will result in impacts being mitigated to less than significant levels or to the greatest extent feasible.

Response to Comment No. 2-20

Refer to Response to Comment No. 2-17, above.

Comment No. 2-21

SWAPE’s HRA determined that Project construction-related DPM emissions would result in significant, unmitigated health risk impacts. Therefore, the City must prepare a revised DEIR that includes measures to reduce these impacts to less than significant levels. SWAPE recommends and describes in detail a host of feasible mitigation measures that the City should require in order to reduce the Project’s TAC emissions, including, but not limited to, the following:

- Utilizing diesel emission control technology for diesel on-road vehicles, diesel generators, and diesel nonroad construction equipment, and verifying compliance with EPA Tier 4 final emission standards or emission control technology;
- Ensuring diesel vehicles and generators are confined to designated zones that have the least impact on abutters, the general public, and sensitive receptors such as hospitals, schools, daycare facilities, elderly housing and convalescent facilities;
- Requiring reporting of all on-road diesel vehicles, nonroad construction equipment or generators;
- Utilizing electric boilers instead of gas fire boilers.⁸⁹

SWAPE explains that, when combined, these measures would reduce the DPM emissions and associated health risks from Project construction and operation.⁹⁰ The DEIR should also include measures proposed by SCAQMD CEQA Air Quality Handbook. The Handbook contains numerous measures for controlling construction-related emissions that “should be considered for use as CEQA mitigation measures if not otherwise required.”⁹¹

Here, there is substantial evidence demonstrating that the Project has potentially significant health impacts that the DEIR does not mitigate. The DEIR should be revised and recirculated to include these cost-effective and feasible mitigation measures to minimize significant impacts from Project emissions.

⁸⁹ SWAPE Comments, p. 25–26.

⁹⁰ SWAPE Comments, p. 26.

⁹¹ South Coast Air Quality Management District, Air Quality Handbook, http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Response to Comment No. 2-21

Refer to Response to Comment Nos. 2-61 through 2-67, below for a detailed discussion of SWAPE’s specific comments related to their screening-level health risk assessment. As discussed therein, the Project’s health risk impact related to DPM emissions would be less than significant and no additional reduction measures are necessary based on this comment. Please note that SWAPE failed to provide the AERSCREEN output files, CalEEMod output files, or Air Quality and Health Risk calculation worksheets as part of their comment letter and, therefore, review of the full scope of the model inputs, analyses, assumptions, and methodology was not feasible.

Comment No. 2-22**E. The DEIR's Analysis of the Project's Greenhouse Gas Emissions is Unsupported**

The DEIR's analysis regarding GHG emissions significance is not supported by substantial evidence for four reasons. First, SWAPE concluded that the DEIR provides an unsubstantiated reduction to the default CO₂ intensity factor.⁹² This unsubstantiated reduction underlies the DEIR's GHG modeling and causes the models to underestimate the GHG emissions of the Project.⁹³ Absent accurate modeling, the GHG analysis in the DEIR is not supported by substantial evidence. A revised DEIR must be prepared which adequately analyzes the GHG impacts of the Project through correct modeling.

⁹² SWAPE Comments, p. 4.

⁹³ *Id.*

Response to Comment No. 2-22

Refer to Response to Comment No. 2-51, below for a detailed discussion of SWAPE's specific comments related to the reduction to the default CO₂ intensity factor.

Comment No. 2-23

Second, SWAPE determined that the DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model.⁹⁴ The DEIR estimates that the Project would generate net annual GHG emissions of 1,197- and 1,803-MT CO₂e/year, with and without GHG reduction measures, respectively.⁹⁵ However, the DEIR's quantitative GHG analysis is based on the same unsubstantiated construction and operational emissions parameters discussed above, thereby underestimating GHG emissions without supporting evidence.⁹⁶ SWAPE reviewed the Project's CalEEMod output files, provided in the Air Quality Worksheets and Modeling Output Files as Appendix B-2 to the DEIR, and found that several of the values inputted into the model are not consistent with information disclosed in the DEIR.⁹⁷ As a result, the model underestimates the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance.⁹⁸ An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment.

⁹⁴ SWAPE Comments, p. 21.

⁹⁵ DEIR, p. IV.C-75, Table IV.C-10

⁹⁶ SWAPE Comments, p. 22.

⁹⁷ *Id.*

⁹⁸ *Id.*

Response to Comment No. 2-23

Refer to Response to Comment No. 2-69, below for a detailed discussion of SWAPE's specific comments related to changes to CalEEMod default input values for construction and operation parameters.

Comment No. 2-24

Third, the Project relies on design features to reduce GHG emissions without including them as binding mitigation measures.⁹⁹ Design features do not constitute binding mitigation, as required by CEQA.¹⁰⁰ Design features that are not included as binding mitigation measures may be eliminated from the Project's design altogether. Thus, the DEIR's GHG models' reliance on area-, energy- and water/wastewater-related GHG reduction measures that are not formally included as mitigation measures, cannot be guaranteed that they will be implemented, monitored, and enforced on the Project.¹⁰¹ The DEIR's reliance on these measures is therefore misplaced and not based on substantial evidence.

⁹⁹ *Id.*

¹⁰⁰ 14 Cal. Code Regs. §§ 15064(a)(2); 15091(d); *Lotus v. Dep't of Transp.* (2014) 223 Cal.App.4th 645, 651-52.

¹⁰¹ *Id.*

Response to Comment No. 2-24

This commenter reiterates the commenter's statement that the proposed Project Design Features are unenforceable. Refer to Response to Comment No. 2-17, above. Additionally, as discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, and confirmed in Response to Comment Nos. 2-21, 2-22, and 2-24 through 2-28, Project impacts related to greenhouse gas emissions would be less than significant and no mitigation measures were required.

Comment No. 2-25

Fourth, the DEIR's finding that the GHG impacts are less than significant is not supported by substantial evidence.¹⁰² In particular, the DEIR's statement that the impact does not conflict with GHG reduction plans/policies/regulations is not supported by substantial evidence.¹⁰³ SWAPE determined, with quantitative modeling, that the Project indicates a potentially significant GHG impact.¹⁰⁴ SWAPE determined that the Project's net annual GHG emissions exceed SCAQMD 2035 efficiency target of 3.0 MT CO₂e/year.¹⁰⁵ As recommended by SCAQMD, SWAPE divided the GHG emissions estimated in the DEIR (1,197 MT CO₂e/year, including GHG reduction measures) by the Project's service population (351 people, as described in the DEIR). SWAPE found that the Project would

emit approximately 3.4 MT CO₂e/SP/year.¹⁰⁶ The exceedance of the GHG threshold constitutes a significant GHG impact that was not disclosed in the DEIR and which requires mitigation under CEQA. The DEIR's determination that the impact is less than significant is not based on substantial evidence. The DEIR must be revised and recirculated to analyze the significant GHG emissions of the Project and provide adequate and enforceable mitigation measures.

¹⁰² DEIR, p. I-14.

¹⁰³ *Id.*

¹⁰⁴ SWAPE Comments, p. 24.

¹⁰⁵ *Id.*

¹⁰⁶ SWAPE Comments, p. 24.

Response to Comment No. 2-25

Refer to Response to Comment No. 2-71, below for a detailed discussion of SWAPE's specific comments related to their suggested use of non-City GHG significance thresholds.

Comment No. 2-26

The City may assert that it was entitled to rely on the qualitative thresholds discussed in the DEIR to determine whether the Project would have significant GHG impacts. These include AB 32's 2008 Climate Change Scoping Plan and updates, SCAG's 2016–2040 and 2020–2045 RTP/SCS, and the City's Green New Deal.¹⁰⁷ However, the City's qualitative analysis is not supported by substantial evidence for two reasons. First, the thresholds are not supported by substantial evidence. Second, the DEIR fails to demonstrate that the Project is fully compliant with the selected plans.

¹⁰⁷ DEIR, p. IV.C-44.

Response to Comment No. 2-26

Refer to Response to Comment No. 2-71, below for a detailed discussion of SWAPE's specific comments related to the City's qualitative GHG analysis and the supporting credible evidence.

Comment No. 2-27

First, the 3,000 MT CO₂e threshold is not supported by substantial evidence. Given the gravity of the climate crisis, even small projects that cumulatively impact greenhouse gas emissions, should mitigate their GHG impacts. The 9th Circuit Court upheld the proposition

that “we cannot afford to ignore even modest contributions to global warming. If global warming is the result of cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual trees?”¹⁰⁸ The GHG threshold is neither effective at reducing GHG impacts, nor satisfied by the DEIR for this Project.

¹⁰⁸ *Center for Biological Diversity v. National Highway Traffic Safety Administration* (9th Cir. 2007) 508 F.3d 508, 550.

Response to Comment No. 2-27

This comment appears to suggest that the Draft EIR for the Project used the SCAQMD 3,000 MT CO_{2e} draft as a significance threshold. That is not accurate. A short discussion of SCAQMD’s draft guidance from 2008 was provided on Pages IV.C-30 and 31 of the Draft EIR in the Regulatory Setting section. However, this SCAQMD draft guidance was never adopted for land use development projects (e.g., residential/commercial projects) and was not used as a GHG significance threshold in the Draft EIR. In fact, page IV.C-40 of the Draft EIR under Thresholds of Significance states the following:

The City has not adopted a numeric significance threshold for the analysis of GHG impacts. In the absence of any adopted quantitative threshold, the significance of the Project’s GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, including CARB’s 2017 Climate Change Scoping Plan, SCAG’s 2016–2040 RTP/SCS, SCAG’s 2020–2045 RTP/SCS, L.A.’s Green New Deal (Sustainable City’ pLAn 2019), and the Los Angeles Green Building Code.

Moreover, the comment does not disclose that, even though the Draft EIR provides the estimated quantity of GHG emissions in Table IV.C-10, it clearly states that this estimate was provided for informational purposes only. This estimate was performed for the primary purpose of satisfying CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions. The quantification is meant to inform the public and the decision-makers of the extent to which the Project may increase or reduce GHGs compared to existing conditions. The estimated GHG emissions were not used as a significance threshold, or to make a significance determination.

Comment No. 2-28

Second, the Project will not comply with the AB 32’s 2008 Climate Change Scoping Plan and updates, SCAG’s 2016–2040 and 2020–2045 RTP/SCS, and the City’s Green New

Deal thresholds. SWAPE determined that the Project will exceed 3.4 MT CO₂e/SP/year.¹⁰⁹ But, the DEIR does not provide this figure, nor does the DEIR provide sufficient information to determine whether the Project complies with SCAG's 2016–2040 RTP/SCS. The Project does not comport with LA's Green New Deal which requires "all newly built parking structures to have solar."¹¹⁰ The Project contains a newly built parking structure, but will not provide solar power. The DEIR states that the Project would be considered "solar ready."¹¹¹

¹⁰⁹ SWAPE Comments, p. 24.

¹¹⁰ L.A.'s Green New Deal, Sustainable City Plan (2019) p. 39 https://plan.lamayor.org/sites/default/files/pLAN_2019_final.pdf.

¹¹¹ DEIR, p. IV.C.56.

Response to Comment No. 2-28

Refer to Response to Comment No. 2-71, below for a detailed discussion of SWAPE's comments related to its suggested use of non-City GHG significance thresholds. The efficiency target of 3.4 MT CO₂e/SP/year mentioned in this comment is not a significance threshold used by the City. Regardless, for informational purposes, the Project's efficiency metric is provided below. As shown in Appendix B-3.1 (GHG Emissions Summary), the existing uses on the Project Site result in approximately 226 MT CO₂e/year in the Buildout year. Therefore, net emissions would be approximately 971 MT CO₂e/year (1,197 MT CO₂e/year less 226 MT CO₂e/year) or 2.8 MT CO₂e/SP/year (Service Population of 351). As a result, the Project would still be below the threshold proposed by SWAPE.

In addition, the Draft EIR provides a robust and detailed evaluation of how the Project complies with applicable plans, policies and regulations related to GHG emissions (AB 32's 2008 Climate Change Scoping Plan and updates, SCAG's 2016–2040 and 2020–2045 RTP/SCS, and the City's Green New Deal). Please refer to Table IV.C-5, Table IV.C-6, and Table IV.C-8 on pages IV.C-52 through IV.C-53, IV.C-54 through IV.C-58, and IV.C-68 through IV.C.-69 of the Draft EIR for this discussion.

This comment also incorrectly states that LA's Green New Deal requires "all newly built parking structures to have solar." This measure only applies to City-controlled buildings and infrastructure, which is not relevant here because the City does not own or control the buildings or infrastructure on the Project Site. Therefore, this provision is not applicable to the Project, and the commenter's contention that the Project is inconsistent with the Green New Deal is incorrect. Furthermore, all parking spaces for the Project would be located within a subterranean parking structure, making the potential use of solar infeasible.

Based on the above information, no additional analysis was warranted regarding potential GHG impacts. The Draft EIR correctly concluded that the Project would result in a less-than-significant GHG impact. The commenter has provided no credible evidence to the contrary.

Comment No. 2-29

The DEIR's statement that the Project does not conflict with GHG Reduction Plans, Policies, and Regulations is not supported by substantial evidence. The DEIR must be revised and recirculated to adequately analyze the conflicts with the applicable GHG reduction policies.

Response to Comment No. 2-29

Refer to Response to Comment No. 2-27, above for a detailed discussion of how the Project does not conflict with GHG reduction plans, policies, and regulations and is supported by credible evidence.

Comment No. 2-30

F. The DEIR Fails to Require All Feasible Measures to Reduce the Project's Significant Greenhouse Gas Emissions

The DEIR fails to disclose potentially significant GHG impacts, and fails to adequately mitigate them. In order to ensure that the Project's GHG impacts are reduced to the greatest extent feasible, SWAPE explains that the DEIR must implement all design features, such as Project Design Features GHG-PDF-1 and GHG-PDF-2, as formal mitigation measures.¹¹² CEQA requires binding mitigation to minimize significant adverse Project impacts.¹¹³ SWAPE determined that these mitigation measures are critical to reducing the Project's GHG emissions. Further, "[i]ncluding formal mitigation measures by properly committing to their implementation would result in verifiable emissions reductions that may help reduce emissions to less-than-significant levels." SWAPE's recommended mitigation measures to reduce diesel emissions, above, may also help reduce GHG emissions from the Project to less than significant levels. A revised EIR should be revised and recirculated to adequately mitigate GHG impacts from the Project.

¹¹² DEIR, p. IV.C-44.

¹¹³ 14 Cal. Code Regs. § 15064(a).

Response to Comment No. 2-30

As discussed in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, and confirmed in Response to Comment Nos. 2-21, 2-22, and 2-24 through 2-28, Project

impacts related to greenhouse gas emissions would be less than significant and no mitigation measures are required. In addition, as discussed in Response to Comment No. 2-17, the proposed Project Design Features are fully enforceable and included in Section IV, Mitigation Monitoring Program, to this Final EIR, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance.

Comment No. 2-31

G. The DEIR's Analysis of the Project's Impacts to Cultural Resources is Unsupported

CEQA requires that an EIR be prepared for projects that may cause a substantial adverse change in the significance of a historical resource.¹¹⁴ "Historical resource" is broadly defined under CEQA. It includes all sites listed in, or determined to be eligible for listing in, the National Register of Historical Resources or California Register of Historical Resources.¹¹⁵ Sites officially designated as historically significant in a local register of historical resources are also presumed to be historically or culturally significant under CEQA. Further, CEQA provides that "[t]he fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources...shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section."¹¹⁶ Finally, under the CEQA Guidelines, historical resources are not limited to sites, buildings, or other structures; they can also include any object, area, place, record, or manuscript that is historically significant in the "cultural annals of California."¹¹⁷

A substantial adverse change in the significance of a historical resource is considered a significant impact under CEQA.¹¹⁸ A "substantial adverse change" means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired.¹¹⁹ In particular, the significance of a resource is materially impaired when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner.¹²⁰

¹¹⁴ Pub. Res. Code §21084.1.

¹¹⁵ Pub. Res. Code §21084.1.

¹¹⁶ Pub. Res. Code § 21084.1.

¹¹⁷ 14 Cal. Code Regs. § 15064(a).

¹¹⁸ Pub. Res. Code § 21084.1; 14 CCR § 15064.5(b).

¹¹⁹ 14 Cal. Code Regs. § 15064.5(b)(1).

¹²⁰ 14 Cal. Code Regs. § 15064.5(b)(2); *Taxpayers for Accountable Sch. Bond Spending v San Diego Unified Sch. Dist.* (2013) 215 Cal. App. 4th 1013, 1043; *Eureka Citizens for Responsible Gov't v City of Eureka* (2007) 147 CA4th 357.

Response to Comment No. 2-31

This comment summarizing the requirements for analysis of historical resources under CEQA is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 2-32

The DEIR states that the Cathedral building “retain[s] sufficient integrity for potential listing” as a Los Angeles Historic Cultural Monument (“HCM”).¹²¹ The Los Angeles Conservancy (“Conservancy”), in comments on the Notice of Preparation (“NOP”) stated that the Cathedral is “historically significant.”¹²² There is substantial evidence to support the assertion that the Project’s Cathedral is historically significant. CEQA provides that substantial evidence includes fact, a reasonable assumption predicate upon fact, or expert opinion supported by fact.¹²³ The Conservancy is a qualified expert on historical resources. They concluded, based on facts in the record, that the deconstruction and reconstruction of the Cathedral would cause a significant impact because the “substantial amount of new construction with historic fabric reassembled” could jeopardize the Cathedral’s “historical integrity.”¹²⁴ As such, the DEIR’s conclusion that that the Project would not cause a substantial adverse change in the significance of an historical resource, and the Project’s impacts on historical resources would be less than significant, is not based on substantial evidence.¹²⁵

The Conservancy’s comments constitute substantial evidence that the Project construction would constitute “significant adverse impacts” to the Cathedral.¹²⁶ “Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence in support of a fair argument; no special expertise is required on the topic.”¹²⁷ Here, the Conservancy is well suited to conclude that the Project will result in significant adverse impacts to the Cathedral. The DEIR must be revised and recirculated to adequately analyze the potentially significant impacts to cultural resources.

¹²¹ DEIR, p. IV.B-30.

¹²² Letter from Adrian Scott Fine, Dir. Of Advocacy, Los Angeles Conservancy, to Mindy Nguyen, City of Los Angeles, Dep’t of City Planning (Sept. 4, 2019) (on file with Commenters).

¹²³ Pub. Res. Code § 21082.2I.

¹²⁴ *Id.*

¹²⁵ DEIR, p. IV.B-39.

¹²⁶ Letter from Adrian Scott Fine, Dir. Of Advocacy, Los Angeles Conservancy, to Mindy Nguyen, City of Los Angeles, Dep’t of City Planning (Sept. 4, 2019) (on file with Commenters).

¹²⁷ *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903,928.

Response to Comment No. 2-32

This comment summarizes comments made by the Los Angeles Conservancy (Conservancy). Refer to Comment Letter No. 6 by the Conservancy and Response to Comment Nos. 6-1 through 6-12, below. Specifically, as discussed in greater detail in Response to Comment Nos. 6-5 through 6-7, the reassembled and rehabilitated cathedral building would retain all the building's extant interior and exterior character-defining features and the building would remain eligible as a City of Los Angeles Historic-Cultural Monument (HCM). As stated clearly in Response to Comment No. 6-8, the Historical Resources Technical Report (Historical Report) prepared by Architectural Resources Group (ARG), which is included as Appendix C to the Draft EIR, provides a detailed analysis and discussion of the cathedral building's continued eligibility as an HCM after completion of the Project. Specifically, on pages 38-42 of the Historical Report, the Project's treatment of each and every character-defining feature is described in detail, and the conclusion is reached that all character-defining features would be retained. On pages 42-47 of the Historical Report, there is a side-by-side comparison of each of the seven aspects of integrity before (based on existing conditions) and after the Project's completion.

In summary, the Historical Report concludes that the cathedral building's integrity of design, setting, materials, workmanship, and feeling have already been diminished due to changes made to the building and site over time. Based on the side-by-side comparison of integrity before and after Project completion, the cathedral building's integrity would not be further diminished. Although these five aspects of integrity would continue to be compromised, they would not be more so than they already are, and the building would continue to be eligible as a Los Angeles HCM to the extent that it is based on its existing conditions and integrity. Refer to Response to Comment Nos. 6-1 through 6-12 below for a more detailed discussion of the issues raised by the Conservancy.

Moreover, and contrary to the comment, the text of the Conservancy's comments do not constitute credible evidence that Project construction would constitute "significant adverse impacts" on the cathedral building. The Conservancy did not take issue with any of the analysis or conclusions in the Historical Report. Rather, it expressed concern regarding the building materials that would be lost by deconstructing and reassembling the building, asked several questions regarding that subject and stated that it "would like to better understand how the cathedral will retain sufficient integrity to convey its significance...." This Final EIR includes responses to those questions and the expressed concern.

Comment No. 2-33**H. The City Must Include in a Revised DEIR All Feasible Measures to Reduce the Project's Potentially Significant Impacts to Cultural Resources**

CEQA requires that a lead agency identify potentially feasible and enforceable measures to mitigate significant adverse impacts to an historical resource.¹²⁸ The Los Angeles Conservancy determined that “creative solutions should be explored through the draft EIR that can accomplish the project’s objectives while reducing impacts to the historic St. Peter Cathedral.”¹²⁹ The Conservancy recommended that one or more project alternatives should be evaluated that reconfigure the subterranean parking structure away from the Cathedral to “avoid significant adverse impacts to it.”¹³⁰ Such mitigation measures were not considered or included in the DEIR to sufficiently mitigate the significant impacts to cultural resources on the Project site. The City must prepare a revised DEIR that includes measures to reduce impacts to cultural resources, including, but not limited to, the Cathedral of the Our Lady of Mt. Lebanon church.

¹²⁸ 14 Cal. Code Regs. § 15064.5(b)(4).

¹²⁹ *Id.*

¹³⁰ Letter from Adrian Scott Fine, Dir. Of Advocacy, Los Angeles Conservancy, to Mindy Nguyen, City of Los Angeles, Dep’t of City Planning (Sept. 4, 2019) (on file with Commenters).

Response to Comment No. 2-33

Refer to Response to Comment Nos. 2-31 above and 6-1 through 6-12 below. As discussed therein, the cathedral building would continue to be eligible as a Los Angeles HCM upon completion of the Project. As a result, the Project’s impact on the cathedral was correctly determined to be less than significant and, therefore, no mitigation measures are required.

Comment No. 2-34**I. The DEIR’s Analysis of the Project’s Impacts from Disturbing Hazards Materials is Unsupported**

The DEIR states that the Phase II Environmental Site Assessment (“ESA”) found trichloroethylene (“TCE”) and tetrachloroethylene (“PCE”) in soil vapor and groundwater beneath the Project site that exceed the applicable ESLs, stemming from an off-site dry cleaner.¹³¹ The off-site dry cleaner operated until 2006 and contaminated the soil with PCE, TCE, and cis-1,2-dichloroethene, as shown in samples from 2019.¹³² The DEIR states that the concentrations of TCE and PCE in the soil vapor and groundwater would not affect construction workers and future residents.¹³³ The DEIR thus concludes that a mat barrier would be sufficient to mitigate the risk of vapor intrusion to future residents.¹³⁴

¹³¹ DEIR, p. IV.E-22, 30.

¹³² Letter from S. Javad Masoudi, P.E., Project Manager, EnviroMonitoring Services, Inc. to Robert Ehe, California Regional Water Quality Control Board—Los Angeles Region (Oct. 28, 2019) (https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9830468297/3Q19%20T12_SC-2%20Rpt.pdf).

¹³³ *Id.* at p. IV.E-28–30.

¹³⁴ *Id.* at p. IV.E-33–34

Response to Comment No. 2-34

This comment generally summarizes a portion of the analysis in the Draft EIR regarding the Project’s impact regarding hazardous materials, as well as an October 28, 2019, letter described in Footnote 132. With respect to the 2019 letter, it is noted that, as discussed on pages IV.E-21–22 of the Draft EIR, neither of the two monitoring wells with respect to the former dry-cleaning facility are located on the Project Site, but rather are located at off-site locations on S. Holt Avenue and S. San Vicente Boulevard.

Comment No. 2-35

The Project will disturb existing soil and groundwater contamination at the Project site, thus exacerbating existing hazardous materials conditions at the site. SWAPE determined that the DEIR’s analysis of hazardous waste and hazardous materials was not based on substantial evidence because the DEIR’s conclusions have been made without any regulatory review and certification.¹³⁵ SWAPE further determined that a regulatory review of the Phase II and the proposed vapor barrier is necessary to ensure protection of construction workers and future residents.¹³⁶ SWAPE concluded that the California Department of Toxic Substances Control should be engaged under the voluntary cleanup program to conduct a review of the proposed mat barrier to determine if it would be effective in protecting future residents.¹³⁷ Also, the Department of Toxic Substances Control should evaluate potential risks to construction workers who may be exposed to contaminated soil vapors.¹³⁸

¹³⁵ SWAPE Comments, p. 2; 14 CCR § 15126.2(a).

¹³⁶ SWAPE Comments, p. 2.

¹³⁷ *Id.*

¹³⁸ SWAPE Comments, p.2. [sic]

Response to Comment No. 2-35

The comment first states, with no supporting data or analysis, that “[t]he Project will disturb existing soil and groundwater contamination at the Project site, thus exacerbating existing hazardous materials conditions at the site.” This statement is inaccurate. As discussed on pages IV.E-29–31 and IV.E-33–34 of the Draft EIR: (1) the development of

the Project would not exacerbate the potential impact of the existing groundwater contamination because neither construction workers nor the public would drink any exposed groundwater during the construction process; (2) the development of the Project would not exacerbate the potential impact of existing soil contamination on construction workers or the public because [a] the soil vapor concentrations are very low in relation to the ambient air, [b] the risk from the measured concentrations is very low because the environmental screening levels are based on health risk assessments that assume 40 hours of exposure per week for a period of 30 years, while here the construction grading phase would only be approximately six months, and [c] the identified soil vapor concentrations were measured directly from the soil, but any vapor would be significantly diluted once exposed to the ambient air; and (3) the operation of the Project would not exacerbate the potential impact of the existing groundwater contamination on future residents because [a] they would not drink the groundwater and [b] the proposed mat foundation and retaining walls for the subterranean parking structure would be designed and waterproofed for an undrained condition that would prevent the intrusion of PCE/TCE vapors.

The commenter does not take issue with any of the foregoing analysis or conclusions, which is set forth in the Limited Phase II Subsurface Investigation (Phase II) for the Project, prepared by Citadel EHS, an experienced environmental consultant. Instead, the commenter implies that this expert analysis does not constitute credible evidence because the “conclusions have been made without regulatory review of the Phase II without any regulatory review and certification,” and that its consultant, SWAPE had “concluded” that the California Department of Toxics Substances Control (DTSC) should be engaged to independently review these environmental issues.

However, as the commenter acknowledges, such review by the DTSC is not required by law and would be “voluntary.” In this case, no remediation was required, so that a no further action letter from DTSC was not required. The comment includes no suggestion to the contrary. The Applicant followed accepted best practice by retaining an expert in the field to prepare the Phase II, and the resulting analysis clearly qualifies as credible evidence.

Comment No. 2-36

SWAPE further determined that the EIR failed to adequately analyze the potentially significant impacts related to the dewatering required onsite.¹⁴⁰ Dewatering will be required for construction of the five-level subterranean parking structure.¹⁴¹ The DEIR only provides mitigation for groundwater containing methane.¹⁴² Groundwater beneath the Project site is contaminated with PCE, TCE, and cis-1,2-DCE that exceed allowable environmental screening levels for drinking water.¹⁴³ SWAPE determined that the DEIR fails to adequately analyze and mitigate the handling and disposing of contaminated groundwater.

The DEIR states that the dewatering, treatment, and disposal of groundwater encountered during construction activities would be conducted in accordance with LARWQCB's Waste Discharge Requirements for Discharge of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, "or any other appropriate WDR permit identified by the LARWQCB."¹⁴⁴ It is unclear based on the DEIR, whether the measures in another appropriate permit would sufficiently mitigate the contamination associated with dewatering. A revised EIR must be recirculated for public comment to adequately address and mitigate these impacts.

¹⁴⁰ *Id.*

¹⁴¹ DEIR, p. IV.E-33.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ DEIR, p. IV.E-12.

Response to Comment No. 2-36

Contrary to the comment, the Draft EIR adequately analyzed the impact associated with onsite dewatering required during the construction of the Project. The specific claim is that the Draft EIR failed to analyze how existing contaminated groundwater would be handled and disposed, based on a statement on page IV.E-12 in the Regulatory Framework discussion regarding hazardous materials that the "dewatering, treatment, and disposal of groundwater encountered during construction activities would be conducted in accordance with LARWQCB's Waste Discharge Requirements for Discharge of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, "or any other appropriate WDR permit identified by the LARWQCB."

It is first noted that the discussion on page IV.E-12 of the Draft EIR with respect to dewatering requirements references "LARWQCB's Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties, pursuant to adopted Order No. R4-2013-0095." However, Order No. R4-2013-0095 expired on July 6, 2018. The current Order is *Order No. R4-2018-0125, General NPDES Permit No. CAG994004, Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (General Permit)*, which expires on November 13, 2023. This revision is included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

As discussed in the impact analysis in Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, the development of the Project would not exacerbate the potential impact of the existing groundwater contamination on construction workers or

the public because the regulatory maximum contaminant levels for PCE, TCE, and cis-1,2-DCE identified in the Phase II are drinking water standards, and neither construction workers nor the public would drink any exposed groundwater during the construction process.

Nonetheless, as discussed on page IV.E-12 of the Draft EIR (as revised), the extraction and treatment of groundwater in connection with the construction of the Project would be conducted in accordance with the General Permit. The temporary dewatering system would be designed to treat groundwater to meet the requirements in Table 1 (Effluent Limitations Applicable to All Discharges) and Table 2 (Organic Compounds Effluent Limitations) of the General Permit. Table 1 includes discharge limitations for total suspended solids, turbidity, biological oxygen demand, oil and grease, settleable solids, sulfides, phenols, residual chlorine and methylene blue active substances. Table 2 includes discharge limitations for volatile organic compounds (VOCs), pesticides, polychlorinated biphenyls, semi-volatile organic compounds, and additional miscellaneous compounds. The VOCs listed in Table 2 include treatment standards for tetrachloroethene (PCE) and trichloroethene (TCE), which are present in groundwater beneath the Project Site. Effluent limitations in the General Permit are set to meet State and federal water quality objectives that are protective of human health and the environment. The chemical cis-1,2-DCE is not addressed in the General Permit but would also be treated as part of the temporary dewatering system to meet State and federal drinking water standards.

This treatment, which involves regulatory compliance and does not constitute “mitigation,” as wrongly suggested in the comment, would further ensure that the construction of the Project would not exacerbate the potential impact of the existing groundwater contamination on construction workers or the public.

Finally, contrary to the comment, the Draft EIR does not include any “mitigation” with respect to methane in the groundwater because the Project would not exacerbate the potential impact with respect to the existing methane condition on the Project Site. As discussed on page IV.E-33 of the Draft EIR, a temporary dewatering system would be in place during construction, which would remove groundwater containing methane from the work area, and the construction workers would adhere to a variety of regulatory construction safety measures to further reduce any potential methane risk. In addition, as discussed on pages IV.E-33-34 and 35 of the Draft EIR, the proposed mat foundation and retaining walls for the subterranean parking structure, which are project components and not mitigation measures, would be designed and waterproofed in compliance with regulatory requirements for an undrained condition that would prevent methane intrusion.

Comment No. 2-37**J. The DEIR's Analysis of the Project's Noise Impacts is Unsupported**

On-site construction noise is potentially significant. The DEIR states that the estimated noise levels during all stages of Project construction combined “would exceed the significance criteria at all the representative offsite receptor locations, except at receptor location R4.”¹⁴⁵ Ms. Jue determined that even with the mitigation measures proposed in the DEIR, “it may not be possible to reduce the construction noise below the level of significance.”¹⁴⁶ The DEIR similarly states that on-site construction noise is expected to be significant and unavoidable.¹⁴⁷ But, Ms. Jue determined that additional feasible mitigation measures would reduce the on-site construction noise impacts to less than significant levels.¹⁴⁸ As such, the DEIR lacks substantial evidence to conclude that the on-site construction noise is significant and unavoidable.

¹⁴⁵ DEIR, p. IV.G.33.

¹⁴⁶ Jue Comments, p. 2.

¹⁴⁷ DEIR, p. I-14.

¹⁴⁸ Jue Comments, p. 2.

Response to Comment No. 2-37

Refer to Response to Comment Nos. 2-76 through 2-78, below for a detailed discussion of the noise mitigation measures suggested by Ms. Jue.

Comment No. 2-38

The DEIR concluded that “there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from onsite construction associated with human annoyance to a less-than-significant level.”¹⁴⁹ This statement is not supported by substantial evidence. Ms. Jue determined that feasible mitigation measures exist, as described more fully below, to mitigate on-site vibration impacts to a less than significant level.¹⁵⁰

¹⁴⁹ DEIR, p. IV.G-55.

¹⁵⁰ Jue Comments, p. 2.

Response to Comment No. 2-38

Refer to Response to Comment Nos. 2-79 through 2-81, below for a detailed discussion of the vibration mitigation measures suggested by Ms. Jue.

Comment No. 2-39

Additionally, the DEIR determined off-site vibration would be significant and unavoidable and exceed levels of human annoyance.¹⁵¹ Ms. Jue concluded that reducing hauling truck speeds around the Project site, requiring truck controls as part of the transportation plan TR-PFD-1 [sic], would reduce noise to the surrounding neighborhoods.¹⁵² Additionally, reducing vehicle speeds from haul trucks would reduce vibration “by as much as 3 VdB.”¹⁵³

¹⁵¹ DEIR, p. I-14; IV.G-54.

¹⁵² Jue Comments, p. 3.

¹⁵³ *Id.*

Response to Comment No. 2-39

Refer to Response to Comment No. 2-84, below for a detailed discussion of Ms. Jue’s comment related to haul truck speeds.

Comment No. 2-40**K. The City Must Include in a Revised DEIR All Feasible Measures to Reduce the Project’s Potentially Significant Noise Impacts**

The DEIR states that impacts from on-site construction noise are significant and unavoidable. Further, the DEIR states that “there are no other feasible mitigation measures that could be implemented to reduce temporary noise impacts from onsite construction...”¹⁵⁴ But, noise expert Ms. Jue determined that additional feasible mitigation measures may reduce impacts from on-site construction noise, and should be added to the DEIR’s mitigation plan.¹⁵⁵ Ms. Jue determined that “[t]ime constraints and buffer distances can also be used effectively to reduce the noise impact at residential areas.”¹⁵⁶ Ms. Jue further concluded that “limiting noisy operations such as heavy machinery, etc. cement trucks to the hours of 9 AM to 5 AM that are within, say 100 ft of residence or not otherwise sufficiently shielded by the sound barriers could also be another means to reduce noise impacts.”¹⁵⁷ Additionally, Ms. Jue concluded that construction noise could be mitigated below the level of significance through the construction of sound walls. Sound walls, if constructed 20 feet high, along the north (R1) and west (R2) perimeters could reduce the noise by 15 to 19 decibels.¹⁵⁸

¹⁵⁴ DEIR, p. IV.G-48.

¹⁵⁵ Jue Comments, p. 2.

¹⁵⁶ *Id.*

¹⁵⁷ Jue Comments, p. 2.

¹⁵⁸ *Id.*

Response to Comment No. 2-40

Refer to Response to Comment Nos. 2-76 and 2-77, below for a detailed discussion of the noise mitigation measures suggested by Ms. Jue.

Comment No. 2-41

The DEIR concluded that on-site construction vibration impacts are “significant and unavoidable.”¹⁵⁹ The DEIR cites the FTA Transit Noise and Vibration Assessment Manual (“Manual”), but does not implement the mitigation measures provided in the Manual. Ms. Jue determined that implementing the measures identified in the FTA Manual could feasibly lessen the duration and magnitude of vibration. The DEIR should be revised and recirculated to provide a vibration control and monitoring plan that identifies on-site layout, truck access and speed limits for vibration control, buffer distances and other measures to reduce vibration such as phasing and scheduling.¹⁶⁰ This plan should also include a description of the process by which complaints will be documented and resolved.¹⁶¹

¹⁵⁹ DEIR, p. IV.G-55.

¹⁶⁰ Jue Comments, p. 3.

¹⁶¹ *Id.*

Response to Comment No. 2-41

Refer to Response to Comment No. 2-80, below for a detailed discussion of the vibration mitigation measures suggested by Ms. Jue.

Comment No. 2-42

As detailed in Ms. Jue’s Comments, off-site construction noise and vibration can be mitigated to a less than significant level by feasible measures, including limiting heavy trucks in the immediate vicinity of neighbors, and reducing truck and vehicle speeds.¹⁶² A revised DEIR should include a vibration control and monitoring plan that requires specified off-site truck access routes, speed limits, and other measures to reduce vibration such as phasing and scheduling.¹⁶³ The DEIR should be revised and recirculated to adequately mitigate impacts from off-site noise and vibration.

¹⁶² *Id.* [sic]

¹⁶³ *Id.*

Response to Comment No. 2-42

Refer to Response to Comment No. 2-84, below for a detailed discussion of Ms. Jue’s comment related to haul truck speeds and the proposed haul route.

Comment No. 2-43

Finally, the DEIR should be revised and recirculated to include additional mitigation measures to reduce the impacts from noise stemming from the concurrent use of both loading docks.¹⁶⁴ Ms. Jue concluded that additional measures including raising the barrier above 6ft [sic] would “increase the acoustical noise reduction benefit of the dock-perimeter wall.”¹⁶⁵ Ms. Jue concluded that such a measure could reduce the noise from the loading dock by approximately 3 decibels.¹⁶⁶

¹⁶⁴ Jue Comments, p. 4.

¹⁶⁵ Jue Comments, p. 4.

¹⁶⁶ Jue Comments, p. 4.

Response to Comment No. 2-43

Refer to Response to Comment Nos. 2-86 through 2-88, below for a detailed discussion of Ms. Jue’s comments related to the loading areas.

Comment No. 2-44

The DEIR should also be revised and recirculated to include the measures provided in the SCAG 2016–2040 RTP/SCS, including:

- Install temporary noise barriers during construction.

Response to Comment No. 2-44

The measures suggested by the commenter are not required by SCAG, as clearly stated on page 122 of the SCAG 2016–2040 RTP/SCS. Regardless, the measures requested to be included are already incorporated as part of the Project as either project design features or mitigation measures, as discussed below and in Response to Comment Nos. 2-44 through 2-45.

In addition, Mitigation Measure NOI-MM-1 requires the use of temporary and impermeable sound barriers along the Project’s northern, western, and southern property lines between the Project construction area and affected receptors to reduce construction-related noise levels. The temporary sound barriers shall be designed to provide 15-dBA noise reduction at ground level of the noise-sensitive receptors R1 and R2 and 7-dBA noise reduction at ground level of the adjacent noise sensitive receptor R3.

Comment No. 2-45

- Include permanent noise barriers and sound-attenuating features as part of the project design.

Response to Comment No. 2-45

This comment recommends project design features which are already included in the Project. Specifically, Project Design Feature NOI-PDF-2 requires that all outdoor mounted mechanical equipment be screened from offsite noise receptors and Project Design Feature NOI-PDF-3 requires that a 6-foot wall be provided along the west and north side of the west loading dock and along the north side of the east loading dock to acoustically screen the loading dock from offsite noise-sensitive receptors. Project Design Feature NOI-PDF-5 requires that outdoor amplified sound systems will be designed so as not to exceed a maximum noise level of 75 dBA (L_{eq-1hr}) at a distance of 15 feet from the amplified speaker sound systems at the Level 1 exterior courtyard and at the Level 4 outdoor recreation and pool decks.

Comment No. 2-46

- Schedule construction activities consistent with the allowable hours pursuant to applicable general plan noise element or noise ordinance where construction activities are authorized outside the limits established by the noise element of the general plan or noise ordinance; notify affected sensitive noise receptors and all parties who will experience noise levels in excess of the allowable limits for the specified land use, of the level of exceedance and duration of exceedance; and provide a list of protective measures that can be undertaken by the individual, including temporary relocation or use of hearing protective devices.¹⁶⁷

¹⁶⁷ SCAG RTP/SCS, p. 122, available here: [Final 2016–2040 Regional Transportation Plan/ Sustainable Communities Strategy, Adopted April 2016 \(ca.gov\)](#).

Response to Comment No. 2-46

Project construction would comply with the City's Noise Ordinance (LAMC Section 41.40), which specifies allowable construction hours and provides for nighttime construction, if permitted by the Executive Director of the Board of Police Commissioners (LAMC Section 41.40.(b)). As indicated in the Draft EIR (Page IV.G-35), the concrete mat foundation pour would extend over a 16-hour period (over two days), which could extend into the nighttime hours, if permitted by the Executive Director of the Board of Police Commissioners. Nevertheless, as suggested by the commenter, the Applicant would notify the affected sensitive noise receptors who could experience noise levels in excess of the allowable limits for the specified land use (within 200 feet of the Project Site) in the event of nighttime construction activities. Notification will include the duration and hours of

operation of the nighttime construction activities associated with the concrete mat foundation pour. This provision has been added as Project Design Feature NOI-PDF-6. Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 2-47

Additional feasible mitigation measures exist to further reduce the Project's significant noise impacts, as detailed in Ms. Jue's Comments.¹⁶⁸ The DEIR should be revised and recirculated to adequately mitigate the potentially significant impact from Project noise and vibration.

¹⁶⁸ Jue Comments, p. 4.

Response to Comment No. 2-47

Refer to Response to Comment Nos. 2-76 through 2-88 for a detailed discussion of the mitigation measures suggested by Ms. Jue.

Comment No. 2-48

IV. CONCLUSION

For the reasons discussed above, the DEIR for the Project remains wholly inadequate under CEQA. It must be thoroughly revised to provide a legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. The DEIR fails as an informational document under CEQA and lacks substantial evidence to support its conclusions that the Project's significant impacts would be mitigated to the greatest extent feasible. There is also substantial evidence demonstrating that the Project's potentially significant environmental impacts are far more extensive than disclosed in the DEIR.

Commenters and their expert consultants identified numerous potentially significant impacts that the DEIR either mischaracterizes, underestimates, or fails to identify, which require recirculation. The DEIR fails to accurately analyze and mitigate the Project's construction and operational air quality, GHG, health risk, and hazardous materials impacts. Further, noise and vibration impacts were not accurately analyzed or mitigated. These revisions will necessarily require that the DEIR be revised and recirculated for further 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 attention to these comments. Please include them in the record of proceedings for the Project.

Response to Comment No. 2-48

This comment concludes the letter and reiterates the commenter's claims that the Draft EIR is inadequate. Specific issues raised by the commenter in their letter and associated exhibits are addressed in Response to Comment Nos. 2-5 through 2-46, above and 2-48 through 2-90, below. As demonstrated therein, the Draft EIR meets the standards of CEQA and recirculation is not warranted. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 2-49**Attachment 1: Exhibit A—SWAPE Letter**

We have reviewed the May 2021 Draft Environmental Impact Report (“DEIR”) for the Our Lady of Mt. Lebanon Project (“Project”) located in the City of Los Angeles (“City”). The Project proposes the construction of a 153-unit multi-family residential building; the deconstruction, off-site storage, reassembly, rehabilitation and limited alteration of the existing Our Lady of Mt. Lebanon St. Peter Maronite Catholic Cathedral; and the removal of three existing ancillary church buildings and their replacement with a new three-story building with ancillary church uses, including offices, meeting rooms and a multi-purpose room, as well as 16,800-SF of open space and 397 vehicle parking spaces, on the 0.97-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's hazards and hazardous materials, air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should be prepared to adequately assess and mitigate the potential hazards and hazardous materials, air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Response to Comment No. 2-49

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by SWAPE are addressed in Response to Comment Nos. 2-49 through 2-73, below.

Comment No. 2-50**Hazards and Hazardous Materials**

A Phase II Environmental Site Assessment (Appendix H)) [sic] found trichloroethylene (“TCE”) and tetrachloroethylene (“PCE”) in soil vapor and groundwater beneath the Project site, stemming from an off-site dry cleaner. The DEIR states that the concentrations of TCE and PCE in the soil vapor and groundwater would not affect construction workers and future residents (p. IV.E-29). The DEIR concludes that a mat barrier would protect residents from vapor intrusion (p. IV.E-34).

The DEIR’s conclusions have been made without any regulatory review and certification. TCE is considered to be a carcinogen, according to the US EPA.¹ PCE is considered to be a likely carcinogen, according to the U.S. EPA.²

A regulatory review of the Phase II and the proposed vapor barrier is necessary to ensure protection of construction workers and the future residents. The California Department of Toxics Substances Control should be engaged under the voluntary cleanup program to conduct a review of the proposed mat barrier to determine if it would be effective in protecting future residents. Also, the Department of Toxics Substances Control should evaluate potential risks to construction workers who may be exposed to contaminated soil vapors.

¹ <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=172&toxid=30>, [sic]

² <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=264&toxid=48>

Response to Comment No. 2-50

Refer to Response to Comment Nos. 2-33 and 2-34, above.

Comment No. 2-51

Additionally, dewatering that will be necessary for the construction of the five-level subterranean parking structure was not evaluated. Groundwater depth is approximately 20 feet and excavation is expected to extend to 72.5 feet (IS, p. 26). Groundwater beneath the Project site is known to be contaminated with TCE, PCE, and 1,2-DCE above drinking water standards (p. IV.E-29). The DEIR fails to identify how the groundwater contaminated with TCE, PCE and 1,2-DCE will be handled and disposed under Los Angeles Regional Water Quality Control Board requirements as prescribed in *Waste Discharge Requirements and General NPDES Permit for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles And Ventura Counties*.³ Evaluation and disclosure that TCE-, PCE- and 1,2-DCE-contaminated groundwater will need to be treated prior to discharge is necessary in a revised DEIR.

³ https://www.waterboards.ca.gov/rwqcb4/board_decisions/tentative_orders/general/npdes/cag994004/index.html

Response to Comment No. 2-51

Refer to Response to Comment No. 2-35, above.

Comment No. 2-52

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. IV.A-32).⁴ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the Air Quality Worksheets and Modeling Output Files as Appendix B-2 to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions may be underestimated.

⁴ CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

Response to Comment No. 2-52

This comment generally summarizes the calculation procedure within CalEEMod. However, it is important to understand that modifying the default values is typical, permitted, and often more accurate and better suited to the specific characteristics of a project. As discussed in more detail below, some of the default parameters are not applicable to the Project (e.g., due to Project-specific factors and new relevant data), and the rationale for modifying the input parameters is explained below. There are no new or increased impacts and all revisions to default values are supported by credible evidence.

Comment No. 2-53

Unsubstantiated CO₂ Intensity Factor

Review of the CalEEMod output files demonstrates that the “Mt. Lebanon Project—Existing Uses (Buildout Year),” “Mt. Lebanon Project (No TDM),” “Mt. Lebanon Project—Construction Onsite,” “Mt. Lebanon Project (No TDM or MXD Reductions),” and “Mt. Lebanon Project” models include a manual reduction to the default CO₂ intensity factor (see excerpt below) (Appendix B-1, pp. 25, 31, 36, 57, 78, 86, 94, 118).

Table Name	Column Name	Default Value	New Value
tbiProjectCharacteristics	CO2IntensityFactor	1227.89	647

As you can see in the excerpt above, the CO₂ intensity factor was manually reduced by approximately 47%, from the default value of 1,227.89- to 647-pounds per megawatt hour (“lbs/MWh”). As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.⁵ According to the “User Entered Comments and Non-Default Data” table, the justification provided for these changes is: “LADWP SB100 Carbon Intensity (2024)—647 lbs/MWh” (Appendix B-2, pp. 30, 35, 56, 85, 93, 117). Furthermore, regarding the Project’s anticipated utility company and intensity factors, the Air Quality and Greenhouse Gas Emissions (“AQ & GHG Study”), provided as Appendix B to the DEIR, states:

“GHG emissions from electricity use are directly dependent on the electricity utility provider. The Los Angeles Department of Water and Power (LADWP) provides electric service to the Project Site. Thus, GHG intensity factors for LADWP were selected in CalEEMod. Intensity factors for GHGs due to electrical generation to serve the electrical demands of the existing condition were obtained from the LADWP 2017 Power Integrated Resource Plan, which provides a CO₂ intensity of 801 pounds of CO₂ per MWh for 2019. By 2030, at least 50 percent of electricity shall be obtained from renewable sources. The 2016 Power Integrated Resource Plan estimates that the LADWP CO₂ intensity would be 500 pounds of CO₂ per MWh by Year 2026.⁵ As year-by-year data is currently not available, the CO₂ intensity factor for the Project buildout was determined based on straight line interpolation based on current and Year 2026 data points (801 pounds of CO₂ per MWh for Year 2019 and 647 pounds of CO₂ per MWh for Year 2024)” (emphasis added) (Appendix B, p. 9).

However, this change remains unsupported, as the AQ & GHG Study lacks evidence to support its assumption that the CO₂ intensity factor can be calculated based on a straight-line interpolation from LADWP’s predicted 2026 CO₂ intensity factor of 500 lbs/MWh. Without a source or additional information to support this conclusion, we cannot

verify the revised CO₂ intensity factor. Furthermore, according to the CalEEMod User's Guide:

“CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA” (emphasis added).⁶

As year-by-year data is currently not available, and the AQ & GHG Study fails to provide substantial evidence to support a linear interpolation from LADWP's predicted 2026 CO₂ intensity factor of 500 lbs/MWh, we cannot verify the change.

This unsubstantiated reduction presents an issue, as CalEEMod uses the CO₂ intensity factor to calculate the Project's greenhouse gas (“GHG”) emissions associated with electricity use.⁷ Thus, by including an unsubstantiated reduction to the default CO₂ intensity factor, the models may underestimate the Project's GHG emissions and should not be relied upon to determine Project significance.

⁵ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

⁶ CalEEMod Model 2013.2.2 User's Guide, available at: <http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6>, p. 12.

⁷ “CalEEMod User's Guide.” CAPCOA, November 2017, available at: <http://www.caleemod.com/>, p. 17.

Response to Comment No. 2-53

The commenter claims that the GHG intensity factor and the 47-percent reduction from the default CalEEMod values is unsubstantiated and cannot be verified. That is inaccurate. The default CalEEMod value was modified to more accurately reflect the conditions for the project as GHG emissions from electricity use are directly dependent on the electricity utility provider for a specific project. The Los Angeles Department of Water and Power (LADWP) provides electric service to the Project Site. Therefore, GHG intensity factors for LADWP were appropriately selected in CalEEMod.

The default CalEEMod intensity factor for each electricity utility provider is provided in Table 1.2 of the CalEEMod User's Guide Version 2016.3.2 (Appendix D).³⁰ As shown in the CalEEMod User's Guide Version 2016.3.2, the default value for LADWP is 1,227.89 lbs CO₂/MWh and based on reporting year 2007 with approximately 8 percent renewables. LADWP has made substantial progress since 2007 to reduce the utility intensity factor. LADWP's 2017 Power Strategic Long-Term Resource Plan (Table C-1) shows that in 2016

³⁰ CalEEMod website, <http://caleemod.com/>.

the utility intensity factor had been reduced to 834 lbs CO₂/MWh (an approximately 32-percent reduction from Year 2007) and included approximately 23 percent renewables. Thus, by 2016, the intensity factor already decreased by 32 percent since 2007. The 2018 Power Content Label for LADWP showed approximately 32 percent of its power came from renewables.³¹ Thus, from 2016 to 2018 renewables had already increased from 23 to 32 percent. Based on this information, the increase in renewables has surpassed expectations.

As a result, the calculated 2024 intensity factor provided in the Draft EIR will be reduced to 647 lbs CO₂/MWh (equivalent to 44 percent renewables in 2024 using straight line interpolation) when accounting for LADWP's rapid change to renewables. Use of 44 percent renewables for 2024 is considered conservative since LADWP's 2017 Power Strategic Long-Term Resource Plan (Figure ES-7) shows that LADWP will achieve 51 percent for renewables in 2024. Thus, the use of 647 lbs CO₂/MWh for 2024 is both conservative (LADWP projects that renewables will be higher than what is calculated in the Draft EIR by seven percent) and consistent with requirements under Senate Bill (SB) 100 (60-percent renewables by 2030). SWAPE's suggestion that the CalEEMod default value from LADWP's 2007 utility intensity factor, which only includes eight percent renewables, would be representative of LADWP's 2024 utility intensity factor (approximately 51 percent renewables) does not consider LADWP's established and projected increased renewables in future years.

The changes to default CalEEMod CO₂ intensity factors are substantiated in Appendix B-1 to the Draft EIR and the above information. Furthermore, as shown above, the changes to the CO₂ intensity factors were conservative and did not result in an underestimation of the Project's GHG emissions. SWAPE has not provided any evidence that the CO₂ intensity factor is inaccurate. Based on the above information, an electrical utility intensity factor of 647 lbs CO₂/MWh for 2024 was appropriately used in the Draft EIR, and SWAPE has not provided any evidence to the contrary.

In addition, the Draft EIR estimated the quantity of GHGs for informational purposes only. The estimated emissions inventory was completed to satisfy CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions, and to estimate the GHG reductions associated with the Project. The determination of whether the Project would have a significant impact with regard to GHG emissions is not based on the numeric amount of GHG emissions resulting from the Project. The Project's GHG impacts were evaluated by assessing the Project's consistency with applicable statewide, regional, and local GHG reduction plans and strategies. As such, even if the

³¹ LADWP, 2018 Power Content Label, July 2019.

Draft EIR used the default intensity factors from the CalEEMod User’s Guide Version 2016.3.2, the overall significance conclusion would not change, and the Project’s GHG impact would still be less than significant.

Comment No. 2-54

Review of the DEIR demonstrates that the operational emissions associated with the existing land uses were subtracted from the operational emission associated with the proposed land uses in order to determine the significance of the Project’s air quality impact (see excerpt below) (p. IV.A-60, Table IV.A-7).

**Table IV.A-7
Estimate of Maximum Regional Project Daily Operational Emissions—At Project Buildout (2024)^a**

Emission Source	Pollutant Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Project						
Area	4	2	14	<1	<1	<1
Energy (Natural Gas)	<1	<1	<1	<1	<1	<1
Mobile	1	5	12	<1	4	1
Stationary	<1	1	1	<1	<1	<1
Total Proposed Uses Emissions	6	9	28	<1	5	2
SCAQMD Significance Threshold	55	55	550	150	150	55
Over/(Under)	(49)	(46)	(522)	(150)	(145)	(53)
Exceed Threshold?	No	No	No	No	No	No
<i>Numbers may not add up exactly due to rounding.</i>						
^a <i>The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) to this Draft EIR. The table reflects net emissions (i.e., Project emissions less existing emissions).</i>						

However, the DEIR’s analysis is incorrect, as the size of the existing land uses to be removed from the Project site was overestimated in the Project’s modeling. Specifically, review of the CalEEMod output files demonstrates that the “Mt. Lebanon Project—Existing Uses” and “Mt. Lebanon Project—Existing Uses (Buildout Year)” models include 19,218-SF of floor area (see excerpt below) (Appendix B-1, pp. 24, 30, 77, 85).

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area
User Defined Commercial	1.00	User Defined Unit	0.00	0.00
Place of Worship	19.22	1000sqft	0.97	19,218.00

However, this is incorrect, as only 12,370-SF of existing floor area would be removed as a result of the proposed Project, indicating that 6,848-SF of existing floor area would remain operational (see excerpt below) (p. 11-9, Table II-1).

Land Use	Existing Development	Existing to be Removed	Proposed Development	Net New Floor Area	Total Floor Area On Project Site
Residential—Apartment	—	—	148,641 sf (153 du)	148,641 sf (153 du)	148,641 sf (153 du)
Church/Institutional					
Cathedral	6,848 sf		942 sf	942 sf	7,790 sf
Parish Rectory/ Meeting Rooms	2,520 sf	(2,520 sf)	7,649 sf	5,129 sf	7,649 sf
Social Hall/Multi- Purpose Room	5,426 sf (Social Hall)	(5,426 sf)	12,600 sf (Multi-Purpose Room)	7,174 sf	12,600 sf
Offices	4,424 sf	(4,424 sf)	3,400 sf	(1,024) sf	3,400 sf
Total	19,218 sf	12,370 sf	173,232 sf	160,862 sf	180,080 sf

Thus, the existing floor area to be removed as a result of the proposed Project is overestimated by 6,848-SF in the Project's modeling. This overestimation presents an issue, as the land use size feature is used throughout CalEEMod to determine default variable and emission factors that go into the model's calculations. The square footage of a land use is used for certain calculations such as determining the wall space to be painted (i.e., VOC emissions from architectural coatings) and volume that is heated or cooled (i.e., energy impacts).⁸ By overestimating the floor surface areas of the existing land uses, the models overestimate the emissions associated with the existing land uses, resulting in an underestimation of the net change in operational emissions associated with the proposed Project. As a result, the models should not be relied upon to determine Project significance.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 28

Response to Comment No. 2-54

This comment states that the Draft EIR includes an overestimation of the existing land uses in Table IV.A-7, Estimate of Maximum Regional Project Daily Operational Emissions. Footnote "a" in Table IV.A-7 of the Draft EIR identifies that Project emissions are the net emissions from buildout and existing land uses. However, the analysis in the Draft EIR was conservative and assumed no credit in operational emissions for existing land uses. As shown in Appendix B-2.4 (CalEEMod Outputs), the output file for Mt. Lebanon Project Construction and Operational Emissions on page 35 of the PDF includes operational emissions from proposed uses. Thus, the analysis conservatively

does not include a credit for existing land uses removed as part of the Project (i.e., 2,520 square feet of parish rectory/meeting rooms, 5,426 square feet of social hall/multi-purpose room, and 4,424 square feet of offices). Furthermore, the summary of operational emissions included in the CalEEMod output file (Appendix B-2.4, page 38 of the PDF) is consistent with the operational emissions presented in Table IV.A-7 of the Draft EIR. Footnote “a” in Table IV.A-7 has been updated in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, to this Final EIR to reflect that Project operational emissions conservatively did not include a credit for existing land uses. Thus, SWAPE’s assertion that the net change in operational emissions associated with the Project was underestimated is inaccurate and no changes to the analysis are necessary. Furthermore, characterization of existing emissions correctly evaluated the total 19,218 square-feet of existing uses including the cathedral.

Comment No. 2-55

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the “Mt. Lebanon Project (No TDM),” “Mt. Lebanon Project—Construction Onsite,” “Mt. Lebanon Project (No TDM or MXD Reductions),” and “Mt. Lebanon Project” models include several manual changes to the default individual construction phase lengths (see excerpt below) (Appendix B-2, pp. 36, 57, 94, 118).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	65.00
tblConstructionPhase	NumDays	230.00	2.00
tblConstructionPhase	NumDays	230.00	41.00
tblConstructionPhase	NumDays	230.00	478.00
tblConstructionPhase	NumDays	20.00	131.00
tblConstructionPhase	NumDays	20.00	129.00
tblConstructionPhase	NumDays	20.00	65.00

As a result, the models include a construction schedule as follows (Appendix B-2, pp. 39, 60, 97, 121):

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Demolition	Demolition	4/1/2021	9/30/2021	5	131
2	Grading	Grading	10/1/2021	3/30/2022	5	129
3	Mat Foundation	Building Construction	4/1/2022	4/4/2022	5	2
4	Building Foundation	Building Construction	4/5/2022	5/31/2022	5	41
5	Building Construction	Building Construction	6/1/2022	3/31/2024	5	478
6	Paving	Paving	1/1/2024	3/31/2024	5	65
7	Architectural Coating	Architectural Coating	1/1/2024	3/31/2024	5	65

As you can see in the excerpt above, the demolition phase length was increased by approximately 555%, from the default value of 20- to 131-days; the grading phase length was increased by approximately 545%, from the default value of 20- to 129-days; the mat foundation phase length was decreased by approximately 99%, from the default value of 230- to 2-days; the building foundation phase length was decreased by approximately 82%, from the default value of 230- to 41-days; the building construction phase length was increased by approximately 108%, from the default value of 230- to 478-days; the paving phase length was increased by 225%, from the default value of 20- to 65-days; and the architectural coating phase length was increased by 225%, from the default value of 20- to 65-days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.⁹ According to the "User Entered Comments and Non-Default Data" table, the justification provided for this change is: "see assumptions" (Appendix B-2, pp. 35, 56, 93, 117). Furthermore, the AQ & GHG Analysis includes "Air Quality Analysis Assumptions," which include the construction schedule inputted into the model (Appendix B, pp. 23).

However, these changes remain unsupported. Simply providing the assumptions included in the Project's modeling does not inherently justify the assumptions. Rather, as previously stated, according to the CalEEMod User's Guide:

"CalEEMod was also designed to allow the user to change the defaults to reflect site- or project- specific information, when available, provided that the information is supported by substantial evidence as required by CEQA" (emphasis added).¹⁰

Here, however, the AQ & GHG Study fails to provide substantial evidence to support the revised individual construction phase lengths. Furthermore, the DEIR fails to mention or justify the revised individual construction phase lengths whatsoever. As a result, we cannot verify the changes.

These unsubstantiated changes present an issue, as they spread out construction emissions over a longer period of time for some phases, but not others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).¹¹

Demolition involves removing buildings or structures.

Site Preparation involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.

Grading involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.

Building Construction involves the construction of the foundation, structures and buildings.

Architectural Coating involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

Paving involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

As such, by disproportionately altering the individual construction phase lengths without proper justification, the models' calculations are altered and underestimate emissions. Thus, by including unsubstantiated changes to the default individual construction phase lengths, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

⁹ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

¹⁰ CalEEMod Model 2013.2.2 User's Guide, available at: <http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6>, p. 12.

¹¹ "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 31.

Response to Comment No. 2-55

This comment states that the changes to the default construction phase lengths are unjustified and underestimated. However, as stated above in Response to Comment Nos. 2-51 and 2-52, it is typical to modify the default values to be more representative of the specific project being proposed. The construction phase lengths were prepared in consultation with the Applicant and its construction consultant. Here, and as discussed in more detail below, the default values were modified to better reflect the anticipated construction schedule of the Project. In addition, as a point of clarification, all four CalEEMod output files ("Mt. Lebanon Project (No TDM)," "Mt. Lebanon Project—Construction Onsite," "Mt. Lebanon Project (No TDM or MXD Reductions)," and "Mt. Lebanon Project") have the same construction inputs and outputs. The differences in

these modeling output files are for potential operational impacts (e.g., quantification of the reduction in emissions with and without TDM).

As discussed in the CalEEMod User's Guide (Pages 30 through 31), the construction tab contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides a default construction equipment list and phase length data based on the total lot acreage of a project. The Guide states: "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This is precisely what was done in the Draft EIR analysis, which cited "site specific" for the construction schedule and was based on the construction schedule provided by the Applicant. SWAPE seems to wrongly suggest that all construction projects of a specific acreage should all require the same individual construction phase lengths (e.g., demolition, grading, building construction) without any site-specific consideration of how much demolition might be required, depth of excavation, and building square footage constructed.

SCAQMD's *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005 provides a summary of what a CalEEMod default 1- acre construction site includes.³² The information provided in Appendix A—One Acre Site Example results in the following default CalEEMod assumptions. CalEEMod default would include one acre of surface refined grading (e.g., motor grader) with no excavation or export, building construction of 41,000 square feet, and paving of a parking lot. Therefore, CalEEMod's default construction assumptions in no way are representative of the Project analyzed in the Draft EIR (excavation and export of 110,000 cubic yards of material for subterranean parking, construction of approximately 173,232 square feet of floor area with a 19-story residential building, and construction of 397 subterranean parking spaces or an additional 148,641 square feet as calculated within CalEEMod). Therefore, if the analysis had relied on CalEEMod's default construction emissions, the Project's emissions would have been underestimated. However, the analysis properly relied on project-specific construction phases that accurately reflect the required construction activities necessary for Project buildout. SWAPE has not provided any supporting documentation as to why the construction assumptions used in the Draft EIR analysis are incorrect.

The construction schedule represents the time it requires to remove the existing structures and excavate 110,000 cubic yards of material. As discussed on page II-1 of the Project Description in the Draft EIR, the Project includes "the deconstruction, off-site storage, reassembly, rehabilitation and limited alteration of the existing cathedral of Our

³² SCAQMD, *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005, www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-sample-construction-scenario-report.pdf?sfvrsn=2, accessed August 23, 2021.

Lady of Mt. Lebanon—St. Peter Maronite Catholic Cathedral.” As such, the demolition phase would certainly be well beyond the contemplated CalEEMod default length for a typical one-acre site. The grading phase length in the Draft EIR analysis was appropriately adjusted to accommodate the amount of excavation necessary. Additionally, the suggestion made bySWAPE to shorten the grading phase to 20 days (CalEEMod default for surface grading activities), would result in approximately 690 daily haul trucks per day, well beyond site constraints. CalEEMod does not provide a default foundation phase as the CalEEMod default scenario assumed at-grade building construction. Thus, no comparison is necessary. Regarding the number of days of building construction, SWAPE does not account for the type of construction proposed under the Project scenario nor do they account for the concrete phases (not included in default CalEEMod construction scenario) that would be part of the building construction phase. Moreover, given the amount of building construction under the Project (approximately 173,232 square feet of floor area 397 subterranean parking spaces or an additional 148,641 square feet as calculated within CalEEMod) versus CalEEMod default (41,000 square feet), building construction and the application of architectural coatings would take a longer duration therefore requiring appropriate adjustments be made based on the Project’s site-specific considerations .

SWAPE’s assertion that construction activities were spread out over a longer period of time is unfounded as the schedule specifically relates to the development considerations and site conditions of the Project. In addition, maximum daily on-site equipment, haul trucks, deliveries, and employees were assumed to occur each day of construction. Thus, pollutant emissions over the entire duration of construction are overestimated and conservative.

Comment No. 2-56

Review of the CalEEMod output files demonstrates that the “Mt. Lebanon Project (No TDM),” “Mt. Lebanon Project—Construction Onsite,” “Mt. Lebanon Project (No TDM or MXD Reductions),” and “Mt. Lebanon Project” models include several manual changes to the default off-road construction equipment unit amounts and usage hours (see excerpt below) (Appendix B-2, pp. 36, 57, 94, 118).

Table Name	Column Name	Default Value	New Value
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	6.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	8.00	7.00

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.¹² According to the “User Entered Comments and Non-Default Data” table, the justification provided for this change is: “see assumptions” (Appendix B-2, pp. 35, 56, 93, 117). Furthermore, the “Air Quality Analysis Assumptions” include the off-road construction equipment unit amounts and usage hours inputted into the model (Appendix B, pp. 23).

However, these changes remain unsupported. As discussed above, simply providing the assumptions included in the Project’s modeling does not inherently justify the assumptions. Rather, as previously stated, according to the CalEEMod User’s Guide:

“CalEEMod was also designed to allow the user to change the defaults to reflect site- or project- specific information, when available, provided that the information is supported by substantial evidence as required by CEQA” (emphasis added).¹³

Here, however, the AQ & GHG Study fails to provide substantial evidence to support the revised off-road construction equipment unit amounts and usage hours. Furthermore, the DEIR fails to mention or justify the revised off-road construction equipment unit amounts and usage hours whatsoever. As a result, we cannot verify the changes.

By including unsubstantiated changes to the default off-road construction equipment unit amounts and usage hours, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine the significance of air quality impacts.

¹² CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

¹³ CalEEMod Model 2013.2.2 User's Guide, available at: <http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6>, p. 12.

Response to Comment No. 2-56

This comment states that the changes to the default construction equipment and hours are unjustified and underestimated. As stated above in Response to Comment Nos. 2-51, 2-52, and 2-54, it is typical to modify the default values to be more representative of the specific project being proposed. Here, and as discussed in more detail below, the default values were modified to better reflect the anticipated construction equipment and schedule of the Project. The anticipated construction equipment and hours were prepared in consultation with the Applicant and its construction consultant. In addition, as a point of clarification, all four CalEEMod output files ("Mt. Lebanon Project (No TDM)," "Mt. Lebanon Project—Construction Onsite," "Mt. Lebanon Project (No TDM or MXD Reductions)," and "Mt. Lebanon Project") have the same construction inputs and outputs. The differences in these modeling output files are for potential operational impacts (e.g., quantification of the reduction in emissions with and without TDM).

As discussed above in Response to Comment No. 2-54, the CalEEMod construction tab contains default information obtained from a survey of a variety of construction sites conducted by SCAQMD and provides default construction equipment list and phase length data based on the total lot acreage of a project. "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This again is precisely what was done in the Draft EIR analysis, which cited "site specific" for the construction equipment mix and was based on the detailed equipment list provided by the Applicant. SWAPE seems to inaccurately suggest that all construction projects of a specific acreage should all require the same construction equipment mix without any site-specific consideration of how much demolition might be required, depth of excavation, and type of building constructed. As an example, the CalEEMod default 1-acre construction site assumes refined grading with limited equipment (one motor grader, one dozer, and one backhoe). The Project includes excavation and export of 110,000 cubic yards of soil. It

would be a very difficult task to excavate a deep area with the limited default equipment. So, SWAPE is correct that the modeling used site specific information, and it was assumed that a different mix of equipment would be required. Equipment not needed for construction of the Project was set to zero. Since excavation for multiple levels of subterranean parking requires shoring and export of soil, this phase added the following: two air compressors, two bore/drill rigs and a crane for shoring and rebar; one excavator and one other material handling equipment for excavation; one grader for some surface grading; one loader for placing export into haul trucks; and one generator for power in case electricity is unavailable for a short-time period. Another example is under the building construction phase. The CalEEMod default equipment mix for a one-acre site includes one crane, two forklifts, and two backhoes. The Project includes one tower crane, two mobile cranes, two forklifts, two plate compactors, two pumps, and one backhoe. This equipment mix is more robust than the default mix and reflects both the scale and height of building construction. These changes are consistent with the CalEEMod User’s Guide, which states that if the user can provide more detailed site-specific information, the user should override the default values.

Regarding equipment hours of operation, in all cases new pieces of equipment included in the modeling were assumed to operate eight hours per day. This is the upper range provided in CalEEMod for equipment usage (six to eight hours per day) and provides for a more conservative analysis. All modifications of CalEEMod defaults were based on Project specific information provided by the Applicant. Furthermore, SWAPE has not provided any evidence as to why the construction assumptions used in the Draft EIR analysis are incorrect.

Comment No. 2-57

Review of the CalEEMod output files demonstrates that the “Mt. Lebanon Project (No TDM),” “Mt. Lebanon Project (No TDM or MXD Reductions),” and “Mt. Lebanon Project” models include several manual changes to the default construction trip numbers (see excerpt below) (Appendix B-2, pp. 36–37, 94–95, 119).

Table Name	Column Name	Default Value	New Value
tbiTripsAndVMT	HaulingTripNumber	56.00	2,620.00
tbiTripsAndVMT	HaulingTripNumber	13,750.00	8,127.00
tbiTripsAndVMT	VendorTripNumber	0.00	5.00
tbiTripsAndVMT	VendorTripNumber	46.00	348.00
tbiTripsAndVMT	VendorTripNumber	46.00	64.00
tbiTripsAndVMT	VendorTripNumber	46.00	20.00
tbiTripsAndVMT	VendorTripNumber	0.00	5.00
tbiTripsAndVMT	WorkerTripNumber	8.00	50.00
tbiTripsAndVMT	WorkerTripNumber	25.00	60.00
tbiTripsAndVMT	WorkerTripNumber	187.00	60.00
tbiTripsAndVMT	WorkerTripNumber	187.00	60.00
tbiTripsAndVMT	WorkerTripNumber	187.00	350.00
tbiTripsAndVMT	WorkerTripNumber	8.00	20.00
tbiTripsAndVMT	WorkerTripNumber	37.00	0.00

Similarly, the “Mt. Lebanon Project—Construction Onsite” model includes the following manual changes to the default construction trip numbers and lengths (see excerpt below) (Appendix B-2, pp. 57–58):

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripLength	20.00	0.10
tblTripsAndVMT	HaulingTripNumber	56.00	2,620.00
tblTripsAndVMT	HaulingTripNumber	13,750.00	8,127.00
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTrpNumber	0.00	5.00
tblTripsAndVMT	VendorTrpNumber	46.00	348.00
tblTripsAndVMT	VendorTrpNumber	46.00	64.00
tblTripsAndVMT	VendorTrpNumber	46.00	20.00
tblTripsAndVMT	VendorTrpNumber	0.00	5.00
tblTripsAndVMT	VendorVehicleClass	HDT_Mix	HHD
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTripLength	14.70	0.00
tblTripsAndVMT	WorkerTrpNumber	8.00	50.00
tblTripsAndVMT	WorkerTrpNumber	25.00	60.00
tblTripsAndVMT	WorkerTrpNumber	187.00	60.00
tblTripsAndVMT	WorkerTrpNumber	187.00	60.00
tblTripsAndVMT	WorkerTrpNumber	187.00	350.00
tblTripsAndVMT	WorkerTrpNumber	8.00	20.00
tblTripsAndVMT	WorkerTrpNumber	37.00	0.00

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.¹⁴ According to the “User Entered Comments and Non-Default Data” table, the justification provided for this change is: “Demolition and Haul trucks would be travelling to the Vulcan Sun Valley Landfill (~20 miles one-way) or Sunshine Canyon Landfill (~26 miles one-way)” (Appendix B-2, pp. 35, 56, 93, 117). Furthermore, the “Air Quality Analysis Assumptions” include the construction trip numbers inputted into the models (Appendix B, pp. 23).

However, these changes remain unsupported for two reasons.

First, the revised construction trip lengths in the “Mt. Lebanon Project—Construction Onsite” model do not reflect the construction trip lengths indicated by the “User Entered Comments & Non-Default Data” table. As a result, we cannot verify the revised construction trip lengths in the “Mt. Lebanon Project—Construction Onsite” model.

Second, simply providing the assumptions included in the Project’s modeling does not inherently justify the assumptions. Rather, as previously stated, according to the CalEEMod User’s Guide:

“CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA” (emphasis added).¹⁵

Here, however, the AQ & GHG Study fails to provide substantial evidence to support the revised construction trip numbers. Furthermore, the DEIR fails to mention or justify the revised construction trip numbers whatsoever. As a result, we cannot verify the changes.

By including unsubstantiated changes to the default construction trip lengths and numbers, the models may underestimate the Project’s construction-related emissions and should not be relied upon to determine the significance of air quality impacts.

¹⁴ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 2, 9

¹⁵ CalEEMod Model 2013.2.2 User’s Guide, available at: <http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6>, p. 12.

Response to Comment No. 2-57

This comment states that the changes to the default construction trip length and number are unjustified and underestimated. However, as stated above in Response to Comment Nos. 2-51, 2-52, 2-54, and 2-55, it is typical to modify the default values to be more representative of the specific project being proposed. Here, and as discussed in more detail below, the default values were modified to better reflect the anticipated construction vendor and haul trips of the Project. In addition, as a point of clarification, as noted above in Response to Comment No. 2-54, all four CalEEMod output files (“Mt. Lebanon Project (No TDM),” “Mt. Lebanon Project—Construction Onsite,” “Mt. Lebanon Project (No TDM or MXD Reductions),” and “Mt. Lebanon Project”) have the same construction inputs and outputs. The differences in these modeling output files are for potential operational impacts (e.g., quantification of the reduction in emissions with and without TDM).

This comment correctly identifies that the haul trip length was increased from the default value of 20 miles to a round trip haul distance of 52 miles to account for soil export to Sunshine Canyon Landfill. It should be acknowledged that soil and debris could be transported to Sun Valley Landfill, with an actual round-trip distance of 40 miles or 20 miles one-way, which is consistent with the CalEEMod default distance. However, the analysis presented in the Draft EIR was more conservative, using the 52-mile round trip distance to the more distant landfill, which would result in more emissions.

The trip numbers reflect construction requirements for the Project. As an example, the CalEEMod default haul number for demolition was 56 total one-way trips or approximately three one-way trips per day. The Project, however, is expected to have a total of 125 hauls or 250 one-way trips during demolition and a maximum daily of 20 hauls or 40 one-way trips. Since the purpose of the analysis was to calculate peak daily emissions and CalEEMod's input value for haul truck trips is total over demolition duration, input of 125 hauls would have significantly underreported daily emissions as it would be roughly one demolition haul per day over the 131 days of demolition. Thus, total trips were input into CalEEMod as 2,620 (2,620 hauls over 131 days of demolition equals 20 peak daily demolition hauls). The scenario for grading/export is similar to demolition. CalEEMod default assumptions included 13,750 one-way trips (6,875 hauls) based on use of 8 cubic yard trucks and 110,000 cubic yards of export. This is equivalent to 344 hauls (688 one-way trips) per day and would not be feasible based on the Project Site logistics/constraints. The Project analysis instead included 63 maximum daily hauls per day, which is equivalent to 8,127 hauls over 129 days using 16 cubic yard trucks. This approach addressed peak daily activity as 8,127 hauls with 16 cubic yard trucks would be capable of hauling 130,000 cubic yards of export over the grading/export duration.

CalEEMod provides a single vendor and employee trip rate for building construction. Vendor and employee trips for all other phases were in excess of the CalEEMod default value. As the analysis presented in the Draft EIR provided additional detail and included specific phases of building construction (i.e., mat foundation, building foundation, and building construction), specific vendor and employee trip rates were provided. As shown above in this comment, the 348 peak daily vendor trips throughout the building construction phase included in the analysis was substantially higher (conservative) in comparison to the CalEEMod default value of 46 trips. Similarly, the 350 peak daily employee trips in the building construction phase included in the analysis was substantially higher (conservative) in comparison to the CalEEMod default value of 187 trips. Please note that architectural coating employee trips were assumed to be included in the building construction phase.

As discussed above in Response to Comment No. 2-54, the Project is not representative of the CalEEMod default project scenario and instead the analysis reflects project-specific assumptions. Thus, the number of trips for employees, vendor trips, and haul trips (e.g., based on the amount of soil export) are all based on the construction

requirements for the Project. SWAPE has not provided any evidence as to why the construction assumptions used in the Draft EIR analysis is not representative of the Project's construction.

This comment also misconstrues information provided in one of the modeling scenarios (Mt. Lebanon Project—Construction Onsite) provided in Appendix B to the Draft EIR. For the Construction Onsite scenario, the purpose of including the haul and vendor trips was to account for travel of these vehicles on the Project Site for purposes of evaluating on-site localized impacts. CalEEMod does not provide an input for on-site travel. As such, it was assumed that all trucks would be travelling on-site for a short distance (0.1 miles). It would not be appropriate, as suggested in this comment, to assume that the entire CalEEMod regional default value of 20 miles per haul trip be used to evaluate impacts from the portion of the trip exclusively on the Project Site. The purpose of the Construction On-site scenario was to address potential localized impacts from on-site construction emissions. As shown in Table IV.A-8 of the Draft EIR, localized impacts at nearby off-site sensitive receptors were concluded to be less than significant.

Comment No. 2-58

According to the Transportation Addendum ("Transportation Analysis"), provided as Appendix T to the DEIR, the existing land uses generate approximately 114 daily vehicle trips (see excerpt below) (Appendix T, Table 1).

PROJECT TRIP GENERATION [1]

30-Jan-20

LAND USE	SIZE	DAILY TRIP ENDS [2] VOLUMES	AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
			IN	OUT	TOTAL	IN	OUT	TOTAL
<i>Existing Site</i> Church [4]	(19,218) SF	(134)	(4)	(2)	(6)	(4)	(5)	(9)
<i>Transit Trips [5]</i> Church (15%)		20	1	0	1	1	1	2
Subtotal Existing Driveway Trips		(114)	(3)	(2)	(5)	(3)	(4)	(7)

As such, the Project's emissions modeling should have included trip rates that reflect the estimated number of average existing daily vehicle trips. However, review of the CalEEMod output files demonstrates that the "Mt. Lebanon Project—Existing Uses" and "Mt. Lebanon Project—Existing Uses (Buildout Year)" models include 273.24 Saturday and Saturday vehicle trips (see excerpt below) (Appendix B-2, pp. 26, 32, 79, 87).

Land Use	Average Daily Trip Rate		
	Weekday	Saturday	Sunday
Place of Worship	0.00	0.00	0.00
User Defined Commercial	69.00	273.24	273.24
Total	69.00	273.24	273.24

As you can see in the excerpt above, the average Saturday and Sunday vehicle trip numbers for the existing land uses are overestimated by approximately 159.24-trips, respectively. As such, the trip rates inputted into the model are overestimated and inconsistent with the information provided in the Transportation Analysis.

These inconsistencies present an issue, as CalEEMod uses the operational vehicle trip rates to calculate the emissions associated with the operational on-road vehicles.¹⁶ By including overestimated operational vehicle trip rates, the models overestimate the mobile-source operational emissions associated with the existing land uses, resulting in an underestimation of the net change in emissions associated with the proposed Project. As a result, the models should not be relied upon to determine Project significance.

¹⁶ "CalEEMod User Guide." CAPCOA, November 2017, available at: <http://www.caleemod.com/>, p. 35.

Response to Comment No. 2-58

This comment claims that the Draft EIR includes an overestimation of existing vehicle trips, which resulted in an underestimation of the net change in emissions associated with the Project. This is not accurate.

The daily vehicle trip rates included in this comment (Appendix T to the Draft EIR, Table 1) relate to weekday trip generation rates calculated for purposes of auto delay/LOS and not VMT (air quality and GHG impacts). The methodology used to calculate operational emissions from vehicular trips and VMT was provided on Page IV.A-43 of the Draft EIR. As stated therein,

Mobile-source emissions were calculated within CalEEMod. However, CalEEMod default VMT was bypassed to account for the Project-related VMT provided using the Los Angeles Department of Transportation (LADOT) VMT Calculator. The VMT Calculator was developed by the City and LADOT to comply with SB 743, which requires lead agencies to adopt VMT criteria to determine transportation related impacts.

Note that the Existing Conditions LADOT VMT Calculator output was not included in Appendix T to the Draft EIR because it is not used to calculate potential transportation

impacts. Furthermore, as discussed above in Response to Comment No. 2-53, the air quality analysis in the Draft EIR was conservative and assumed no credit in operational emissions for existing land uses. Instead, it was only used to characterize existing operational emissions. Regardless, this output file is included in this Final EIR as Appendix FEIR-3 for informational purposes and clarification.

The LADOT VMT Calculator calculates VMT based on weekday rates. Thus, a correction factor was used to account for the changes in Saturday and Sunday trips consistent with the default factors provided in CalEEMod. A discussion of this methodology was provided on Page 9 of Appendix B-1 (Air Quality and Greenhouse Gas Emissions Methodology), to the Draft EIR. No changes to the Air Quality or GHG analyses provided in the Draft EIR are necessary based on this comment.

Comment No. 2-59

Review of the CalEEMod output files demonstrates that the “Mt. Lebanon Project (No TDM)” and “Mt. Lebanon Project (No TDM or MXD Reductions)” models include the following energy-, water-, and waste-related operational mitigation measures (see excerpt below) (Appendix B-2, pp. 52, 54, 110, 113, 114, 134, 137, 138):

Energy-Related:

5.1 Mitigation Measures Energy

Exceed Title 24
Install High Efficiency Lighting

Water-Related:

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

Waste-Related:

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

Furthermore, the “Mt. Lebanon Project” model includes the following area-related operational mitigation measure (see excerpt below) (Appendix B-2, pp. 136):

Area-Related:

6.1 Mitigation Measures Area

No Hearths Installed

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.¹⁷ According to the “User Entered Comments and Non-Default Data” table, the justifications provided for the inclusion of the energy-, water-, and waste-related operational mitigation measures are:

- “Install high efficiency lighting,”
- “Consistent with CalGreen for water conservation (20%),” and
- “Current City of LA Diversion Rates,” respectively (Appendix C.1, pp. 37, 73, 109; Appendix E, pp. 27, 74).

However, the inclusion of the above-mentioned operational mitigation measures remains unsubstantiated for three reasons.

First, the “User Entered Comments and Non-Default Data” table fails to provide a justification for the inclusion of the above-mentioned area-related mitigation measure.

Second, simply because the “User Entered Comments and Non-Default Data” table states that the Project would comply with CalGreen and the City’s current waste diversion rates does not justify the inclusion of the above-mentioned water- and waste-related operational mitigation measures in the model. According to the Association of Environmental Professionals’ (“AEP”) CEQA Portal Topic Paper on mitigation measures:

“By definition, mitigation measures are not part of the original project design. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design. Mitigation measures are identified by the lead agency after the project has undergone environmental review and are above-and-beyond existing laws, regulations, and requirements that would reduce environmental impacts” (emphasis added).¹⁸

As you can see in the excerpt above, mitigation measures “are not part of the original project design” and are intended to go “above-and-beyond” existing regulatory requirements. Thus, the inclusion of the above-mentioned water- and waste-related operational mitigation measures remains unsupported, despite the Project’s purported compliance with CalGreen and the City’s waste diversion rates.

Third, regarding the Project’s air quality impact, the DEIR states:

“Project-level impacts related to Threshold (b) would be less than significant during construction and operation of the Project. Therefore, no mitigation measures are required” (p. IV.A-61).

As demonstrated above, the DEIR claims that no mitigation measures would be required. However, while the DEIR concludes that no mitigation measures would be required to reduce emissions to less-than-significant levels, the DEIR’s modeling incorporates mitigation measures to reduce emissions to less-than-significant levels. If the DEIR’s conclusion was correct, the above-mentioned operational mitigation measures should not have been included in the model. Thus, by incorrectly including energy-, area-, water-, and waste-related operational mitigation measures without properly committing to their implementation, the models may underestimate the Project’s operational emissions and should not be relied upon to determine Project significance.

¹⁷ CalEEMod User Guide, *available at*: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.

¹⁸ “CEQA Portal Topic Paper Mitigation Measures.” AEP, February 2020, *available at*: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 5.

Response to Comment No. 2-59

The commenter states that the Project utilized mitigation measures as part of the CalEEMod modeling for the Project. The Project is required to adhere to regulatory compliance measures pursuant to the AQMD Rules, such as Rule 403 (Fugitive Dust). The interface on CalEEMod (Version 2016.3.2) lists this rule under the “Mitigation” tab, although they are actually regulatory measures required by SCAQMD. The same approach applies for compliance with 2019 Title 24 standards. The term “Mitigation” in CalEEMod is defined differently from “mitigation measures” under CEQA and in the Draft EIR. The “mitigation” applied in CalEEMod are requirements for the Project, including mandatory regulatory requirements that are not considered mitigation measures, as defined in Section 15370 of the State CEQA Guidelines, or project design features that are part of the Project. “Mitigation Measures” under CEQA and in the Draft EIR are utilized when a significant impact has been identified, and mitigation measures are necessary to reduce that significant impact to less than significant.

The specific reduction measures referenced in this comment (i.e., energy, water, solid waste, and area source) are discussed below.

As discussed on page eight of Appendix B-1 (Air Quality and Greenhouse Gas Emissions Methodology) to the Draft EIR, CalEEMod energy demand default parameters only include compliance with 2016 Title 24 standards. Therefore, a conservative 10-percent reduction was applied within CalEEMod to account for the more stringent mandatory 2019 Title 24 standards required of the Project. This conservative reduction is further supported on page IV.C-27 of Section IV.C, Energy, of the Draft EIR, which states:

“As described in the 2019 Title 24 Standards represent ‘challenging but achievable design and construction practices’ that represent ‘a major step towards meeting the Zero Net Energy (ZNE) goal.’ Single-family homes built with the 2019 Title 24 Standards are projected to use approximately 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once the mandated rooftop solar electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. Nonresidential buildings are projected to use approximately 30 percent less energy due mainly to lighting upgrades.³³ Compliance with Title 24 is enforced through the building permit process.”

Furthermore, the California Energy Commission voted on November 13, 2019, to ban the sale of inefficient light bulbs starting January 1, 2020. The Energy Independence and Security Act of 2007 (EISA) requires approximately 25 percent greater efficiency for light bulbs by phasing out incandescent light bulbs between 2012 and 2014. Based on this information, it was appropriate to conservatively include a 25 percent reduction with the installation of high efficiency lighting required by Title 24. Compliance with Title 24 is enforced through the building permit process and is therefore appropriate to include this reduction in the CalEEMod modeling.

As discussed on page IV.C-56 of the Draft EIR, the California Green Building Standards Code (Part 11, Title 24) includes water efficiency requirements for new residential and non-residential uses, under which buildings shall demonstrate a 20-percent overall water use reduction. The Project would comply with applicable provisions of the 2020 Los Angeles Green Building Code, which in turn requires compliance with mandatory standards included in the CalGreen Building Standards (20-percent overall water use

³³ CEC, News Release: *Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation*, www.energy.ca.gov/news/2018-05/energy-commission-adopts-standards-requiring-solar-systems-new-homes-first, accessed January 19, 2021.

reduction). Water usage rates were calculated consistent with the requirements under City Ordinance No. 184,248, and reflects approximately a 20 percent reduction in water usage as compared to the base demand provided in CalEEMod.

CalEEMod does not account for the 2013 reductions reported in the City's Zero Waste Progress Report and, therefore, it is appropriate to apply the approximately 76-percent diversion rate to the Project. CalEEMod uses waste disposal rates for municipal solid waste disposal for landfilling, recycling, and composting based on CalRecycle data for individual land uses. That data does not include diversion of waste. Therefore, the default rates in CalEEMod estimate waste prior to diversion. CalEEMod has a solid waste mitigation module where the program requires the user to input the percent reduction in waste disposal from recycling and composting services. In this case, a diversion rate of 76 percent was applied consistent with the City's Zero Waste diversion rate as of 2011.³⁴ Based on this information, a solid waste diversion rate of 76 percent was used in all CalEEMod modeling runs provided in Appendix B-3 to the Draft EIR. This reduction is not considered mitigation but is an accurate characterization of the diversion rate for the City of Los Angeles based on relevant data. Based on this information, use of a 76-percent diversion rate for the City of Los Angeles was appropriately used in the Draft EIR and no changes are necessary to the Draft EIR based on this comment.

As discussed on Page IV.C-49 of the Draft EIR, Project Design Feature GHG-PDF-2 prohibits the use of natural gas-fueled fireplaces in the proposed residential units. With respect to the enforceability of project design features, project design features, like mitigation measures, are included in Project's Mitigation Monitoring Program (see Section IV, Mitigation Monitoring Program, of this Final EIR). Like mitigation measures, project design features are fully enforceable and included as Conditions of Approval for the Project if approved. In addition, separate from the CEQA requirement of enforceability of a Mitigation Monitoring Program, the City's standard project conditions include the enforcement of the entire Mitigation Monitoring Program.

SWAPE has not provided any evidence that the energy, water, solid waste, and area inputs are inaccurate. Based on the information provided above, incorporation of the energy, water, and solid waste rule and ordinance reduction measures and Project Design Feature GHG-PDF-2 is supported in the Draft EIR. Furthermore, the impact conclusion for

³⁴ *Waste can be diverted from a landfill through waste reduction, recycling, composting, and other technologies that beneficially use the materials found in solid waste. The environmental metric used to evaluate the City's progress towards its Zero Waste goal is called the "diversion rate," or the percentage of generated waste that is not disposed in a landfill. The City had a diversion rate of 20.6 percent in 1990, 46.0 percent in 1995, 65.2 percent in 2000, and by the end of 2011, the City achieved a diversion rate of 76.4 percent. (City of Los Angeles Department of Public Works, LA Sanitation, Zero Waste Progress Report, March 2013, p. 7.)*

Air Quality Threshold (b) on Page IV.A-61 was also correct as those impacts would be less than significant during construction and operation of the Project and no mitigation measures are required. No changes are necessary to the Draft EIR based on this comment.

Comment No. 2-60

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate Project's construction-related emissions, we prepared updated an CalEEMod model, using the Project-specific information provided by the DEIR. In our updated models, we corrected the CO₂ intensity factor; proportionally increased the individual construction phase lengths to match the proposed construction duration of 2021 to 2024; as well as omitted the unsubstantiated changes to the off-road construction equipment unit amounts and usage hours, construction trip numbers (see Attachment B).

Our updated analysis estimates that the NO_x emissions associated with Project construction exceed the applicable SCAQMD threshold of 100 pounds per day ("lbs/day") (see tables below).¹⁹

Model	NO_x (lbs/day)
DEIR Construction	88
SWAPE Construction	226
% Increase	157%
SCAQMD Regional Threshold (lbs/day)	100
<i>Threshold Exceeded?</i>	<i>Yes</i>

As you can see in the excerpt above, the NO_x emissions associated with Project construction, as estimated by SWAPE, increase by approximately 157% and exceed the applicable SCAQMD significance threshold. Thus, our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR. As a result, an updated EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment.

¹⁹ "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

Response to Comment No. 2-60

Please refer to Response to Comment Nos. 2-52 through 2-59 above for supporting evidence as to why SWAPE is incorrect to revert to default CalEEMod parameters and to discount the emission reducing measures. While SWAPE's results cannot be verified since SWAPE did not include the output files as part of its comment letter, it appears that they reverted back to CalEEMod default values that are not applicable to the Project. The most prominent inaccuracy in SWAPE's analysis is reverting to a default construction schedule. As discussed above in Response to Comment No. 2-54, using a CalEEMod default 1-acre construction site, which only accounts for fine grading and building construction of 41,000 square feet, is not representative of the Project analyzed in the Draft EIR (excavation of subterranean parking (110,000 cubic yards of export) and construction of approximately 173,232 square feet of floor area with a 19-story residential building; and construction of 397 subterranean parking spaces or an additional 148,641 square feet as calculated within CalEEMod). SCAQMD's *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005 includes 148 cubic yards of dirt handled per day (Appendix A—One Acre Site Example, Grading Spreadsheet, Footnote L).³⁵

If SWAPE's analysis only includes 148 cubic yards of dirt handled per day, then it is unclear how 110,000 cubic yards of soil could be handled and exported in 20 days. SWAPE provided no credible evidence as to how a motor grader, bulldozer, and backhoe could possibly excavate the Project Site and export the soil in 20 days. An excavator is typically required to "excavate", which is precisely what was included in the Draft EIR along with shoring equipment to hold up the sides of the Project site during the excavation. While SWAPE did not provide the CalEEMod output, its comments provided above suggest that it included approximately 690 daily haul trucks per day, which is well beyond site constraints. Once again, if only 148 cubic yards of dirt is handled per day, then it would seem that these 690 daily haul trucks would be empty trucks and would not be needed. This flawed assumption (i.e., 690 daily haul trucks per day versus the Draft EIR analysis of 63 hauls per day) would be indicative of the emissions reported in this comment by SWAPE. As stated above, SWAPE's results cannot be verified since SWAPE did not include the output files as part of its comment letter.

SWAPE does not account for the type of construction proposed under the Project scenario (e.g., 19-story residential building) and fails to account for the concrete phases (not included in default CalEEMod construction scenario) which would be part of the building construction phase. For the reasons set forth above, SWAPE's CalEEMod modeling grossly misrepresents the Project's regional air quality emissions, and SWAPE

³⁵ SCAQMD, *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005.

has not provided any supporting documentation as to why the construction assumptions used in the Draft EIR analysis are not representative of the Project's construction.

Comment No. 2-61

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would have a less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis ("HRA") (p. IV.A-63, IV.A-66). Specifically, regarding potential health risk impacts associated with Project construction, the DEIR states:

"The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short-term construction schedule of approximately 36 months, the Project would not result in a longterm (i.e., 70-year) source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a health risk assessment (HRA) for short-term construction emissions. It is, therefore, not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. As such, Project-related TAC impacts during construction would be less than significant" (p. IV.A- 62–IV.A-63).

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant construction-related health risk impact because the short-term construction schedule would not result in a long-term substantial source of toxic air contaminant ("TAC") emissions, as well as because the SCAQMD CEQA guidance does not require an HRA for construction emissions. Furthermore, regarding potential health risk impacts associated with Project operation, the DEIR states:

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

expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant” (p. IV.A-66).

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant operational health risk impact because the Project would not contain substantial sources of TAC emissions. However, the DEIR’s evaluation of the Project’s potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, the DEIR fails to quantitatively evaluate the Project’s construction-related and operational TACs or make a reasonable effort to connect these emissions to potential health risk impacts posed to nearby existing sensitive receptors. This is incorrect, as construction of the proposed Project will produce emissions of DPM through the exhaust stacks of construction equipment over a potential construction duration of three years (p. II-26). Furthermore, the Transportation Study, provided as Appendix S to the DEIR, indicates that the proposed land uses are expected to generate approximately 764 average daily vehicle trips, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to diesel particulate matter (“DPM”) emissions (Appendix S, p. 32, Table 7-1). However, the DEIR fails to evaluate the potential Project-generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project’s construction-related and operational TAC emissions to the potential health risks posed to nearby receptors, the DEIR is inconsistent with CEQA’s requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

Second, the DEIR’s conclusion is inconsistent with guidance from the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015. This guidance document describes the types of projects that warrant the preparation of an HRA. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. As the Project’s construction duration vastly exceeds the 2-month requirement set forth by OEHHA, it is clear that the Project meets the threshold warranting a quantified HRA under OEHHA guidance. Furthermore, the OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (“MEIR”). Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from Project operation also be

evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions be included in an updated EIR for the Project.

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the Project's cumulative excess cancer risk to the applicable SCAQMD numeric threshold of 10 in one million, and lacks evidence to support its conclusion that the health risk would be under the threshold.²⁰ Thus, pursuant to CEQA and SCAQMD guidance, an analysis of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

²⁰ "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

Response to Comment No. 2-61

Refer to Response to Comment No. 2-14, above, for a detailed discussion of SWAPE's specific comments related to health risk from DPM emissions.

Comment No. 2-62

Screening-Level Analysis Indicates a Potentially Significant Health Risk Impact

In order to conduct our screening-level risk analysis we relied upon AERSCREEN, which is a screening level air quality dispersion model.²¹ The model replaced SCREEN3, and AERSCREEN is included in the OEHHA²² and the California Air Pollution Control Officers Associated ("CAPCOA")²³ guidance as the appropriate air dispersion model for Level 2 health risk screening analyses ("HRSA"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

²¹ U.S. EPA (April 2011) AERSCREEN Released as the EPA Recommended Screening Model, http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

²² "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf

²³ CAPCOA (July 2009) Health Risk Assessments for Proposed Land Use Projects, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

Response to Comment No. 2-62

This comment summarizes the findings of a screening level-HRA prepared by SWAPE. SWAPE did not provide the analysis as part of its comment letter and, therefore, review of the full scope of the analyses, assumptions, and methodology is not feasible. SWAPE has provided these analyses for other projects which have all shared the same methodological flaws that substantially undermine the accuracy of the results as compared with the much more refined, site-specific HRA prepared in response to these comments and included as Appendix FEIR-4 to this Final EIR. The most important of these issues are detailed here and then discussed as needed in other specific responses to comments.

SWAPE's simple, screening-level HRA relied upon AERSCREEN, which is a screening-level air quality dispersion model. This screening-level HRA indicates a screening risk of 98 in one million ($9.8E-05$) without age sensitivity factors and 620 in one million ($6.2E-04$) with age sensitivity factors during construction. (Exhibit A SWAPE Letter, Page 20). These risk values are immediately suspect as misleading and unreasonable because they are substantially higher than typical risk values for industrial source projects, and are therefore an entirely unexpected result for a mixed-use residential project, which typically has significantly lower DPM emissions than an industrial source project.

For example, an HRA was conducted for the Phillips 66 Wilmington refinery facility in the City of Wilmington, California, which generates TAC emissions from oil refinery operations and associated industrial processes, and determined a 30-year residential risk at nearby residential receptors located adjacent to the east of the facility of 33.8 in one million ($3.38E-05$).³⁶ The Phillips 66 Wilmington facility analysis included age sensitivity factors.

Unlike the Phillips 66 Wilmington facility, which generates long-term ongoing emissions from its continuous industrial operations, construction of the Project would not generate DPM emissions on an ongoing and continuous basis over a lifetime (70 years) or a residential exposure duration (30 years). Operation of the Project would generate a relatively small amount of ongoing operational DPM emissions from the approximately three diesel-fueled vehicles (e.g., delivery trucks) anticipated at the Project Site per day, as compared to an industrial oil refinery facility that has numerous heavy-duty, industrial-sized equipment and involves industrial processes. Furthermore, although not determined by the Project, the small amount of ongoing DPM emissions may change or be eliminated entirely

³⁶ SCAQMD, *Approval of AB 2588 Health Risk Assessment (HRA) for Phillips 66 Wilmington (South Coast AQMD Facility ID No. 171107), August 21, 2020*, www.aqmd.gov/docs/default-source/planning/risk-assessment/phillips-66-wilmington-171107---hra-approval-letter-8-21-20.pdf?sfvrsn=6, accessed August 1, 2021.

over time as a result of new technologies such as electric delivery trucks. Thus, the unexpected high results reported in SWAPE’s screening-level HRA do not appear, on their face, to be credible and mislead the public and decision-makers as to the human health risks associated with the Project’s DPM emissions.

A key error with the SWAPE analysis is that it relied solely on a “screening level” model to evaluate health risks. A screening level analysis can be appropriate to assess whether more detailed, refined modeling assessment is needed, however, screening models rely on rough, very conservative assumptions to check if a project *could* cause a significant health impact. If, based on the screening, there is no potential for a significant impact, then no additional analysis is required. In this way, screening models can help save time and money by eliminating the need for some projects to complete more expensive, time-consuming dispersion modeling. Refer to Response to Comment No. 2-14, above, for additional discussion of the methodological flaws contained in SWAPE’s screening-level risk analysis and use of the AERSCREEN model.

Comment No. 2-63

In order to estimate the health risk impacts posed to residential sensitive receptors as a result of the Project’s construction-related and operational TAC emissions, we prepared a preliminary HRA using the annual PM₁₀ exhaust estimates from the DEIR’s CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. The DEIR’s CalEEMod model indicates that construction activities will generate approximately 687 pounds of DPM over the 1,095-day construction period (Appendix B-2, pp. [sic] 120). The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{686.6 \text{ lbs}}{1,095 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = 0.00329 \text{ g/s}$$

Response to Comment No. 2-63

Refer to Response to Comment No. 2-14, above for a detailed discussion related to SWAPE’s contention that an HRA must be prepared for the Project.

The assessment provided by SWAPE in this comment significantly overestimated potential diesel exhaust emissions from construction and operation of the proposed Project. For construction, SWAPE incorrectly used the combination of both on-site and off-site emissions (regional emissions) to represent on-site emissions (localized emissions). This

assumption is the equivalent of having all diesel delivery and haul trucks that would actually travel regionally to and from the Project Site (up to 26 miles) exclusively on the Project Site. This erroneous assumption grossly overestimates the annual average construction emissions that would occur over the duration of construction.

For operations, the emission rates of diesel exhaust cited are based on the unmitigated regional operational results and assume that these emissions occur each year for 27 years. This assumption suffers from the defect identified above for construction (combination of both on-site and off-site emissions). This assumption is the equivalent of having all vehicular trips that would actually travel regionally to and from the Project Site exclusively on the Project Site. Compounding this mistake is SWAPE's erroneous assumption that all of these emissions would be from an entirely diesel fuel fleet mix when diesel emissions represent only a small fraction of the overall fleet mix. Furthermore, the SWAPE analysis assumed 27 years of operation, but held the emission factors constant to the buildout year. Thus, potential impacts would be significantly overstated because it does not represent an average of emissions over the 27 years by failing to account for improvements in the vehicle fleet mix as a result of state mandates over time. As an example, the On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

Furthermore, SWAPE seriously misrepresents the pollutant emissions as only DPM from energy, area, and landscaping sources (e.g., natural gas fireplaces and gasoline landscaping equipment) that represent approximately 76 percent of the total exhaust emissions presented by SWAPE. As discussed on page IV.C-49 of the Draft EIR, Project Design Feature GHG-PDF-2 prohibits the use of natural gas-fueled fireplaces in the proposed residential units. Energy source emissions are from use of natural gas on-site or electricity produced off-site at power plants (largely using natural gas). Landscaping equipment almost exclusively use gasoline or electricity. SWAPE did not provide any supporting documentation as to why it would be appropriate to analyze the particulate matter from natural gas/gasoline combustion as DPM.

Comment No. 2-64

Using this equation, we estimated a construction emission rate of 0.00329 grams per second ("g/s"). Subtracting the 1,095-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 27 years, approximately. The DEIR's operational CalEEMod emissions indicate that operational activities will generate approximately 40 pounds of DPM per year throughout operation

(Appendix B-2, pp. [sic] 121). Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{40.4 \text{ lbs}}{365 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = \mathbf{0.000581 \text{ g/s}}$$

Using this equation, we estimated an operational emission rate of 0.000581 g/s. Construction and operational activity was simulated as a 0.97-acre rectangular area source in AERSCREEN with dimensions of 89- by 44-meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

Response to Comment No. 2-64

Refer to Response to Comment No. 2-14, above for a detailed discussion related to SWAPE's contention that an HRA must be prepared for the Project.

As discussed above, the SWAPE analysis use of AERSCREEN provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation prepared in response to these comments. AERMOD allows for analysis of multiple volume sources and to account for elevation. The use of a single rectangular source with a release height of 3 meters to represent construction and operational activities provided in the SWAPE analysis does not adequately represent the Project Site or sources. In addition, a volume source and not an area source is recommended by the SCAQMD for modeling construction equipment and diesel truck exhaust emissions (SCAQMD LST Guidelines). An area source is two dimensional and meant to represent evaporative emissions from a flat surface, like a pond. A volume source is three dimensional and meant to represent sources like a cloud of dust or diesel exhaust. Thus, modeling as an area source only accounts for the vertical plume dimension, and not horizontal plume dimension. In addition, the SCAQMD LST Guidelines recommend a five-meter release height instead of three meters, which would also overestimate potential concentrations. By accounting for these parameters, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

Comment No. 2-65

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the

single-hour concentration by 10%.²⁴ According to the DEIR, the nearest sensitive receptors are located immediately north of the Project Site (p. IV.A-29). However, review of the AERSCREEN output files demonstrates that the *maximally exposed* individual resident (“MEIR”) is located approximately 50 meters from the Project site. Thus, the single-hour concentration estimated by AERSCREEN for Project construction is approximately 14.4 $\mu\text{g}/\text{m}^3$ DPM at approximately 50 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 1.44 $\mu\text{g}/\text{m}^3$ for Project construction at the MEIR. For Project operation, the single-hour concentration estimated by AERSCREEN is 2.544 $\mu\text{g}/\text{m}^3$ DPM at approximately 50 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.2544 $\mu\text{g}/\text{m}^3$ for Project operation at the MEIR.

²⁴ “Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised.” EPA, 1992, available at: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; see also “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf> p. 4-36.

Response to Comment No. 2-65

Refer to Response to Comment No. 2-14, above for a detailed response. As discussed therein, the SWAPE analysis use of AERSCREEN provides a much less accurate assessment of the actual health risks of the Project compared to the refined AERMOD evaluation used in the HRA prepared in response to these comments. The SWAPE analysis assumes worst-case conditions occur 24 hours per day, 365 days for three years (worst-case hourly wind speed, same direction, and stability condition) along with the maximum daily emissions occurring each of those days, assumptions that significantly overestimate actual Project emissions. SWAPE applied a correction factor in the SWAPE analysis to convert the maximum 1-hour concentration average to an annual concentration. However, the SWAPE screening analysis applied the maximum factor of 0.1 instead of an average of 0.08 recommended in OEHHA guidance (Table 4.3, Recommended Factors to Convert Maximum 1-Hour Concentration to Other Averaging Periods, *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*). Consequently, the already conservative screening analysis was made inaccurate (higher concentration) because SWAPE did not follow the OEHHA guidance.

SWAPE also reported that impacts increased further downwind with the maximum impact occurring at 50 meters. However, it is highly unusual for a screening model to provide a higher concentration further downwind for an area source. Typically, the pollutant travels further away from the source the plume and becomes wider and pollutant concentrations decrease. An exception to this general rule is for a stack/chimney point source where the source is released high enough and with enough velocity/buoyancy that the ground concentrations closer to the source can result in lower pollutant concentrations.

The Project does not include a stack/chimney point source. As a result, any findings from the SWAPE analyses based on modeling that shows higher concentrations from an area source further downwind are likely incorrect.

Comment No. 2-66

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA. Consistent with the 1,095-day construction schedule included in the Project's CalEEMod output files, the annualized average concentration for Project construction was used for the entire third trimester of pregnancy (0.25 years), infantile stage of life (0–2 years), and the first 0.75 year of the child stage of life (2–16 years); and the annualized averaged concentration for operation was used for the remainder of the 30-year exposure period, which makes up the remaining 13.25 years of the child stage of life and the entire the adult stage of life (16–30 years).

Consistent with OEHHA guidance and recommended by the SCAQMD, BAAQMD, and SJVAPCD guidance, we used Age Sensitivity Factors (“ASF”) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.^{25,26,27} According to this guidance, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant), as well as multiplied by a factor of three during the child stage of life (2–16 years). We also included the quantified cancer risk without adjusting for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution in accordance with older OEHHA guidance from 2003. This guidance utilizes a less health protective scenario than what is currently recommended by SCAQMD, the air quality district with jurisdiction over the City, and several other air districts in the state. Furthermore, in accordance with the guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.²⁸ Finally, according to SCAQMD guidance, we used a Fraction of Time At Home (“FAH”) Value of 1 for the 3rd trimester and infant receptors.²⁹ We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. The results of our calculations are shown below.

The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk without ASFs*	ASF	Cancer Risk with ASFs*
Construction	0.25	1.44	361	2.0E-06	10	2.0E-05
3rd Trimester Duration	0.25			2.0E-06	3rd Trimester Exposure	2.0E-05
Construction	2.00	1.44	1090	4.7E-05	10	4.7E-04
Infant Exposure Duration	2.00			4.7E-05	Infant Exposure	4.7E-04
Construction	0.75	1.44	572	9.3E-06	3	2.8E-05
Operation	13.25	0.2544	572	2.9E-05	3	8.7E-05
Child Exposure Duration	14.00			3.8E-05	Child Exposure	1.2E-04
Operation	14.00	0.2544	261	1.0E-05	1	1.0E-05
Adult Exposure Duration	14.00			1.0E-05	Adult Exposure	1.0E-05
Lifetime Exposure Duration	30.00			9.8E-05	Lifetime Exposure	6.2E-04

* We, along with CARB and SCAQMD, recommend using the more updated and health protective 2015 OEHHA guidance, which includes ASFs.

- 25 “Draft Environmental Impact Report (DEIR) for the Proposed The Exchange (SCH No. 2018071058).” SCAQMD, March 2019, available at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/march/RVC190115-03.pdf?sfvrsn=8>, p. 4.
- 26 “California Environmental Quality Act Air Quality Guidelines.” BAAQMD, May 2017, available at: http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 56; see also “Recommended Methods for Screening and Modeling Local Risks and Hazards.” BAAQMD, May 2011, available at: <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20Approach.ashx>, p. 65, 86.
- 27 “Update to District’s Risk Management Policy to Address OEHHA’s Revised Risk Assessment Guidance Document.” SJVAPCD, May 2015, available at: <https://www.valleyair.org/busind/pto/staff-report-5-28-15.pdf>, p. 8, 20, 24.
- 28 “Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics ‘Hot Spots’ Information and Assessment Act,” July 2018, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588supplementalguidelines.pdf>, p. 16.
- “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>
- 29 “Risk Assessment Procedures for Rules 1401, 1401.1, and 212.” SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/ProposedRules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

Response to Comment No. 2-66

Refer to Response to Comment No. 2-14 that details how SWAPE’s screening level HRA based on 2003 OEHHA guidance contains several significant flaws that account for the misleading and incorrect analysis and explain the unrealistically high results.

Comment No. 2-67

As demonstrated in the table above, the excess cancer risk to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 50 meters away, over the course of Project construction and operation, utilizing ASFs, is approximately 10, 120, 470, and 20 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years), utilizing ASFs, is approximately 620 in one million. The 3rd trimester, infant, child, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

Utilizing ASFs is the most conservative, health-protective analysis according to the most recent guidance by OEHHA and reflects recommendations from the air district. Results without ASFs are presented in the table above, although we do not recommend utilizing these values for health risk analysis. Regardless, the excess cancer risk to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 50 meters away, over the course of Project construction and operation, without ASFs, are approximately 10, 38, 47, and 2 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years), without ASFs, is approximately 98 in one million. The infant, child, adult, and lifetime cancer risks, without ASFs, exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR. While we recommend the use of ASFs, the Project's cancer risk without ASFs, as estimated by SWAPE, nonetheless exceeds the SCAQMD threshold, resulting in a potentially significant health risk impact that the DEIR fails to disclose.

Response to Comment No. 2-67

Refer to Response to Comment No. 2-14, above for a detailed discussion of SWAPE's specific comments related to health risk from DPM emissions.

As discussed above in Response to Comment No. 2-14, the use of ASFs would not be applicable to this Project, as neither the City nor SCAQMD has developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts. Furthermore, USEPA provides 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." The USEPA has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. For diesel particulates, 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. To date, the USEPA reports that whole diesel

engine exhaust has not been shown to elicit a mutagenic mode of action.³⁷ Therefore, early life exposure adjustments are neither required nor appropriate, and were therefore not considered in the HRA provided in Appendix FEIR-4 to this Final EIR.

As discussed above in Response to Comment No. 2-14, SWAPE's screening-level HRA has several significant flaws that account for the misleading and incorrect analysis and explain the unrealistically high results. As a result, SWAPE's conclusions are misleading and highly inaccurate and lack credibility. In other words, SWAPE's conclusions are not supported by any credible evidence, much less substantial evidence. Even SWAPE acknowledged the serious limitations in its screening-level study, stating that "[o]ur analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection."

Comment No. 2-68

An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. 30 The purpose of the screening-level construction and operational HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level HRA indicates a potentially significant impact, the City should prepare an updated EIR with an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, the City should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk analysis which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

Response to Comment No. 2-68

Refer to Response to Comment No. 2-14, above for a detailed discussion of SWAPE's specific comments related to health risk from DPM emissions.

³⁷ *United States Environmental Protection Agency, Memorandum: Implementation of the Cancer Guidelines and Accompanying Supplemental Guidance—Science Policy Council Cancer Guidelines Implementation Workgroup, 2006, www.epa.gov/osa/memoranda-about-implementation-cancer-guidelines-and-accompanying-supplemental-guidance-science, accessed January 19, 2021.*

This comment requests that a HRA be prepared to assess the Project's air emissions and correlate those emissions to the health risk posed by the Project. As stated previously in Response to Comment No. 2-14, even though a HRA is not required for the Project, a HRA has been prepared for informational purposes. In addition, while the HRA provides a link between the Project's emissions and potential health risks, directly correlating a single project's emission to quantifiable human health consequences is currently not scientifically feasible, as it is not possible to conduct such an analysis that would provide reliable or meaningful results.³⁸

Moreover, the SWAPE analysis is extremely inaccurate. As discussed above in Response to Comment Nos. 2-14, 2-61, and 2-62, the SWAPE assessment substantially overestimated potential diesel exhaust emissions from construction and operation of the proposed Project by misrepresenting regional emissions for localized emissions. The screening level analysis was not performed in accordance with requirements included in SCAQMD's LST methodology, which makes it substantially less accurate than the refined dispersion modeling completed in the HRA prepared in response to these comments. Moreover, the SWAPE analysis also does not account for the following: (1) site-specific conditions; (2) use of a refined dispersion model; (3) use of SCAQMD-mandated meteorological data from the closest/most representative meteorological monitoring site within the Project area; and (4) source-to-receptor distance consistent with SCAQMD LST Guidelines. If the SWAPE analysis properly accounted for the guidance and data discussed above, then the identified cancer risk would have been much lower and below the significance threshold.

Comment No. 2-69

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 1,197- and 1,803-metric tons of carbon dioxide equivalents per year ("MT CO₂e/year"), with and without GHG reduction measures, respectively (see excerpt below) (p. IV.C-75, Table IV.C-10).

³⁸ *City of Los Angeles, Air Quality Health Effects (Sierra Club v. County of Fresno)*, October 2019.

Annual GHG Emissions Summary (Buildout)^a
 (metric tons of carbon dioxide equivalent [MTCO_{2e}])

Scope	Project Buildout without Reducing Measures	Project Buildout with Reducing Measures	Percent Reduction from Measures (Project Buildout) ^b
Area ^b	34	3	-92%
Energy ^c	496	445	-10%
Mobile ^d	1,073	567	-47%
EV Chargers ^e	(19)	(19)	0%
Stationary ^f	1	1	0%
Solid Waste ^g	23	23	0%
Water/Wastewater ^h	84	67	-20%
Construction	111	111	0%
Total Emissions	1,803	1,197	-34%

However, the DEIR elects not to apply a quantitative GHG threshold. Instead, the DEIR relies upon the Project's consistency with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016–2040 RTP/SCS, SCAG's 2020–2045 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAN 2019), and the Los Angeles Green Building Code in order to conclude that the Project would result in a less-than-significant GHG impact (p. IV.C-41). However, the DEIR's GHG analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for four reasons.

- (1) The DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;
- (2) The DEIR incorrectly relies upon unsubstantiated GHG reduction measures;
- (3) The DEIR's unsubstantiated air model indicates a potentially significant impact; and
- (4) SWAPE's updated analysis indicates a potentially significant impact.

³⁰ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, p. 1-5

Response to Comment No. 2-69

This comment summarizes the plan consistency analysis used in the Draft EIR to determine the significance of the Project's GHG impact and introduces specific methodology comments that are addressed in Response to Comment Nos. 2-69 through 2-72.

Comment No. 2-70*1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions*

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 1,197- and 1,803-MT CO₂e/year, with and without GHG reduction measures, respectively (p. IV.C-75, Table IV.C-10). However, the DEIR's quantitative GHG analysis is unsubstantiated. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the Air Quality Worksheets and Modeling Output Files as Appendix B-2 to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR. As a result, the model underestimates the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment.

Response to Comment No. 2-70

Please refer to Response to Comment Nos. 2-52 through 2-59 above for supporting evidence as to why SWAPE is incorrect to revert to default CalEEMod parameters and to discount the emission reducing measures. The Draft EIR accurately calculated Project-related GHG emissions and this comment provides no credible evidence regarding any potential inaccuracies in the Draft EIR.

In addition, as explained in more detail in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR and Response to Comment No. 2-71, the City has discretion to determine whether to quantify GHGs resulting from a project and/or rely on a qualitative analysis. While the City has not adopted numerical significance thresholds for assessing impacts related to GHG emissions, the City has, for informational purposes, made a good-faith effort to describe and calculate emissions consistent with CEQA Guidelines Section 15064.4(a).

Comment No. 2-71*2) Incorrect Reliance on GHG Reduction Measures*

As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 1,197- and 1,803-MT CO₂e/year, with and without GHG reduction measures, respectively (p. IV.C-75, Table IV.C-10). Specifically, the DEIR estimates that the area-, energy-, mobile-, and water-related reduction measures would result in GHG emissions reductions of 92%, 10%, 47%, and 20%, respectively (see excerpt below) (p. IV.C-75, Table IV.C-10).

Annual GHG Emissions Summary (Buildout)^a
(metric tons of carbon dioxide equivalent [MTCO_{2e}])

Scope	Project Buildout without Reducing Measures	Project Buildout with Reducing Measures	Percent Reduction from Measures (Project Buildout) ^b
Area ^b	34	3	-92%
Energy ^c	496	445	-10%
Mobile ^d	1,073	567	-47%
EV Chargers ^e	(19)	(19)	0%
Stationary ^f	1	1	0%
Solid Waste ^g	23	23	0%
Water/Wastewater ^h	84	67	-20%
Construction	111	111	0%
Total Emissions	1,803	1,197	-34%

However, these GHG reduction measures should not be relied upon for three reasons.

First, as discussed above, the Project's compliance with various regulations, plans and policies does not justify the inclusion of mitigation measures in the model.

Second, with the exception of Mitigation Measure ("MM") TR-MM-1, none of these design features are formally included as mitigation measures. This incorrect, as AEP guidance states:

"While not "mitigation", [sic] a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact" (emphasis added).³¹

As you can see in the excerpts above, design features that are not formally included as mitigation measures may be eliminated from the Project's design altogether. Thus, as the above area-, energy-, and water/wastewater-related GHG reduction measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As these design features are not formally included as mitigation measures, we cannot verify that they would be implemented, monitored, and enforced on the Project site.

Third, regarding the implementation of GHG reduction measures, the DEIR states:

“Project-level impacts related to GHG emissions were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant” (emphasis added) (p. IV.C-80).

As you the excerpt above demonstrates, the DEIR claims that no mitigation measures would be required. As such, the DEIR should not rely on reduction measures to artificially decrease the Project’s estimated GHG emissions. Rather, in order to claim that the Project would result in a less-than- significant GHG impact, the DEIR should demonstrate that the Project’s GHG emissions are less-than-significant without the inclusion of reduction measures.

³¹ “CEQA Portal Topic Paper Mitigation Measures.” AEP, February 2020, available at: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 6.

Response to Comment No. 2-71

As discussed in Response to Comment No. 2-58, compliance with mandatory rules and ordinances is not considered mitigation and as such were appropriately included in the calculation of GHG impacts presented in the Draft EIR. SWAPE has not provided any evidence that the inputs are inaccurate. Based on the information provided above, incorporation of mobile, energy, water, and solid waste rule and ordinance reduction measures is supported in the Draft EIR and no changes are necessary to the Draft EIR based on this comment.

Comment No. 2-72

3) Failure to Identify a Potentially Significant GHG Impact

In an effort to quantitatively evaluate the Project’s GHG emissions, we compared the Project’s GHG emissions, as estimated by the DEIR, to the SCAQMD 2035 efficiency target of 3.0 MT CO₂e/year, which was calculated by applying a 40% reduction to the 2020 targets.³² When applying the SCAQMD 2035 efficiency target of 3.0 MT CO₂e/year, the Project’s incorrect and unsubstantiated air model indicates a potentially significant GHG impact.³³ As previously stated, the DEIR estimates that the Project would generate net annual GHG emissions of 1,197 MT CO₂e/year, including GHG reduction measures (p. IV.C- 75, Table IV.C-10). Furthermore, according to CAPCOA’s CEQA & Climate Change report, service population is defined as “the sum of the number of residents and the number of jobs supported by the project.”³⁴ The DEIR estimates that the Project would house and employ approximately 345 and 6 people, respectively (p. IV.I-32). As such, we estimate a service population of 351 people.³⁵ When dividing the Project’s GHG

emissions, as estimated by the DEIR, by a service population of 351 people, we find that the Project would emit approximately 3.4 MT CO₂e/SP/year (see table below).³⁶

DEIR Modeling Greenhouse Gas Emissions	
Net Annual GHG Emissions (MT CO ₂ e/year)	1,197
Service Population	351
Service Population Efficiency (MT CO₂e/SP/year)	3.4
SCAQMD 2035 Service Population Efficiency Target (MT CO ₂ e/SP/year)	3.0
<i>Exceed?</i>	Yes

As demonstrated above, the Project's net annual GHG emissions, as estimated by the DEIR, exceed the SCAQMD 2035 efficiency target of 3.0 MT CO₂e/year, indicating a potentially significant impact not previously identified or addressed by the DEIR. As a result, the DEIR's less-than-significant GHG impact conclusion should not be relied upon. An updated EIR should be prepared, including an updated GHG analysis and incorporating additional mitigation measures to reduce the Project's GHG emissions to less-than-significant levels.

³² "Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2.

³³ "Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2.

³⁴ CAPCOA (Jan. 2008) CEQA & Climate Change, p. 71–72, <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>.

³⁵ Calculated: 345 residents + 6 employees = 351 service population.

³⁶ Calculated: (1,197 MT CO₂e/year) / (351 service population) = (3.4 MT CO₂e/SP/year).

Response to Comment No. 2-72

The commenter is incorrect in suggesting the significance threshold set forth in the Draft EIR does not comply with CEQA's requirements for a GHG analysis. CEQA Guidelines Sections 15064(a)(1) and (2) authorize the lead agency to use a model or methodology that quantifies a project's GHG emissions as well as to rely on qualitative analyses. Furthermore, CEQA Guidelines Section 15064.4 provides lead agencies the discretion to establish significance thresholds for their respective jurisdictions.³⁹ A detailed

³⁹ Refer specifically to CEQA Guidelines Sections 15064(b) and 15064.4(b)(2).

explanation on how the GHG significance threshold was determined is presented on pages IV.C-39 through IV.C-41 of the Draft EIR.

Page IV.C-39 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR appropriately uses the following significance threshold:

The City has not adopted a numeric significance threshold for the analysis of GHG impacts. In the absence of any adopted quantitative threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, including CARB's 2017 Climate Change Scoping Plan, SCAG's 2016–2040 RTP/SCS, SCAG's 2020–2045 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAN 2019), and the Los Angeles Green Building Code.

Please refer to Table IV.C-5, Table IV.C-6, and Table IV.C-8 on pages IV.C-52 through IV.C-53, IV.C-54 through IV.C-58, and IV.C-67 through IV.C-69, respectively, for detailed evaluations of Project consistency or compliance with applicable plans, policies, and regulations with regard to GHG emissions.

SWAPE misconstrues AEP's guidance regarding the applicability of "2035 Land Use Efficiency Threshold" to the Project. As stated in this comment, it is "AEP's guidance" and is provided for consideration by Lead Agencies for adoption. SWAPE fails to disclose that the AEP's guidance provides a number of potential significance thresholds for consideration. Page 37 of the AEP guidance states the following: "Potential thresholds for the evaluation of operational emissions from residential, commercial, and mixed-use projects are discussed below. A discussion of post-2020 and Newhall Ranch ruling considerations is provided for each threshold concept." The AEP guidance reviews potential thresholds including: (1) Consistency with Qualified GHG Reduction Plans; (2) Bright Line Thresholds; (3) Efficiency Thresholds; (4) Best Management Practice/Best Available Mitigation Approach; and (5) Compliance with Regulation. Consistent with AEP guidance, the City considered whether the Project is consistent with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Some context is needed regarding SWAPE's suggested significance threshold alleged in this comment. In October 2008, SCAQMD released draft guidance regarding

interim GHG significance thresholds for CEQA documents.⁴⁰ Within that October 2008 guidance document, SCAQMD proposed the use of a percent emission reduction target to determine significance for commercial/residential projects that emit greater than 3,000 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year. Under this proposal, commercial/residential projects that emit fewer than 3,000 MTCO_{2e} per year are assumed to have a less than significant impact on climate change. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for stationary source/industrial projects (10,000 MTCO_{2E} per year) where SCAQMD is the lead agency. However, SCAQMD has yet to adopt a GHG significance threshold for land use development projects (e.g., residential/commercial projects). Moreover, in April 2008 SCAQMD formed a GHG Significance Threshold Working Group to further evaluate potential GHG significance thresholds.⁴¹ This Working Group considered use of a per capita efficiency threshold, as discussed in the comment above. However, it is important to note that the Working Group has been inactive since September 2010.⁴² The fact that the SCAQMD Governing Board considered the draft threshold in 2008, over a decade ago, and did not adopt the threshold with no further action since that time provides a strong rationale as to why the SCAQMD draft threshold should not be considered in the analysis of GHG emissions for the Project.

Furthermore, as discussed above in Response to Comment No. 2-53, the analysis in the Draft EIR was conservative and assumed no credit in operational emissions for existing land uses. As shown in Appendix B-3.1 (GHG Emissions Summary), existing uses result in approximately 226 MT CO_{2e}/year in the Buildout year. Therefore, net emissions would be approximately 971 MT CO_{2e}/year (1,197 MT CO_{2e}/year less 226 MT CO_{2e}/year) or 2.8 MT CO_{2e}/SP/year (Service Population of 541). While the efficiency target in this comment is in no way considered a significance threshold, the Project would still be below the threshold proposed by SWAPE.

Based on the above information, no additional analysis was warranted regarding the Project's potential GHG impact. The Draft EIR correctly concluded that the Project would result in a less-than-significant GHG impact, and the commenter has provided no credible evidence to the contrary.

⁴⁰ SCAQMD, *Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold, October 2008, Attachment E*.

⁴¹ SCAQMD, *Greenhouse Gases (GHG) CEQA Significance Thresholds*. More information on this Working Group is available at www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds/page/2, accessed August 23, 2021.

⁴² SCAQMD, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15, September 28, 2010 (last meeting held by the Working Group)*. See [www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2), accessed August 23, 2021.

Comment No. 2-73

Design Features Should Be Included as Mitigation Measures

Our analysis demonstrates that the Project would result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further. We recommend that the DEIR implement all project design features, such as Project Design Features GHG-PDF-1 and GHG-PDF-2, as formal mitigation measures. As a result, we could guarantee that these measures would be implemented, monitored, and enforced on the Project site. Including formal mitigation measures by properly committing to their implementation would result in verifiable emissions reductions that may help reduce emissions to less-than-significant levels.

Response to Comment No. 2-73

As discussed in Response to Comments Nos. 2-51 through 2-71, SWAPE's analyses fail to demonstrate that the Project would result in any new or substantially worse air quality, health risk, and GHG impacts requiring further mitigation. Rather, SWAPE's analyses are flawed and are based on inaccurate assumptions.

With respect to the enforceability of project design features, refer to Response to Comment No. 2-17, above.

Comment No. 2-74

Furthermore, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project from NEDC's *Diesel Emission Controls in Construction Projects*.³⁷ Therefore, to reduce the Project's emissions, consideration of the following measures should be made:

NEDC's Diesel Emission Controls in Construction Projects³⁸	
Measures – Diesel Emission Control Technology	
a.	Diesel On-road Vehicles All diesel nonroad vehicles on site for more than 10 total days must have either (1) engines that meet EPA onroad emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
b.	Diesel Generators All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
c.	Diesel Nonroad Construction Equipment i. All diesel nonroad construction equipment on site for more than 10 total days must have either (1) engines meeting EPA Tier 4 Final nonroad emission standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines 50hp and greater and by a minimum of 20% for engines less than 50hp.
d.	Upon confirming that the diesel vehicle, construction equipment, or generator has either an engine meeting Tier 4 Final non road emission standards or emission control technology, as specified above, installed and functioning, the developer will issue a compliance sticker. All diesel vehicles, construction equipment, and generators on site shall display the compliance sticker in a visible, external location as designated by the developer.
Measures – Additional Diesel Requirements	
a.	Construction shall not proceed until the contractor submits a certified list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
b.	If the contractor subsequently needs to bring on site equipment not on the list, the contractor shall submit written notification within 24 hours that attests the equipment complies with all contract conditions and provide information.
c.	The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
Reporting	
a.	For each onroad diesel vehicle, nonroad construction equipment, or generator, the contractor shall submit to the developer's representative a report prior to bringing said equipment on site that includes: i. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number. ii. The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level. iii. The Certification Statement signed and printed on the contractor's letterhead.
b.	The contractor shall submit to the developer's representative a monthly report that, for each onroad diesel vehicle, nonroad construction equipment, or generator onsite, includes: i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date. ii. Any problems with the equipment or emission controls. iii. Certified copies of fuel deliveries for the time period that identify: 1. Source of supply 2. Quantity of fuel 3. Quality of fuel, including sulfur content (percent by weight)

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. An updated EIR should be prepared to include all

feasible mitigation measures, as well as include an updated health risk and GHG analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The updated EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

³⁷ "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, available at: <https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>.

³⁸ "Diesel Emission Controls in Construction Projects." Northeast Diesel Collaborative (NEDC), December 2010, available at: <https://www.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>.

Response to Comment No. 2-74

As an initial matter, mitigation measures are only required under CEQA to reduce identified significant impacts on the environment. (CEQA Guidelines Section 15070(b); *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 495.) The comment does not identify which allegedly significant impact this mitigation is meant to address, and therefore fails to demonstrate that the identified mitigation measures should have been incorporated into the Project. As demonstrated above, SWAPE has not provided substantial evidence to counter the DEIR's conclusions of less than significant air quality and GHG impacts. Therefore, no mitigation measures would be required.

Comment No. 2-75

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Attachment: Matthew F. Hagemann curriculum vitae (8 pages)

Attachment: Paul Rosenfeld curriculum vitae (16 pages)

Response to Comment No. 2-75

This comment, which concludes the letter and provides curriculum vitae for its preparers, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 2-76**Attachment 2: Exhibit B—Wilson Ihrig Letter**

Per your request, I have reviewed the subject matter document Draft EIR (DEIR) for the Our Lady of Mt. Lebanon Project in Los Angeles. The project would add a 19-story multi-family building, re-construct the cathedral building for Our Lady of Mt. Lebanon, and provide new, subterranean parking. The Noise Section (Chapter IV.G), Transportation section (Chapter IV.I.) and Appendix O were reviewed. The DEIR determines that some of the noise and vibration impacts are significant and unavoidable, and we were asked to look specifically at the effectiveness and suitability of the proposed mitigation measures.

The DEIR identifies several significant construction and operational impacts without mitigation measures:

- A. On-site Construction noise
- B. Off-site Construction noise (construction traffic)
- C. Operational noise (loading dock)
- D. Cumulative construction noise impact
- E. Off-site construction vibration (construction traffic)

The DEIR also identifies mitigation measures to address these significant impacts:

- A. To reduce on-site generated construction noise, NOI-MM-1: temporary and impermeable sound barriers
 - a. Northern property line to provide 15 dBA or more noise reduction
 - b. Western property line to provide 15 dBA or more noise reduction
 - c. Southern property line to provide 7 dBA or more noise reduction
- B. No feasible means were identified to mitigate off-site generated construction noise

C. No feasible means were identified to mitigate operational noise from the loading dock.

D. Related Project

E. No feasible means were identified to mitigate off-site generated construction vibration

Response to Comment No. 2-76

This introductory comment summarizing the findings of the Draft EIR's noise and vibration analysis is noted for the record and will be forwarded to the decision-makers for their review and consideration. "D. Related Project" was highlighted in the original letter without explanation, so no response will be provided.

Comment No. 2-77

Additional On-site Construction Noise mitigation measures should be considered

The DEIR indicates that the perimeter construction sound barriers should be designed to provide 15 dBA noise reduction at the ground floor receptor (5 ft above ground) near receptor location R1 and R2, with a similar barrier to provide 7 dBA noise reduction near receptor location R3. The DEIR does not include the nominal construction equipment source heights or the expected construction sound barrier heights, but based on conventional sound barrier calculations using Maekawa's theory for point sources¹, depending on how close the sources would be to the barriers the heights required to achieve the mitigation goals outlined in NOI-MM-1 would be as shown in Table 1 below.

Table 1 Estimated Barrier Height to Achieve Mitigation Measure NOI-MM-1 Goals

Near Receptor	Distance from Receptor to Source (ft)		Distance from Receptor to barrier (ft)		Source and Receiver height (ft)	Mitigation Goal	Estimated Barrier Height (ft)
	Near	Far	Near	Far			
R1	30	90	10	70	5	-15 dBA	12 to 16
R2	65	125	10	70	5	-15 dBA	14 to 20
R3	175	235	10	70	5	-7 dBA	8 to 11

The DEIR acknowledges that even with these barriers, it may not be possible to reduce the construction noise below the level of significance. As shown in Table IV.G-12 the construction noise near receptor R1 would still require over 5 dBA reduction beyond the 15 dBA provided by NOI-MM-1, and R2 would require an additional 2 to 3 dBA reduction. If it were feasible to construct 20 ft high sound walls along the north (R1) and west (R2) perimeters, the benefit would range from 15 to 19 dBA.

¹ As described in Section 7.2 of *Environmental Noise Control*, by Edward B. Magrab, John Wiley & Sons, 1975.

Response to Comment No. 2-77

As stated in this comment, the Draft EIR includes Mitigation Measure NOI-MM-1, which requires that a temporary construction noise barrier be erected in specified locations to meet a minimum noise reduction ranging from 7 dBA at receptor location R3 to 15 dBA at receptor locations R1 and R2. As stated in the Draft EIR, with implementation of this mitigation measure, the temporary construction-related noise impact would be reduced to a less-than-significant levels at receptor location R3 and would remain significant and unavoidable at receptor locations R1 and R2. In accordance with Mitigation Measure NOI-MM-1, the final details of the noise barrier would be prepared by a noise consultant at plan check to demonstrate compliance with the specified minimum noise reductions. The building plans, which would be reviewed and approved by the Los Angeles Department of Building and Safety, would include the location and final height of the noise barriers. To achieve a 15 dBA reduction at the ground level of receptor locations R1 and R2, the barrier is anticipated to be approximately 16 feet in height, and to achieve the 7 dBA reduction at the ground level of receptor location R3, the barrier is anticipated to be approximately 10 feet in height.

This comment seems to suggest that increasing the height of the noise barriers at receptors R1 and R2 from 16 feet to 20 feet would further substantially reduce construction noise levels at those locations. However, increasing the noise barrier height to 20 feet would not substantially reduce the construction noise at the upper levels of receptors R1 and R2, and would not reduce those impacts to less than significant and the additional reduction at ground level would be minimal. As explained in Table IV.G-21 in Section IV.G, Noise, of the Draft EIR, the attenuation provided by the proposed noise barriers would not be effective in reducing the on-site construction noise at the upper levels of receptor locations R1 and R2. A 20-foot noise barrier would be no more effective than a 16-foot barrier to break the line-of-sight to the upper levels of the building. In order to provide a substantial noise reduction for the upper levels, the noise barrier would need to be as high as the affected building. For example, in order to substantially reduce the construction noise at the 10th floor of the adjacent Westbury building to the north (represented by receptor location R1), the noise barrier would need to be a minimum of approximately 80 feet high. An 80-foot-high temporary construction sound barrier would not be feasible to construct as it would require a deep foundation with extensive structural engineering components that would require additional space along the alley and even more extensive construction activities to erect, which would result in additional noise and vibration generation and other secondary impacts. It is noted that the comment includes no suggestion that a wall of this height should be considered or is warranted here. Section V, Alternatives, of the Draft EIR also includes a discussion of alternatives considered to reduce the significant construction noise impacts to less-than-significant levels (refer to

pages V-4 to V-6). As discussed in detail therein, alternatives considered and rejected as infeasible included an extended construction duration, a more central location of development, and significantly reduced development. No additional mitigation measures or alternatives are feasible to substantially reduce impacts at receptors R1 and R2 to a less than significant level

Comment No. 2-78

Time constraints and buffer distances can also be used effectively to reduce the noise impact at residential areas. For example, limiting noisy operations such as heavy machinery, etc. cement trucks to the hours of 9 AM to 5 AM that are within, say 100 ft of residence or not otherwise sufficiently shielded by the sound barriers could also be another means to reduce noise impacts.

Response to Comment No. 2-78

The comment suggests that time constraints and buffer distances would further reduce the construction noise impacts. However, the Project already limits when construction would occur. As stated on Page IV.G-16 of the Draft EIR, and discussed in Response to Comment No. 2-45, above, Project construction activities would comply with the City's Noise Ordinance (LAMC Section 41.40), which specifies allowable construction hours and provides for nighttime construction, if permitted by the Executive Director of the Board of Police Commissioners (LAMC Section 41.40.(b)). Specifically, as stated in Section IV.G, Noise, of the Draft EIR (Page IV.G-35), with the exception of the concrete mat foundation pour that could extend over a 16-hour period (if permitted by the Executive Director of the Board of Police Commissioners), Project construction would be consistent with LAMC Section 41.40, which prohibits construction between the hours of 9:00 P.M. and 7:00 A.M., Monday through Friday, 6:00 P.M. and 8:00 A.M. on Saturday, and at any time on Sunday. In other words, construction is permitted Monday through Friday between 7:00 A.M. to 9:00 P.M., and Saturday and National Holidays between 8:00 A.M. to 6:00 P.M.

In addition, as discussed above in Response to Comment No. 2-76, Section V, Alternatives, considered alternatives to reduce the significant construction noise impacts including those with an extended construction duration and a more central location of development that provides for buffers. These alternatives were rejected as infeasible. As discussed in the Draft EIR, an alternative that elongates the construction period and reduces the construction truck trips by 50 percent would not eliminate or substantially reduce the Project's significant noise impacts. In addition, placing additional time constraints on construction would extend the length of construction, which would extend (not reduce) the duration of construction noise impacts. Moreover, additional time constraints would not reduce the noise impacts, as construction noise impacts are

evaluated based on the worst-case hourly period during the peak day for each of the construction phases.

The commenter's suggested 100-foot buffer zone between residential areas and the construction site would also not be feasible. Specifically, as discussed in Section V, Alternatives, of the Draft EIR, due to the limited site area (i.e., 150 foot average distance between the Project Site's north and south property lines) and the site demolition, site preparation and grading must, by necessity, occur up to the property line. Therefore, as already discussed in the Draft EIR, the suggested time constraint and buffer distances would not be feasible.

Comment No. 2-79

The project should provide a noise control and monitoring plan that identifies the final construction sound barrier layout and height, truck access and speed limits for noise control, other measures to reduce noise such as phasing and scheduling, buffer distances, and other measures raised above to reduce noise and vibration during construction. This plan should also include a description of the process by which complaints will be documented and resolved.

Response to Comment No. 2-79

As indicated in Mitigation Measure NOI-MM-1, during the plan check process, documentation would be prepared by a noise consultant to verify compliance with the mitigation measure (i.e., plans showing that the temporary and impermeable sound barriers would achieve the specified noise reduction). To address the comment regarding providing a noise control and monitoring plan, Mitigation Measure NOI-MM-1 will be revised to clarify that the documents submitted to the Department of Building and Safety to verify compliance will include the following information:

- A site plan showing the locations of the construction sound barriers, including their length and height, as required to provide the specified noise reduction.
- A designated noise disturbance coordinator for responding to any complaints as related to construction noise.

This revision is included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 2-80**On-site construction vibration measures should be considered**

Some heavy construction equipment and activities would exceed the vibration annoyance thresholds and the DEIR determine these would be significant. To the extent feasible, the time of day or time duration of these activities should be scheduled to minimize disruption for residents near receptor location R1 and R2. From the analysis provided in Table 2 of the Construction Vibration Impacts analysis in Appendix O (p. 82 of 110), it would appear that a buffer distance could be implemented, limiting or avoiding heavy equipment and/or activities within about 80 feet of the noise sensitive buildings.

Response to Comment No. 2-80

Refer to Response to Comment No. 2-77, above regarding the already limited days and hours that construction activities would occur and why a buffer zone is not feasible given that site preparation and grading activities must, by necessity, occur up to the property line. Therefore, the suggested time constraints and buffer distances would not be feasible.

Comment No. 2-81

The DEIR references the *FTA Transit Noise and Vibration Impact Assessment Manual*. On pages 186–187 of the referenced FTA document examples of on-site vibration reduction measures that could be included that would lessen the duration /and or magnitude of the project. All of these items should be considered, which include planning equipment location and processes and a vibration control and monitoring plan that would include more specific evaluation and planning of construction vibration sources to limit vibration annoyance and a vibration monitoring during the periods of vibration impact.

Response to Comment No. 2-81

The comment suggests considering the vibration mitigation measures provided in the *FTA Transit Noise and Vibration Impact Assessment Manual*. The FTA vibration mitigation measures include:

- *Design considerations and project layout, which includes a) route heavily-loaded trucks away from residential streets, selection streets with the fewest homes if no alternatives are available and b) operate earth-moving equipment on the construction lot as far away from vibration-sensitive sites as possible.*

The Project's anticipated haul routes correspond with the City's approved haul routes, which include Burton Way, Holt Avenue, 3rd Street, La Cienega Boulevard, Cadillac Avenue, and San Vicente Boulevard. The haul routes were selected to limit the impact on residential areas and sensitive uses and to provide the maximum number of right-turn movements to minimize the impact on traffic flow. However, as shown in Table IV.G-18 of the Draft EIR, typical of an urban area, there are existing residential and other sensitive uses along the haul route that could not be avoided along Burton Way, Holt Avenue, 3rd Street, San Vicente Boulevard, Cadillac Avenue, and La Cienega Boulevard. As indicated in the Draft EIR (Pages IV.G-53 and IV.G-54), the estimated vibration levels due to construction trucks at sensitive uses along Burton Way, Holt Avenue, 3rd Street, San Vicente Boulevard, and Cadillac Avenue would be 68 VdB, which would be below the 72-VdB significance threshold for human annoyance. The estimated vibration levels due to construction truck at sensitive uses along La Cienega Boulevard would be at the 72 VdB significance threshold. The majority of the uses along La Cienega Boulevard are commercial. However, there are a few vibration sensitive uses along La Cienega Boulevard, including the SLS hotel, the La Cienega motel, the Annes motel, and the Park Cienega motel. With respect to the on-site construction, earth-moving equipment (e.g., a large bulldozer) would operate as far away from vibration-sensitive sites as possible. However, impacts would continue to be significant. Mitigation measures considered in Section IV.G, Noise, of the Draft EIR to reduce vibration impacts from on-site and off-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench or a thin wall made of sheet piles installed in the ground (essentially a subterranean sound barrier to reduce noise). However, wave barriers must be very deep and long to be effective, are cost prohibitive for temporary applications such as construction, and therefore are considered infeasible.⁴³ In addition, constructing a wave barrier to reduce the Project's construction-related vibration impacts would, in and of itself, generate ground-borne vibration from the excavation equipment. Furthermore, it would not be feasible to install a wave barrier along the public roadways for the offsite construction vibration impacts.

- *Sequence of operations, which includes a) phase demolition, earth-moving, and ground-impacting operations so as not to occur in the same time period and b) avoid nighttime activities.*

The Project would not have overlapping construction activities between the construction phases (i.e., demolition and grading). With respect to the nighttime activities, the proposed nighttime mat foundation (over a two-day period) would not include the use of earth-moving equipment, and thus would not generate excessive ground-borne vibration. In addition, as provided in Response to Comment No. 2-45 above, in accordance with revised

⁴³ Caltrans, *Transportation- and Construction-Induced Vibration Guidance Manual*, June 2004.

Project Design Feature NOI-PDF-6, the Applicant will notify the affected sensitive noise receptors and all parties who will experience noise levels in excess of the allowable limits for the specified land use (within 200 feet of the Project Site) in the event of nighttime construction activities.

- *Alternative construction methods, which includes carefully considering the use of impact pile-driving versus drilled piles or the use of a sonic/vibratory pile driver or push pile driver where those process might create lower vibration levels if geological conditions permit their use.*

As indicated by the Project Design Feature NOI-PDF-4, Project construction would not include the use of driven (impact) pile systems. As indicated in the Draft EIR (Page IV.G-50), installation of piles for shoring and foundation would utilize drilling methods to minimize vibration generation.

Therefore, based on the above, the Project has already considered the FTA's suggested vibration mitigation measures.

Comment No. 2-82

The project should provide a vibration control and monitoring plan that identifies on-site layout, truck access and speed limits for vibration control, buffer distances and other measures to reduce vibration such as phasing and scheduling. This plan should also include a description of the process by which complaints will be documented and resolved.

Response to Comment No. 2-82

The comment suggests preparing a vibration control and monitoring plan to reduce vibration. Per FTA guidelines, a vibration control and monitoring plan would be required for potential building damage, if the anticipated construction vibration exceeds the thresholds of significance.⁴⁴ As provided in the Draft EIR (Table IV.G-22), the Project would not result in a significant construction impact with respect to building damage because the estimated vibration velocity level would be less than the thresholds of significance for engineered concrete, and masonry buildings and reinforced-concrete, steel, or timber buildings. Therefore, mitigation is not required, and the suggested vibration control and monitoring plan is not warranted.

⁴⁴ *Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 187.*

Comment No. 2-83**Off-site construction noise and vibration measures should be considered**

The DEIR determines that noise and vibration from construction trucks on city streets would be significant. Online planning information² for the City of Los Angeles appears to indicate that La Cienega Boulevard would be used to route heavy trucks. The project design feature TR-PDF-1 includes several transportation controls including adhering to the City truck routes.

² Website “Truck Route—Weight Limit,” <https://geohub.lacity.org/datasets/lahub::truck-route-weight-limit>, accessed on 6/22/2021.

Response to Comment No. 2-83

The commenter correctly notes that the Project’s haul routes will be based on the City’s approved haul routes, including the use of La Cienega Boulevard.

Comment No. 2-84

If feasible, plan and orient the project construction to limit heavy trucks in the immediate vicinity to Burton Way and South San Vicente Way, to distance the trucks from neighbors.

Response to Comment No. 2-84

As provided in the Project’s haul route application, heavy trucks would exit and enter the Project Site via Burton Way, which would be furthest from the nearby residential uses. Therefore, the Project already includes the suggested plan and orients truck traffic to distance the trucks from the neighbors.

Comment No. 2-85

If feasible, implement speed limits and truck controls as part of the transportation plan (TR-PFD-1 [sic]) for heavy trucks near the project site. It is possible that the project will require holding areas for heavy trucks and control the manner that trucks approach and leave the site, and thus it is feasible to control truck speed limit in the immediate environment (e.g., within 2 blocks). TNM outputs provided in Appendix O indicate that a truck speed of 35 mph was assumed. Limiting the speed to 25 mph could reduce the construction truck noise on the order of 1 to 3 dBA, and limiting trucks to 15 mph or less while approaching and departing the site and while on site would reduce truck noise as much as 3 dBA.

Vibration from haul trucks would also be reduced similarly at slower speeds, and limiting speeds haul truck routing and truck access aisles to Burton Way and South San Vicente Way would also reduce vibration by as much as 3 VdB. Minimizing unnecessary potholes and bumps along the truck route would also keep construction truck vibration to a minimum.

Response to Comment No. 2-85

The major noise sources associated with off-site construction noise would be from the concrete/haul trucks along the construction haul routes between the Project Site and I-10 via Burton Way, Holt Avenue, 3rd Street, La Cienega Boulevard, Cadillac Avenue, and San Vicente Boulevard. There is no designated holding area for Project construction trucks. As indicated in the Draft EIR (Page IV.G-35), the Project's off-site construction noise impact along the anticipated truck routes, including Burton Way, Holt Avenue, 3rd Street, La Cienega Boulevard, Cadillac Avenue, and San Vicente Boulevard would be below the significance threshold of 5-dBA increase over ambient noise levels, except during the mat foundation phase, which would have nighttime activities that are proposed to occur over less than two days. As such, additional measures to reduce off-site construction noise impacts to less-than significant levels during construction (with the exception of the mat foundation phase) are not needed.

A significant noise impact from off-site construction would only occur during the mat foundation phase, along Holt Avenue (by 7.9 dBA), 3rd Street (by 5.5 dBA), La Cienega Boulevard (by 6.5 dBA), and Cadillac Avenue (by 8.3 dBA). The mat foundation phase would include 348 concrete trucks (696 truck trips) per day for less than two days. The commenter suggests reducing the speed of construction trucks to reduce noise impacts to a less-than-significant level. Specifically, the comment suggests that reducing the truck speed to 25 mph would reduce the noise levels by 1 to 3 dBA and limiting to 15 mph would reduce noise levels by as much as 3 dBA. This is incorrect. Truck noise levels would be higher at slower speeds. Based on the FHWA TNM traffic noise model, reducing the truck speed from 35 mph to 25 mph would increase the noise level by 0.1 dBA and reducing the truck speed from 35 mph to 15 mph would increase the noise level by 2.2 dBA.

The comment also suggests that reducing the truck speed would reduce ground-borne vibration in the immediate environment (e.g., within 2 blocks). However, as indicated in the Draft EIR (Pages IV.G-53 and IV.G-54), the estimated vibration levels due to construction trucks along Burton Way, Holt Avenue, 3rd Street, and San Vicente Boulevard (within 2 blocks of the Project Site) would be 68 VdB, which would be below the 72-VdB significance threshold for human annoyance. Therefore, no mitigation measures are required along Burton Way, Holt Avenue, 3rd Street, and South San Vicente Boulevard.

Finally, with respect to minimizing potholes and bumps along the truck route, maintenance of the streets along the haul route is the responsibility of the City.

Comment No. 2-86

The project should provide a vibration control and monitoring plan that identifies off-site measures such as truck access routes and speed limits for vibration control and other measures to reduce vibration such as phasing and scheduling. This plan should also include a description of the process by which complaints will be documented and resolved.

Response to Comment No. 2-86

Refer to Response to Comment No. 2-81, above.

Comment No. 2-87

Additional mitigation for the loading dock should be considered

The DEIR determines the noise from concurrent use of both docks would be significant. If it is possible to schedule certain regular and noisy loading dock activities, it may be possible to limit the times when the loading dock generates these significant noise levels.

Response to Comment No. 2-87

Loading area operations would be limited to the daytime hours, as specified by the LAMC Section 114.03, which prohibits loading/unloading between the hours of 10:00 P.M. and 7:00 A.M. within 200 feet of any residential building. Daytime hours (i.e., outside of the nighttime sleeping hours) are the least impactful with respect to noise. As indicated in the Draft EIR (page IV.G-41), the noise analysis conservatively assumed concurrent use of the two loading docks to model a worst-case scenario. The noise analysis also conservatively did not account for the existing use of this area of the Project Site for loading/unloading activities in connection with the operation of the church. The noise from the operation of only one loading area would still result in a significant impact at receptor location R1. As such, limiting the use of the loading areas to only one loading dock at a time would not reduce the significant noise impact at receptor location R1 to less than significant. As indicated in the Draft EIR, neither loading area would be used on a regular basis, and the simultaneous use of both loading areas would rarely occur. Minor edits to the text of the noise analysis are included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR to further clarify the Project's impact.

Comment No. 2-88

The project includes project design feature NOI-PDF-3 which provides a 6 ft high wall along the west and north dock perimeters to block line of site to the nearby neighbors near receptor location R1, but it would not mitigate the loading dock noise below the threshold of significance. Extending the barrier above 6 ft height using a segment that tilts toward the project and allows for ventilation and other code requirements would increase the acoustical noise reduction benefit of the dock-perimeter wall. Depending on the geometry this could provide another 3 decibels reduction.

Response to Comment No. 2-88

As presented in the Draft EIR (Page IV.G-41), the 6-foot-high wall specified by Project Design Feature NOI-PDF-3 would reduce the loading operation noise to a less-than-significant level at the ground level of receptor location R1. However, it would not reduce the loading area noise level at the upper levels of the building, as the noise barrier wall would not break the line-of-site to the upper floors. As indicated in the Draft EIR (page IV.G-47), in order to reduce the noise levels at the upper levels, the noise barrier wall would need to be in excess of 10 stories, which would not be feasible for several reasons, including lack of compliance with the City's zoning ordinance. LAMC Section 12.22.C.20.(f) allows a noise barrier up to 8 feet in height. However, the additional noise reduction associated with an 8-foot wall would only be 0.5 dBA, a negligible decrease that would still result in a significant impact at the upper levels. Therefore, the suggested increase in the noise barrier wall would not result in a substantial noise reduction and the impact would remain significant. No additional mitigation measures are feasible to reduce impacts to less than significant level.

Comment No. 2-89

The DEIR does not indicate whether the loading dock calculations include reflections off the hard surfaces of the project; these reflections could increase the loading dock noise by 1 to 3 dBA, reducing the effectiveness of the proposed walls. Design features which could be incorporated as mitigation to counter these reflections include any of the following:

- a) Tilt the exterior building surfaces at an angle to direct reflected sound away from noise sensitive neighbors. A tilt that slopes at approximately 1:11 could be sufficient.
- b) Add large sounding diffusing elements to the exterior wall surface (e.g., on the order of 4 ft in dimension).
- c) Use exterior grade acoustically absorptive spray-on material such as Pyrok Acoustement 40, Star Silent panels or equivalent to provide a minimum NRC 0.75. An ideal sound absorber provides a noise reduction coefficient of 1.0.

Response to Comment No. 2-89

The noise analysis for the loading area was performed using the SoundPLAN (version 8.1), which accounts for building reflection, including hard surfaces. The noise analysis assumed a reflection loss of 1 dB for the building façade (approximately NRC 0.2), as provided by the SoundPLAN (for normal noise assessments). Providing absorptive spray-on material with NRC 0.75, as suggested by the comment, would only reduce the noise impacts by 1.3 dBA, which would still exceed the significant criteria by 1.7 dBA. Nevertheless, the Project would implement the acoustics absorptive spray at the loading dock walls, as suggested by the commenter.

The suggestion of tilting the exterior building surfaces at an angle would not be effective, as the adjacent building is approximately 110 feet wide and 11 stories high. The suggested slopes of 1:11 (approximately 5 degrees) would still have the potential to reflect the sound to the adjacent residential tower. In addition, the suggestion of providing large sound-diffusing elements on the exterior wall surfaces (on the order of 4 feet in dimension) would not be effective, as the diffusing elements would be reflective and have the potential to reflect the sound to the adjacent residential tower. In addition, there would not be space at the loading dock for a 4-foot element attached to the exterior wall, due to the site constraints. Therefore, these suggested noise mitigation measures would not reduce the operational noise impact to a less-than-significant level and are not warranted.

Comment No. 2-90**Conclusions**

The Draft EIR identifies several significant and unavoidable impacts from construction activities and activities at the project loading dock. While temporary construction sound barriers are proposed as part of NOI-MM-1, and project design features are included to reduce noise from the loading dock (NOI-PDF-1) and control construction traffic (TR-PDF-1), no other mitigation measures are offered to mediate the effects of ** [sic] months long construction project.

The information available at this time is understandably limited, but more information will be developed prior to construction, and several additional measures would be essential to reduce noise and vibration and provide information to the residential community such as:

- Construction sound and vibration control and monitoring plan. Identify final construction sound barrier heights, phasing and site planning, truck access, truck routes, speed limits and other measures raised above to reduce noise and vibration during construction. This plan should also include a description of the process by which complaints will be documented and resolved.

- Noise response hotline with contact person and access information posted prominently for the community to see.
- Building layout and design to minimize reflections from the loading dock activities such as those discussed above.
- Enhanced loading dock wall design as discussed above.

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

Response to Comment No. 2-90

This comment, which concludes the letter and summarizes its content, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 2-76 through 2-88, above.

Comment Letter No. 3

Diana Plotkin
President
Beverly Wilshire Homes Association
8443 W. Fourth St.
Los Angeles, CA 90048-4101

Comment No. 3-1

On behalf of the Beverly Wilshire Homes Association we are challenging all the findings of this EIR.

These findings were done during a pandemic year when everyone was confined to their homes. No one was driving to work or even working. The City was virtually shut down and still is.

We do not believe that the true impact of this development can be assessed, we therefore are challenging all the finds.

Response to Comment No. 3-1

This comment mischaracterizes the baseline data used in the Draft EIR. Measurements for the existing noise environment were taken in September 2019 and existing traffic volumes were taken in May 2018, both prior to the COVID-19 pandemic. Therefore, the baseline data used in the Draft EIR provide a snapshot of the neighborhood when it was “fully open,” and Project impacts are accurately represented.

Comment No. 3-2

Please make this a part of the official record.

Response to Comment No. 3-2

This comment requests that this letter be part of the official record. All letters received prior to the end of the Draft EIR comment period, including this one, are included as Appendix FEIR-1 to this Final EIR.

Comment Letter No. 4

Concerned Citizens of Beverly Hills/Beverly Grove
c/o Steve Mayer
mayer@iname.com

Comment No. 4-1

On behalf of Concerned Citizens of Beverly Hills/Beverly Grove, please permit this communication to provide comments / questions regarding the Draft EIR regarding:

Environmental Case No. ENV-2019-1857-EIR

Project Name: Our Lady of Mt. Lebanon Project

In addition, original comments/questions from September 9, 2019 append this communication.

Response to Comment No. 4-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 4-2 through 4-24, below.

Comment No. 4-2

As to the Draft EIR:

II. PROJECT DESCRIPTION

Page II-6 *“Consistent with Mayor Eric Garcetti’s goal in Executive directive 13 of providing 100,000 affordable units by 2021...”*

(A) How is this statement relevant today? That goal was achieved in 2019.

Response to Comment No. 4-2

This comment restates the first clause in Project Objective #4. The actual Project Objective is to provide a substantial number of new housing units to help meet the demand for both market-rate and affordable housing in the project vicinity and the City. This is a reasonable and appropriate project objective, and the comment does not suggest otherwise.

In any event, the statement that the goal of providing 100,000 affordable units was achieved in 2019 is incorrect. As set forth in Appendix A to a May 21, 2021, report from the Director of Planning and the General Manager of the Housing + Community Investment Department to the City Council, a total of 15,886 affordable units were produced in the City from 2009 through 2020. Of those affordable units, approximately 8,300 of them were produced after Executive Order 13 was issued on October 23, 2015, as shown in Figure 1 of the report. Report details can be found via this link: [https://planning.lacity.org/odocument/0062db2b-073b-4e96-8217-8b103ccde78b/Fair Share Report.pdf](https://planning.lacity.org/odocument/0062db2b-073b-4e96-8217-8b103ccde78b/Fair_Share_Report.pdf).

Comment No. 4-3

Page II-6: *“Develop a residential building that will generate sufficient revenue for Our Lady of Mt. Lebanon to ensure its long-term survival....”*

(A) Who are the owners, co-venture partners, and/or investors

Response to Comment No. 4-3

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. While not a CEQA issue, the applicant is Our Lady of Mt. Lebanon–St. Peter Maronite Catholic Cathedral–Los Angeles Real Estate Trust.

Comment No. 4-4

Page II-2 *“...(Metro) provides rapid bus service on Line 705...”*

(A) That service was discontinued in December, 2019

Response to Comment No. 4-4

The commenter is correct that Metro Rapid Line 705 has been discontinued, though the date of its discontinuation cannot be confirmed. This correction will be reflected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 4-5

Page II-4 *“...the Project Site is located within a transit priority area (TPA) as defined by City Zoning Information....”*

(A) Since Line 705 was discontinued in December 2019, does it still qualify under a TPA?

Response to Comment No. 4-5

Yes, the Project still qualifies as a transit priority area, as defined in Public Resources Code (PRC) Section 21099(a)(7), because it is located within one-half mile of an existing “major transit stop.” Specifically, the Project Site is located at the intersection of La Cienega Boulevard and 3rd Street, which qualifies as a major transit stop (as that term is defined in PRC Section 21064.3) because two or more bus routes intersect there that have service intervals of 15 minutes or less during specified morning and afternoon peak commute periods. The two bus routes that meet this requirement are Metro 16 and 105.

Comment No. 4-6

Page II-8: *“Specifically... the Project includes the development of 153 residential units (including 17 units for Very Low Income households)....”*

(A) Why is the dispensation only 15% for density bonus? Do not most religious institutions try to help as many indigent parishioners? Why is the low income element not 25%?

Response to Comment No. 4-6

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. While not a CEQA issue, it is noted that the Project includes 17 Very Low Income affordable units, which is the number of Very Low Income units required under the City’s Density Bonus Ordinance (LAMC Section 12.22 A.25) to qualify for the residential density bonus and on-menu and off-menu incentives requested for the Project.

Comment No. 4-7

(B) Why is not a percentage set-aside for workforce housing?

Response to Comment No. 4-7

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. While not a CEQA issue, it is noted that the Project cannot qualify for the density bonus and on-menu and off-menu incentives requested for the Project by providing workforce housing units as part of the Project.

Comment No. 4-8

I What discounts will be available for employees of Cedars Sinai?

Response to Comment No. 4-8

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. While not a CEQA issue, it is noted that no information regarding the rental rates for units in the proposed residential building is available at this time.

Comment No. 4-9

(D) Would the Church consider acquiring a parcel at Third & Oakhurst to create a park, as a Community Benefit, in return for allocating units for Cedars Sinai residents and interns? The current owner, a Cedars Sinai physician, wishes to develop that parcel into a boarding house for residents and interns in a single-family home.

Response to Comment No. 4-9

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-10

Page II-11: *“In addition, it is expected that six to eight community events unrelated to church activities will be held in the multi-purpose room each year....”*

(A) As a Community benefit, will the Church permit the use of such facilities 10 times per year, at no charge in perpetuity (and at no charge for parking) for local community groups for the “Meeting Rooms,” “Social Hall,” and “Multi-Purpose Room”?

Response to Comment No. 4-10

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-11

Page II-11: *“As illustrated in Figure [sic] II-3, the Project [sic] also includes a new bell tower at the northeast corner of the Project Site. The bell tower [sic] is an architectural element of the Project and would not be operational....”*

(A) Does the bell tower include a religious significance for the current Church? If so, what happens when the Church is sold?

Response to Comment No. 4-11

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-12

Page II-24: *“Summary of Proposed Open Space”*

(A) Should not the Ground Floor Private Patios and Private Balconies be larger?

Response to Comment No. 4-12

No such requirement exists. With respect to the private balconies above the ground floor in the proposed residential building, LAMC Section 12.21 G.2(b)(2)(i), which applies to project sites in the R4 zone, provides that private open space (including private balconies) in a residential unit above the first habitable level must contain a minimum of 50 square feet. As applied to the proposed residential building, all of the private balconies in units above the first level comply with this requirement.

With respect to the private patios for units on the first floor of the proposed residential building, Ordinance No. 167,711, Q Condition 6.A, which applies to the Project Site, requires that private patios on the ground level or the first habitable room level must have a total area of not less than 150 square feet. As applied to the proposed residential building, all the private patios in units on the first level comply with this requirement.

Comment No. 4-13

(B) As a Community benefit, how many days will the “Recreation Room” be available, at no charge in perpetuity (and at no charge for parking) for local community groups?

Response to Comment No. 4-13

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-14

Page II-25: *“In addition 30 percent of the provided spaces would be capable of support future electric vehicle supply equipment (EVSE), and 10 p[ercent] [sic] of the provided parking spaces would have electric vehicle (EV)-installed charging stations....”*

(A) Why are not all parking spaces EVSE supported?

Response to Comment No. 4-14

In accordance with LAMC Section 99.05.106, 10 percent of new parking spaces would include electric vehicle (EV) charging equipment and 30 percent of all new parking spaces would be required to be EV ready to support future EV charging equipment.

Comment No. 4-15

Page II-25: *“...the Project would also include 111 residential bicycle parking spaces and 13 church bicycle parking spaces....”*

(A) What percentage of the4 [sic] bicycle spaces would be EVSE and EV-installed?

Response to Comment No. 4-15

Bicycle parking is not required to be equipped with EV charging equipment or EV ready.

Comment No. 4-16

Page II-25 *“Sustainability Features”*

(A) Why is this property not Gold LEED (independent of trading credits)?

Response to Comment No. 4-16

LEED® Certification is voluntary. However, as noted in Section II, Project Description, of the Draft EIR, the Project would incorporate environmentally sustainable building features and construction protocols required by the Los Angeles Green Building Code and Title 24, Part 11 of the California Code of Regulations (CALGreen). The implementation of these standards would reduce and conserve energy and water usage and waste and, thereby, reduce associated greenhouse gas emissions and help minimize the impact on natural resources and infrastructure. The sustainability features to be incorporated into the Project include, but may not be limited to, the following: photovoltaic cells; recycled rainwater irrigation storage; greywater ready piping systems; sun shading

devices; electric vehicle charging stations; material recycling stations; highly efficient HVAC systems; energy-efficient wall insulation and glazing units; WaterSense-labeled plumbing fixtures and weather-based controller and drip irrigation systems to promote a reduction of indoor and outdoor water use; Energy Star–labeled appliances; and water-efficient landscape design.

The Project would also include sustainability measures that exceed code requirements, including those described in Project Design Features GHG-PDF-1, GHG-PDF-2, and WAT-PDF-1. In addition, Project Design Feature WAT-PDF-1 was inadvertently omitted from Section I, Executive Summary. This has been addressed in Section III, Revisions, Clarifications, and Corrections, of this Final EIR.

Comment No. 4-17

Page II-26 *“It is anticipated that project construction weould [sic] comment [sic] in 2021 and be completed 2024?”*

(A) Did not anyone both [sic] proof-reading this document? Construction commences in 2021?

Response to Comment No. 4-17

At the time the City published the Notice of Preparation (NOP) for the Project in August 2019, it was anticipated, as stated in the Draft EIR, that construction of the Project would commence sometime in 2021 and be completed sometime in 2024. As discussed in the Draft EIR, the overall construction period is expected to be 36 months. It is now anticipated that construction of the Project would commence sometime in 2022 and be completed sometime in 2025.

The commencement and completion of construction does not affect the adequacy of the environmental analyses in the Draft EIR. Pursuant to CEQA Guidelines Section 15125(a), the physical environmental conditions at the time the NOP is published “will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” Similarly, Section 15126.2(a) of the CEQA Guidelines provides that, in assessing a project’s impacts on the environment, the lead agency should “normally limit its examination to the existing physical conditions in the affected area” at the same stage of the CEQA process.

The anticipated construction schedule for the Project, is effectively part of the Project’s environmental baseline. Just as the lead agency is not required to re-analyze a project’s environmental impacts based on a change in the environmental setting that

occurs after the NOP is published, it is not required to reevaluate a project's environmental impacts if the commencement of project construction is delayed.

The timing of the Project's construction has little or no bearing on the analysis of most of the environmental topics in the Draft EIR. This is because those potential impacts: (1) relate to the operation, rather than the construction of the Project; (2) are not analyzed based on when project construction begins or ends (e.g., the Project's cultural resources, VMT, and tribal cultural resource impacts); and/or (3) would be reduced if project construction occurs later than assumed in preparing the Draft EIR. With respect to clause (3), a project's construction air quality and GHG impacts normally decrease if the commencement of construction is pushed back because each year newer equipment enters the fleet mix with more stringent emission standards. The exception to this is off-site noise associated with Project traffic. A delay in the Project construction would result in a slight increase in the traffic volume at the Project build out year, due to the ambient growth. However, the anticipated increase in the future baseline traffic volume would be less than one percent, which would not result in measurable increase (i.e., less than 0.1 dBA). In addition, the off-site mobile noise impact due to the Project is 0.1 dBA or lower and the cumulative off-site mobile noise impact due to future ambient growth, Project, and related projects is 0.5 dBA or lower. Therefore, the delayed in Project construction would not result significant impact.

Comment No. 4-18

APPENDIX T—TRANSPORATION [sic] ADDENDUM

Page 8 *“Guests arriving and departing by Uber/Lyft would utilized [sic] the Proeject’s [sic] proposed passenger loading area on San Vicente Boulevard....”*

(A) On page II-24 of the “Project Description,” it states, *“In addition, there would be passenger drop-off areas on Burton Way.”* Which is correct?

Response to Comment No. 4-18

The statement on page II-24 of the Draft EIR is correct. The proposed passenger drop-off and pickup areas are located on Burton Way. The reference to “San Vicente Boulevard” on page 6 (not page 8, as the comment states) of the Transportation Addendum was an inadvertent error.

Comment No. 4-19

Page 36 Table 1 Project Trip Generation—*“The Project site is located within ¼ mile of a Metro Rapid bus stop. The trip reduction for transit trips has been applied to all components of the project based on the “LADOT Transportation Impact Study Guidelines”,*

December 2016 for developments within a ¼ mile walking distance of a transit station or a RapidBus stop....”

(A) The Project is no longer within ¼ walking distance of a RapidBus Stop (“Metro Rapid Stop”). It was eliminated in December, 2019.

Response to Comment No. 4-19

Refer to Response to Comment No. 4-4, above.

Comment No. 4-20

OTHER QUESTIONS

- Where is the Shade and Shadow Study?

Response to Comment No. 4-20

As discussed in greater detail in Response to Comment No. 7-23, because the Project a mixed-use residential project on an infill site within a transit priority area, the Project’s aesthetic impacts shall not be considered a significant impact on the environment pursuant to PRC Section 21099(d)(1) and therefore were not required to be evaluated in the Draft EIR. Refer to Response to Comment No. 7-23 below for a more detailed discussion.

Comment No. 4-21

- Where is the Economic Impact Study as it applies to the Westbury Terrace HOA and individual unit owners?

Response to Comment No. 4-21

Economic impacts are not required to be analyzed under CEQA unless such economic impacts could foreseeably result, based on substantial evidence, in a potentially significant physical impact on the environment. The commenter has provided no evidence to indicate that the Project would have an economic impact that would in turn lead to a potentially significant physical impact on the environment.

Comment No. 4-22

- What is the average size of each unit type and what will be the composition of unit types?

Response to Comment No. 4-22

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration. Nevertheless, as noted on page IV.F-19 of Section IV.F, Land Use, of the Draft EIR, the Project includes a mix of 13 studio units, 80 one-bedroom units, and 60 two-bedroom units. As shown on Sheets A2.75 and A2.76 of the entitlement plan set, the studio units would have 435 square feet of space, the one-bedroom units would range in size from 500 to 870 square feet, and the two-bedroom units would range in size from 1,115 to 1,290 square feet.

Comment No. 4-23

- What is the projected average rental price for each unit type (expressed in today's rental rates)?

Response to Comment No. 4-23

While this comment does not raise any CEQA issue, rental rates would be based on market conditions at Project buildout. The 17 Very Low Income units would be restricted to households with income that does not exceed 50% of the area median income.

Comment No. 4-24

- How will the Church reconcile tenants who hold contrary views to the parishioners' beliefs?

Response to Comment No. 4-24

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 5

Steve Kramer
Greater Miracle Mile Chamber of Commerce
5858 Wilshire Blvd., Ste. 205
Los Angeles, CA 90036-4523

Comment No. 5-1

Thank you for the opportunity to comment on the Our Lady of Mt. Lebanon's proposal to modernize its church facilities and add new residential housing to its property.

The Greater Miracle Mile Chamber of Commerce is supportive of this investment in the Beverly Grove area. We are pleased to know that the church will preserve and rehabilitate its Cathedral, which has been part of the community for decades, and improve church facilities to address the future needs of its parishioners.

In addition to preserving the cultural history of this property, the plan will create new housing opportunities. As reported daily, Los Angeles is facing a severe housing shortage, so it is encouraging to see that a project such as this one not only adds housing but does it without displacing any existing tenants. It will create 153 rental units, including affordable apartments, that are accessible to a wide range of people. It is within walking distance of many essential services, public transit and major employment centers including Cedars-Sinai Medical Center. Higher costs of living pose problems for businesses and attracting and retaining workers. The addition of well-designed and properly sited housing will relieve pressure on escalating rental prices in the area and create new housing options in a desirable neighborhood.

Building market-rate and affordable apartments will have a positive economic impact, as future residents spend more time on Third Street and La Cienega and in the surrounding business community. Our city needs to commit to approving well-designed housing projects or the chronic housing shortage problem will continue to grow and affect economic productivity.

Response to Comment No. 5-1

This comment, expressing support for the Project, specifically its investment in the community, commitment to cultural preservation, and provision of housing, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 6

Adrian Scott Fine
Senior Director of Advocacy
Los Angeles Conservancy
523 W. Sixth St., Ste. 826
Los Angeles, CA 90014-1248

Comment No. 6-1

On Behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (EIR) for the Our Lady of Mt. Lebanon Project. As [sic] proposed project will require owners to deconstruct, temporary [sic] store, reassemble, and rehabilitate St. Peter Cathedral, which is currently eligible for local designation as a Historic-Cultural Monument (HCM) and therefore qualifies as a historic resource under CEQA. In addition to the work focused on St. Peter Cathedral, the project is proposing to construct a new residential tower, five-stories of subterranean parking, and new church space on the campus. We appreciate the applicant's dedication to the rehabilitation of St. Peter Cathedral, though the Conservancy remains concerned about the fate of this historic resource. It also is not entirely clear why deconstruction is necessary in order to achieve the project objectives.

Response to Comment No. 6-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 6-2 through 6-11, below.

Comment No. 6-2**I. Our Lady of Mt. Lebanon—St. Peter Cathedral.**

Located at 333 S. San Vicente Boulevard at Burton Way, Our Lady of Mt. Lebanon—St. Peter Cathedral occupies an irregular-shaped parcel and is sited diagonally with its orientation toward the corner. The church structure was completed in 1937 for the newly established parish of St. Peter's Catholic Church. The rectory, located to the rear of the church on San Vicente Boulevard, was built in 1939.

Local architect Ross Montgomery designed St. Peter's and is noted for the quality of his ecclesiastical designs in southern California and the Los Angeles region. These include St. Andrew Catholic Church in Pasadena, St. Cecilia Catholic Church in South Los Angeles, and Calvary Cemetery Mausoleum in East Los Angeles. His design for St. Peter's features a simplified Italian Renaissance Revival façade characterized by its symmetry and use of

classically derived design elements. The interior is characterized by the central nave and side aisles, which are separated by arcaded walls and feature decorative ceilings.

In 1966, the church was transferred from the Roman Catholic Archdiocese of Los Angeles to the Maronite Catholic congregation of Our Lady of Mt. Lebanon, which was established in 1923. In addition to its architectural significance, the church derives cultural significance from its more than half century role as a center for worship in the Maronite Catholic community. Originally a parish church, its status was elevated in 1994 to a co cathedral and seat of the Eparchy of Our Lady of Lebanon of Los Angeles, which spans the central and western regions of the United States.

Although St. Peter Cathedral was not identified in SurveyLA, the Conservancy believes it qualifies as a historic resource for purposes of project review under CEQA for its architectural significance as an example of ecclesiastical design by noted architect Ross Montgomery and for its layer of cultural significance through its nationally prominent role in the Maronite Catholic Church.

Response to Comment No. 6-2

This comment summarizes the history of the cathedral and expresses the commenter's belief that it qualifies as an historical resource under CEQA. The Draft EIR and the Historical Report prepared by ARG, a certified historic resource consultant with significant experience in the deconstruction, reassembly, and rehabilitation of historical resources, which report is included as Appendix C to the Draft EIR, concluded that the cathedral building has undergone a series of alterations that have, over time, diminished its integrity in such a way that has made it ineligible for listing in the National Register and California Register. The Draft EIR and Historical Report did, however, determine that the cathedral appears to be individually eligible for local listing as a Los Angeles HCM due to the distinctive characteristics of the Spanish Colonial Revival style and Italian Renaissance Revival elements it embodies and its association with Ross Montgomery, a noted Los Angeles architect, who made an impact on the overall architectural environment of Los Angeles through his ecclesiastical designs.

Comment No. 6-3

II. Proposed project will significantly alter the St. Peter Cathedral

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."¹ To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation

measures can substantially lessen such effects.”² The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.³ Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.”⁴ Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.⁵

¹ Public Resource Code, Sec. 21001 (b), (c).

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

³ Guideline § 15126.6(a).

⁴ *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

⁵ Public Resources Code § 21081.5.

Response to Comment No. 6-3

This comment summarizing CEQA requirements related to historical resources and alternatives analyses is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 6-4

As currently proposed, the project would redevelop the existing campus with a 19-story multi-family residential tower and a three-story building with ancillary church uses, including offices, meeting rooms, a common open space and 7,600 square feet of private open space, and five-level subterranean parking structure.

To accommodate the construction of the subterranean parking structure, the project proposes to deconstruct, temporarily store select portions of the building offsite, and reconstruct the St. Peter Cathedral two feet forward from its present location.

Response to Comment No. 6-4

This comment correctly summarizing the Project Description is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 6-5

According to the Draft EIR, deconstruction of the church building is necessary to accommodate the construction of the subterranean parking structure. However, the treatment for the proposed rehabilitation will result in significant loss of historic fabric, such that the reassembled and rehabilitated structure would consist largely of new construction that incorporates a selection of retained original elements.

Response to Comment No. 6-5

As discussed in the Historical Report included in Appendix C to the Draft EIR, the reassembled and rehabilitated cathedral building would retain all of the building's extant interior and exterior character-defining features. Refer to pages 39-42 of the Historical Report.

In addition, the Historical Report includes Appendix A, Cathedral Deconstruction, Reassembly, and Rehabilitation Plan (Rehabilitation Plan), which concludes that the cathedral building can be deconstructed and reassembled without a significant loss of historic fabric. The Rehabilitation Plan provides detailed methodologies for documentation, deconstruction, safe storage, and reassembly of each historic feature and material of the cathedral building, including original roofing and framing, cast stone trim, exterior doors and windows, and interior features such as exposed roof trusses and pre-cast concrete columns. All features would be carefully dismantled, stored, and reconstructed with care to re-use as much original fabric as possible in the building's reassembly. Although it is not possible to retain original exterior stucco as part of the building's reconstruction (which is not a character-defining feature of the building, as discussed in more detail in Response to Comment No. 6-6 below), large samples of original stucco will be collected during deconstruction and retained so that the replacement stucco, a common material, would match the original stucco in texture, composition, and color. Therefore, although the actual stucco cannot be salvaged, the appearance of the hand-troweled stucco cladding would be preserved as part of the Project.

It is further noted that the comment does not contest any of the specific analysis in the Historical Report, including the Rehabilitation Plan, or the expertise of ARG to perform such analysis.

Comment No. 6-6

As proposed, nearly the entirety of the building's envelope would be new construction, including the foundation and all exterior walls with the exception of the primary façade. Additionally, significant alterations will be made to the building including expanded entry, side aisles, and alter. [sic] Thus, nearly all dimensions will be altered with the exception of the nave.

Response to Comment No. 6-6

It is not feasible to retain the building's foundation and exterior walls in place during excavation and construction of the Project. The feasibility of shoring the building, either in part or in its entirety, and protecting it on site during construction was studied and determined to be infeasible due to safety considerations. Even retaining the front of the

building on-site during construction would present a significant safety risk given its size, weight, and material composition, both to construction workers and to the building itself due to vibrations caused by excavation activities and the depth of excavation needed for a five-level subterranean parking structure. Therefore, the only feasible approach to retaining the building would be to deconstruct, store, and reassemble it on the Project Site once excavation activities are complete. This results in the need for a new foundation and new exterior walls, as the stucco walls could not be retained due to the necessary methods of reassembly.

Furthermore, as discussed in the Historical Report, the foundation and existing stucco material are not character-defining features of the cathedral building. The foundation is a concrete slab foundation, which is not visible from the exterior. The interior floor has always been covered with another material, and it is currently covered with non-original carpet in the main sanctuary. The stucco walls have been patched, repaired, and painted numerous times over the course of multiple remodels and after a major fire damaged the building in 1996. The stucco itself is a common material and is covered with multiple layers of paint. Although the appearance of the stucco is character-defining, including its texture and all visual qualities, the material itself can be replaced without change to the appearance of the cathedral. As discussed in the Cathedral Plan, large pieces of stucco would be retained during deconstruction so that they could be used to inform the texture and color of new stucco to be installed at the building's envelope during reassembly, ensuring the new stucco would match the original stucco in all visual qualities.

The interior dimensions of the cathedral are insufficient based on a number of code and programmatic related requirements described in the Cathedral Plan. The increase of the width of the side aisles to improve programmatic performance would only increase the width of the cathedral by 18 inches on each side. When the building is reconstructed, this would not be a detectable change to the naked eye. The center portion of the building, which projects forward and comprises its primary façade, would not change in width.

Comment No. 6-7

Over the course of its nearly 100-year history, St. Peter Cathedral has experienced alterations during remodels in the 1970s and fire damage in the 1990s. While we appreciate the applicant's painstaking approach to catalogue, dismantle and reconstruct the cathedral according to the Secretary of the Interior's Standards, much of the building's historic fabric has already been lost and will be further impaired as a direct result of this proposed project.

Response to Comment No. 6-7

This comment acknowledges that the cathedral building has already lost a significant amount of original historic fabric as the result of previous alterations made to the building. Similarly, ARG determined in the Historical Report that the cathedral building's integrity of materials has already been diminished due to the loss of original materials such as original windows, clay tile roofing, and interior flooring and lighting, and the introduction of new materials, such as steel windows with stained glass (the original windows contained clear glazing), interior marble cladding, chandeliers, and painted murals. The Historical Report further noted that the cathedral building's integrity of design has also been diminished due to additions such as two rounded bays on either side of the main entrance at the primary façade, a rear addition, the replacement of primary windows, and interior remodeling.

Although additional original materials would be lost as part of the building's deconstruction and reassembly, as noted in the comment, all of the building's character defining features would be retained as previously discussed. Furthermore, the comment does not take into consideration the fact that some exterior alterations that have been made to the building over time that have diminished its integrity of design, including the addition of two rounded bays on either side of the main entrance at the primary façade, would be reversed as part of the building's reassembly and rehabilitation. The primary façade would be restored to its original appearance, restoring the original rectilinear walls and fenestration, and the building would be repainted in accordance with its original color palette. In addition, the existing social hall (which is not a historical resource) adjacent to the cathedral building would be removed as part of the Project and replaced with an outdoor, landscaped courtyard, which would restore the original view of the cathedral building from the west and enhance the integrity of the cathedral building's setting. Therefore, although some original materials would be lost, other character-defining features, as well as an important aspect of the cathedral building's setting, would be restored and the historic appearance of the cathedral building would, in some ways, be enhanced as a result of the Project.

Comment No. 6-8

Despite the project's Cultural Resources Analysis determination that no adverse impacts to historic resources will occur, the Conservancy would like to better understand how the cathedral will retain sufficient integrity to convey its significance and its eligibility as a potential City of Los Angeles Historic-Cultural Monument (HCM). With much of its historic fabric already compromised, the reconstruction of three facades, a new foundation, and expanded interior spaces further compromise its integrity.

Response to Comment No. 6-8

The Historical Report provides a detailed analysis and discussion of the cathedral building's continued eligibility as an HCM after completion of the Project. Specifically, on pages 38–42 of the Historical Report, the Project's treatment of each and every character-defining feature is described in detail, and the conclusion is reached that all character-defining features would be retained. On pages 42–47 of the Historical Report, there is a side-by-side comparison of each of the seven aspects of integrity before (based on existing conditions) and after the Project's completion. In summary, the Historical Report concludes that cathedral building's integrity of design, setting, materials, workmanship, and feeling have previously been diminished due to changes made to the building and site over time, but that, based on the side-by-side comparison of integrity before and after Project completion, the cathedral building's integrity would not be further diminished. While these five aspects of integrity would continue to be compromised, they would not be more so than they already are, and the building would continue to be eligible as a Los Angeles HCM to the extent that it already is based on its existing conditions and integrity.

In addition, the statement in the comment that the cultural resources analysis in the Draft EIR determined "that no adverse impacts to historic resources will occur" is incorrect. As stated on page IV.B-38 of the Draft EIR, the actual conclusion is that the Project would not materially impair the cathedral building's integrity such that it would no longer be eligible for listing as a Los Angeles HCM, so that the Project would not cause a substantial adverse change in the significance of the cathedral building and the Project's impact on the cathedral building would be less than significant.

Comment No. 6-9

As such, the proposed project stands to set a precedent for future projects that seek to deconstruct and rebuild historic resources with significantly less historic fabric than what currently exists.

Response to Comment No. 6-9

Every project that affects an historical resource involves its own set of unique circumstances, including (and not limited to) reasons for significance, setting and context, and existing conditions and integrity, all of which need to be balanced against Project goals and constructability. The Project is unique for several reasons, which limit the likelihood that it will set a precedent for similar projects. In particular, as discussed on pages 28–29 of the Historical Report, the cathedral building has already been significantly altered and due to its compromised integrity is not eligible for listing in the California Register or the National Register. Moreover, it is only marginally eligible for local listing as a Los Angeles HCM due to lack of integrity, and the historical resource finding in the Historical Report

reflects a conservative approach due in part to the fact that the building was previously identified as eligible under federal, state, and local criteria in a Section 106 historic resource survey. In this unique instance, the historical resource in question is only marginally eligible for local designation. Upon completion of the Project, it would remain eligible for local designation to the same degree that it currently is, with compromised integrity of design, setting, materials, workmanship, and feeling.

Furthermore, the commenter's claim that the historical resource would have significantly less historic fabric than what currently exists is not accurate. Although some original materials would need to be replaced in kind, including the original foundation and the stucco exterior, the building would retain all of its character-defining features upon completion of the Project. The Historical Report, including the Rehabilitation Plan, describe in detail how the building can be deconstructed and reassembled without a substantial additional loss of historic fabric.

Comment No. 6-10

III. Draft Environmental Impact Report remains vague on details of proposed parking structure and pre-construction excavation.

In our previous comment letter for the project's Notice of Preparation (NOP) dated September 4, 2019, we raised concerns about the vagueness of the proposed subterranean parking structure. Our concerns regarding this vagueness continue as the Draft EIR does not present any architectural drawings for the proposed five-story subterranean parking structure. Despite the lack of such plans, the applicant continues to pursue deconstruction to accommodate excavation and construction activities for the subterranean parking structure but does not provide a plan view illustrating its dimensions and placement in relation to the project site. Instead, the project's architectural drawings only illustrate conceptual floor plans for levels 1 through 4.

As described in the Draft EIR, the parking structure consists of five subterranean levels. The Cathedral occupies 6,848 square feet, or just under one sixth of the total 42,285 square feet of the project site. We note that the Cathedral's location close to the southeast corner leaves a contiguous majority of the project site's area unobstructed for excavation and infill construction. With few details provided regarding the parking structure, we assume the proposed configuration was selected for a variety of reasons including parking capacity, cost, and potential facilitation of other project components.

What necessitates removing the Cathedral to accommodate the requested number of onsite parking spaces? While it is not uncommon to see excavation projects directly adjacent to existing buildings, what makes this project different than other excavation

projects that have occurred throughout the city if there is no excavation occurring beneath the cathedral?

Response to Comment No. 6-10

The comment first raises a concern regarding the “vagueness” of the subterranean parking structure. This concern is unfounded. While the entitlement plan set for the Project was not formally attached as an appendix to the Draft EIR, the entitlement plan set for the Project includes detailed plan sheets for each of the five subterranean parking levels, which include Sheet A2.01 (Level P5 Floor Plan), Sheet A2.02 (Level P4 Floor Plan), Sheet A2.03 (Level P3 Floor Plan), Sheet A2.04 (Level P2 Floor Plan), and Sheet A2.05 (Level P1 Floor Plan). The full plan set is part of the project file maintained by the Department of City Planning and is made available to the public, albeit under temporary procedures related to the COVID-19 pandemic. Likewise, the full plan set can be access electronically, at <https://planning.lacity.org/pdiscaseinfo/>, but searching the case file number, CPC-2019-1856-DB-F-SPR. In addition, Chapter II, Project Description, of the Draft EIR provides detailed information regarding the subterranean parking structure and the number of residential and church parking spaces that would be available there.

The Applicant has elected to provide all of the parking spaces below grade (in order to reduce the height of the above-ground residential building), which include 252 residential spaces and 145 church parking spaces, a total of 397 parking spaces. In addition, the Project includes more parking spaces related to church uses than required by the LAMC in order to provide sufficient parking for events in the multi-purpose room and for high-attendance services in order to limit spillover onto adjacent neighborhood streets. Because of the relatively small size of the Project Site, to provide this number of parking spaces, an average of approximately 80 parking spaces on each level, the footprint of each level of the subterranean parking structure must extend across the entire Project Site, including the portion of the Project Site below and near the location of the existing cathedral building.

Comment No. 6-11

Given that the footprint of the Cathedral occupies just under one sixth of the total area of the project site, our NOP comments urged the applicant to provide one or more project alternatives that evaluate and reconfigure the subterranean parking structure away from the Cathedral to avoid the proposed deconstruction. Except for the No Build Alternative, there are no other Project Alternatives that evaluate the retention of St. Peter Cathedral in its current state.

Response to Comment No. 6-11

As discussed above in Response to Comment No. 6-10, the parking for the Project responds to the neighboring uses and existing constraints because: (1) the Applicant has proposed to provide all of the 397 parking spaces in a subterranean parking structure (in order to reduce the height of the above-ground residential building) and the Project already includes five subterranean levels; (2) the Project includes more parking spaces for the church uses than required under the LAMC; and (3) in order to accommodate all of the required parking spaces within five subterranean levels, the footprint of the subterranean parking structure must extend across the entire Project Site.

The smaller the footprint for the subterranean parking levels, the less efficient the parking layout (i.e., the average amount of required subterranean area per parking space increases as the footprint of the parking footprint decreases). Therefore, if the footprint of the parking structure was reduced to avoid excavation beneath the cathedral building area, the overall size of the subterranean parking structure would have to increase to accommodate the required 397 parking spaces. This in turn would increase the environmental impacts associated with the excavation and grading for the Project.

Furthermore, the comment suggests that the footprint of the subterranean parking structure would only have to be decreased by less than one-sixth of its current size, presumably because the footprint of the existing cathedral is 6,848 square feet, which is one-sixth of the 42,285-square-foot Project Site. That calculation, however, is faulty because it significantly understates the land area that would remain unexcavated if the cathedral building remained in place. First, it would be pointless to excavate in the setback areas to the south and east of the cathedral because no parking could be provided there. Similarly, it would be impractical and inefficient to provide parking in the area to the north of the cathedral due to its limited size and its awkward relationship with the subterranean parking area on the western portion of the Project Site. Third, a minimum unexcavated buffer of at least 10 feet would be required to the west of the cathedral to support the cathedral building in a safe manner during construction. Specifically, a 4-foot buffer would be required to provide the minimum space required for the construction of the new buildings, but at least 10 feet of separation between the existing cathedral and the new construction is necessary to avoid construction mishaps that could damage the cathedral building.

For these reasons, the entire eastern portion of the Project Site, from the eastern boundary to a north-south line 10–15 feet west of the cathedral building, would remain unexcavated if the cathedral remained in place. That area is approximately one-half, or 50 percent, of the Project Site.

Finally, the comment claims that, other than the No Build Alternative, no other project alternative evaluates the retention of the cathedral building in its current state. However, the Draft EIR was not required to evaluate such an alternative because, consistent with the detailed discussion in the Draft EIR, which summarizes the lengthy analysis in the Historical Report, the cathedral would remain eligible for listing as a Los Angeles HCM following its deconstruction, reassembly, rehabilitation/ restoration and limited alteration, so that the Project would not materially impair the historic significance of the cathedral building. The comment presents no concrete evidence or analysis to explain why the analysis and conclusion in the Draft EIR and the Historical Report is inaccurate. Rather, the commenter generally suggests that it might have a different opinion. In addition, Response to Comment Nos. 6-5 and 6-6 above, include additional explanation as to why the Project would not materially impair in an adverse manner those physical characteristics of the cathedral building that convey its historical significance and that justify its eligibility for designation as a Los Angeles HCM.

Moreover, while the Draft EIR was not required to include a preservation alternative, given that the Project would not have a significant impact on an historical resource, one of the alternatives does effectively addressed the revisions to the project design that would be required to avoid excavation in the vicinity of the existing cathedral building, and how those design changes would affect the Project's impacts. Specifically, Alternative 5 (Reduced Grading Alternative) would include the same components as the Project, but the subterranean parking would be decreased by 50 percent, from five levels to 2.5 levels, while adding five above-grade parking levels, which would create a six-level podium adjacent to the existing cathedral building.

Alternative 5 is relevant here because, if the subterranean parking footprint is reduced to eliminate excavation in the vicinity of the existing cathedral building, then the replacement parking would have to be provided above grade due to the cost and inefficiency of adding additional, and smaller, subterranean parking levels, as discussed above.

As previously discussed, the footprint of the subterranean parking structure would have to be reduced by approximately 50 percent to allow the existing cathedral building to remain in place in a safe manner during the construction of the Project and to account for land near the cathedral that would not be excavated because no parking could be provided there. As also previously discussed, the efficiency of the reduced subterranean structure would be diminished. For that reason, more than 50 percent of the parking spaces would be located above grade, while fewer than 50 percent of the spaces would remain below grade.

This is identical to Alternative 5, which includes five above-grade parking levels to compensate for reducing size of the subterranean parking structure by 50 percent. As set

forth in the discussion of Alternative 5, the result would be the opposite of the commenter's presumed intent. The massing of the six-level podium in Alternative 5 would overwhelm the immediately adjacent, one-story cathedral building, providing no meaningful height and massing transition between the residential building and the cathedral, and thereby significantly diminish the cathedral's integrity of setting and feeling. When combined with the diminishment in the integrity of design, workmanship and materials associated with the cathedral, the building would no longer be eligible for designation as a Los Angeles HCM, as determined by ARG in the Historical Report.

The cultural resources analysis and conclusion with respect to Alternative 5 apply with equal force to the six-level podium that would be required if the land in the vicinity of the existing cathedral building was not excavated. In each case, the historic significance of the cathedral building would be materially impaired and result in a significant cultural resources impact.

Comment No. 6-12

IV. Conclusion

The Los Angeles Conservancy remains concerned for the fate of St. Peter Cathedral, a locally eligible historic resource. As proposed, the project seeks to deconstruct the cathedral building and reconstruct once construction of the subterranean parking structure is complete. During this process 3 of the 4 historic facades and foundation will be removed and rebuilt using new construction. With an already compromised integrity resulting from remodels and rehabilitations during its 100-year history, new construction will continue to diminish the building's historic fabric and its ability to convey its significance. Furthermore, without architectural drawings for the parking structure, the necessity to remove St. Peter Cathedral remains unclear. Lastly, none of the Project Alternatives examined the feasibility of keeping the building onsite during construction. Rather, each Project Alternative seeks to deconstruct and rebuild the cathedral as proposed in the original project. We urge the applicant to explore Project Alternatives that do not require the deconstruction of the Cathedral.

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Response to Comment No. 6-12

This comment, which concludes the letter and provides a point of contact, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 6-2 through 6-11, above.

Comment Letter No. 7

Beverly Grossman Palmer
Strumwasser & Woocher LLP
10940 Wilshire Blvd., Ste. 2000
Los Angeles, CA 90024-3949

Comment No. 7-1

This firm writes on behalf of the Westbury Terrace Condominium Owners' Association regarding the Draft Environmental Impact Report ("DEIR") for the Our Lady of Mt. Lebanon project at 331–333 South San Vicente Boulevard (the "Project"), in the City of Los Angeles. The Westbury Terrace Condominium is located immediately adjacent to the proposed project at 321 South San Vicente Boulevard, and therefore its residents are the most directly impacted by the construction and operation of the proposed project. It is critical that the impacts of the project on these neighboring residents be carefully considered. The DEIR fails to properly evaluate impacts and require appropriate mitigation measures in several critical areas. The DEIR should be revised and recirculated for additional comment after these deficiencies are addressed.

Response to Comment No. 7-1

This introductory comment states that the commenters believe that the Draft EIR did not adequately evaluate potential impacts and should be recirculated. Specific issues raised by the commenter are addressed in Response to Comment Nos. 7-2 through 7-31, below. As discussed therein, the Draft EIR adequately evaluated all potentially significant impacts associated with the Project and recirculation is not required.

Comment No. 7-2**PROJECT DESCRIPTION IS INADEQUATE**

A basic component of an adequate environmental impact report is a complete and stable project description. The DEIR fails to provide an adequate project description. This deficiency is most striking when it comes to the 12,600 square foot "multi-purpose room." The DEIR explains that the existing church has a 5,426 square foot "social hall," and "currently hosts 25–30 events each year," "primarily in the social hall" which has a capacity of approximately 230 people. The DEIR claims that that the multi-purpose room will host the same number of "church" events but with a capacity of 475 people, and that there will be additional non-church events: as many as 6–8 a year. There is no information on the timing of such events—will they be late at night? Could multiple events be held at the same time? The DEIR does not indicate a commitment to limit events to the current number, plus the unspecified additional non-church events. With this nearly 57 percent

increase in floor area devoted to events, without any binding commitment to limit the frequency and operations of large-scale events, it should be assumed that events with maximal capacity will regularly take place. Because large events have significant impacts on transportation and noise, two issues of critical importance to Westbury Terrace as a neighboring residential building, the DEIR must provide more detail about these operations so that their impacts can be analyzed appropriately.

Response to Comment No. 7-2

The statement that the Draft EIR includes no information regarding events in the multi-purpose room is incorrect. As set forth in the Transportation section of the Draft EIR (p. IV.I-36), it is anticipated that most of the events will occur on the weekend, but some events may occur on weekdays, primarily in the evening. In order to analyze the traffic impact of an event in the multi-purpose room on the operation of the public alley that would provide access to the Project, the Draft EIR conservatively assumed an event at the church with a maximum capacity of 475 guests on a weekday evening, with peak pre-event traffic arriving during the weekday P.M. commuter peak hour and peak post-event traffic departing in the 9–11 P.M. time frame).

The comment then relatedly claims that the Draft EIR “does not indicate a commitment to limit events to the current number, plus the unspecified additional non-church events.” This statement misapprehends the CEQA process. The anticipated number of events in the multi-purpose room is part of the proposed Project, not in and of itself an environmental impact that requires mitigation. The traffic analysis summarized in the preceding section is conservatively based on a maximum-capacity event that occurs during the weekday P.M. commuter peak hour, and that analysis concluded that the operation of the Project, and in particular an event in the multi-purpose room, would not result in a significant traffic impact. Moreover, that is the case regardless of the number of events in the multi-purpose room.

Additionally, the City may include Conditions of Approval that would limit the capacity of the multi-purpose room to 475 individuals and limit the number of annual events in the multi-purpose room consistent with the number of events described in the Draft EIR.

The comment then asserts that “it should be assumed that events with maximal capacity will regularly take place.” As discussed above, the analysis in the Draft EIR does in fact assume a maximum-capacity event during the P.M. commuter peak hour. However, many of the events would involve substantially fewer attendees. Based on the prior history of events at the existing social hall, the Applicant anticipates that approximately 12 of the maximum 38 church and non-church events each year (or approximately one per month) would be maximum capacity and that most of the other events would range from 70 to 250 attendees.

Finally, the comment states that “large events have significant impacts on transportation and noise.” No support is provided for this generic statement, and the analysis in the Draft EIR demonstrates that a maximum-capacity event in the multi-purpose room would not have a significant traffic impact. With respect to the operational noise impact with respect to vehicular traffic associated with an event in the multi-purpose room, refer to Response to Comment No. 7-18, below.

In this regard, it is important to note that events would only occur infrequently in the multi-purpose room. If the maximum of 30 church events and eight non-church events take place in a year, that translates to an average of approximately one event each 10 days. In addition, as previously discussed, most of those events would be less than capacity.

Comment No. 7-3

It is not even clear that 475 people is the actual expected event capacity. The current social hall holds 230 people, which is approximately 23.6 square feet per guest. At this rate, the 12,600 multi-purpose room would hold 534 guests, significantly more than 475. The DEIR does not provide a basis or any details supporting claimed capacity of 475 people in the new, significantly larger event space. Indeed, the Project’s initial study stated that the multi-purpose room would have a capacity of 600 people. In spite of this statement, a lower capacity of 475 is used as a supposed “worst case” figure throughout the DEIR for analysis of impacts of traffic and noise from such events. This lack of detail and inconsistent information is significant and prejudicial to informed decision making.

Response to Comment No. 7-3

The statement that “it is not even clear that 475 people is the actual expected event capacity” is inaccurate. Section II, Project Description, of the Draft EIR expressly states that the maximum capacity for the multi-purpose room is 475 people. While the Initial Study did initially state that the maximum capacity would be approximately 600 people, that capacity was reduced as the project scope was refined for the preparation of the Draft EIR, in order to ensure that there would be sufficient on-site parking for events in the multi-purpose room. The stated capacity of 475 people is therefore not a “supposed worst-case figure,” it is the actual maximum capacity of the multi-purpose room. Further, as noted above in Response to Comment No. 7-2, the City may include a Condition of Approval that limits the capacity of the multi-purpose room to 475 people, consistent with the Draft EIR.

Comment No. 7-4**TRANSPORTATION IMPACTS ON ALLEY AND ACCESS TO WESTBURY TERRACE
INADEQUATELY ANALYZED**

A critical issue for the residents of Westbury Terrace is the volume of traffic that will utilize the shared alley between Westbury Terrace and the church property for access to the parking garages to the two sites. First, it should be noted that none of the alternative projects evaluates moving the garage entrance off of the alley and on to Burton Way. Given the policy in the Wilshire Community Plan to “[m]onitor the impact of new development on residential streets. Locate access to major development projects so as not to encourage spillover traffic on local residential streets,” (Policy 1-3.4) the failure to evaluate alternative site arrangements that avoid directing traffic onto the small alleyway and onto to Holt Avenue is noteworthy. The DEIR does not even provide a basis for having failed to study such alternative. Given the requirements of the Wilshire Community Plan and the obligation under CEQA to study alternatives that may reduce or eliminate the impacts of a proposed development, the failure to study an alternative entrance to the parking garage is a critical and problematic omission.

Response to Comment No. 7-4

The Draft EIR did not include an alternative to provide access to the Project from Burton Way for several reasons. To start with, an EIR is not required to consider alternatives to a component of a project and should instead focus on alternatives to the project as a whole. See, e.g., *California Native Plant Society the City of Santa Cruz*, 177 Cal. App 4th 957, 993 (2009).

Moreover, the placement of access on Burton Way would be inconsistent with the City’s General Plan and the longstanding policy of LADOT. Program PL.1 in Mobility Plan 2035, which is the Circulation Element of the General Plan, “[r]equire[s] driveway access to buildings from non-arterial streets or alleys (where feasible) in order to minimize interference with pedestrian access and vehicular movement.”

This program exists to limit the number of access points to major streets, in particular to minimize disruption with vehicular movement. Here, the location of primary access to the Project Site off Burton Way would disrupt traffic flow and create a potentially unsafe condition. For example, Burton Way experiences a relatively high speed of vehicular traffic (signed for 35 mph adjacent to the Project Site) and private driveways directly on Burton Way create the potential to increase rear-end crashes (related to vehicles slowing prior to turning to enter a private driveway) and broadside crashes (related to vehicles turning out of a private driveway and conflicting with a high-speed vehicle on westbound Burton Way). In addition, vehicles entering and exiting a private driveway on Burton Way would conflict with bicyclists using the Class II bike lane that is currently

provided on the north side of Burton Way adjacent to the Project Site. Finally, vehicles entering and exiting a private driveway on Burton Way would conflict with pedestrians using the sidewalk located adjacent to the Project Site. None of these conflicts involving high-speed vehicle traffic, bicyclists, and pedestrians generally exist in public alleys, which is why the City prescribes vehicular access for development projects from non-arterial street or alleys where feasible.

Furthermore, Guideline 2 in the Citywide Design Guidelines states that “[c]arefully incorporate vehicular access such that it does not degrade the pedestrian experience, in accordance with the Site Planning Best Practices listed below.” These Site Planning Best Practices include “[p]rioritiz[ing] pedestrian access first and automobile access second. Orienting parking and driveways toward the rear or side of buildings and away from the public right-of-way. On corner lots, parking should be oriented as far from the corner as possible.” Providing an access driveway on Burton Way would directly conflict with Guideline 2 and the City’s Site Planning Best Practices.

The comment ignores Program PL.1 and Guideline 2, which directly apply here, and instead focuses on Policy 1-3.4 in the Wilshire Community Plan, which is to “[l]ocate access to major development projects so as not to encourage spillover traffic on local residential streets.” However, this policy does not relate to access to a project site, but rather on the location of the project itself. In fact, the location of the Project Site is generally consistent with Policy 1-3.4. Furthermore, locating the Project’s driveway on Burton Way would not preclude use of local streets such as Holt Avenue for access. Specifically, due to the configuration of Burton Way (with a landscaped median), which limits vehicle turning movements at a driveway to right-turns in and right-turns out only, it is likely that, for example, exiting vehicles would need to turn right from a project driveway onto Burton Way, and then turn right again at Holt Avenue to access Third Street and travel to destinations north and east of the Project Site. Therefore, a Project driveway on Burton Way would not eliminate “spillover” traffic on local residential streets.

For these reasons, the inclusion of an alternative that includes access from Burton Way would be inappropriate and speculative.

Comment No. 7-5

Moreover, the traffic study itself appears significantly flawed under the City’s new VMT-based traffic guidelines. The VMT calculator results in Appendix T include 6 employees and a total population of 345, which reflect the residents in the 153 apartment units to be constructed in the 19-story tower. According to the calculator, the household VMT per capita is 6.2 and the work VMT is 2.8. It is noteworthy that “church” is not a land use type in the City’s VMT calculator, so custom calculations were performed for this

Project. Neither the DEIR nor Appendix T appear to disclose the basis for these custom calculations for church “Work VMT.”

Response to Comment No. 7-5

The VMT analysis for the Project is provided in the Transportation Addendum for the Project, which is included in Appendix T to the Draft EIR. LADOT’s April 29, 2020, assessment letter affirms the findings in the Transportation Addendum that the VMT impacts of the Project would be less than significant with implementation of Transportation Demand Management (TDM) measures, including unbundled parking for the residential component and promotion and marketing of alternative travel modes. This mitigation measure (TR-MM-1) is included in the Draft EIR on page IV.I-33.

Contrary to the statement in the comment, the VMT analysis provided in the Draft EIR is not flawed. Furthermore, the comment does not provide any data or analysis to support this assertion. Rather, the VMT analysis included in the Draft EIR was prepared in compliance with the requirements of LADOT’s Transportation Assessment Guidelines (TAG), which require use of LADOT’s VMT Calculator. The output of the VMT Calculator is attached to the Transportation Addendum. The commenter is correct in that the VMT Calculator utilizes the default VMT calculations for the residential component of the Project, while a custom land use VMT calculation was prepared for the church component of the Project. Utilization of the custom land use feature within the VMT Calculator is permitted and required by the TAG. For example, as stated on page 2-9 of the TAG: “Some projects will not fit into one of the above categories. In such cases, with the concurrence of LADOT, a customized approach can be used to estimate daily trips and VMT. This can be done using the custom land use feature of the VMT Calculator or, if determined to be appropriate, independent of the VMT Calculator.”

The LADOT VMT Calculator User Guide (page 9) provides the required steps to create a custom land use within the VMT Calculator, including entering information such as whether the land use is retail or non-retail, number of employees, and estimated number of vehicle trips. As shown in the VMT Calculator output attached to the Transportation Addendum, the required information is provided (i.e., six employees based on information provided by the Applicant and 186 vehicle trips based on the trip generation forecast provided in Table 1 of the Traffic Analysis Addendum). In addition, as directed by the User Guide, the trip purpose splits (e.g., Home Based Work, Home Based Other, etc.) were derived from information provided in LADOT’s VMT Calculator Documentation manual (Appendix E therein, generally following the trip purpose percentages for school employees). In summary, the output of the VMT Calculator provided in the Draft EIR was prepared based on protocols prescribed by LADOT in their various VMT documents.

Comment No. 7-6

With “mitigation” the household VMT will supposedly be reduced to 5.8, just below the 6.0 threshold of significance. But something major appears to be missing from these numbers: where are the 475 guests at special events? (Or maybe it’s 600 guests, according to the Initial Study?) The DEIR’s discussion of trip generation from special events assumes that 90 percent of guests would arrive in private cars, with an average rate of 3 persons per vehicle. The remaining 10 percent would arrive by other means, including Uber/Lyft or walking. Of course, at least some of the remaining 10 percent are therefore arriving by car, increasing the VMT of the project.

Critically, the VMT calculations entirely exclude the VMT created by the special events facility. This is a patent failure to fully analyze the impacts of the Project. The special events facility is not a necessary component of a church. The VMT analysis of the church includes only the Work VMT for six employees, which it calculates as a mere 2.8 miles, without any supporting detail. Why is the VMT from special event use irrelevant to an analysis of the Project’s transportation impacts? Isn’t mitigation of the mileage traveled by special events attendees also relevant and important to the achievement of the state’s goal to reduce VMT and associated emissions? This appears to be a major omission from this DEIR that should be rectified and the DEIR should be recirculated.

Response to Comment No. 7-6

Refer to Response to Comment No. 7-5, above for a discussion regarding the Project’s VMT analysis provided in the Draft EIR. As discussed therein, per the requirements of LADOT, the independent project description variables used in preparing the VMT analysis are the number of residential units for the residential component and the number of employees for the church component. The calculation of VMT for employees of the church component of the Project is provided by the LADOT VMT Calculator and, as discussed in the VMT Calculator Documentation manual, is based on the LADOT’s computer transportation model. The transportation model was developed by LADOT using census tract data related to travel by existing workers in the Project vicinity. As required by LADOT, the calculation of VMT for religious uses is similar to schools in that the VMT of the employees at the religious or educational facility is calculated, and not the VMT related to congregants (or students for schools). This is because places of worship (similar to schools) generally serve the nearby community and therefore can be considered as local serving uses. If the religious use (or school) was not present, local residents would need to travel further for religious or educational purposes. Thus, for the Project, it is only the employees of the Church component that require evaluation of VMT as they may generate trips from outside the local area. The VMT of attendees of the infrequent events that might be held at religious or school facilities (such as a wedding at a church or a football game at school) are also not required for evaluation of VMT by LADOT (1) because most attendees are expected to be local residents and (2) due to the relatively infrequent and non-recurring

nature of such activities. Only 25-30 special events would occur on an annual basis, as stated on page II-6 of the Draft EIR, which is consistent with existing conditions (although a few events would involve up to 475 attendees, more than the current number of attendees). Therefore, even if the VMT analysis was required to take special events into account, the relative change in VMT effect as compared to the existing condition related to event attendees at the Project would not be substantial.

With respect to the number of guests, refer to Response to Comment No. 7-2, above.

Comment No. 7-7

In addition to the incomplete VMT analysis, the traffic study and the DEIR's transportation discuss evaluate possible access conflicts in the alley, due to the co-location of the Westbury Terrace entrance and the entrance to the Project's proposed parking garage on that narrow alley way. The DEIR concludes that there will be no impacts to the ability of Westbury Terrace residents to access and exit from their garage, but this analysis is based on an overly optimistic and rosy picture of driver behavior that is unlikely to reflect real-world operating conditions of the Project.

The DEIR utilizes a 475-guest event as a "worst case" scenario, [sic] and concludes that such an event would generate 143 automobile trips to the site. (If the actual maximum number of guests is 600 as reported in the Initial Study, the same calculations result in 180 vehicles parking at the Project site.) The DEIR assumes that these vehicles would arrive and depart in a one-hour period. The DEIR explains that during the "Pre-Event Peak Hour," 44 vehicles would turn left into the Project driveway, crossing over the alley from the Westbury Terrace side to the Project side, and 134 vehicles would enter the alley from Holt Street and turn right into the Project driveway. These 134 vehicles will allegedly arrive evenly spaced over the entire pre-event hour, at a rate of approximately one car every 27 seconds. Because each of these vehicles will "immediately turn right into the Project garage," there will be no queueing in the alley and no spillover onto Holt. This analysis appears highly improbable. Is there an entrance gate at the garage? A need to take a parking ticket? Are there different entrances for residents and event guests that must be negotiated by those who are unfamiliar to the garage? (The diagrams show one lane for guests and one for residents.)

Response to Comment No. 7-7

The comment refers to the analysis of the Project's potential effect on operations in the east-west public alley, as provided in the Draft EIR beginning on page IV.I-34. As stated on page IV.I-36, the analysis of alley operations included an assessment of operations related to pre-event and post-event conditions for a maximum-capacity event

with 475 attendees in the church's multi-purpose room. As shown on Figure IV.I-7 in the Draft EIR, a total of 178 vehicles could potentially enter the Project site from the alley during the pre-event peak hour on a weekday evening (134 vehicles approaching from Holt Avenue and 44 vehicles approaching from San Vicente Boulevard), which includes vehicles both associated with the church event at the Church component of the Project and residents of the proposed apartment building. As concluded on page IV.I-47 of the Draft EIR, the Project would not result in significant vehicle queuing on the alley, including related to an event at church.

Figure II-4 in the Draft EIR provides a conceptual site plan for the Project. Figure II-4 identifies three portals from the alley leading to the ramps serving the subterranean parking garage: from west to east, one residential entry gate, one reversible gate for guests, and one exit gate. While the specific details of the parking control mechanisms have not been designed, it is reasonable to assume some parking control equipment at these entry-exit portals.

The Draft EIR provides a detailed analysis of why vehicle queueing is not expected in the alley and, therefore, back onto Holt Street. For further support and in specific response to the comment, Appendix A to Section 3.21 of the LADOT Manual of Policies and Procedures for Driveway Design (MPP 321) provides parking control service rates for various type of parking control scenarios (clear entry, parking ticket dispenser without gate, parking ticket dispenser with gate, etc.). Under the potentially most restrictive condition (ticket dispenser with gate and a "sharp turn" at approach), Appendix A states that the service rate for one lane is 380 vehicles per hour. Assuming a "worst case" scenario related to use of only one of the two available portals at the Project for inbound traffic in the pre-event peak hour, the service rate of 380 vehicles per hour is well in excess of the forecast arrival of 178 vehicles in one hour prior to an event at the Church component of the Project. Therefore, even a momentary surge of arriving vehicles in the pre-event peak hour would be accommodated by the Project's parking entry design as described in the Draft EIR. It is emphasized that this is a conservative analysis because it is anticipated that for large events in the multi-purpose room (1) two entry lanes would be provided and (2) as discussed in Response to Comment No. 7-9, below, the church would provide valet parking, which would streamline the parking process and further ensure that no backup would occur onto Holt Street.

Comment No. 7-8

Does any event with a start time really feature all attendees arriving evenly spaced over the entire hour before the event? It is far more likely that the vast majority of guests will arrive within a much narrower band of time closer to the start of an event like a wedding or funeral.

Yet because of this non-reality-based depiction of guest arrival, as if the guests will be robotically dispatched at perfect intervals and move through the alley with complete fluidity, the DEIR fails to make any study of the impact of vehicle queueing in the alley or on Holt. There appears to be very limited space between the Project driveway for more than one vehicle to queue. This makes queueing onto Holt even more likely. There is no analysis whether vehicles will travel from the north or south on Holt, which could create additional conflicts on Holt at the alley entrance. This failure to undertake a realistic assessment of the likely driver behavior for attendance at special events means that the DEIR has not analyzed the potential impacts of the Project, the possibility that the access arrangements will create a hazardous condition by impeding alley access or even blocking Holt Avenue itself. The failure to consider these conditions means that no mitigation is provided for this circumstance. There is not even a requirement to include a special event traffic management plan, which could include directional signage, attendants to facilitate parking arrival, and prohibitions on turn movements that are found to be likely to cause additional congestion.

Response to Comment No. 7-8

See Response to Comment No. 7-7, above for a discussion of the alley queuing analysis provided in the Draft EIR, particularly related to the pre-event peak hour related to an event at the Project. The assumption provided in the Draft EIR that all guests related to an event at the Project would arrive within a one-hour period is conservative (“worst case”). More likely, for some events (such as a wedding as noted in the comment), many guests will arrive at the Project well in advance (e.g., members of the wedding party).

In addition, as noted in Response to Comment No. 7-7, the vehicle service rates related to the alley parking entry for the Project significantly exceed the forecast arrivals during the pre-event peak hour. The vehicle service rates referenced in the LADOT publication are based on field studies, and therefore account for the fact that guests will not be “robotically dispatched at perfect intervals” over the one-hour period.

In further response to the comment, a multiple-server queuing model with Poisson Arrival and Exponential Service Times (M/M/s) was utilized,⁴⁵ including use of a published M/M/s queuing model,⁴⁶ to further support the Draft EIR’s queuing analysis of the Project entry.

⁴⁵ See, for example, *M/M/S Queuing Theory Model to Solve Waiting Line and to Minimize Estimated Total Cost*, Dr. S.K. Tiwari, Dr. V.K. Gupta, and Tabi Nandan Joshi, *International Journal of Science and Research*, May 2016.

⁴⁶ Teknomo, Kardi, *Tutorial on Queuing Theory*, 2014.

The M/M/s queuing model is used to calculate average queuing, as well as peak queues, at various confidence levels. For this analysis, the peak queue at the 95th percentile confidence level was utilized, which is similar to the confidence level used by traffic engineers in the determination of the required length of left-turn pocket lengths at intersections.

The M/M/s model requires the input of three parameters, which include hourly average arrival rate, average service rate and number of “servers.” For this analysis, the corresponding model inputs are based on an arrival rate of 178 vehicles during the pre-event peak hour stated in the Draft EIR, an average service rate of 380 vehicles per hour as stated in LADOT’s MPP 321, and the highly conservative assumption of one entry gate (“server”), even though it is likely that two vehicle gates will be made available for entry prior to an event.

The M/M/s queuing calculations prepared for the Project’s special events are provided in Appendix FEIR-5 to this Final EIR. As shown therein, the average queue is approximately 0 vehicles (customers), meaning that at least half of the time during the peak pre-event arrival period, there will be no vehicles waiting to enter at the Project’s vehicle entry gate. As further shown in Appendix FEIR-5, at the 95th percent confidence level (precisely, 95.19%), the maximum onsite queue is calculated to be three vehicles. This equates to one vehicle waiting to enter at the entry gate and two vehicles on the alley waiting to turn into the Project entry gate. In other words, this 95th percentile queue would be accommodated within the alley and would not result in a vehicle queue onto Holt Avenue.

Comment No. 7-9

The DEIR’s traffic analysis raises some additional questions. There is no mention of valet parking for larger events. Is the garage sized to hold all of the residential vehicles and the number of cars that might attend a larger event? If not, is there a management plan for the use of valet parking? Where will cars drop passengers and where will the valets park these cars?

Response to Comment No. 7-9

The Applicant does intend to use valet parking for events in the multi-purpose room that exceed 200 guests. It is anticipated that the City will include a condition of approval that incorporates this requirement. For these larger events, arriving guests would exit their vehicles in the drop-off/pickup area in the front of the church on Burton Way, and the cars would be driven to, and parked in, the subterranean parking structure. When a guest is ready to depart (which would occur after the P.M. commuter peak hour for weekday events), the valet would retrieve his/her car from the parking structure and return it to the departing

guest in the drop-off/pickup area along Burton Way. The overall valet route to and from the parking structure would be in a clockwise direction.

As discussed in the Draft EIR, as well as in the supporting Transportation Impact Study and Transportation Addendum prepared by Linscott, Law & Greenspan and attached as Appendices S and T to the Draft EIR, the subterranean parking structure would have sufficient parking spaces to accommodate both the residential and church uses. In particular, as discussed in the Traffic Addendum, approximately 90 percent of guests for events in the multi-purpose room would arrive in private automobiles, at an average rate of three persons for vehicle. This translates to a maximum of 143 parking spaces required for a maximum-capacity event in the multi-purpose room, which would be accommodated by the 145 church parking spaces in the parking structure. The 145 provided parking spaces significantly exceeds the 62 church parking spaces required by the Los Angeles Municipal Code (LAMC).

Comment No. 7-10

The DEIR also depicts two bump outs in the alley east of the driveway. Are these intended for use by delivery trucks? Are they sufficient in size to ensure that trucks will not impede the alley? What about moving trucks for residents? Will they utilize these bump outs and is there adequate access to the residential building for this purpose?

Response to Comment No. 7-10

The “bump outs” referred to by the commenter are the loading areas. One is for the residential uses and the other is for church uses. The residential loading area would be available to residential moving trucks.

Comment No. 7-11

Finally, as to parking, the Project will provide just 145 spaces for church uses, supposedly to accommodate larger events in the multi-purpose room. However, 145 vehicles is the precise amount predicted to arrive at an event with an attendance of 475. If the event capacity exceeds this amount, or if the predicted averages are not correct, there is no cushion for error. This will result in cars arriving at the garage, finding it full, and then circulating through the alley into neighboring streets to seek parking there. Such circulation will result in increased automobile emissions, additional VMT, and noise impacts on surrounding neighborhood streets, as visitors and residents compete for limited parking spaces.

Response to Comment No. 7-11

As discussed above in Response to Comment No. 7-9, the Traffic Addendum provided in Appendix T to the Draft EIR determined that a maximum of 143 parking spaces would be required for a maximum-capacity event in the multi-purpose room. Therefore, the 145 parking spaces provided for the church in the subterranean parking structure exceeds the anticipated peak parking demand. In any event, the commenter presents no evidence that, contrary to the detailed analysis in the Draft EIR, the 145 parking spaces provided would be insufficient to accommodate the peak parking demand for an event in the multi-purpose room. Therefore, the concern that the parking provided would be insufficient to meet demand is speculative and no further response is required.

Comment No. 7-12**NOISE IMPACTS WILL BE SIGNIFICANT AND ARE INADEQUATELY ANALYZED**

The DEIR admits that the Project will have an unmitigable impact due to both construction noise and operational noise from the loading dock and trash compactor. Both of these impacts will fall significantly on Westbury Terrace, which is “Receptor 1” or “R1” in the DEIR.

Construction Noise

The DEIR provides that construction will last for roughly three years. While the DEIR does not provide an estimate for how long each of the six construction phases will endure, for purposes of noise at the Westbury Terrace, this is irrelevant: all six phases of construction will vastly exceed the threshold of significance for noise impacts at residential uses. A 5 dBA increase would be significant; at R1, the Westbury Terrace, that increase is more than 20 dBA. Mitigation brings this to 5.8, but given the height of the Westbury Terrace relative to the Project site, it is unclear whether residents at higher levels will benefit from the mitigation of the sound wall constructed along the site.

Response to Comment No. 7-12

As provided in the Draft EIR Project Description (page II-26), the construction period for the Project would be approximately three years. The duration for the various construction phases are as follows: demo/deconstruction of Cathedral (six months), grading/excavation (six months), mat foundation (two days), building foundation (two months), building construction (18 months), and paving/landscape (three months). The comment questions whether the temporary sound barrier proposed along the north side facing the Westbury Terrace building would be effective for residents at upper floors of the building. As noted in Mitigation Measure NOI-MM-1, the temporary construction sound barrier for receptor R1 would provide a minimum 15-dBA noise reduction at the ground

level only. NOI-MM-1 would reduce the maximum exceedance for receptor location R1 from 20.8 to 5.8 L_{eq} (dBA) at the ground level. While the noise barrier would provide some noise reduction at the second floor, it would not reduce the impact to a less-than-significant level at the third floor and above. As noted in Response to Comment No. 2-87, above, in order to reduce the noise level for the upper levels, the noise barrier wall would need to exceed 10 stories, which would not be feasible for several reasons, including noncompliance with the LAMC.

Comment No. 7-13

Moreover, construction vehicle traffic frequently exceeds the threshold of significance along Holt Avenue. The DEIR does not provide any analysis of construction vehicle traffic in the alleyway, however, which many residences in the Westbury Terrace overlook. The DEIR should analyze the impact of construction traffic in the alleyway as well; it appears highly likely that this will be yet another noise-related impact of the construction of the Project.

Response to Comment No. 7-13

As described in the Draft EIR (Page IV.G-31), construction trucks would access the Project Site from Burton Way (both ingress and egress). Construction vehicle traffic is not anticipated in the alley. The Draft EIR includes a robust analysis of the anticipated noise impacts based on the anticipated locations of off-site construction vehicles, including along the anticipated haul route on Burton Way, Holt Avenue, 3rd Street, La Cienega Boulevard, Cadillac Avenue, and San Vicente Boulevard. Because construction vehicle traffic is not anticipated in the alley, it was not examined in the Draft EIR and a supplemental analysis is not required.

Comment No. 7-14

The DEIR contends that the construction noise impacts of the Project cannot be mitigated. Westbury Terrace requests that all possible measures be taken to reduce the severity of this impact, including phasing of construction to reduce noise levels and consideration of concurrent construction with this and other cumulative projects near the Westbury Terrace.

Response to Comment No. 7-14

Refer to Response to Comment Nos. 2-76 and 2-77, above.

Comment No. 7-15*Operational Noise*

The DEIR explains that operational noise will derive from one of three sources: mechanical equipment, use of outdoor spaces, and trash and loading facilities. The DEIR claims that there will be no noise impacts from mechanical equipment because Project Design Feature NOI-PDF-2 requires that “[a]ll outdoor mounted mechanical equipment will be screened from offsite noise-sensitive receptors. The equipment screen will be impermeable... and break the line of sight from the equipment to the offsite noise-sensitive receptors.” The DEIR then contradicts this statement when it comes to the trash compactor, which would seem to be a piece of mechanical equipment. The DEIR’s description on this issue is quite unclear. On the one hand, it says that the trash compactor will be located in an enclosed room, and “would be effectively shielded to the offsite sensitive receptors.”

Response to Comment No. 7-15

Project Design Feature NOI-PDF-2 applies to all outdoor mounted mechanical equipment, e.g., heating, ventilation, and air conditioning (HVAC), which does not include the trash compactor because it is not outdoor mechanical equipment. However, as indicated in the Draft EIR (Page IV.G-40), the trash compactor would be located inside the building, within an enclosed room with a solid door to the exterior. Therefore, noise levels associated with the trash compactor would be contained inside the enclosed room, which would not impact the off-site sensitive receptors.

Comment No. 7-16

However, it then provides that the walls of the loading area will not fully enclose loading operations so people overlooking the alley in the Westbury Terrace will be exposed to noise from those operations, above the threshold of significance.

In addition, it is not clear from the Project diagrams provided in the DEIR where exactly the wall described in Project Design Feature NOI-PDF-3 are located. That feature purports to include “[a] 6-foot wall will be provided along the west and north side of the west loading docks and along the north side of the east loading dock to acoustically screen the loading dock from offsite noise-sensitive receptors.” The Conceptual Floor Plan—Level 1 (Figure II-4) does not show any such walls. Nor is there anything labeled as a loading dock on the west side of the alley, though there is a hall in the building labeled as “loading.” Please provide clear depiction on the conceptual plans where these project design features will be located. Will the walls be constructed outside of the rear yard setback or within it? Without such plans it is not possible to evaluate the efficacy of the proposed design feature to mitigate noise impacts from loading operations.

Response to Comment No. 7-16

A revised plan sheet depicting the location of the sound wall at the loading areas is provided in Appendix FEIR-6 to this Final EIR.

Refer to Section IV.G, Noise, of the Draft EIR, and Response to Comment Nos. 2-86 and 2-87, above, for a discussion of noise associated with operation of the loading areas.

Comment No. 7-17

Project Design Feature NOI-PDF-5 provides that “Outdoor amplified sound systems, if any, will be designed so as not to exceed a maximum noise level of 75 dBA (Leq-1hr) at a distance of 15 feet from the amplified speaker sound systems at the Level 1 exterior courtyard and at the Level 4 outdoor recreation and pool decks.” Will the residential component of the project prohibit residents from placing their own outdoor speaker systems on their private balconies? Or will such systems be subject to the same limits? If not, the Project may have an additional operational noise impact that was not assessed in the DEIR.

Response to Comment No. 7-17

The limits for the outdoor amplified sound systems as specified in the Project Design Feature NOI-PDF-5 will be implemented for the Project’s common outdoor spaces. Noise limits at the private residence balconies are regulated by the LAMC Section 112.01, which makes it unlawful for any person within the City to use or operate any radio, musical instrument, phonograph, television, receiver, or other machine or device for the producing, reproducing, or amplification of the human voice, music, or any other sound, in such a manner as to disturb the peace, quiet, and comfort of neighbor occupants or any reasonable person residing or working in the area.

Comment No. 7-18

The DEIR also does not assess noise impacts from special event traffic arrivals and departures in the alley. As discussed in these comments regarding traffic, above, it appears likely that vehicular arrivals for special events will cause some queueing in the alley and possibly along Holt. These noise impacts should be assessed as well.

Response to Comment No. 7-18

The Project’s Transportation Addendum, included in Appendix T to the Draft EIR assumed that 90 percent of guests for a full-capacity event in the multi-purpose room (i.e., 428 guests) would arrive by automobile, with a maximum of 143 vehicles (based on an average rate of 3 persons per vehicle). The majority of the traffic would enter and leave the

subterranean parking structure from the west end of the alley. A supplemental noise analysis was performed to evaluate the noise at the Westbury Terrace condominium building directly north of the Project Site on the north side of the alley (i.e., receptor location R1) and is included as Appendix FEIR-6 to this Final EIR. The noise analysis was performed for the post-event hour (9 P.M. to 11 P.M.), which represents the worst-case scenario because of the quieter ambient during the nighttime hours. The estimated noise level from vehicles leaving the subterranean parking structure at receptor location R1 would be approximately 58.0 dBA (L_{eq}). When added to the existing ambient noise level of 57.0 dBA L_{eq} (measured nighttime ambient noise level), the composite Project (post-event hour) plus ambient noise would be 60.5 dBA (L_{eq}).⁴⁷ This would result in a noise increase of 3.5 dBA at the receptor location R1 (nearest sensitive receptor), which would be below the 5-dBA significance threshold. Therefore, the Project's noise impact associated with the special-event traffic in the alley would be less than significant.

Comment No. 7-19

Additionally, there appears to be at least one exit from the multi-purpose room on the alley immediately across from the Westbury Terrace. (See Conceptual Floor Plan—Level 1 (Figure II-4).) What is the intended use of this exit? Opening and closing this door will allow sound from events in the multi-purpose room to escape the building precisely in the direction of the nearest sensitive receptors. There is no analysis of the volume of noise that could be transmitted from this opening. This is a significant shortcoming, especially given the potentially 475–600 people and music without operational restrictions that would be permitted inside the multi-purpose room.

Response to Comment No. 7-19

As provided in the Draft EIR (Page II-24), pedestrian access to the ancillary church building (including the multi-purpose room) would be through the church courtyard, as well as church lobby on Burton Way. In addition, passenger drop-off areas would be on Burton Way and all parking spaces would be in the subterranean parking structure. Therefore, the north door of the multi-purpose room (facing the alley) would normally be closed during an event, as access would be through the main entrance doors facing the courtyard or through the lobby elevator to the subterranean parking structure.

Nevertheless, a noise analysis was performed to estimate the noise level at Westbury Terrace on the north side of the alley (at receptor location R1) in the event that the multi-purpose room north door was open, which is included as Appendix FEIR-7 to this

⁴⁷ Composite noise level is calculated based on logarithmic basis = $10 * \text{Log}(10^{(58.0)} + 10^{(57.0/10)}) = 60.5$.

Final EIR. The estimated noise level from the multi-purpose room with the north door open at the receptor location R1 would be approximately 46.3 dBA (L_{eq}).⁴⁸ When added to the existing ambient noise level of 57.0 dBA L_{eq} (measured nighttime ambient noise level), the composite Project (post-event hour) plus ambient noise would be 57.4 dBA (L_{eq}), which would result in a noise increase of 0.4 dBA. The estimated noise level increase would be below the 5-dBA significance threshold. The estimated noise levels at all other receptor locations, including the receptor location R3 (directly across from the Project Site), would be below the 5-dBA significance threshold. Therefore, the Project's noise impact associated with the multi-purpose room operation (with the north door open) would be less than significant.

Comment No. 7-20

Moreover, noise volume from 475 guests in the church courtyard is modeled, but there is no modeling of any noise impacts from live or recorded music being played in the multi-purpose room, with the doors to the courtyard open. This analysis must be conducted to fully assess the impacts of special events. Such analysis should especially take account for dBC frequency noise, like that associated with bass music, as these tones can travel significant distances and are frequently annoying and disturbing. Similarly, the DEIR does not account for any number of guests who might access the parking garage from the alley. This should also be addressed given the late-night nature of events (until 1 AM).

Response to Comment No. 7-20

As provided in the Draft EIR (Table IV.G-15), the noise analysis for the church exterior courtyard was based on a worst-case scenario. Specifically, the Draft EIR assumed a maximum-capacity event of 475 people (capacity of multi-purpose room) with an amplified sound system in the exterior courtyard). The Draft EIR concluded that the noise impact related to outdoor spaces, including the exterior courtyard, would be less than significant because the estimated noise levels would be below the 5-dBA significance threshold.

Nevertheless, a supplemental noise analysis was performed to estimate the outdoor noise level assuming 475 people and the amplified sound system located inside the multi-purpose room with the doors to the courtyard open, which is included as Appendix FEIR-7 to this Final EIR. The estimated noise level from the multi-purpose room with the doors to the courtyard open at the receptor location R3 (nearest receptor facing the church

⁴⁸ *Estimated noise level assumed 50 percent of the people inside the multi-purpose room would be speaking in a raised voice level, and amplified sound system noise level of 85 dBA at 15 feet.*

courtyard) would be approximately 47.5 dBA (L_{eq}).⁴⁹ When added to the existing ambient noise level of 61.1 dBA L_{eq} (measured nighttime ambient noise level), the composite Project plus ambient noise would be 61.3 dBA (L_{eq}), which would result in a noise increase of 0.2 dBA. The estimated noise level increase would be below the 5-dBA significance threshold. Note that the analysis contained in the Draft EIR is a conservative, worst-case scenario, while this analysis is not a worst-case scenario because it assumes that the maximum capacity of 475 people and the amplified sound system would be in the multi-purpose room rather than in the courtyard.

This analysis was performed using the dBA noise descriptor based on the City's ambient noise standard and the L.A. CEQA Thresholds Guide for evaluating project operation noise. The City does not require noise analysis in terms of dBC, as requested by the commenter. With respect to an impulsive noise source, such as music bass drumbeats, the City's Noise Ordinance has a 5 dBA penalty (i.e., +5 dBA added to the offending noise source (LAMC Section 111.02)). Based on +5 dBA penalty for impulsive, the estimated noise levels from the multi-purpose room would be 52.5 dBA (L_{eq}). The composite noise level when added to the ambient (61.1 dBA) would be 61.7 dBA (L_{eq}), so that this 0.6 dBA increase would be well below the 5-dBA significance threshold. Therefore, the Project's noise impact associated with the multi-purpose room operation in the event that the doors to the courtyard are open would be less than significant.

As discussed in the Project Description (Draft EIR, page II-24), pedestrian access to the subterranean parking structure would be at the northwest and northeast corners of the Project Site. Therefore, pedestrians are not anticipated to walk along the alley for access to the subterranean parking structure.

Comment No. 7-21

While the DEIR does not appear to take into account the specific characteristics of R1, Westbury Terrace, with respect to noise inside the structure, it should be noted that the building is roughly 45 years old and does not have double-paned windows, which might better attenuate the operational noise impacts of the Project.

Response to Comment No. 7-21

The noise impact analysis was performed based the City's noise limits and the Thresholds Guide, which are applicable at the exterior of the noise sensitive receptors (i.e., as measured at the property line. As analyzed in the Draft EIR, Section IV.G, Noise, the

⁴⁹ *Estimated noise level assumed 50 percent of the people inside the multi-purpose room would be speaking in a raised voice level, and amplified sound system noise level of 85 dBA at 15 feet.*

Project's operation noise impacts would be less than significant at all off-site sensitive receptors, with the exception of noise impacts at the upper levels of receptor location R1 due to the loading dock operation. Noise impacts associated with the loading dock operation would be intermittent and short duration and would be limited to the daytime hours, per the LAMC Section 114.03, which prohibits loading and unloading between the hours of 10:00 P.M. and 7:00 A.M. within 200 feet of any residential building. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor location R1, it would be temporary and would cease upon completion of construction and permanent improvements to nearby properties is not warranted.

Comment No. 7-22

VIBRATION IMPACTS INSUFFICIENTLY STUDIED AND MITIGATED

The DEIR concludes that the Project will have a significant impact on residents of Westbury Terrace due to vibration that causes human annoyance during the demolition and grading/excavation phases due to the large equipment that will be operating within 80 feet of the building. However, the DEIR concludes that this same activity will not have an impact on the structure of the Westbury Terrace.

The Westbury Terrace is a 45-year-old structure. Water pipes for the building are exposed in the garage, which is both below and above-ground. With headlines this week regarding the collapse of a 12-story condominium of similar age in Miami for reasons that are not yet known, residents of Westbury Terrace are exceptionally concerned about the impacts of the extensive excavation and construction as close as 30 feet to their building. The vibration impact should be assessed using the standard for fragile structures, and monitoring should be put into place to ensure that the predicted vibration limits are not exceeded during construction.

Response to Comment No. 7-22

As noted by the commenter, the Draft EIR identified a significant and unavoidable impact associated with on-site construction vibration pursuant to the threshold for human annoyance and a less than significant impact with respect to building damage. Specifically, the highest vibration levels at Westbury Terrace would be from large bulldozers and caisson drilling, both resulting in a vibration level of 0.068 inch/second (ppv), well below the threshold of 0.5 ppv. Westbury Terrace is not listed as a historical resource on the National Register or California Register, has not been identified as a Los Angeles HCM, and has not been determined eligible for any such listing or designation. However, even if the more stringent 0.12 ppv significance threshold for historic structures was applied as the commenter suggests, the peak vibration level of 0.068 ppv would still be below the threshold and impacts would be less than significant. Refer to Table IV.G-22 on page IV.G-51 in Section IV.G, Noise, of the Draft EIR. It should also be noted that the Project

would comply with all grading regulations and no intrusion on the Westbury property with tiebacks would occur. Because this impact is less than significant, no mitigation measures are required. The commenter has provided no evidence that the vibration analysis was inadequate and building damage would occur as a result. Lastly, as is consistent with all projects, a project's Applicant is not responsible for the condition and maintenance of an adjacent building or buildings that it does not own, lease, or operate.

Comment No. 7-23

FAILURE TO STUDY SHADE & SHADOW IMPACTS

The DEIR does not include, even as an informational item, any analysis of the Project's shade and shadow impacts. Even though the Project is located in a Transit Priority Area under Public Resources Code section 21099, the City's Zoning Information File ZI No. 2452, "Transit Priority Areas (TPAs)/Exemptions to Aesthetics and Parking Within TPAs Pursuant to CEQA," does not preclude the analysis of shade and shadow impacts of a project like this. As is readily apparent from the overhead images of the proposed project and the Westbury Terrace, the Westbury Terrace's pool is located on the portion of the property closest to where the Project's proposed 19-story tower will be located. Yet the DEIR contains no analysis whatsoever of the shade and shadow impacts on that pool or on the residential units in Westbury Terrace located in proximity to the 19-story tower.

ZI No. 2452 recognizes that while Public Resources Code section 21099 establishes that the aesthetic impacts of a mixed-use project located in a transit priority area, by definition, are not significant impacts on the environment. This means that mitigation is not required for such impacts. It does not mean that the City is permitted to turn a blind eye to all such impacts. For instance, CEQA Guidelines Appendix G provides that "substantial evidence of potential impacts that are not listed on this form must also be considered." ZI No. 2452 acknowledges that "this law did not limit the ability of the City to regulate, or study aesthetic related impacts pursuant to other land use regulations found in the Los Angeles Municipal Code (LAMC), or the City's General Plan, including specific plans." The Wilshire Community Plan contains policies that prioritize the creation and protection of recreation and open space areas, including private open space like the Westbury Terrace pool deck. (See Goal 5, Objective 5-1, Policy 5-1.1, Goal 4, Objective 4-1, Policy 4-1.1.) The Wilshire Community Plan also requires that the City "promote architectural compatibility and landscaping for new Multiple Family residential development to protect the character and scale of existing residential neighborhoods." (Policy 1- 3.1.)

The state has not abdicated the City's obligation to inform itself of the consequences of the developments it approves. By failing to provide any analysis of the shade and shadow impacts of the 19-story tower, the City is hampering its ability to enforce the policies in the Wilshire Community Plan and to provide adequate protections from deleterious impacts of

new development to existing residents in multi-family dwellings. The analysis should be prepared as an informational matter so that the decision makers are informed of the project's actual consequences. The failure to provide this information only invites the conclusion that the results of the analysis are highly detrimental to the neighbors. The lack of transparency serves no one and invites continued distrust.

Response to Comment No. 7-23

This comment suggests that the City had a legal obligation under CEQA to include information and analysis regarding the Project's shade and shadow impacts on the Westbury Terrace pool deck. That is incorrect. As the comments acknowledges, pursuant to PRC Section 21099(d)(1), which is part of the CEQA statute, the aesthetic impact of a mixed-use residential project on an infill site within a transit priority area shall not be considered a significant impact on the environment. As discussed in Section 4.I of the Initial Study for the Project, which is attached is Appendix 8 to the Draft EIR, the Project satisfies the requirements in Section 21099(d)(1).

Therefore, given that the Project's aesthetic impacts cannot be considered a significant impact on the environment, the Draft EIR was not required to evaluate the Project's aesthetic impacts. As set forth in PRC Section 21002.1(a), "the purpose of an environmental impact report is to identify the significant effects on the environment of a project...." PRC Section 21002.1I provides further that

lead agencies shall... focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those defects are not potentially significant.

Similarly, Section 15143 of the State CEQA guidelines state that "[t]he EIR shall focus on the significant effects of the environment." Section 15143 also states that "[e]ffects dismissed in and Initial Study as clearly insignificant need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study."

Consistent with these requirements, the Draft EIR was required to focus on the Project's potentially significant effects, and was not required to analyze shade/shadow and other aesthetic impacts associated with the Project because those impacts cannot be considered significant effects on the environment pursuant to Section 21099(d)(1). The Project's aesthetic impacts are "clearly insignificant" as a matter of law. Pursuant to Section 21002.1I, Chapter VI, Other CEQA Considerations, of the Draft EIR briefly explains, in Section 6.a (Aesthetics) thereof, that the Project's aesthetic impacts cannot be

considered significant impacts on the environment pursuant to Section 21099 (d) (1) and therefore did not have to be evaluated under CEQA. A similar discussion is set forth in Section 4.I of the Initial Study included as Appendix A to Draft EIR.

The comment does not reference or discuss any of the statutory or guideline provisions referenced above, however the comments cite other sources that do not mandate the inclusion of a shade/shadow analysis in the Draft EIR. It quotes a snippet of language from ZI No. 2452, but omits the sentence that immediately follows. That sentence states: “For example, DCP staff would still need to address a project’s shade and shadow impacts if it is expressly required in a specific plan, Community Design Overlays (CDOs), or Historic Preservation Overlay Zones (HPOZs).” However, no such express requirement exists in any such plan or document that is applicable to the Project, and the comment does not claim otherwise. The comment attempts to infer such a requirement in various provisions in the Wilshire Community Plan, although none of them require the preparation of the shade/shadow analysis for a development project.

It is also noted for the record that, while unacknowledged in the comment, at the request of the Westbury Terrace Condominium Owners’ Association, on May 28, 2021, well before the submission of this comment letter, the Applicant voluntarily provided a shade-shadow study directly to the Association, notwithstanding that it had no obligation to do so under CEQA or any other City regulation or policy.

Comment No. 7-24

INADEQUATE FIRE AND EMERGENCY RESPONSE SERVICES

The DEIR acknowledges that the Project is located beyond the acceptable service distances from Los Angeles Fire Department stations. Remarkably, the DEIR contends that the Los Angeles Fire Department has not adopted a response time standard and provides no information on response times at any of the stations that would service the Project—and of course, all other residents of the area—for emergency response needs, including emergency medical services.

This approach is inconsistent with the City’s practice in other Environmental Impact Reports. In other reports, the City has cited the National Fire Protection Association (“NFPA”) 1710 standard as the Los Angeles Fire Department’s goal for response times. This was also the standard relied upon by the Los Angeles City Controller’s office in 2012 when it undertook an investigation of response time reporting by the Los Angeles Fire Department, and by the Los Angeles County Grand Jury in 2013 when it investigated response times by the Los Angeles Fire Department.

Moreover, the failure to provide any response time information for the stations identified as primarily responsive to emergencies at the Project site is a significant departure from the City’s practice in other environmental reports, such as the Hollywood Center EIR, the CitizenM [sic] EIR, the Trident Center Modernization EIR, and the 3rd and Fairfax Mixed-Use Project EIR. All of these reports contain data on the average response times from the first, second, and third in stations reporting to a project site. The absence of this information from *this* DEIR raises questions regarding the adequacy of response times. In light of the Los Angeles Fire Department’s letter stating that “[t]he development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following... additional fire protection facilities,” the failure to present what current response levels are for the area is particularly troubling.

Because the DEIR does not present them, this letter presents the Year 2021 response time data, pulled from FireStatLA on June 27, 2021, for each of the four stations identified as serving the Project site:

STATION 58 RESPONSE METRICS FOR 2021

January - May 2021

Print 

AVERAGE TURNOUT TIME IN DISTRICT			AVERAGE TRAVEL TIME IN DISTRICT			INCIDENT COUNT IN DISTRICT				OPERATIONAL RESPONSE TIME					
	EMS	Non-EMS		EMS	Non-EMS		EMS	Non-EMS	Critical ALS	Structure Fire ¹		EMS	Non-EMS	Critical ALS	Structure Fire ¹
Month	Mins:Secs	Mins:Secs	Month	Mins:Secs	Mins:Secs	Month					Month				
Jan	00:54	00:55	Jan	04:51	04:33	Jan	381	116	24	7	Jan	07:01	06:31	06:03	05:17
Feb	00:51	00:46	Feb	04:46	04:39	Feb	401	90	18	7	Feb	06:50	06:20	06:25	05:17
Mar	00:49	00:46	Mar	04:48	04:35	Mar	376	105	25	9	Mar	06:48	06:24	05:43	04:29
Apr	00:51	00:51	Apr	04:57	04:48	Apr	396	74	16	9	Apr	07:03	06:42	05:24	04:29
May	00:50	00:45	May	05:09	05:17	May	421	81	18	9	May	07:13	06:59	05:53	04:29
Overall	00:51	00:49	Overall	04:54	04:45	Overall	1975	466	101	15	Overall	06:59	06:34	05:54	04:54

STATION 68 RESPONSE METRICS FOR 2021

January - May 2021

Print 

AVERAGE TURNOUT TIME IN DISTRICT			AVERAGE TRAVEL TIME IN DISTRICT			INCIDENT COUNT IN DISTRICT				OPERATIONAL RESPONSE TIME					
	EMS	Non-EMS		EMS	Non-EMS		EMS	Non-EMS	Critical ALS	Structure Fire ¹		EMS	Non-EMS	Critical ALS	Structure Fire ¹
Month	Mins:Secs	Mins:Secs	Month	Mins:Secs	Mins:Secs	Month					Month				
Jan	00:52	00:53	Jan	04:26	03:58	Jan	424	71	41	15	Jan	06:34	05:45	05:36	04:35
Feb	00:49	00:42	Feb	04:29	04:26	Feb	325	57	23	15	Feb	06:32	06:10	05:54	04:35
Mar	00:49	00:49	Mar	04:40	04:34	Mar	344	61	39	9	Mar	06:43	06:04	05:47	04:43
Apr	00:46	00:52	Apr	04:56	04:47	Apr	418	59	28	9	Apr	06:59	06:30	05:51	04:43
May	00:49	00:42	May	04:50	04:40	May	400	55	18	9	May	06:49	06:41	05:43	04:43
Overall	00:49	00:48	Overall	04:41	04:28	Overall	1911	303	149	13	Overall	06:44	06:12	05:45	04:30

STATION 92 RESPONSE METRICS FOR 2021

January - May 2021

Print 

AVERAGE TURNOUT TIME IN DISTRICT			AVERAGE TRAVEL TIME IN DISTRICT			INCIDENT COUNT IN DISTRICT				OPERATIONAL RESPONSE TIME					
	EMS	Non-EMS		EMS	Non-EMS		EMS	Non-EMS	Critical ALS	Structure Fire ¹		EMS	Non-EMS	Critical ALS	Structure Fire ¹
Month	Mins:Secs	Mins:Secs	Month	Mins:Secs	Mins:Secs	Month					Month				
Jan	00:48	00:48	Jan	05:20	04:03	Jan	161	38	10	5	Jan	07:19	06:07	06:25	06:58
Feb	00:45	00:37	Feb	05:19	04:52	Feb	140	32	12	5	Feb	07:17	06:30	06:19	06:58
Mar	00:45	00:42	Mar	05:48	04:34	Mar	215	53	18	1	Mar	07:54	06:23	05:56	05:02
Apr	00:46	00:45	Apr	05:52	05:08	Apr	185	45	12	1	Apr	07:55	06:51	06:34	05:02
May	00:48	00:47	May	05:40	05:17	May	202	49	11	1	May	07:49	07:11	06:43	05:02
Overall	00:46	00:44	Overall	05:38	04:48	Overall	903	217	63	7	Overall	07:41	06:38	06:20	04:27

STATION 43 RESPONSE METRICS FOR 2021

January - May 2021

Print 

AVERAGE TURNOUT TIME IN DISTRICT			AVERAGE TRAVEL TIME IN DISTRICT			INCIDENT COUNT IN DISTRICT				OPERATIONAL RESPONSE TIME					
	EMS	Non-EMS		EMS	Non-EMS		EMS	Non-EMS	Critical ALS	Structure Fire ¹		EMS	Non-EMS	Critical ALS	Structure Fire ¹
Month	Mins:Secs	Mins:Secs	Month	Mins:Secs	Mins:Secs	Month					Month				
Jan	00:59	00:52	Jan	04:15	04:25	Jan	218	55	10	8	Jan	06:32	06:21	05:57	04:47
Feb	00:55	00:49	Feb	04:41	04:25	Feb	191	33	16	8	Feb	06:52	06:25	06:00	04:47
Mar	00:58	00:52	Mar	04:48	04:51	Mar	203	53	13	11	Mar	06:57	06:47	06:01	05:27
Apr	00:57	00:59	Apr	04:18	04:40	Apr	238	36	19	11	Apr	06:36	06:37	05:05	05:27
May	00:58	00:50	May	04:31	05:14	May	233	29	14	11	May	06:39	07:03	05:52	05:27
Overall	00:57	00:52	Overall	04:30	04:41	Overall	1083	206	72	13	Overall	06:43	06:37	05:44	05:14

As the tables show, response times are far from adequate. The NFPA standard is 5

STATION 61 RESPONSE METRICS FOR 2021

January - May 2021

Print 

AVERAGE TURNOUT TIME IN DISTRICT			AVERAGE TRAVEL TIME IN DISTRICT			INCIDENT COUNT IN DISTRICT				OPERATIONAL RESPONSE TIME					
	EMS	Non-EMS		EMS	Non-EMS		EMS	Non-EMS	Critical ALS	Structure Fire ¹		EMS	Non-EMS	Critical ALS	Structure Fire ¹
Month	Mins:Secs	Mins:Secs	Month	Mins:Secs	Mins:Secs	Month					Month				
Jan	00:51	00:48	Jan	05:08	04:58	Jan	455	119	23	20	Jan	07:16	06:48	05:34	04:42
Feb	00:49	00:45	Feb	04:57	04:23	Feb	427	121	18	20	Feb	07:01	06:03	05:00	04:42
Mar	00:47	00:46	Mar	05:06	04:57	Mar	457	120	37	18	Mar	07:05	06:33	05:44	05:04
Apr	00:46	00:49	Apr	05:10	05:28	Apr	447	128	21	18	Apr	07:11	07:17	05:59	05:04
May	00:52	00:49	May	05:02	05:07	May	481	136	36	18	May	07:06	06:52	05:52	05:04
Overall	00:49	00:47	Overall	05:05	04:59	Overall	2267	624	135	30	Overall	07:08	06:43	05:41	05:31

minutes for an EMS response and 5 minutes, 20 seconds for a fire suppression response. For EMS response, each of these stations is averaging close to or even over *seven minutes* response time. Response times are lower for critical ALS, which are the most severe EMS responses, but even those times significantly exceed the five-minute standard.

Response to Comment No. 7-24

The comment correctly states that the Draft EIR acknowledges that the Project is located beyond the acceptable service distances from LAFD stations. However, the commenter does not acknowledge that even though the response distance is greater than that which is allowable, all Project structures would be constructed with automatic fire sprinkler systems in accordance with LAMC Section 57.507.3.3 (as interpreted by the LAFD to apply to high-rise residential buildings). Further, as explained in more detail in the Draft EIR, compliance with applicable regulatory requirements, including LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, would ensure that adequate fire prevention features would be provided that would substantially reduce the demand on LAFD facilities and equipment resulting from the Project. Moreover, as recommended by LADWP, the Project would incorporate 156 linear feet of new 12-inch water main on Sherbourne Drive across Burton Way to facilitate additional fire flow and water pressure to the Project Site. As such, the Draft EIR concluded that the Project would not result in a substantial adverse physical impact associated with the provision of new or physically altered governmental facilities (fire protection), the construction of which would cause significant environmental impacts, in order to maintain acceptable fire protection services.

In addition, this comment incorrectly claims that LAFD has adopted a response time standard, and that the NFPA response times are the "goals" of the LAFD. As stated clearly in the Draft EIR on page IV.H.1-15: "LAFD has not established response time standards for emergency response, nor adopted the National Fire Protection Association (NFPA) standard of five minutes for EMS response and five minutes, 20 seconds for fire suppression response."

Notably, three of the four EIRs cited by the commenter for comparison also clearly state that LAFD has not established response time standards. Refer to page IV.K.1-11 of the Hollywood Center EIR, page IV.I-11 of the citizenM EIR, and page IV.H-13 of the 3rd and Fairfax EIR. While the fourth EIR cited by the commenter, Trident Center Modernization Project, does not include this language, it also does not state that LAFD has established any response time standard. Because LAFD has no standard for response times and therefore cannot be used for determining significance, they were omitted from the Draft EIR. Nevertheless, for informational purposes, response times for the stations serving the Project Site will be added in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 7-25

The DEIR identifies 14 related projects in the City of Los Angeles, many of which include residential, senior residential, office or hotel uses, all of which could require emergency

response services. Given this expanding population, the already poor state of emergency response times, and the LAFD's own statement that additional facilities may be required in the area, the DEIR's cavalier conclusion that the Project and other cumulative projects will not have an impact for CEQA purposes because a new fire station could be approved by Mitigated Negative Declaration is stunningly short-sighted. CEQA also requires assessment of the effects of government approved activities on humans. Continually approving new development in light of the evidence of deteriorating ability to respond to medical emergencies is certainly something that has an effect on the health of the humans in this city, and these issues should not be ignored or glossed over in the DEIR.

Response to Comment No. 7-25

Pages IV.H.1-26 through IV.H.1-28 of Section IV.H.1, Public Services—Fire Protection, of the Draft EIR, thoroughly and adequately address the potential for cumulative impacts related to fire protection facilities.

Specifically, as discussed in Section IV.H.1, Public Services – Fire Protection, while the Project and related projects would result in a cumulative increase in the demand for LAFD services, the Project and related projects would be reviewed by the LAFD to ensure that sufficient fire safety and hazards measures are implemented to reduce potential impacts to fire protection and emergency medical services and would be subject to the City's standard construction permitting process, which includes a review by LAFD for compliance with building and site design standards related to fire/life safety, as well as coordinating with LADWP to ensure that local fire flow infrastructure meets current code standards for the type and intensity of land uses involved. Furthermore, if any of the related projects fall outside an acceptable response distance, like the Project, they would be required to be fully sprinklered.

Section IV.H.1, Public Services—Fire Protection goes on to state that even if a new fire station, or the expansion, consolidation, or relocation of an existing station was determined to be warranted by LAFD, such facilities: (1) would occur where allowed under the designated land use; (2) would be located on parcels that are infill opportunities similar to existing fire stations in the Project vicinity, and on lots that range from 0.75 to 2 acres in size consistent with Proposition F and Measure J; and (3) would be subject to the adoption of a Negative Declaration or Mitigated Negative Declaration, or could qualify for a statutory or categorical exemption, due to the limited environmental impacts associated with such a project.⁵⁰ Therefore, development of a station at this scale is unlikely to result in any

⁵⁰ *Although an EIR was prepared for the construction of LAFD Fire Station No. 39, the EIR concluded there would be no significant impacts. See Notice of Determination for Van Nuys Fire Station 39.*

significant impact, and projects involving the construction or expansion of a fire station would be addressed independently pursuant to CEQA.

In addition, consistent with the *City of Hayward v. Board of Trustees of California State University* ruling and the requirements stated in the California Constitution Article XIII, Section 35(a)(2) discussed in Subsection 3.b. above, the obligation to provide adequate fire protection and emergency medical services is the responsibility of the City. Through the City's regular budgeting efforts, LAFD's resource needs, including staffing, equipment, trucks and engines, ambulances, other special apparatuses and possibly station expansions or new station construction, would be identified and allocated according to the priorities at the time. At this time, LAFD has not identified any new station construction in the area impacted by this Project either because of this Project or other projects in the service area. If LAFD determines that new facilities are necessary at some point in the future, as discussed above, such facilities would not be expected to result in significant impacts. Further analysis, including a specific location, would be speculative and beyond the scope of this document. As such, the cumulative impact on fire protection services would be less than significant.

It is worth noting that three of the four EIRs cited by the commenter in Comment No. 7-24 evaluate cumulative impacts related to fire protection in a similar way and come to the same conclusion as the Project's Draft EIR (refer to pages IV.K.1-25 through IV.K.1-27 of the Hollywood Center EIR, pages IV.I-24 through IV.I-26 of the citizenM EIR, and pages IV.H-22 through IV.H-24 of the 3rd and Fairfax EIR). The fourth EIR cited by the commenter, Trident Center Modernization Project, differs only in that it does not cite the *City of Hayward v. Board of Trustees of California State University* ruling discussed above. The cumulative analysis is therefore consistent with other CEQA analyses published by the City, including the very projects cited by the commenter.

Comment No. 7-26

CULTURAL RESOURCE IMPACTS OF DECONSTRUCTING CATHEDRAL NOT DISCLOSED

The DEIR evaluates the impacts of the complete deconstruction and reconstruction of the historic cathedral building, acknowledging that the building is eligible as a local City of Los Angeles Historic and Cultural Monument. The DEIR admits that “[t]he building would lose some original materials during deconstruction and reassembly, including interior wall framing, roof underlayment, and its concrete foundation, none of which are visible to the public or considered to be character-defining.” Moreover, “[a]s part of the deconstruction and reassembly process, existing exterior stucco and interior plaster finishes will need to be removed and recreated to ensure adequate waterproofing of the building envelope.... Therefore, although the building's original exterior stucco and interior plaster finishes would

need to be recreated, they would match the historic finishes exactly and their distinctive appearance would be preserved.” The DEIR’s cultural resources appendix notes that “the appearances of the stucco and interior plaster are considered character-defining features of the cathedral.”

Response to Comment No. 7-26

As discussed above in Response to Comment Nos. 6-5 and 6-6, it is not possible to retain original exterior stucco as part of the building’s reconstruction. However, the foundation and existing stucco material are not character-defining features of the cathedral building. The foundation is a concrete slab foundation, which is not visible at exterior. The interior floor has always been covered with another material, and it is currently covered with non-original carpet in the main sanctuary. The stucco walls have been patched, repaired and painted numerous times over the course of multiple remodels and after a major fire damaged the building in 1996. The stucco itself is a common material and is covered with multiple layers of paint. Although, as the comment notes, the appearance of the stucco is character-defining, including its texture and all visual qualities, the material itself can be replaced without change to the appearance of the cathedral.

Large samples of original stucco would be collected during deconstruction and retained so that the replacement stucco, a common material, would match the original stucco in texture, composition, and color. Similarly, as discussed in Section IV.B, Cultural Resources of the Draft EIR, and in the Historical Report included as Appendix C to the Draft EIR, samples of plaster would also be taken in order to replicate the original color, texture, and composition. Therefore, although the actual stucco and plaster could not be salvaged, the appearance of the hand-troweled stucco cladding and the appearance of smooth plaster finishes would be preserved as part of the Project. As concluded in the Draft EIR and the Historical Report, and reiterated above in Response to Comment No. 6-8, upon completion of the Project, the building would continue to be eligible for designation as a Los Angeles HCM.

Comment No. 7-27

The complete deconstruction of an existing historic resource and the replacement of its exterior features with entirely new materials is not consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings, available at <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf> and incorporated herein by reference. Where, as with the cathedral, a resource is in good condition, the Secretary of Interior’s guidelines encourage preservation of the historic materials. The DEIR’s attempt to rely upon the “appearance” of the interior and exterior stucco as a character defining feature while disclaiming the original material itself as character-defining is unsupported, [sic] and

is simply creative justification to permit the complete deconstruction of the cathedral to make massive on-site construction easier.

Response to Comment No. 7-27

Contrary to the implication in this comment, a determination as to whether the deconstruction, reassembly and rehabilitation of the cathedral building complies with the Secretary of the Interiors' Standards and Guidelines referenced is not required to determine whether that process would result in significant cultural resources impact. Rather, that process would only have a significant cultural resources impact if it would cause a substantial adverse change in the significance of the cathedral building, which in turn depends on whether the deconstruction, reassembly and rehabilitation would materially impair in an adverse manner the physical characteristics that convey its historical significance and justify its eligibility as a Los Angeles HCM. See CEQA Guidelines Section 15064.6(b). As concluded in the Draft EIR and underlying Historical Report, which was prepared by qualified experts in the field, and reiterated above in Response to Comment No. 6-8, the reassembled and rehabilitated building would continue to be eligible as a Los Angeles HCM. In comparison, it does not appear that this comment is based on expert analysis.

Refer to Response to Comment No. 7-26, above regarding the replacement stucco or plaster as part of the building's reassembly.

Comment No. 7-28

It is notable that the DEIR lacks any study of an alternative that would conserve the cathedral on site during construction. This is in spite of the specific request of the Los Angeles Conservancy, in response to the Notice of Preparation, that such an approach be considered and studied. The DEIR does not reject such alternative as infeasible, it simply ignores it. This issue must be addressed in order to reduce the impacts of the proposed project on the historic resource that is the cathedral.

Response to Comment No. 7-28

As discussed above in Response to Comment No. 6-11, the Draft EIR was not required to analyze a preservation alternative because the Project would not result in a significant impact on a historical resource. However, Alternative 5 (Reduced Grading Alternative) addressed the revisions to the design that would be required to avoid excavation in the vicinity of the existing cathedral building, and how those design changes would affect the Project's impacts. The massing of the six-level podium in Alternative 5 would overwhelm the immediately adjacent, one-story cathedral building, providing no meaningful height and massing transition between the residential building and the

cathedral, and thereby significantly diminish the cathedral's integrity of setting and feeling. When combined with the diminishment in the integrity of design, workmanship and materials associated with the cathedral, the building would no longer be eligible for designation as a Los Angeles HCM.

Comment No. 7-29

IMPROPER DEFERAL [sic] OF MITIGATION MEASURES

The DEIR notes that a construction traffic plan will be developed in the future. Although certain studies (traffic, noise, vibration) are based on some sort of presumed construction traffic plan, the details of that plan are not set forth in the DEIR. These details should be made available to the public for review and comment now, rather than in some post-approval proceeding when the momentum of the Project's approval nearly pre-conditions the acceptance of construction traffic management plan. These details are important to the residents who will endure multiple years of construction of the Project.

Response to Comment No. 7-29

This comment incorrectly characterizes the planned Construction Traffic Management (CTM) Plan as mitigation and claims it lacks detail. First, the CTM Plan is included as Project Design Feature TR-PDF-1 consistent with standard City practice. While not referenced by the commenter here, it is worth noting that all four of the EIRs cited by the commenter above in Comment No. 7-24 include a CTM Plan as a Project Design Feature, not mitigation. Refer to pages IV.L-28 through IV.L-29 of the Hollywood Center EIR, pages IV.J-39 through IV.J-40 of the citizenM EIR, pages IV.G-28 through IV.G-29 of the Trident Center Modernization Project EIR, and pages IV.I-21 through IV.I-22 of the 3rd and Fairfax EIR. The CTM Plan, in fact, cannot be included as a mitigation measure because there is no identified significant construction traffic impact to mitigate.

As to the second point, Project Design Feature TR-PDF-1 clearly states the contents of the CTM Plan. It is required to include a Worksite Traffic Control Plan consisting of a set of plans and will identify the location of any temporary street parking or sidewalk closures; show traffic/bus detours, haul routes, and hours of operation; provide for the posting of signs advising transit riders and pedestrians of temporary sidewalk closures and providing alternative routes; provide for the installation of other construction-related warning signs; and show access to abutting properties. The CTM Plan would include, but not be limited to, the following measures: maintaining access for land uses in the vicinity during construction; scheduling construction material deliveries during off-peak periods to the extent practical; organizing deliveries and staging of equipment and materials in the most efficient matter possible to avoid an impact on surrounding roadways; coordinate truck activity and deliveries to minimize trucks waiting to unload or load at or adjacent to the Project Site; controlling truck and vehicle access to the Project Site with a flagman,

implementing the approved haul route to and from the Project Site; limiting sidewalk and lane closures to the extent practical, and identifying alternate routes as required; and requiring that parking for construction workers be provided either on-site or at off-site, off-street locations. As noted in Section IV, Mitigation Monitoring Program, of this Final EIR, the CTM Plan would be monitored and enforced by LADOT prior to and during construction.

Comment No. 7-30

Likewise, the DEIR does not contain any details regarding mitigation measures to ensure that special events do not have unforeseen impacts on the neighboring residents. These would include measures such as an overall capacity limit, frequency and hours of operation limits, requirements regarding doors opening in the multi-purpose room and volume of music. These kinds of details must be included as conditions of the Project or else the Project is likely to have noise impacts that are not mitigated.

Response to Comment No. 7-30

Refer to Response to Comment Nos. 7-12 through 7-22, above. The commenter has provided no evidence that additional mitigation measures are required.

Comment No. 7-31

RECIRCULATION IS REQUIRED

The DEIR must be significantly revised, [sic] and recirculated for additional review and comment. Recirculation is required because the impacts of the Project have not been adequately identified and disclosed, and feasible mitigation measures have not been analyzed. Moreover, the range of alternatives does not include any alternatives that locate the garage entrance on a well-trafficked street nor any other than the no-project alternative that avoids the deconstruction/reconstruction of the Cathedral. Only after the Project's full impacts are disclosed and feasible mitigation measures identified can the public and decision makers be fully aware of the ramifications if the proposed Project is to be constructed and operated in this location.

Response to Comment No. 7-31

This comment concludes the letter and reiterates the commenter's belief that the Draft EIR did not adequately evaluate potential impacts and should be recirculated. Specific issues raised by the commenter are addressed in Response to Comment Nos. 7-2 through 7-31, above. As discussed therein, the Draft EIR adequately evaluated all potentially significant impacts associated with the Project and recirculation is not required.

Comment Letter No. 8

Adriana Aguirre
Westbury Terrace Condominiums
321 S. San Vicente Blvd., Apt. 103
Los Angeles, CA 90048-3332

Comment No. 8-1

I'm the owner of the unit # 103 at the Westbury Terrace. I'm very concern with the project of the neighboring Church., [sic] and will voted against any future construction.

Response to Comment No. 8-1

This introductory comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 8-2 through 8-6, below.

Comment No. 8-2

There is already another project across the street from our building. Rick Caruso 19 story Apartment Tower. Site address: 333 La Cienega Blvd., LA, CA.

Response to Comment No. 8-2

This comment notes that there is another project nearby at 333 La Cienega Boulevard. This project is included in the Draft EIR as Related Project No. LA6 and cumulative impacts that could potentially result through a combination of the Project and related projects, including LA6, are evaluated throughout the Draft EIR.

Comment No. 8-3

Please, and with all the power you may have at the L.A., City's Office we need your help. Just imagine living with more construction that will most probably be for another 5 years! This is certainly not a quality of life!

Response to Comment No. 8-3

This comment incorrectly states that construction would last five years. As discussed in Section II, Project Description, of the Draft EIR, Project construction is expected to last three years.

Comment No. 8-4

I know that L.A. is growing, but not with the pain and stuggles [sic] we will be subjected to.

Response to Comment No. 8-4

This comment expressing general opposition to development within the City is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 8-5

If we as homeowners should get sick, is the city willing to take responsabilty [sic]? The noise, the “elements” in the air we breath [sic], the traffic jams, and possible accidents going in and out of our garages.

Response to Comment No. 8-5

This comment implies the Project could result in illness for nearby residents, but presents no evidence to support this claim, and expresses concern about noise, air quality, traffic, and alley operations.

With respect to noise, the Project’s noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While construction noise impacts would remain significant and unavoidable after mitigation at receptor locations R1 and R2, these impacts are temporary and would cease upon completion of construction. In addition, the significant and unavoidable noise impact associated with operation of the loading areas would be intermittent and only occur when both loading areas are in simultaneous use. In reality, both loading areas would be used infrequently, and it is unlikely that both loading areas would be used simultaneously. Nonetheless, the Draft EIR discloses the most conservative noise scenario to inform the public and decision-makers.

With respect to air quality, the Project’s air quality impacts are fully evaluated in Section IV.A, Air Quality, of the Draft EIR. As discussed therein, all impacts would be less than significant without mitigation measures. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

With respect to traffic, as discussed in Section IV.I, Transportation, in accordance with Senate Bill (SB) 743, the City no longer evaluates transportation impacts using auto delay or level of service (LOS). The focus of the analysis is now on vehicle miles traveled

(VMT). As evaluated in Section IV.I, the Project's traffic impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, was included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Finally, with respect to the Project's impact on alley operations, refer to Response to Comment Nos. 7-4, 7-7, 7-8, and 7-9, above. As discussed therein, based on conservative assumptions, the Draft EIR determined that the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, nor result in significant queuing or hazardous conditions. This comment does not raise any specific concern with that analysis.

Comment No. 8-6

Is the City of LA willing to take I [sic] of all possible catastrophies! [sic]

Thank you for taking the time for reading this.

Response to Comment No. 8-6

This comment concludes the letter and inquires about potential "catastrophes." As discussed in Response to Comment No. 8-2 through 8-5, above, the commenter has provided no evidence of potential impacts beyond those disclosed in the Draft EIR.

Comment Letter No. 9

Sara Ameri
saraameri.sa@gmail.com

Comment No. 9-1

Please see my comments below

Hi Ashley,

I wasn't sure whether to reply all or reply directly but either way I hope my input is helpful. As a brand new homeowner as Westbury (we closed a month ago) this project was NOT described to me at all during the Escrow period and it raise a lot of major concerns that others have touched on—pollution, loss of light, increased chaotic traffic, and considering it is a very loud neighborhood (which I've learned in the last 4 weeks living here) we do NOT need more ongoing noise that disturbs the residents.

Response to Comment No. 9-1

This comment expresses concern over pollution, loss of light, traffic, and noise.

With respect to pollution, it is unclear what the commenter is referring to. However, impacts with respect to Air Quality, Water Quality, and Hazards and Hazardous Materials were fully evaluated (refer to Section IV.A, Air Quality; Appendix A; and Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, respectively) and the Project's impacts were determined to be less than significant.

Loss of light (i.e., shading) is not an impact evaluated under CEQA with respect to the Project. As discussed in the Initial Study included as Appendix A to the Draft EIR, because the Project is a mixed-use project located on an infill site within a transit priority area, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts shall not be considered significant impacts on the environment and therefore did not have to be evaluated in the Draft EIR. Nevertheless, an analysis of the Project's aesthetic impacts was included in the Initial Study for informational purposes. As discussed therein, the Project would not have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; conflict with applicable zoning and other regulations governing scenic quality; or create a new source of light or glare which would adversely affect day or nighttime views of the area.

With respect to noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impacts would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction. In addition, the significant and unavoidable noise impact associated with operation of the loading areas would be intermittent and only occur when both loading areas are operating simultaneously. In reality, both loading areas would be used infrequently and it is unlikely that both loading areas would be used simultaneously. Nonetheless, the Draft EIR discloses the most conservative noise scenario to inform the public and decision-makers.

Comment No. 9-2

There is absolutely no reason that a 19 story building needs to be built next door, especially when the luxury apartment complex on top of TJ's (8500 S San Vicente Blvd) has so much availability, plus we are at an all-time-low [sic] of people leaving the city to work from home indefinitely. Not only is this project already creating a massive headache, it's just downright unnecessary.

Response to Comment No. 9-2

This comment, which expresses general opposition to the Project, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 9-3

asholderdesign@gmail.com> wrote:

Hello Westbury Terrace residents,

Your neighborhood needs your help. Can you please take a moment to submit questions and objections to the 19-story residential tower project draft EIR (scroll to the bottom of the web link) ASAP? If you care about your property investment or neighborhood, it's critical we get as much support as possible to stop the project or mitigate the effects of it. Please email your questions and objections to Paul Caporaso at paul.caporaso@lacity.org no later than 4PM on Monday, June 28, 2021, referencing the Environmental Case No ENV-2019-1857-EIR. Below are a few key points you may wish to reference.

Response to Comment No. 9-3

This is an email forwarded by the commenter that was not deleted prior to submission of their comment. Therefore, while not part of the comment, it is part of the record.

This comment eliciting opposition to the Project and providing the City's point of contact information is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 9-4

Land use and planning section

The site currently allows 113 base dwelling units. By allocating 15 percent (17 units) to very low income households, the developers are requesting a 35 percent density bonus which would allow them to have 40 additional units for a total of 153 dwelling units (Page IV.F-25). We cannot allow this to happen. There are many other requests the project is making all to benefit their development and not the community—all communicated within this section.

Response to Comment No. 9-4

This comment describes the Project's requested density bonus. The Project's entitlement requests are disclosed in Section II, Project Description, of the Draft EIR and the Project's consistency with plans, polices, and regulations adopted for the purpose of avoiding or mitigating environmental effects is evaluated in Section IV.F, Land Use, of the Draft EIR. As discussed therein, the Project would not conflict with the applicable plans, polices, and regulations adopted for the purpose of avoiding or mitigating environmental effects.

Comment No. 9-5

Transportation section

The project has a total 397 planned parking spaces, 252 of which are designated for new residents, and 145 are allocated for church events and staff. Imagine 252 more cars maneuvering through our neighborhood at any given time and 145 more on event days.

The entry/exit points to the project are directly across from your garage entrance which will cause significant traffic congestion in the alley and along Holt Ave, causing significant delays entering/exiting your garage. Additionally our existing road infrastructure cannot accommodate the added congestion. It's hard enough for 2 cars to safely pass on Holt when a delivery vehicle is parked on the street. We need to insist they relocate their entrance/exit points on Burton Way so our building's homeowners/renters are not impacted. This ensures there will be no additional traffic through your alley, our alley, and on Holt Ave.

Response to Comment No. 9-5

This comment expresses concern over alley operations and requests that the Project's entry and exit points be relocated. With respect to the Project's impact on the operation of the alley, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, nor result in significant queuing or hazardous conditions.

With respect to traffic congestion, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Regarding the commenter's insistence that the access for the Project be moved to Burton Way, refer to Response to Comment No. 7-4.

Comment No. 9-6

The transportation study was very conveniently completed on November 19, 2019, a week prior to Thanksgiving when most of Los Angeles residents and homeowners from Westbury Terrace/Burton Holt had already cleared out of the neighborhood for the holidays. It does not reflect accurate traffic counts and even if this study was redone today, the city still wouldn't have an accurate picture for the future as most of us still work from home and are not commuting to work as we did prior to the pandemic.

Response to Comment No. 9-6

This comment incorrectly suggests that existing traffic counts were taken on November 19, 2019. As noted in Response to Comment No. 3-1 above, existing traffic counts were taken in May 2018.

Comment No. 9-7

Is your unit on the South side of Westbury Terrace? If so, your views will be impacted.

Response to Comment No. 9-7

As discussed in the Project's Initial Study included as Appendix A to the Draft EIR, because the Project is a mixed-use project located on an infill site within a transit priority area, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts cannot be considered significant impacts on the environment and therefore did not have to be evaluated in the Draft EIR. While an aesthetics analysis was included in the Initial Study for informational purposes, the CEQA threshold pertaining to views applies only in non-urbanized areas. Within urbanized areas, the CEQA threshold is whether the Project would "conflict with applicable zoning and other regulations governing scenic quality." As discussed in the Initial Study, the Project would be consistent with the City's regulations governing scenic quality.

Comment No. 9-8

You will hear increased traffic speeding through the alley every morning, evening, throughout the night, and on event days if they do not move the building's entry/exit points to Burton Way.

Response to Comment No. 9-8

This comment expresses concern about noise associated with traffic in the alley. As discussed in Response to Comment No. 7-18, above, the Project's noise impact associated with alley traffic would be less than significant.

Comment No. 9-9

Everyone will hear all the pounding, excavation, and heavy construction equipment maneuvering through the project site during construction.

Response to Comment No. 9-9

The Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment Letter No. 10

Shirin Asgarian
shirinasgarian@yahoo.com

Comment No. 10-1

My name is Dr Shirin Asgarian, I am a home owner and President of West Burry [sic] Terrace HOA, a [sic] 11 story 82 units [sic] building built 1974, immediately across the Alley from the proposed 19 story building.

We are very concern and oppose to the EIR because it did not address the issues related to our building, and urge the Planning Department and Planning Commission to deny the EIR until the following items are addressed:

Response to Comment No. 10-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 10-2 through 10-5 below.

Comment No. 10-2

1) Traffic in the Alley: the 20'-0" wide Alley [sic] will not be sufficient to handle the massive traffic that proposed 157 unit residential plus the traffic of the Sanctuary and events will generate. Traffic [sic] study which was prepared was done during Thanks Giving [sic] of 2019 when the traffic is light and do [sic] not represent the thru [sic] number of cars passing by. We request that a peer review be done by another firm not related to the proposed project and to be paid by the applicant.

Response to Comment No. 10-2

This comment expresses concern about alley operations and mischaracterizes the baseline data used in the Project's Transportation Analysis. With respect to the Project's impact on the operation of the alley, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5 above. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development or result in significant queuing or hazardous conditions. With respect to the baseline data used in the Transportation Analysis, as discussed above in Response to Comment No. 3-1, existing traffic volumes were counted in May 2018. The request for peer review of the Project's

transportation study will be forwarded to the decision-makers for their review and consideration.

Comment No. 10-3

2) Vibration during the shoring, excavation and construction, we request that a third party structural/shoring engineer to review their plans, to make sure there will be no vibration created in the process, the fee for this review shall also be paid by the applicant.

Response to Comment No. 10-3

Construction vibration was evaluated in Section IV.G, Noise, of the Draft EIR. As discussed therein, the Project's impact with respect to the threshold for human annoyance would be significant and unavoidable, but the Project's impact with regard to the threshold for building damage would be less than significant. The request for third-party review of the Project plans will be forwarded to the decision-makers for their review and consideration.

Comment No. 10-4

3) There shall be a construction traffic management plan be prepared by the applicant and shall be submitted to Planning staff and CD 5 for their review and approval prior to start of any construction.

Response to Comment No. 10-4

The Project includes the preparation of a CTM Plan pursuant to Project Design Feature TR-PDF-1, which will be monitored and enforced by LADOT, the appropriate overseeing agency, prior to and during construction.

Comment No. 10-5

4) We are very concern about the shade and shadow study prepared by the applicant, we request that a third party consultant to review and concur with the repot, fee for second [sic] party to be paid by applicant.

Response to Comment No. 10-5

As discussed in Response to Comment No. 7-23, the Draft EIR was not required to evaluate the shade/shadow impacts associated with the Project. However, the request for third-party review of the shade/shadow study prepared for the Applicant will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 11

Ava Azizi
317 S. Holt Ave.
Los Angeles, CA 90048-6202

Comment No. 11-1

I hope this email finds you well. I am writing to you today to vehemently oppose the “Our Lady of Mt. Lebanon Project.”

I have lived at 317 S. Holt Avenue, which is diagonal to the proposed development, for the last 9 years and was quite shocked to learn about the proposed plans. I am a mother to 3 young children—two 5-year old twin daughters and a 15 month old son—and have serious concerns about the project:

Response to Comment No. 11-1

This introductory comment expresses general opposition to the Project. Specific issues raised by the commenter are addressed in Response to Comment Nos. 11-2 through 11-5, below.

Comment No. 11-2

1. My two daughters have serious asthma. They’ve been hospitalized at Cedars numerous times, once even in the PICU. Where am I going with this? Well, the extra dirt/dust/debris in the air would be incredibly dangerous for their health. Am I supposed to not let my daughters play outside because of all of the extra dust from the construction across the street? That is awful to even think about.

Response to Comment No. 11-2

This comment expresses concern about air quality, specifically dust. As discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403 which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, the Project’s air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 11-3

2. The noise. I have looked at the data on the “unavoidable construction noise” and it is clear that it is well above what the CDC and The [sic] World Health Organization have determined as safe sound exposure. My children are young, still developing and prolonged construction noise could harm their hearing long term. This is not acceptable.

Response to Comment No. 11-3

This comment states that construction noise would be above that which the Center for Disease Control (CDC) and World Health Organization (WHO) have determined as safe sound exposure, but provides no citation to any such authority. The National Institute for Occupational Safety and Health (NIOSH), an organization within the CDC, provides a Recommended Exposure Limit (REL) for occupational noise exposure of 85 dBA (an 8-hour time-weighted average), to prevent hearing loss.⁵¹ The NIOSH REL is based on a long-term noise exposure of 8 hours per day over a 40-year period. In addition, the WHO’s Environmental Noise Guidelines for the European Region indicate a permanent hearing impairment risk with long-term noise exposure over 80 dBA during 40 years of working a 40-hour work week.

The City currently has not established specific noise limits with respect to hearing loss. However, the United States Occupational Safety and Health Administration (OSHA) and the State’s Division of Occupational Safety and Health (known as Cal/OSHA) have established the permissible noise exposure limits, primarily applicable to workers working in noisy environments, to prevent noise-induced hearing loss. (OSHA, Hearing Conservation, OSHA 3074, 2002 (Revised)). The Cal/OSHA standards can be used as a guide to evaluate potential health effects of the Project’s noise impacts to the public at large, in absence of the City-specific limit. The noise exposure limitation is defined as exposure duration per day (for workers). Per Cal/OSHA, the permissible noise exposure for 8 hours would be 90 dBA (L_{eq} .) (Cal/OSHA, Title 8 Regulations, Subchapter 7. General Industry Safety Orders, Group 15. Occupational Noise, Article 105. Control of Noise Exposure, §5096. Exposure Limits for Noise, Table N-1 Permissible Noise Exposure). Following mitigation, the highest estimated construction noise level at receptor location R1 would be 72.3 dBA during the mat foundation phase, which is below the NIOSH REL and WHO Environmental Noise Guidelines, as well as the Cal/OSHA noise limit. In addition, the mat foundation phase is approximately two days, and the estimated noise levels provided in the Draft EIR represent a conservative analysis because it assumed all construction equipment would operate simultaneously and would be located nearest to the

⁵¹ Centers for Disease Control and Prevention, *The National Institute for Occupational Safety and Health (NIOSH), Noise and Hearing Loss Prevention*, www.cdc.gov/niosh/topics/noise/preventhearingloss/hearlosspreventprograms.html, accessed July 16, 2021.

receptor. Actual noise impacts would be lower because construction equipment would spread out across the Project Site, further from the receptor location, and would not be operated simultaneously. Therefore, the Project would not result in a construction noise impact associated with permanent hearing damage.

Comment No. 11-4

Separate from the above concerns, I have two additional serious concerns:

1. This area is already crowded. Parking is hard to come by and during rush hour Mondays through Fridays, 3rd Street is virtually stopped. The proposed development brings MANY new residents into the area, which means MANY more cars. This will lead to more traffic and more congestion.

Response to Comment No. 11-4

This comment expresses general concerns about parking and traffic congestion. Parking is not an impact under CEQA with respect to the Project and was not directly evaluated in the Draft EIR. However, as noted in Section II, Project Description, of the Draft EIR and in Response to Comment No. 7-9, the number of parking spaces provided exceeds LAMC requirements in order to provide sufficient parking for holiday services and larger events in the multi-purpose room.

With respect to traffic, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates primary transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 11-5

2. The plans, as I read them, call for the creation of a large events venue that can hold up to 1500 people. Again, the area cannot support the influx of extra cars (guests at an event) and/or places for vendors to unload/load.

I look forward to hearing back from you.

Response to Comment No. 11-5

This comment incorrectly states the capacity of the proposed multipurpose room would be 1,500 people and expresses concern about traffic congestion and loading. As discussed in Section II, Project Description, the proposed capacity of the proposed multipurpose room is approximately 475 people, and, as noted in Response to Comment No. 7-2 above, it is anticipated that the City will include a condition of approval that limits the capacity of the multi-purpose room to 475 people consistent with the Draft EIR. With respect to traffic, refer to Response to Comment Nos. 8-5 and 11-4, above. As discussed therein, the City no longer uses vehicle delay or LOS to evaluate transportation impacts, but even under the former LOS significance thresholds, the Project would not result in a significant traffic impact. Finally, the Project include two loading areas, one for the residential use and the other for the church uses.

Comment Letter No. 12

Avraham Bibi
bibos12@hotmail.com

Comment No. 12-1

My name is Avraham Bibi.

I own a condo on Westbury terrace. [sic]

I strongly [sic] against the church project and I am very concerned.

Response to Comment No. 12-1

This introductory comment expresses general opposition to the Project. Specific issues raised by the commenter are addressed in Response to Comment No. 12-2 below.

Comment No. 12-2

Especially after what happened in Florida a few days ago. Our Building [sic] is not in a [sic] good condition and you can see it I [sic] there are already cracks in our balconies and this is only from the earthquakes. And no one knows what is going on in our foundations. [sic]

If this project is going to start I'm afraid that our Building [sic] wound [sic] can [sic] take the vibrations of 5 story digging. It's only 20 ft separating between us to the church. It will be life risking for all of us and how can any one [sic] guaranty and take that much of [sic] responsibility and risk.

Our Bulding [sic] was build [sic] in 1979 and I think you don't have to be a specialist to understand the knowledge and Building [sic] technic [sic] they had then comparing to today.

Response to Comment No. 12-2

This comment expresses concern about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate. In addition, the commenter presents no evidence

that the construction of the Project would result in the same outcome as the Florida condominium event or that it was related to a nearby project under construction.

Comment Letter No. 13

Mary Brennan
405 ½ Le Doux Rd.
Los Angeles, CA 90048-4057

Comment No. 13-1

In the past 8 years I have had to live with the construction of the Rick Caruso building across the street 8500 Burton Way and the building directly behind me on Le Doux Road. I can't begin to tell you what a nightmare it has been. The noise alone was enough to drive someone mad, especially if you work from home, which I do. Not to mention the constant issue with the dirt and dust that was tracked into my home for 8 years. My screens and windows were black. And the street was closed off often during that time which made it very inconvenient. I can't even imagine what it would be like if Burton Way at San Vicente had a construction sight [sic] for 5 years which it would take to build a 19 story complex.

Response to Comment No. 13-1

This comment discusses their experience with another construction project and incorrectly states that Project construction would last five years. As noted above in Response to Comment No. 8-3 and in Section II, Project Description, of the Draft EIR, Project construction is expected to last three years. The commenter's concerns about the nearby project are noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 13-2

By the way, last I heard, this area is definitely not coded for a building that high, was is [sic] this even a conversation??

Response to Comment No. 13-2

As noted in Section II, Project Description, of the Draft EIR, the Project Site's zoning designation does not restrict building height or number of stories.

Comment No. 13-3

And then there's traffic which is already terrible here, and the honking and the regular accidents is [sic] just awful. There is [sic] also ambulances going to Cedar's all day and night, as it is that's not easy at this intersection.

Response to Comment No. 13-3

This comment expresses general concern over traffic and noise associated with the Project's adjacency to Cedars-Sinai Medical Center. With respect to traffic, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's cumulative traffic impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

With respect to noise, as discussed in Section IV.G, Noise, of the Draft EIR, the baseline noise monitoring program was conducted on September 12, 2019, and included both 24-hour and 15-minute noise measurements. Any noise associated with ambulances from the nearby hospital would therefore be included in the baseline and is accurately reflected in the Draft EIR.

Comment No. 13-4

Lastly, there are several almost or completely EMPTY new buildings in the area. 8500 is never more than at a [sic] 1/3 capacity. And a new building around the corner on Holt and Colgate has been completely empty for over a year. These are high ticket condominiums, Los Angeles doesn't need more of that!! I truly don't understand why anyone is even entertaining the notion of building another high rise condominium. Pure greed is the only reason. Los Angeles is going to become like Manhattan, a sea of empty apartments owned by people who don't live in them. Not unlike much of the beachfront property here in souther [sic] California. Enough is enough, affordable housing is what is needed here!

Response to Comment No. 13-4

This comment, which does not address CEQA issues, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 13-5

It is just unbearable to think I might have to live across from another construction site. I am not in a position to move, or I would have done so sooner.

Please help make my voice heard on this.

Thank you in advance!

Response to Comment No. 13-5

This comment, which expresses general opposition to the Project and concludes the letter, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 13-1 through 13-4, above.

Comment Letter No. 14

Diana Chou
Asad Ameri
321 S. San Vicente Blvd., Apt. 205
Los Angeles, CA 90048-3332

Comment No. 14-1

Hi, we just move into the building and currently we have to deal with the homeless issue and learn about the church project very recently.

We are concern and we want to raise out objection of the church redevelopment project :

1. With [sic] homeless issue, we have nightly noise going on and

Response to Comment No. 14-1

This comment expresses concern about homelessness and the existing noise environment near the Project Site. The Project would not exacerbate the homelessness crisis in the City because no housing would be displaced as part of the Project. Furthermore, the Project includes 17 affordable residential units for Very Low Income households. With respect to noise, as discussed in Section IV.G, Noise, of the Draft EIR, the baseline noise monitoring program was conducted on September 12, 2019, and included both 24-hour and 15-minute noise measurements. Any noise associated with homeless encampments would therefore be included in the baseline and is accurately reflected in the Draft EIR. However, CEQA does not require an analysis of the impacts of the existing environment on a project, as suggested in the comment. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 14-2

we can not [sic] take day time [sic] construction noise especially if it is a. [sic] High [sic] rise building with big machine ponding!

Response to Comment No. 14-2

With respect to noise and vibration during construction, these impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2 and the Project's construction vibration impact would be significant with respect to

human annoyance, these impacts would be temporary and would cease upon completion of construction.

Comment No. 14-3

2. Our garage entry is going to be impacted and it could be very dangerous as well not knowing what kind of construction cars are going to be there. As we are new, we are not sure if I [sic] easement or not but we would not want to not able to enter and exit freely nor dangerously!

Response to Comment No. 14-3

This comment expresses concern about access to and from their building during project construction. As discussed above in Response to Comment No 7-29, the CTM Plan prepared pursuant to Project Design Feature TR-PDF-1 would include a Worksite Traffic Control Plan to ensure access to surrounding properties is maintained during construction. Refer to Section IV.I, Transportation, of the Draft EIR and Response to Comment No. 7-29 above for details.

Comment No. 14-4

3. Dust and debris concern for our health. We can not [sic] live in a place with constant construction for a long period of time. This is a health hazard not just us but the entire building [sic] occupants as well as surrounded residential buildings.

Response to Comment No. 14-4

This comment expresses concern about air quality, specifically dust. As discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, the Project's air quality impact during construction would be less than significant. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 14-5

Finally, we strongly [sic] against the redevelopment of this church. We like the way it is with a church with nice historical architecture.

Response to Comment No. 14-5

This comment expresses opposition to the Project because it likes the historical architecture associated with the church. As discussed throughout the Draft EIR, the cathedral building would be retained as part of the Project. Specifically, it would be deconstructed, temporarily stored, reassembled, and rehabilitated. As discussed in Section IV.B, Cultural Resources, of the Draft EIR, although some original materials would be lost in the deconstruction and reassembly of the cathedral building, its overall design and all of its extant character-defining features would be retained. Furthermore, historic elements of its original design would be restored through the removal of past alterations (i.e., the rounded bays flanking the primary entrance and side chapel at the west façade) in its reassembly, and historic views of the building would be restored through the removal of a non-historic social hall building immediately adjacent to (west of) the cathedral and construction of an open courtyard in its place along the south edge of the property. The cathedral building would continue to embody the distinctive characteristics of a 1930s Spanish Colonial Revival church designed by noted Los Angeles architect Ross Montgomery and would remain eligible for listing as a Los Angeles HCM. The Draft EIR therefore determined that the Project's cultural resources impact on the cathedral would be less than significant.

Comment No. 14-6

Please contact us if you can meet with us and the residences here of our concern and stop this church redevelopment project!!!!

Response to Comment No. 14-6

This comment, which concludes the letter and requests a meeting with City staff, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 15

Jazmin Delgado
jazmindelgadob@gmail.com

Comment No. 15-1

PLEASE STOP THE CONSTRUCTION OF THE “OUR LADY OF MT. LEBANON” PROJECT (BURTON & SAN VICENTE).

Response to Comment No. 15-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 15-2 through 15-4, below.

Comment No. 15-2

- The proposed construction will bring 5 years of construction to our neighborhood. That’s 5 years of dirt/dust, LOUD pounding and excavation (current plans to dig underground), extra traffic and congestion.

Response to Comment No. 15-2

This comment incorrectly states that construction would take five years. As noted above in Response to Comment No. 8-3 and Section II, Project Description, of the Draft EIR, Project construction is expected to last three years.

With respect to dust, as noted above in Response to Comment No. 11-2, the Project would comply with SCAQMD Rule 403 which requires dust control measures during construction activities. As discussed in Section IV.A, Air Quality, the Project’s air quality impacts would be less than significant with respect to both construction and operation of the Project.

With respect to construction noise, the Project’s noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project’s construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction. It should also be noted that the excavation phase would last six months and the use of pile drivers is prohibited by Project Design Feature NOI-PDF-4.

With respect to traffic congestion, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS methodology, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 15-3

- The expected noise from the construction is well above what the CDC and The World Health Organization have determined as safe sound exposure. What does this mean? Aside from a terrible headache, it could translate to hearing loss especially for certain vulnerable populations (young, developing children for instance). And, now that more people are working from home, this brings challenges to those that need to conduct their business from home. It would also make it challenging for many of the staff at Cedars who live in the area and work the night shift, to catch up on their sleep during the day.

Response to Comment No. 15-3

This comment expresses concern about the risk of hearing loss and residents working and sleeping on alternate schedules. Refer to Response to Comment No. 11-3 for a detailed discussion of construction noise and hearing loss. As discussed therein, the Project would not result in a significant construction noise impact associated with permanent hearing damage.

With respect to residents working and sleeping on alternate schedules, the City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limits) and the Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 15-4

- The proposed event space would be one of the largest in the area, which would mean on event days, there would be a ton of vendors loading in for the event and

an influx of cars of guests at the event. The area does not have the proper parking infrastructure or loading docks to support this activity. If you think parking is hard to find in the area, this will make it worse.

Response to Comment No. 15-4

This comment expresses concern about parking and loading areas. As noted in Section II, Project Description, of the Draft EIR and Response to Comment No. 7-9, the number of parking spaces provided exceeds LAMC requirements in order to provide sufficient parking for holiday services and larger events in the multi-purpose room. In addition, the Project provides two loading areas, one for residential uses and the other for church uses.

Comment No. 15-5

I do NOT support the current development, as currently planned.

Response to Comment No. 15-5

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 15-2 through 15-4, above.

Comment Letter No. 16

Nina Diamante
321 S. San Vicente Blvd., Apt. 402
Los Angeles, CA 90048-3332

Comment No. 16-1

Am in my 80s looking out over the alley 321 S. SanVicente Blvd.402. [sic] Noise and dirt would kill me [sic]

Response to Comment No. 16-1

This comment expresses concern over dirt and noise generated by the Project. As discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

With respect to noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 16-2

Nina Diamante, 321 S. San Vicente Blvd Los Angeles 90048: Stop the construction permanently by the Church on San Vicente and Third.

Response to Comment No. 16-2

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 16-1, above.

Comment Letter No. 17

Mahshid Ehteshami
mehteshami@aol.com

Comment No. 17-1

My name is Mahshid Ehteshami and I live on Willaman drive. [sic] I am an Architect. I am writing to you to let [sic] you reasons of my protest against construction of the 19 story apartment building at 333 S. San Vicente Blvd. LA, CA 90048 behind the “our lady of Lebanon church” [sic] on Burton way. [sic]

Response to Comment No. 17-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 17-2 through 17-4, below.

Comment No. 17-2

2—The church is one of the oldest and most beautiful churches in Los Angeles. Many people have their wedding and other ceremonies at this church. During construction, Church [sic] and Social [sic] areas can't be used.

Response to Comment No. 17-2

While church facilities would be closed during construction, this would be temporary. Following the completion of the Project, Our Lady of Mt. Lebanon would resume its current church service schedule and operation of the church offices. These activities are expected to continue at the same times and frequency as they currently do. In addition, the church would resume holding 25 to 30 events each year, including weddings, funerals, fundraisers and other church events. These events would primarily take place in the multi-purpose room, which would have a capacity of 475 people. While the frequency of these events would remain the same, the size of some of these events would increase because the multi-purpose room would have a larger capacity than the existing social hall, which has a capacity of approximately 230 people. In addition, it is expected that six to eight community events unrelated to church activities would be held in the multi-purpose room each year. This comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 17-3

3—Noise, dust, traffic is already bad, the construction will make our lives more difficult with all construction problems.

Response to Comment No. 17-3

This comment expresses concern about noise, dust, and traffic during construction. With respect to noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

With respect to dust, as discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403 which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project.

Lastly, with respect to construction traffic, as discussed in Section IV.I, Transportation, of the Draft EIR and in Response to Comment No. 7-29, the Project would include a CTM Plan prepared pursuant to Project Design Feature TR-PDF-1 to ensure access to surrounding properties is maintained during construction. Refer to Section IV.I, Transportation, of the Draft EIR and Response to Comment No. 7-29 above for details.

Comment No. 17-4

4—Most buildings around the church area including the building I live in and almost all buildings facing Burton way have vacancies for many months now. What is the reason to add another building when the existing ones can't be rented.

Response to Comment No. 17-4

This comment, which does not address CEQA issues, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 18

Collin Ellis
drcollinellis@gmail.com

Comment No. 18-1

As a medical science professor, I am quite concerned about this project being greenlit, not only for myself because I live in the area but for my colleagues and trainees/students whom [sic] live in the area and desperately need to catch up on sleep during the day from working all night in the hospitals.

Response to Comment No. 18-1

This comment expresses concern about residents in the area on alternate sleep schedules. The City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limits) and the Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 18-2

My major concern is the years of noise pollution associated with this project that, based on current evidence, will deliver detrimental physical AND mental health impacts.

Response to Comment No. 18-2

This comment states that construction noise will result in physical and mental health impacts but provides no evidence to support this claim. A detailed discussion of the Project's construction noise and its potential to cause hearing loss is provided in Response to Comment No. 11-3, above. As discussed therein, the Project would not result in a significant construction noise impact associated with permanent hearing damage.

Comment No. 18-3

Please do the right thing and do not allow this to happen here.

Response to Comment No. 18-3

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific

issues raised by the commenter are addressed in Response to Comment Nos. 18-1 and 18-2, above.

Comment Letter No. 19

Massoud M. Eshmoili
321 S. San Vicente Blvd.
Los Angeles, CA 90048-3359

Comment No. 19-1

I live at 321 S. San Vicente blvd [sic] next to the church.

I am strongly objecting to this project because of the following reasons.

This 19 story building will have a tremendous effect on our property value since we will be sharing the alley for entrance and exiting our parking, it will be blocking our views, the sun especially in back yard and pool/Jacuzzi area, and will have an environmental effect on air quality, more traffic congestion, glare from their windows to our building and most importantly—going through 3-4 years of construction that will have many of us breathing dust and hearing noise from early morning until evening, including Saturdays since Los Angeles allows construction work on Saturday.

Response to Comment No. 19-1

This comment expresses concern over property values, views, alley operations, aesthetics, air quality, traffic congestion, glare, and noise. Views, alley operations, air quality, traffic congestion, glare, and noise are addressed below. Property values are not an issue under CEQA and are not addressed further. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

With respect to views, as discussed above in Response to Comment No. 9-7 and in the Project's Initial Study included as Appendix A to the Draft EIR, because the Project is a mixed-use project located on an infill site within a transit priority area, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts cannot be considered significant impacts on the environment and therefore do not have to be evaluated in the Draft EIR.

With respect to alley operations, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, or result in significant queuing or hazardous conditions.

With respect to air quality and dust, as discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

With respect to traffic congestion, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS methodology, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

With respect to glare, as discussed above in Response to Comment No. 9-7 and in the Project's Initial Study included as Appendix A to the Draft EIR, because the Project is a mixed-use project located on an infill site within a transit priority area, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts cannot be considered significant impacts on the environment and therefore do not have to be evaluated in the Draft EIR. Nevertheless, the Initial Study included an analysis of glare for informational purposes only. During construction, daytime glare would be highly transitory and short-term, given the movement of construction equipment and materials within the construction area, and the temporary nature of construction activities. In addition, large, flat surfaces that are generally required to generate substantial glare are typically not an element of construction activities. Furthermore, temporary construction fencing would be placed along the periphery of the Project Site to screen construction activity from view at the street level from off-site locations. Therefore, there would be a negligible potential for daytime or nighttime glare associated with construction activities to occur. During operation, daytime glare can result from sunlight reflecting from a shiny surface that would interfere with the performance of an off-site activity, such as the operation of a motor vehicle. Sun reflection from the Project buildings would occur during periods in which the sun is low on the horizon and when the point of reflection within the Project Site is in front of the driver, in the direction of travel. The Project would feature a variety of surface materials, including glass, concrete, and aluminum. As part of the Project, glass used in building façades would have high-performance coatings that would not be highly reflective, thereby minimizing glare from reflected sunlight. Limited nighttime glare could result from illuminated signage and

from vehicle headlights. Headlights from vehicles entering and exiting the parking garage would be visible during the evening and nighttime hours, and such lighting sources would be typical for the area.

With respect to noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment Letter No. 20

Shayna Eshmoili
seshmoili@gmail.com

Comment No. 20-1

I hope you are doing well! I'm reaching out to voice my concern regarding the Our Lady of Mount Lebanon Project.

I have lived next door to Our Lady of Mount Lebanon for over 20 years and know that this property cannot handle a large apartment complex like what is being planned.

Response to Comment No. 20-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 20-2 through 20-7, below.

Comment No. 20-2

The traffic in the area is already horrible, but add years of construction and it will be unbearable for those who have to live next to it, not only during the years of construction, but also afterwards.

Response to Comment No. 20-2

As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS methodology, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 20-3

Pre-pandemic, when regular church services occur on Sundays we could hardly exit from our garage because the church parking would be overflowing—I cannot imagine how they

plan to bring in large construction equipment without blocking the alley, Holt Ave, and/or Burton Way for years. This would be especially hard for Westbury Terrace residents who have to use the adjoining alley to enter and exit the garage.

Response to Comment No. 20-3

As discussed in Section IV.I, Transportation, of the Draft EIR and in Response to Comment No. 7-29, the Project would include a CTM Plan prepared pursuant to Project Design Feature TR-PDF-1 to ensure access to surrounding properties is maintained during construction. Refer to Section IV.I, Transportation, of the Draft EIR and Response to Comment No. 7-29 above for details.

Comment No. 20-4

Also, the size of the proposed building makes absolutely no sense for the location and size of the lot. I believe Los Angeles needs more housing, but we don't need another giant luxury condominium that will negatively affect everyone else unfortunate enough to have to live near it. It especially doesn't make sense for a tax-exempt Church to be building and operating a giant luxury apartment complex.

Response to Comment No. 20-4

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 20-5

It is laughable that a church that is planning to build 153 apartments is only including 17 affordable units.

Response to Comment No. 20-5

This comment expressing concern regarding the number of affordable units is noted for the record and will be forwarded to the decision-makers for their review and consideration. While not a CEQA issue, it is noted that the Project includes 17 Very Low Income affordable units, which is the number of Very Low Income units required under the City's Density Bonus Ordinance (LAMC Section 12.22 A.25) to qualify for the residential density bonus and the on-menu and off-menu incentives requested for the Project.

Comment No. 20-6

Additionally, the proposed number of parking spaces is too little. During normal times, church services bring in a large number of vehicles (this is LA, everyone drives themselves,

it is I to think entire families would be carpooling), plus a large multi-purpose space that may be used for larger parties or gatherings make it that much more necessary to have additional parking spaces. We already have limited street parking in the area and it would be nearly impossible for guests to find street parking on a normal day, with a new high-rise it will only get worse.

Response to Comment No. 20-6

This comment expresses concern about parking but provides no evidence to support its claim that the Project has insufficient parking. As noted above in Response to Comment No. 11-4, parking is not an impact under CEQA with respect to the Project and was not directly evaluated in the Draft EIR. However, as noted in Section II, Project Description, of the Draft EIR and Response to Comment No. 7-9, the number of parking spaces provided exceeds LAMC requirements in order to provide sufficient parking for holiday services and larger events in the multi-purpose room.

Comment No. 20-7

Overall, the size of the building and proposed multi-use space is absolutely outrageous for the location and size of the lot. This project should not be approved.

Response to Comment No. 20-7

This comment expressing opposition to the size of the building and multi-purpose room is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 21

Rudy Farmanara
321 S. San Vicente Blvd., Apt. 206
Los Angeles, CA 90048-3332

Comment No. 21-1

I am writing to you as a tenant of 321 S. San Vicente Blvd, next door to the planned 19-story Church project.

I am writing in opposition to this new planned project. I have been living here for the past 9 years and as it is, we have enough variety of noise, pollution and traffic.

Response to Comment No. 21-1

This comment expressing opposition to the Project based on noise, pollution, and traffic is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 21-2 through 21-4, below.

Comment No. 21-2

The Noise from the construction will be a something that will directly affect us as we are on the second floor and facing the planned project.

Response to Comment No. 21-2

The Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 21-3

We are also very concerned about the dust and pollution of having a building built so close to our unit.

Response to Comment No. 21-3

This comment expresses concern about air quality, specifically dust. As discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires dust control measures during construction activities. As also

discussed in Section IV.A, Air Quality, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 21-4

Our worst fear is the traffic!! Currently on Sunday's [sic] as the church have their [sic] services, they have so many cars that park and block our entrance and exit to our building as they have valet leaving cars in the alley way. With this many new tenants moving in, we will not be able to get in or out of our building. As it is, there is parking on Holt that directly blocks our view as we try to enter Holt from our garage. There have been many accidents as we only have partial view.

Response to Comment No. 21-4

This comment expresses fear about parking and alley operations. As noted in Section II, Project Description, of the Draft EIR and Response to Comment No. 7-9, the number of parking spaces provided exceeds LAMC requirements in order to provide sufficient parking for holiday services and larger events in the multi-purpose room. In addition, the Project includes two loading areas, one for residential uses and the other for church uses.

With respect to alley operations, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development or result in significant queuing or hazardous conditions.

Finally, the comment does not present any evidence that many accidents have occurred at the Holt Avenue/alley intersection. In fact, there have been almost no collisions at that intersection. Based on data in the Transportation Injury Mapping System (TIMS) created by the Safe Transportation Research and Education Center at the University of California, Berkeley (SafeTREC), which is based on the California Statewide Integrated Traffic Records System, a database that collects and processes data gathered from a collision scene, there was only one reported collision at this intersection for the five-year period from January 1, 2015, to December 31, 2019, and that collision did not involve any injury. The supporting TIMS data is provided in Appendix FEIR-8 to this Final EIR.

Comment No. 21-5

I appreciate you reading our concerns and we are hopeful that you agree that the construction of this new building will create several major issues for homeowners and renters all around this tight and already congested area!!

Response to Comment No. 21-5

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 21-2 through 21-4, above.

Comment Letter No. 22

Yassaman Hariri
321 S. San Vicente Blvd., Apt. 401
Los Angeles, CA 90048-3332

Comment No. 22-1

I would like to submit my comments against permitting the construction of the proposed 19-story building of “Our Lady of Mt. Lebanon Project”. [sic] This construction will adversely affect my residential building next door at 321 South San Vicente Boulevard, known as Westbury Terrace.

Response to Comment No. 22-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 22-2 through 22-7, below.

Comment No. 22-2**1. Vibration impact:**

The Westbury Terrace building is over 45 years old and will not withstand the stress from the construction of a 19-story building, in particular the excavation of ground for a five-level subterranean parking structure and at such close proximity.

Our aged water pipelines will fracture from the vibrations of constant pounding during construction and cause flooding in our homes and garages. The extent of the damage will be enormous, structurally and financially. It may even be deadly as our pipes run along the garage ceilings and are exposed. They could smash onto our vehicles while we are inside our cars.

Response to Comment No. 22-2

This comment expresses concern about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project’s construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing

condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 22-3

2. Noise impact:

The residents of Westbury Terrace, including myself, will have to suffer five years of constant pounding and loud noise during construction. The proposed 19-story building will involve daily transport of materials by huge trucks which will create continuous deafening noise especially from the beeping when backing up.

This could create long term health issues for us. We will not be able to leave our windows open for fresh air, sleep or rest during the day, walk in the vicinity of our home, enjoy our swimming pool or lounge in our courtyard patio. In addition, many of us now work from home and we will not have any peace of mind to work productively for those five years.

Response to Comment No. 22-3

This comment expresses concern about noise and incorrectly states that construction would take five years. As noted above in Response to Comment No. 8-3 and Section II, Project Description, of the Draft EIR, Project construction is expected to last three years.

With respect to construction noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

This comment states that construction noise would result in "health issues," but provides no evidence to support this claim. A detailed discussion of construction noise and hearing loss is provided in Response to Comment No. 11-3, above. As discussed therein, the Project would not result in a significant construction noise impact associated with permanent hearing damage.

Comment No. 22-4

Our property values will also be impacted directly by the loud noise and its long term expectancy of "human annoyance". [sic] It will be difficult to sell or even rent our condominiums during the five years of construction.

Response to Comment No. 22-4

Property values are not a CEQA issue. However, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. This comment also reiterates the incorrect claim that construction will last five years. As noted above in Response to Comment Nos. 8-3 and 22-3, as well as in Section II, Project Description, of the Draft EIR, Project construction is expected three years.

Comment No. 22-5

A different form of noise will become permanent after construction due to the increase of residents and vehicles in our neighborhood. The chatter from event guests waiting to retrieve their cars late at night will disturb our sleep and deteriorate our quality of life.

Response to Comment No. 22-5

Guests leaving in automobiles would be in the subterranean parking garage, which would be effectively shielded from the off-site sensitive receptors, or at the passenger loading area on Burton Way. As provided in the Response to Comment No. 7-18, additional noise analysis with respect to the vehicles entering and leaving the parking garage was conducted, and noise impacts associated with vehicles would be less than significant. Refer to Appendix FEIR-7 to this Final EIR. As shown therein, additional noise analysis was conducted to evaluate noise associated with guest waiting for a rideshare (Uber/Lyft). Guests leaving by Uber/Lyft would utilize the Project's proposed passenger loading area on Burton Way. As provided in the Project's Transportation Addendum, included in Appendix T to the Draft EIR, it is estimated up to 47 people would arrive/leaving via Uber/Lyft. The estimated noise level from guests talking while waiting at the passenger loading area at the nearest sensitive receptor location (i.e., receptor location R3 on Burton Way, across from the passenger loading area for church events) would be approximately 42.7 dBA L_{eq} . The composite noise when added to the ambient noise level of 61.1 dBA L_{eq} would be 61.2 dBA L_{eq} .⁵² The estimated noise levels at other receptors would be lower. Therefore, the noise level associated with event guests waiting at the loading area would be less than significant.

⁵² *Estimated noise level assumed 50 percent of the people waiting would be speaking in a raised voice level.*

Comment No. 22-6

3. Traffic Impact:

Westbury Terrace has two parking garages with ingress and egress through the Alley. [sic] The addition of 397 vehicles using the same Alley [sic] to access their parking structure will result in dangerous accidents and gridlock. It will be worse during events when valet employees have to park the excess cars in the street.

Response to Comment No. 22-6

With respect to the concern expressed regarding the Project's impact on the operation of the alley, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development or result in significant queuing or hazardous conditions.

With respect to the claim that the Project includes insufficient parking, as addressed above in Response to Comment No. 7-9, the subterranean parking structure would have sufficient parking spaces to accommodate both the residential and church uses.

Comment No. 22-7

The proposed project of Our Lady of Mt. Lebanon is at one corner of a huge intersection of three major streets: Burton Way, San Vicente and La Cienega. The current traffic situation in this area is congested at best of times with frequent accidents. The Caruso building project is soon to start on another corner of this huge intersection and across the street from the "Church" project, at 333 La Cienega Blvd. How does the City propose to allow two massive constructions, within feet of each other, run at the same time? How does the City intend to deal with the traffic nightmare we will be having?

Response to Comment No. 22-7

As noted above in Response to Comment No. 8-2, the project located at 333 La Cienega Boulevard is included in the Draft EIR as Related Project No. LA6 and is evaluated throughout the cumulative analyses. As discussed in Section IV.G, Noise, of the Draft EIR, if construction of the Project and Related Project No. LA6 were to occur concurrently, construction noise would exceed the 5 dBA significance threshold even with mitigation measures. Noise associated with cumulative construction activities would be reduced to the degree reasonably and technically feasible through proposed mitigation measures (e.g., providing temporary noise barriers) for each individual related project and Mitigation Measure NOI-MM-1 would reduce the Project's onsite noise impacts to the

extent feasible. However, even with these mitigation measures, the cumulative noise impact with respect to receptor locations R1 and R3 would be significant (i.e., exceed the significance threshold by up to 5.8 dBA at receptor location R1 and up to 3 dBA at receptor location R3), and there are no other physical mitigation measures that would be feasible. As such, the cumulative onsite noise impact associated with onsite construction would be significant and unavoidable.

With respect to traffic, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates primary transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's cumulative impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, based on the former LOS methodology, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions, and the latter analysis includes Related Project No. LA6.

Finally, the comment claims, with no supporting evidence, that "frequent accidents" occur at the intersection of Burton Way, San Vicente Boulevard, and La Cienega Boulevard. It is first noted that those three streets do not actually intersect. In any event, the closest near intersection of three streets to the Project Site is the Burton Way–San Vicente Boulevard–Le Doux Road intersection. Based on TIMS data collected by the SafeTREC at the University of California, Berkeley, which data is provided in Appendix FEIR-8 to this Final EIR, there were 11 reported collisions in the five-year period from January 1, 2015, to December 31, 2019, none of which involved a fatality or severe injury. That is an average of just over two collisions per year, which does not qualify as "frequent accidents."

Comment No. 22-8

Please consider the residents of Westbury Terrace who pay high taxes to live in this neighborhood and deserve to have tranquility and a healthy environment.

Response to Comment No. 22-8

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 22-2 through 22-7, above.

Comment No. 22-9

I didn't get a confirmation for this. Just making sure it is recorded.

Response to Comment No. 22-9

This comment letter was received by the City and is included in Appendix FEIR-1 to this Final EIR.

Comment Letter No. 23

Illya Hasse
Manager
K&L Wine Merchants—Hollywood
1400 Vine St.
Los Angeles, CA 90028-8110

Comment No. 23-1

Our Lady of Mt. Lebanon Project would be a huge impact to the quality of life in our neighborhood. We are already surround by Cedar Sinai Hospital, which produces awful noise from the constant emergency vehicles. This goes on at all hours day or night. It is so bad we need a sound machine at night to drown out the noise. The Beverly Center [sic] also across the street. Regular checks [sic] their fire alarms which is a terrible sound too. Santa Monica airport has a flight plan over us. With the homeless encampments also surround [sic] our building the screaming from the fights at all hours of the night. . [sic] Now you add in construction on top of all that it would be Unbearable! [sic] Please don't add one more thing to the list.

Response to Comment No. 23-1

This comment expressing general opposition to the Project and concern about existing conditions is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 23-2 and 23-3, below.

Comment No. 23-2

Now for the building. It is way too old to handle the wear and tear it has now. Let alone the constant pounding from a huge construction site.

Response to Comment No. 23-2

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 23-3

Traffic is a nightmare already. Beverly Center, Cedar Sinai and just having one of the busier areas in LA, i.e. [sic] cross streets of 3rd Ave, San Vicente Blvd, and Bourton Way. Added [sic] trucks to this situation is wrong. Let alone once it is finished hundreds more cars pulling out in our already congested streets.

Response to Comment No. 23-3

This comment expresses concern about traffic congestion. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates primary transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, based on the former LOS methodology, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 23-4

Please I beg of you to stop this now before it even starts.

Response to Comment No. 23-4

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 23-2 and 23-3, above.

Comment Letter No. 24

Tom Henneman
 Event Director
 Town & Country Event Rentals
 7725 Airport Business Park Way
 Van Nuys, CA 91406-1723

Comment No. 24-1

I wish to submit comment and complaint regarding the project at Our Lady of Mount Lebanon Project on San Vicente Blvd, Los Angeles.

Being an event director here in Los Angeles and a neighbor in the Westbury Terrace Building at 321 S San Vicente Blvd, I have enormous concerns with the proposed 12,600 sqft Social Hall/Multi-Purpose Room for the project as well as the parking structure entrance on the alley connecting Holt Ave and San Vicente Blvd.

Los Angeles has a large and thriving event industry where spaces of this nature are used in a multitude of different ways and can be enormously profitable. However, there are very few blank spaces of this size in the city. I list below a number of well know ballrooms, their size and capacities for reference.

LOCATION	SQFT	Capacity
Crystal Ballroom—Beverly Hills Hotel	7,577	850 guests
Ray Dolby Ballroom—Hollywood & Highland	25,090	2000 guests
Four Seasons Beverly Hills	4,080	500 guests
Verandah Ballroom—Peninsula BH	1,380	250 guests
Crystal Ballroom—Riviera Country Club	3,212	400 guests

All of these locations host events from corporate meetings, gala dinners, award receptions, weddings, christenings etc. The proposed space at the Mount Lebanon would create one of the largest ballroom spaces in the City of Los Angeles. At an estimate based on the above referenced event spaces and their capacity, this would give Mt Lebanon's brand new Multi Purpose space a capacity of 1500 guests. One glaring difference between the spaces listed above and Mt Lebanon is the following; [sic] they have sufficient parking for these guest counts, [sic] and have loading docks to support the required deliveries for events of this nature.

Response to Comment No. 24-1

This comment introduces the letter and provides the capacity of ballrooms throughout the Los Angeles area. It is first noted, as discussed in Section 4.1 of the Initial Study for the Project included as Appendix A to the Draft EIR, that an analysis of the Project's parking impacts was not required in the Draft EIR pursuant to PRC Section 21099.

Moreover, the commenter incorrectly states that the Project does not have sufficient parking or loading docks to accommodate events in the multi-purpose room. As discussed in Section II, Project Description, of the Draft EIR, the Project includes 397 parking spaces, which substantially exceeds LAMC requirements. In particular, the LAMC parking requirement for the church use is 62 parking spaces, while the parking structure includes 145 parking spaces for the church use. Furthermore, the Project includes two loading docks, one for the residential building and other for the church buildings.

In addition, the multi-purpose room would have a maximum capacity of 475 people, not 1,500 people. As discussed in the Traffic Addendum (Appendix T to the Draft EIR), approximately 90 percent of guests for events would arrive in a private automobile, at an average rate of three persons per vehicle. This translates to a maximum of 143 parking spaces required for a maximum-capacity event in the multi-purpose room, which would be accommodated by the 145 church parking spaces in the parking structure.

Further, the frequency of the events in the multi-purpose room would remain the same as the existing condition, which is 25 to 30 events per year, including weddings, funerals, fundraisers, and other church events. The only difference is that the capacity of the multi-purpose room is larger than the existing social hall, which has a capacity of 230 people.

Lastly, as noted in Response to Comment No. 7-2, above, the City may include Conditions of Approval that limit the capacity of the multi-purpose room to 475 individuals and limit the number of annual events in the multi-purpose room consistent with the number of events described in the Draft EIR

Comment No. 24-2

The proposed 145 "church parking spaces" would be wholly insufficient to handle even a 250 person wedding reception in this ballroom. Assumedly the remainder requiring valet parking on surrounding streets, causing even more congestion for not only the residents of Westbury Terrace, but also the residents of the 153 units in the new proposed building. Further the positioning of the entrance to the Mt Lebanon parking garage being directly opposite that of Westbury Terrace will cause enormous issues traffic issues.

Response to Comment No. 24-2

Refer to Response to Comment No. 24-1 above. As discussed therein: (1) the Draft EIR was not required to analyze the Project's parking impacts; and (2) the Project includes church parking in excess of LAMC requirements in order to provide sufficient parking for holiday services and larger events in the multi-purpose room.

Comment No. 24-3

Assuming that loading for the ballroom would also be through the alley, due to the lack of a sufficient truck loading dock, along with the 200% increase in traffic from the new residents we will also have to contend with trucks for Event Rental companies, lighting and AV companies on a weekly basis. Being a professional in the industry, I've seen the impact this can have surrounding areas.

Response to Comment No. 24-3

This comment expresses concern about loading area and alley operations. As noted above, the Project includes two loading areas. With respect to the assertion that there would be a "200% increase in traffic" as a result in the Project, this is not accurate. Trip generation for the Project is provided in the Transportation Study included as Appendix S to the Draft EIR. Although as noted in Response to Comment No. 8-5, the measurement of vehicle delay is no longer the methodology for analyzing a project's traffic impact under CEQA, as analyzed therein, the addition of Project traffic results in only a slight increase in delay along the streets surrounding the Project Site.

Furthermore, with respect to alley operations, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development or result in significant queuing or hazardous conditions.

Comment No. 24-4

As it is, whenever the church hosts small events in their ~5000sqft [sic] multipurpose space we often have the church's valet parkers using the alley for overflow when the surface lot is full.

Response to Comment No. 24-4

This comment, which expresses concern over existing church operations, is noted for the record and will be forwarded to the decision-makers for their review and consideration. While not a CEQA issue, it is noted that the number of on-site parking

spaces for the church uses has been significantly increased to 145 spaces so that no off-site parking spaces will be required for events and holiday services at the church.

Comment No. 24-5

I urge you to strongly reconsider the need for a 12,500 sqft Multipurpose room. This will cause crippling traffic issues for the surrounding streets and buildings.

Response to Comment No. 24-5

This comment, which questions the need for the proposed multi-purpose room, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Refer to Response to Comment No. 24-3, above for a discussion of Project traffic with respect to events in the multi-purpose room.

Comment No. 24-6

I also suggest the addition of a box truck loading dock, [sic]

Response to Comment No. 24-6

This comment requests the addition of another loading area. As noted above, the Project includes two loading areas, one for church uses and the other for residential uses. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 24-7

and repositioning the parking entrance and exit to come directly from Burton Way instead of mirroring the entrance to Westbury Terrace.

Response to Comment No. 24-7

This comment, which requests Project entry and exit points be relocated to Burton Way, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Refer to Response to Comment No. 7-4 above for a discussion of why this is infeasible.

Comment Letter No. 25

Eva Hernandez
321 S. San Vicente Blvd. Apt. 406
Los Angeles, CA 90048-3332

Comment No. 25-1

I vehemently oppose granting permission to Church of Lebanon to construct the building they are planning to. First of all, the environmental impact by the pollution when building

Response to Comment No. 25-1

This comment expresses general opposition to the Project and concern about pollution. It is unclear precisely what type of pollution the commenter is referring to. However, impacts with respect to Air Quality, Water Quality, and Hazards and Hazardous Materials were fully evaluated (refer to Section IV.A, Air Quality; Appendix A; and Section IV.E, Hazards and Hazardous Materials, of the Draft EIR, respectively) and determined to be less than significant. In addition, as it relates to Air Quality, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 25-2

and then by raising the amount of traffic in this area. Right now, it has more traffic than San Vicente Blvd can handle and with the building, it will result in catastrophic traffic and pollution in this area.

Response to Comment No. 25-2

This comment expresses concern about traffic congestion. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 25-3

In our building at 321 S San Vicente there are children, elder [sic] people and sick people as well, the construction will pose a direct threat to their health.

I urge to consider to not give permission to such construction.

Response to Comment No. 25-3

This comment states the commenter's belief that the Project would pose a threat to the health of nearby residents, but provides no evidence to support that claim, and urges the City to oppose the Project. As discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR demonstrates that the Project would not result in a significant impact on human health.

Comment Letter No. 26

Travis W. Ivy
321 S. San Vicente Blvd., Apt. 208
Los Angeles, CA 90048-3332

Comment No. 26-1

I am writing today to express my opposition to the 19-story high rise proposed in the “Our Lady of Mount Lebanon Project”. [sic] As a family, we have lived at Westbury Terrace on 321 S. San Vicente Blvd. for over 20 years. I share the dire concerns with many of our neighbors regarding this proposal, which is inappropriate in numerous ways and would severely diminish quality of life in this neighborhood.

Response to Comment No. 26-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 26-2 through 26-6, below.

Comment No. 26-2

My foremost objection is the impact this large scale construction project would have on the structural integrity of our building, sitting a mere 30 feet away. Our building at Westbury Terrace is aging, over 45 years old, and at present we are already dealing with the very difficult and tenuous maintenance of the plumbing infrastructure. Deep excavation, and the continuous use of heavy machinery so nearby presents a severe threat to our pipelines and could also permanently damage our building’s foundation.

Response to Comment No. 26-2

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project’s construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 26-3

This development will also be a significant reduction in quality of life for neighboring residents, both during construction and in all the years to come. The impact this would have on an already densely used corridor would be unbearable, greatly exacerbating the traffic conditions with heavy equipment and related blockages and inconvenience during construction, and then, were the project to be completed, with the addition of hundreds of new residents. The proposed access to the site via the narrow alley dividing our properties would become a daily nightmare of gridlock. The enormous Social Hall/Multi-Purpose Room included in this proposal is wholly inappropriate and would increase the size of potential events held at the site by an order of magnitude. This would even further exacerbate the traffic and parking issues we already face.

Response to Comment No. 26-3

This comment expresses concern about traffic congestion. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 26-4

The noise from this major construction would be very disruptive and damaging to our health, and the proposed new, higher location for the church bell would be a nuisance to the numerous residents with irregular sleep schedules who work at the nearby Cedars Sinai hospital.

Response to Comment No. 26-4

This comment expresses concern about noise impacts on health, the location of the church bell, and residents on alternate sleeping schedules. Refer to Response to Comment No. 11-3 for a discussion of the Project's construction noise and its potential impact on health. As discussed therein, the Project's construction noise levels would not result in negative health effects.

Refer to Response to Comment No. 15-3 for a discussion of the Project's potential noise impact with respect to alternate sleep schedules. As discussed therein, the City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limit). While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

With respect to the church bell, as discussed in Section II, Project Description, of the Draft EIR, the bell tower is an architectural element and would not be functional.

Comment No. 26-5

The pollution generated would also significantly diminish our air quality, with all of the attendant health concerns.

Response to Comment No. 26-5

This comment expresses concern about air quality. As discussed in Section IV.A, Air Quality, of the Draft EIR, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 26-6

This new development would tower over our Westbury Terrace, blocking views and casting shade where we presently enjoy sunshine. Our health and property values will suffer because of the many ways we would be impacted negatively.

Response to Comment No. 26-6

This comment expresses concern about views, shading, health, and property values.

With respect to views, refer to Response to Comment No. 9-7, above. As discussed therein, because the Project is a mixed-use project located on an infill site within a transit priority area, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts cannot be considered significant impacts on the environment and therefore do not have to be evaluated under CEQA.

With respect to shading, as discussed in greater detail in Response to Comment No. 7-23, because the Project a mixed-use residential project on an infill site within a transit priority area, the Project's aesthetic impacts cannot be considered a significant impact on the environment pursuant to PRC Section 21099(d)(1). In any event, at the request of the Westbury Terrace Condominium Owners' Association, on May 28, 2021, the Applicant voluntarily provided a shade-shadow study directly to the Association, notwithstanding that it had no obligation to do so under CEQA or any other City regulation or policy. Refer to Response to Comment No. 7-23, above for a more detailed discussion.

Property values are not an issue under CEQA and were therefore not evaluated in the Draft EIR. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 26-7

For these reasons, I oppose the "Our Lady of Mount Lebanon Project" in its entirety.

Response to Comment No. 26-7

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 26-2 through 26-6, above.

Comment Letter No. 27

Andra Jay
ukjaybird@aol.com

Comment No. 27-1

I own a unit at Westbury Terrace, right next door to the site of the proposed construction project referenced above. I am very concerned about the potential damage, both literal, emotional and financial to myself and other homeowners should this project go forward.

I lived in the building for nearly 13 years, before retiring to the desert. At that time, I began leasing my unit and rental income is what I count on to pay my monthly expenses. Over the last nine years, many of my tenants have been work-from-home people, as my unit is perfect for that purpose. My current tenant also works from home.

Response to Comment No. 27-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 27-2 through 27-3, below. However, the financial issues raised by the commenter throughout their letter are not CEQA issues and were not evaluated in the Draft EIR and are not addressed further below.

Comment No. 27-2

The noise that will emanate from a construction site so close to Westbury will cause a major problem to the residents, particularly those who work from home or on night shifts at Cedars-Sinai who rely on getting their sleep during the daytime. I feel certain my tenant will not stay beyond his lease term if construction moves forward, and it will likely be very difficult to find a replacement tenant who would choose to put up with excessive noise, not to mention the dirt and debris from a nearby construction site. The rental market is challenging under normal circumstances, and this proposed project would add to the burden and worry of finding a new tenant willing to pay the same amount of rent I routinely receive.

Response to Comment No. 27-2

This comment expresses concern about residents in the area on alternate sleep schedules. Refer to Response to Comment 15-3, above. As discussed therein, the City currently has not established specific noise limits with respect to sleep disturbance beyond

the City's Noise Regulations (i.e., exterior noise limit) and the Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 27-3

Furthermore, I know the building's fragility very well. The former Building Manager recently retired after 37 years. He had to "camp out" overnight every time any major plumbing work was being done and these types of projects could only take place at a few designated times throughout the year. On those dates, the water would have to be shut off for the whole building and the Manager, who had a Contractors license and a vast knowledge of the inner workings of the building, stayed close in order to prevent and/or deal with any potential problems resulting from plumbing work or repairs. You see, the pipes in Westbury are old and I fear the shaking from a construction site could cause unimaginable damage if leaks were sprung due to seismic activity in such close proximity.

Response to Comment No. 27-3

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 27-4

I hope you will consider my concerns and those of other homeowners who have contacted you in recent weeks. I urge you to put a stop to this project and ensure the peacefulness and quality of life for the residents of Westbury Terrace.

Response to Comment No. 27-4

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 27-2 through 27-3, above.

Comment Letter No. 28

Paul Kish
321 S, San Vicente Ave., Apt. 702
Los Angeles, CA 90048-3354

Comment No. 28-1

there [sic] are I [sic] of retired I [sic] living here at 321 san vincente [sic] they are not not [sic] going to move not there [sic] stage of live [sic] please do not do this project [sic]

Response to Comment No. 28-1

This comment, which expresses general opposition to the Project, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 29

Kristin Lee
kristenjoylee@gmail.com

Comment No. 29-1

I am submitting my opposition to the Our Lady of Mt. Lebanon Project, reference Environmental Case No ENV-2019-1857-EIR.

Response to Comment No. 29-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 29-2 through 29-8, below.

Comment No. 29-2

- Health Impact: Many residents in the area will be directly facing the construction. Our units and our health will be directly impacted by the construction with the amount of dust and air pollution created. How will the city remedy this, especially for individuals who can no longer keep their balcony doors open?

Response to Comment No. 29-2

This comment expresses concern about air quality, specifically dust. As discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 29-3

- What about permanent hearing damage from continuous construction for years on end?

Response to Comment No. 29-3

This comment states that construction noise will result in hearing damage but provides no evidence to support this claim. Refer to Response to Comment No. 11-3 for a detailed discussion of the Project's potential impacts related to construction noise and hearing loss. As discussed therein, the Project would not result in a significant construction noise impact associated with permanent hearing damage.

Comment No. 29-4

- Noise: Many residents in the construction zone are professionals who work from home. It will make quality of life significantly decrease, and make working from home essentially impossible.

Response to Comment No. 29-4

This comment expresses concern about residents in the area who work from home. The Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 29-5

- LAPD Resources: Has the strain on LAPD been taken into account at all? It is already very difficult to get ahold of LAPD when we need them. Adding this many units and residents directly impacts our safety.

Response to Comment No. 29-5

Yes, Section IV.H.2, Public Services – Police Protection, of the Draft EIR includes a full analysis of the Project's impact on police protection services. As discussed therein, the CEQA threshold with respect to police protection is whether a Project would "result in substantial adverse physical impacts associated with the provision of new or physically altered [police] facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives...." The Draft EIR concluded that this impact would be less than significant.

Nevertheless, the Project includes numerous operational design features to enhance safety within and immediately surrounding the Project Site. Specifically, as set forth in Project Design Feature POL-PDF-2, the Project would include a closed circuit camera system and keycard entry for the residential buildings and the residential parking areas. In addition, pursuant to Project Design Features POL-PDF-3 and POL-PDF-4, the Project

would include proper lighting of buildings and walkways to maximize visibility and provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings. The Project entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways would be open and in view of surrounding sites, as provided in Project Design Feature POL-PDF-5. Furthermore, as specified in Project Design Features POL-PDF-6, the Applicant would submit a diagram of the Project Site showing access routes and other information that might facilitate police response.

It is also noted that, consistent with the *City of Hayward v. Board of Trustees of the California State University* ruling and the requirements stated in the California Constitution Article XIII, Section 35(a)(2), the obligation to provide adequate police protection services is the responsibility of the City.

Comment No. 29-6

- Traffic Congestion: Did the transportation study within the draft EIR take into consideration the permanent traffic congestion on 3rd street particularly at the intersections of Sherborne [sic], Holt Ave, and San Vicente? On “good” days on 3rd street traffic is only backed up to Hamel and on even worse days it extends way past Robertson. Did the study take this into account? Did the study consider the traffic coming from 3rd street down Holt Ave and the alley between Sherborne [sic] and Holt Ave during rush hour? Pedestrians walking on the west side of Holt are particularly vulnerable to alley traffic as most race down this section to avoid the traffic on 3rd street. Is the city planning commission aware of this?

Response to Comment No. 29-6

As discussed above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project’s cumulative traffic impact with respect to VMT would be less than significant. In addition, the Project’s April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project’s transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

The VMT analysis for the Project is provided in the Transportation Addendum for the Project, which is included in Appendix T to the Draft EIR. LADOT confirmed the findings of the Transportation Study and Transportation Addendum in Assessment Letters

dated August 1, 2019, and April 29, 2020. No corrective measures were identified by LADOT for the Project based on their review of the transportation studies.

Figure 1-1 in the Transportation Study shows the study intersections. The LOS evaluation within the Transportation Study included analysis of the Robertson Boulevard/3rd Street, Sherbourne Drive/3rd Street, and San Vicente Boulevard/3rd Street intersections. Table 5-1 in the Transportation Study provides the date of the traffic counts at the study intersections. In compliance with the LADOT TAG, the traffic counts were conducted at the study intersections during the weekday morning (A.M.) and afternoon (P.M.) commuter peak periods. Therefore, the traffic counts capture the peak traffic periods noted in the comment.

Figure 7-1 within the Transportation Study shows the forecast assignment of Project-related traffic. As shown on Figure 7-1, it is forecast that approximately 15 percent of inbound and outbound vehicle trips generated by the Project would utilize the portion of the existing east-west public alley between Sherbourne Drive and Holt Avenue, which is cited in the comment. Applying this forecast to the Project trip generation table provided on Table 7-1 in the Transportation Study yields 2 inbound (eastbound) and 5 outbound (westbound) trips using the subject alley in the A.M. peak hour, as well as 5 inbound (eastbound) and 3 outbound (westbound) trips using the alley in the P.M. peak hour. The overall number of net new vehicle trips using the alley between Sherbourne Drive and Holt Avenue equates to about one additional vehicle every 7 to 8 minutes during the peak hours. This relatively small incremental change in vehicle traffic on the alley would not adversely affect pedestrians traveling on the west side of Holt Avenue (or the east side of Sherbourne Drive).

The Transportation Study also included a local street segment analysis of Holt Avenue between 3rd Street and the alley. As shown on Table 12-2 therein, the street segment analysis concluded that under future conditions, the Project would result in an 8.5-percent increase in ADT on Holt Avenue, which is below the City's 10-percent increase threshold for consideration of potential corrective measures to local streets.

Comment No. 29-7

- Did the draft EIR take into consideration the number of car accidents and pedestrian injuries resulting from impacts with motor vehicles in our neighborhood over the last 5 years? Adding 252 more residential cars maneuvering through our neighborhood and 145 more cars on event days will be disastrous. Does the city planning commission find it acceptable to add a significant burden and more traffic hazards to Holt Ave that already has visibility issues and is so narrow two cars can barely pass one another?

Response to Comment No. 29-7

With respect to the implied claim that adding project traffic will be “disastrous” because the area already experiences car accidents and pedestrian injuries resulting from impacts with motor vehicles, the comment presents no evidence to support it. Although 3rd Street near the Project Site is identified as part of the High Injury Network (HIN) by LADOT’s Vision Zero, none of the intersections near the Project Site are identified as Priority Intersections by LADOT. For general reference, as reflected in the TIMS data in Appendix FEIR-8 to this Final EIR, there were a total of 53 reported collisions at the Holt Avenue/alley, Burton Way/Le Doux Road/San Vicente Boulevard, San Vicente/La Cienega Boulevard, Holt Avenue/3rd Street and Holt Avenue/3rd Street intersections for the five-year period from January 1, 2015, to December 31, 2019. None of those collisions involved a fatality and only two of them resulted in severe injury. The 53 collisions in that five-year period (or 1,826 days) translates to an average of about one collision every five weeks. The addition of project traffic is not expected to cause a material increase in the number of collisions at these intersections. Nevertheless, no active Vision Zero projects are currently proposed along 3rd Street near the Project Site. Therefore, the Project would not interfere with implementation of the Vision Zero Action Plan or this corridor improvement plan. Additionally, the Project’s design and operation would not interfere with the implementation of any potential improvements along 3rd Street in the future. The HIN is discussed in greater detail in Response to Comment No. 30-5, below.

With respect to the width of Holt Avenue, it is identified on page IV.I-13 of the Draft EIR as a Local Street. The street is built to the City’s Local Street standards, with a roadway width of 36 feet and full right-of-way of 60 feet, and is therefore not unusually narrow as asserted in comment.

With respect to the concern expressed regarding pedestrian safety, refer to Response to Comment No. 30-5, below for a detailed discussion of the Project’s transportation analysis and the Project’s potential impact on pedestrian safety.

Comment No. 29-8

- **Parking:** The project has a total 397 planned parking spaces, 252 of which are designated for new residents, and 145 are allocated for church events and staff. The entry/exit points to the project are directly across from the Westbury garage entrance which will cause significant traffic congestion in the alley and along Holt Ave, causing significant delays entering/exiting the garage. Additionally the existing road infrastructure cannot accommodate the added congestion. I insist they relocate their entrance/exit points on Burton Way so our building’s homeowners/renters are not impacted.

Response to Comment No. 29-8

Refer to Response to Comment No. 7-4 above for a discussion of why relocating the entry/exit points to Burton Way is infeasible.

Comment No. 29-9

- Impact of construction on surrounding buildings: How will the city account for any damage done to surrounding buildings through the vibrations of pounding from pile drivers and other heavy construction equipment that is certain to cause serious structural damage? Given that the DEIR concluded that there will be significant vibration effects for residents. What has been studied for the potential damages and hazards that the vibration will cause in the aging building nearby? What reassurances do nearby residents have that these damages will be prevented, mitigated, or even covered by the development?

Response to Comment No. 29-9

This comment expresses fear about construction vibration, but incorrectly conflates the human annoyance and building damage thresholds. First, the use of pile drivers is prohibited by Project Design Feature NOI-PDF-4. Regarding construction vibration from other equipment, as discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact with respect to the significance threshold for human annoyance would be significant and unavoidable, but the Project's construction vibration impact with regard to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing structural condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment Letter No. 30

Lydia Lipkin
321 S. San Vicente Blvd., Apt. 501
Los Angeles, CA 90048-3322

Comment No. 30-1

As a 21 years of residentsy [sic] of Westbury Terrace, I wish to express our serious concerns from whole my family about the impact the construction of a high resident [sic] apartment tower next to our property. From documents, it's obviously clear that the construction of this kind will literally be just a matter of yards away from our building.

Response to Comment No. 30-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 30-2 through 30-5, below.

Comment No. 30-2

As a result, there will be a lot of heavy duty construction equipment which resulted [sic] in a certain damages to our utility lines and even the structural integrity of our building. The resulting vibration, for one thing, is almost certainly to damage the piping in our building if not seriously affect the very foundation of our building. This is a real danger.

Response to Comment No. 30-2

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's impact with respect to the significance threshold for human annoyance would be significant and unavoidable, but the Project's impact with regard to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing structural condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 30-3

Along with the vibrations caused by many months of pounding by pile drivers, riveting machines and similar heavy equipment will be the incessant noise.

Response to Comment No. 30-3

This comment expresses concern about construction noise and mentions construction equipment including pile drivers. First, the use of pile drivers is prohibited by Project Design Feature NOI-PDF-4. Regarding construction noise from other equipment, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 30-4

As noted, the site of the proposed 19-story tower is literally just a matter of yards from our residential property. Our residents include a number of seniors as well as medical professionals working at the nearby Cedars-Sinai Medical Center. Those folks work long hours and often night shifts. How are they to sleep when bombarded by the awful noise associated with heavy construction?

Response to Comment No. 30-4

This comment expresses concern about residents in the area on alternate sleep schedules. Refer to Response to Comment No. 15-3, above. As discussed therein, the City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limit) and the Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 30-5

One other consideration is the resulting traffic that inevitably will greatly increase if this project proceeds as planned. The adjoining intersection of San Vicente and Burton Way augmented by La Cienega Blvd. is already one of the busiest—and most dangerous—on the West Side. To add the vehicular volume from hundreds of church tower residents plus the added volume of cars of parishioners attending religious services as well as such events as wedding and funerals is totally unacceptable. Any proper traffic study will confirm this observation.

Response to Comment No. 30-5

This comment expresses concern about traffic congestion. As discussed on page IV.I-5 of the Draft EIR and Response to Comment No. 8-5, above, VMT is the metric used

for assessing potential transportation impacts of development projects in the City. In compliance with SB 743, changes in vehicle delay, LOS, and other similar measures of vehicular capacity or traffic congestion are generally no longer used for evaluating potential transportation impacts associated with development projects in California.

The Transportation Study for the Project, which is provided in Appendix S to the Draft EIR, includes an assessment on transportation operations at local intersections under existing and future conditions. Based on LADOT's TAG, the operations assessment is used to determine if LADOT would recommend corrective measures to be conditioned to the approval of the Project. The traffic operations assessment is not used in the assessing the relative significance of transportation impacts due to the Project under CEQA in compliance with the TAG and State law.

The VMT analysis for the Project is provided in the Traffic Analysis Addendum for the Project, which is included in Appendix T to the Draft EIR. LADOT confirmed the findings of the Transportation Study and Traffic Analysis Addendum in Assessment Letters dated August 1, 2019, and April 29, 2020. No corrective measures were identified by LADOT for the Project based on their review of the transportation studies.

As shown on Table 9-1 of the Transportation Study, the LOS-based transportation analysis concluded that the San Vicente Boulevard–Le Doux Road/Burton Way intersection is projected to operate at LOS A and B during the A.M. and P.M. peak hours, respectively under Future Cumulative with Project conditions. In addition, the La Cienega Boulevard/3rd Street intersection is projected to operate at LOS C during both the A.M. and P.M. peak hours under Future Cumulative with Project conditions.

Figure 7-1 within the Transportation Impact Study shows the forecast assignment of Project-related traffic. As shown on Figure 7-1, it is forecast that approximately 40 percent of inbound and 15 percent outbound vehicle trips generated by the Project would travel through the San Vicente Boulevard/Burton Way and La Cienega Boulevard/San Vicente Boulevard intersections. Applying this forecast to the net new daily trips in the Project trip generation table provided on Table 7-1 within the Transportation Study yields 130 inbound trips and 49 outbound trips traveling through the intersections on a daily (24-hour) basis.

Therefore, the Draft EIR discloses that the Project will add more vehicle trips through the San Vicente Boulevard/Burton Way and La Cienega Boulevard/San Vicente Boulevard intersections. However, the Project does not include any geometric features that would make the intersections any less safe for motorists, bicyclists, and pedestrians. Further, the incremental increase in traffic volume to any intersection does not make it less safe for users.

The City's Vision Zero program is discussed in the Draft EIR on pages IV.I-10 and IV.I-11. Vision Zero is a Citywide initiative that prioritizes the safety of pedestrians and bicyclists on public streets, with the understanding that roads which are safe for vulnerable users will be safer for all users, in an effort to eliminate traffic fatalities. Key elements of the policy, such as reducing traffic speeds, are founded on principles of engineering, education, enforcement, evaluation, and equity. Originating in Sweden, the policy has been adopted in numerous other North American cities, including California cities such as San Francisco and San Diego.

Mayor Eric Garcetti issued Executive Directive No. 10 in August 2015, formally launching the Vision Zero initiative in Los Angeles. Vision Zero is also a stated safety objective in the Mobility Plan 2035, which sets the goal of zero traffic deaths by 2035. Jointly directed by LADOT and the Police Department, Vision Zero takes a multi-disciplinary approach to identifying safety risk factors and implementing solutions on a citywide scale. Using a methodology originally developed by the San Francisco Public Health Department, the Vision Zero Task Force has identified streets where investments in safety will have the most impact in reducing severe injuries and traffic fatalities in the City. These roads are collectively known as the HIN. The HIN will be reviewed by the LADOT's Vision Zero group for potential engineering re-design as well as educational and enforcement campaigns. It is noted that San Vicente Boulevard and La Cienega Boulevard in the vicinity of the Project Site are not on the HIN.⁵³ In addition, although 3rd Street north of the Project Site is identified as part of the HIN, none of the intersections near the Project Site are identified as Priority Intersections by LADOT and no active Vision Zero projects are currently proposed near the Project Site.

If a proposed project results in significant transportation impacts, LADOT will review those specific locations and immediate vicinity for potential safety enhancements that are consistent with the City's Vision Zero initiative. Under the Vision Zero program, potential safety enhancements are not required for review and analysis in the Draft EIR because the Project would not result in a significant transportation impact and the streets cited in the comment are not on the HIN.

Comment No. 30-6

"We are [sic] sincerely hoped [sic] that you, and the Los Angeles City officials reviewing the proposal by the church will carefully consider the above impact issues.

⁵³ LADOT, *Livable Streets, Maps*, <https://ladotlivablestreets.org/programs/vision-zero/maps>, accessed August 25, 2021.

Response to Comment No. 30-6

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 30-2 through 30-5, above.

Comment Letter No. 31

Andy Liu
aliu24@gmail.com

Comment No. 31-1

As a Westbury Terrace resident (with my wife, a 10 year resident, and two young children), I vehemently oppose the Our Lady of Mt Lebanon 19 FLOOR Apartment Building project for the following reasons:

Response to Comment No. 31-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 31-2 through 31-10, below.

Comment No. 31-2**TRAFFIC**

The stretch of San Vicente Blvd between 3rd Street and Burton Way/La Cienega is one of the most heavily gridlocked intersections in LA during commute times. Construction of the project will only further bottleneck the area as the pre- covid traffic patterns have returned and will only worsen.

Response to Comment No. 31-2

This comment expresses concern about traffic congestion. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 31-3**AMBULANCES & EMERGENCY VEHICLES**

The increased congestion and bottlenecks from construction will only further clog the major and sidestreets [sic] in the neighborhood which will negatively impact emergency vehicles delivering patients to the ER and people could potentially die as a result.

Response to Comment No. 31-3

This comment expresses concern about emergency access during construction. As discussed in Section IV.I, Transportation, of the Draft EIR, while it is expected that the majority of construction activities for the Project would primarily be confined on-site, limited off-site construction activities may occur in adjacent street rights-of-way during certain periods of the day, which could potentially require temporary lane closures. However, if lane closures are necessary, the remaining travel lanes would be maintained in accordance with the CTM Plan that would be implemented pursuant to Project Design Feature TR-PDF-1 to ensure adequate circulation and emergency access. In addition, the California Vehicle Code (CVC) provides requirements for ensuring emergency vehicle access regardless of traffic conditions. CVC Sections 21806(a)(1), 21806(a)(2), and 21806(c) define how motorists and pedestrians are required to yield the right-of-way to emergency vehicles.

Comment No. 31-4**NOISE**

Currently, the neighborhood surrounding Our Lady of Mt Lebanon is already loud enough with ambulances, speeding vehicles, emergency vehicles, and often the fire alarms from Beverly Center. Five years of construction from 7:00 A.M. to 4:00 P.M. will make life unbearable for the residents in the vicinity

Response to Comment No. 31-4

This comment expresses concern about construction noise and incorrectly states that construction would last five years. As noted above in Response to Comment No. 8-3 and Section II, Project Description, of the Draft EIR, Project construction is expected to last three years. With respect to construction noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 31-5**RISK TO WESTBURY TERRACE**

Has anybody from the city studied the risk to the structural safety of 40 year old Westbury Terrace by digging a hole in the ground large enough for an underground parking lot with 397 parking spaces??????? I'm sure everyone at LA City Planning has seen the recent Surfside, FL building collapse which may have been impacted by the recent construction of a newer nearby building.

Response to Comment No. 31-5

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing structural condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate. In addition, the commenter presents no evidence that the construction of the Project would result in the same outcome as the Florida condominium event or that it was related to a nearby project under construction.

Comment No. 31-6**THE ALLEY**

According to the project's current plans, the entry and exit from the parking structure will be the narrow alley that is currently used by Westbury Terrace residents to enter/exit the parking garage and and [sic] for trucks that temporarily park who use the alley as a loading zone. The alley is not wide enough to accommodate the increased traffic. Adding the 252 residential cars and then 145 event attendee cars will surely congest the alley and lead to traffic accidents especially since Holt Street is used by so many cars to connect between Burton Way and 3rd Street (often at high speeds) which has led to many significant [sic] car accidents given the blind spots from the parked cars. San Vicente will also get more clogged especially if 333 La Cienega is erected. If the project is approved, then its parking structure entry/exit points should be on Burton Way.

Response to Comment No. 31-6

This comment expresses concern about alley operations. Refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, or result in significant queuing or hazardous conditions.

With respect to the apparent claim that many car accidents have occurred at the Holt Avenue/alley intersection, refer to Response to Comment No. 21-4.

Comment No. 31-7

OPTICS

Why is the Catholic Church interested in building a mega apartment building (tallest building in the area) to generate revenue (and be exempt from taxes)? Generating revenue by being a landlord doesn't seem like it's part of the mission of the Catholic Church. Is the Catholic Church's attendance/patronage/tithing so low now that it's looking for additional ways of generating revenue with little regard for the neighborhood? Granted the Catholic Church has financially settled many lawsuits in recent years for past misdeeds, isn't it bad optics for residents if they are paying rent to the Catholic Church to potentially refill its coffers that have been depleted???? I could understand a project to rebuild the current church but adding that 19 story apartment building seems excessive.

Response to Comment No. 31-7

This comment, which does not raise CEQA issues, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 31-8

LOCAL BUSINESSES

The traffic will hurt local businesses by further clogging the area and make visiting the area unpleasant.

Response to Comment No. 31-8

This comment expresses concern about traffic congestion. Refer to Response to Comment Nos. 8-5 and 31-2, above.

Comment No. 31-9

333 LA CIENEGA

<https://www.333lacienea.com/>

Will the two projects be built simultaneously? Has the impact of both projects being built concurrently been studied? At least 333 La Cienega benefits/improves the neighborhood whereas only the Catholic Church benefits from the Our Lady of Mt Lebanon Project. Think about that!

Response to Comment No. 31-9

As noted above in Response to Comment No. 8-2, the project at 333 La Cienega is included in the Draft EIR as related project LA6 and cumulative impacts that could potentially result through a combination of the Project and related projects, including LA6, are evaluated throughout the Draft EIR.

Comment No. 31-10**DURATION**

This is a FIVE YEAR project, repeat a FIVE YEAR project. SoFi Stadium was completed in less time than this project!!!!

Response to Comment No. 31-10

This comment repeats the incorrect claim that construction would take five years. As noted in Response to Comment Nos. 8-3 and 31-4 above, as well as Section II, Project Description, of the Draft EIR, Project construction is expected to last three years.

Comment No. 31-11

Thank you for taking time to read my comments and analysis and I hope the project is cancelled.

Response to Comment No. 31-11

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 31-2 through 31-10, above.

Comment Letter No. 32

Nick Lopez
info@whoisnicklopez.com

Comment No. 32-1

I am writing you this email to strongly oppose the approval of the Mount Lebanon Church construction project. The noise from this project will be unbearable to those of us who owned condos on the side of the Westbury Terrace building nearest to the church, and the traffic is already horrible as it is, this will only add to the issue.

Response to Comment No. 32-1

This comment expresses opposition to the Project on the basis of construction noise and traffic congestion.

With respect to construction noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

With respect to traffic congestion, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, impacts with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 32-2

Also, the portable bathrooms that construction sites use will only attract more homeless to the area, which is already being completely overrun by new homeless people living on the sidewalk.

Response to Comment No. 32-2

This comment expresses concern about access to the construction site. Pursuant to Project Design Feature POL-PDF-1, the Applicant will implement temporary security measures that include security fencing, lighting, and locked entry during construction.

Comment No. 32-3

I will take public issue to this and engage my network which reaches over 50 million people across social media platforms if this project is approved. Please do not let it get there.

Response to Comment No. 32-3

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 32-1 and 32-2, above.

Comment Letter No. 33

MacLou Trust
321 S. San Vicente Blvd., Apt. 1002
Los Angeles, CA 90048-3354

Comment No. 33-1

We would like to submit my [sic] comments against permitting the construction of the proposed 19-story building of “Our Lady of Mt. Lebanon Project”. [sic] This construction will adversely affect our residential building next door at 321 South San Vicente Boulevard, known as Westbury Terrace.

Response to Comment No. 33-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. The specific issues raised by the commenter are substantively identical to those raised in Comment Nos. 22-2 through 22-8. Refer to Response to Comment Nos. 22-2 through 22-8, above.

Comment No. 33-2**1. Vibration impact:**

The Westbury Terrace building is over 45 years old and will not withstand the stress from the construction of a 19-story building, in particular the excavation of ground for a five-level subterranean parking structure and at such close proximity.

Our aged water pipelines will fracture from the vibrations of constant pounding during construction and cause flooding in our homes and garages. The extent of the damage will be enormous, structurally and financially. It may even be deadly as our pipes run along the garage ceilings and are exposed. They could smash onto our vehicles while we are inside our cars.

Response to Comment No. 33-2

Refer to Response to Comment No. 22-2, above.

Comment No. 33-3

2. Noise impact:

The residents of Westbury Terrace, including myself, will have to suffer five years of constant pounding and loud noise during construction. The proposed 19-story building will involve daily transport of materials by huge trucks which will create continuous deafening noise especially from the beeping when backing up.

This could create long term health issues for us. We will not be able to leave our windows open for fresh air, sleep or rest during the day, walk in the vicinity of our home, enjoy our swimming pool or lounge in our courtyard patio. In addition, many of us now work from home and we will not have any peace of mind to work productively for those five years.

Response to Comment No. 33-3

Refer to Response to Comment No. 22-3, above

Comment No. 33-4

Our property values will also be impacted directly by the loud noise and its long term expectancy of "human annoyance". [sic] It will be difficult to sell or even rent our condominiums during the five years of construction.

Response to Comment No. 33-4

Refer to Response to Comment No. 22-4, above.

Comment No. 33-5

A different form of noise will become permanent after construction due to the increase of residents and vehicles in our neighborhood. The chatter from event guests waiting to retrieve their cars late at night will disturb our sleep and deteriorate our quality of life.

Response to Comment No. 33-5

Refer to Response to Comment No. 22-5, above.

Comment No. 33-6

3. Traffic Impact:

Westbury Terrace has two parking garages with ingress and egress through the Alley. [sic] The addition of 397 vehicles using the same Alley [sic] to access their parking structure will result in dangerous accidents and gridlock. It will be worse during events when valet employees have to park the excess cars in the street.

Response to Comment No. 33-6

Refer to Response to Comment No. 22-6, above.

Comment No. 33-7

The proposed project of Our Lady of Mt. Lebanon is at one corner of a huge intersection of three major streets: Burton Way, San Vicente and La Cienega. The current traffic situation in this area is congested at best of times with frequent accidents. The Caruso building project is soon to start on another corner of this huge intersection and across the street from the “Church” project, at 333 La Cienega Blvd. How does the City propose to allow two massive constructions, within feet of each other, run at the same time? How does the City intend to deal with the traffic nightmare we will be having?

Response to Comment No. 33-7

With respect to the concern expressed regarding traffic congestion and the related project located at 333 S. La Cienega Boulevard, refer to Response to Comment No. 22-7, above.

With respect to the claim that “frequent accidents” occur at the Burton Way–San Vicente Boulevard–La Cienega Boulevard intersection, also refer to Response to Comment No. 22-7.

Comment No. 33-8

Please consider the residents of Westbury Terrace who pay high taxes to live in this neighborhood and deserve to have tranquility and a healthy environment.

Response to Comment No. 33-8

Refer to Response to Comment No. 22-8, above.

Comment Letter No. 34

Kevin Maghami
321 S. San Vicente Blvd.
Los Angeles, CA 90048-3359

Comment No. 34-1

– For the mitigation of significant and unavoidable on-site construction noise for R1 (321 S San Vicente Blvd), NOI-NM-1 (erected 6ft? [sic] sound barriers; NOI-PDF-3) are stated to reduce the noise level by approximately 15 dBA. However, this calculation is based on the assumption of recording sound at the ground level of the residence. Because 321 S San Vicente Blvd is a high-rise condominium building, would the mitigation measures be less effective for anything higher than the ground floor? Above all, the construction will occur at an elevation greater than the noted sound barrier. This will be an unacceptable intrusion into the wellbeing of neighboring residents.

Response to Comment No. 34-1

This comment incorrectly conflates the 6-foot sound barrier for the loading areas required by Project Design Feature NOI-PDF-3 and the temporary construction noise barrier for receptor location R1 required by Mitigation Measure NOI-MM-1. As noted in Mitigation Measure NOI-MM-1, the temporary construction noise barrier for receptor R1 is specified to provide minimum 15-dBA noise reduction at the ground level. As required by the Mitigation Measure NOI-MM-1, the final detail of the sound wall, including the location and height would be provided at plan check. The noise barrier is anticipated to be approximately 16 feet tall to provide the 15-dBA noise reduction, based on the anticipated measurement of installed construction noise barriers. In addition, the construction noise barrier performance would be verified by a noise consultant, as specified by the Mitigation Measure NOI-MM-1. In addition, as discussed in detail in Response to Comment No. 2-76, in order to provide noise reduction for the upper levels, the sound wall would need to be as high as the affected building. For example, in order to reduce the construction noise at the top floor of the adjacent building to the north (receptor R1), the sound wall would need to be a minimum of 80 feet high. It is not feasible to construct a noise barrier at this height as such a barrier would require a deep foundation and engineering techniques that would require space along the alley, which would result in additional noise and vibration impacts and other secondary impacts. Section IV.G, Noise, of the Draft EIR, accurately concludes that the Project's noise impact during construction would be significant and unavoidable.

Comment No. 34-2

How will this project mitigate a clear exceptional violation of Exhibit 1 of the Noise Element by the City of Los Angeles (1999)?

Response to Comment No. 34-2

The Draft EIR has incorporated all feasible mitigation measures as required under CEQA. As concluded in Section IV.G, Noise, of the Draft EIR, the Project's construction noise impact would be significant and unavoidable following mitigation and the Project's operational noise impact would be less than significant (other than a limited significant impact resulting from the improbable simultaneous use of the two loading areas).

Comment No. 34-3

– In the construction noise impact analysis, for building R1 at every stage of construction, it has a dBA of 80+. Based on the CDC and The [sic] World Health Organization's recommendations for sound exposure limits, an exposure of "75–80 dBA for 40–127 hours over a seven day period can lead to permanent hearing damage." As questioned above, how will this project proceed with a flawed overestimate of stated mitigation? How will this project proceed in a manner to protect the health of residents who live just 30 feet from the construction site?

Response to Comment No. 34-3

This comment states that construction noise would exceed 80 dBA at every stage of construction at receptor location R1. It should be noted that this is prior to the implementation of mitigation. Following mitigation, the highest estimated construction noise level at receptor location R1 would be 72.3 dBA during the mat foundation phase.

Refer to Response to Comment No. 11-3 for a detailed discussion of construction noise and hearing loss. As discussed therein, the Project would not result in a construction noise impact associated with permanent hearing damage.

Comment No. 34-4

– Additionally, there are a number of healthcare residents and workers who neighbor this project (R1, particularly). Their work schedules are essentially nocturnal, which only allows the daytime for them to catch up on sleep as a result. This project would immensely affect their wellbeing—what will be done to protect these healthcare heroes after all they've done to protect us?

Likely more comments, concerns to come. Hope these are specific enough.

Response to Comment No. 34-4

This comment expresses concern about residents in the area on alternate sleep schedules. Refer to Response to Comment No. 15-3, above. As discussed therein, the

City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limit) and the Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment Letter No. 35

Kevin Maghami
321 S. San Vicente Blvd.
Los Angeles, CA 90048-3359

Comment No. 35-1

I would like to submit another comment:

- Given that the DEIR concluded that there will be significant vibration effects for residents, and the project site is 30 feet from 321 S San Vicente, what has been studied for the potential damages and hazards that the vibration will cause in an aging building? What reassurances do nearby residents have that these damages will be prevented, mitigated, or even covered by the development?

Response to Comment No. 35-1

Refer to Response to Comment No. 29-9, above.

Comment No. 35-2

- Based on what current market trends is the concept of a 19 story for-profit luxury condominium able to reach vacancy [sic] in today's or the near market? This building will be primarily vacant—similar to 8500 Burton Way. It is tonedeaf [sic] for the city to approve this project in the context of the increase of remote work (expected exodus from the city) and housing crisis, which is an affordability issue. As an apartment building, homeownership is not possible.

Response to Comment No. 35-2

While this comment does not raise CEQA issues, it should be noted that the Project will provide 153 residential units (including 17 Very Low Income units) which will increase housing supply in the City and help meet regional housing goals. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 36

Carol May
321 S. San Vicente Blvd.
Los Angeles, CA 90048-3359

Comment No. 36-1

I have owned my unit at the Westbury Terrace since 1999, and I have one main concern about the building project next door: ingress and egress is through the alley only, with no exit directly to Burton Way.

The alley is city owned, [sic] and poorly maintained right now. Westbury Terrace owners must use it, it's our only entrance, and it's also a thoroughfare during rush hour for people who don't want to sit in traffic on 3rd St. As well, residents of all the buildings for several blocks whose parking exits into the alley use the length of the alley as a thoroughfare.

When the new building holds a large event, that will be too many people entering and exiting a small space at once, along with the people who live in the area.

Response to Comment No. 36-1

This comment expresses concern about alley operations. Refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, or result in significant queuing or hazardous conditions.

Comment No. 36-2

The potholes will get bigger and the city will ignore the necessary maintenance.

Response to Comment No. 36-2

This comment expresses concern about street maintenance in the alley. While this is not an issue under CEQA, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 36-3

Finally, Holt is a small street, and it's completely blind exiting onto it, what with the parked cars. You need to consider an exit directly onto Burton Way.

Response to Comment No. 36-3

This comment, which recommends an exit directly onto Burton Way, is noted for the record and will be forwarded to the decision-makers for their review and consideration. Refer to Response to Comment No. 7-4 above for a discussion of why relocating the Project access to Burton Way is not required under CEQA and would be inconsistent with City and LADOT regulations and guidelines.

Comment Letter No. 37

Brannack McLain
brannack.mclain@gmail.com

Comment No. 37-1

As a neighboring resident, I strongly oppose the construction project planned at Our Lady of Mt. Lebanon Church (333 S. San Vicente Blvd.).

Response to Comment No. 37-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 37-2 through 37-4, below.

Comment No. 37-2

The overlapping and wildly confusing intersections of San Vicente, Burton Way, La Cienega, and Le Doux have already created the most dangerous, noisiest, and most congested area in the neighborhood.

At least once a week, I hear the sickening metal crunch of a car accident or see the often terrifying aftermath of a collision. First responders to these accidents add to the steady stream of sirens in the neighborhood as ambulances rush to Cedars Sinai from every direction at every hour of day and night. Even without the added delays caused by accidents and ambulances, rush hour traffic frequently backs up for blocks in multiple directions.

Response to Comment No. 37-2

The commenter claims that he hears at least one collision a week from an unspecified location. Assuming that location is in close proximity to the Project Site, this claim is contradicted by accident data. Refer to Response to Comment No. 29-7, which demonstrates that about one reported collision each five weeks occurs at the relevant intersections near the Project Site.

With respect to the portion of the comment regarding traffic congestion and safety, refer to Response to Comment No. 30-5, above. As discussed therein, the Project would not result in a significant transportation impact and the streets cited in the comment are not on the HIN.

With respect to existing traffic noise, as discussed in Section IV.G, Noise, of the Draft EIR, the baseline noise monitoring program was conducted on September 12, 2019, and included both 24-hour and 15-minute noise measurements. Any noise associated with the existing roadways would therefore be included in the baseline and is accurately reflected in the Draft EIR.

Comment No. 37-3

Moving through this area by foot is also extremely complicated. Pedestrians walking from one side of this “intersection” to another must use a minimum of 4 crosswalks, each with a different walk signal. As a result, pedestrians frequently jaywalk through the area with little regard for traffic. (The many homeless people who have erected tents on the Burton Way median in the blocks west of the church have been particularly bold in their blatant disregard for pedestrian laws.)

Response to Comment No. 37-3

See Response to Comment No. 37-2, above. In addition, the Project includes the reconstruction of the sidewalks located along the Project Site’s frontage.

Comment No. 37-4

Needless to say, several years of construction and [sic] the subsequent addition of hundreds of residents will only exacerbate these already serious safety, congestion, and noise issues. Our local building restrictions exist for a reason—please do not waive them for a project that will only harm local residents and all those who commute through the area. I hope you will support everyone in the area by preventing this construction project from moving forward.

Response to Comment No. 37-4

This comment reiterates the issues raised by the commenter in Comment Nos. 37-2 and 37-3 and expresses opposition to the Project’s requested entitlements. Refer to Response to Comment Nos. 37-2 and 37-3 above for responses regarding existing traffic and noise conditions. The commenter’s opposition to the Project’s requested entitlements is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 38

Mimi H. Milstein
Jon Milstein
mmholiday@aol.com

Comment No. 38-1

Please note that we as tenants at 8544 Burton Way **HIGHLY oppose** this project! We already lived through the Caruso project, the Beverly Center nightmare remodel and now this! Traffic and NOISE on this street is already unbearable, now you want to add VIBRATION! We pay high rent to live in this area, that is becoming not only a homeless encampment, but now another disaster of construction and all that comes along with it. If you begin this project, you can also PLAN on paying us to move! **The greed of builders cannot be put above the sanity of people who live in this area.**

Based on the analysis included in the Draft EIR, the Project would result in significant and unavoidable impacts related to: noise and vibration (on-site and off-site noise during construction, on-site and off-site vibration during construction [human annoyance], and operational noise associated with the loading docks). In addition, the following cumulative impacts would be significant: noise and vibration impacts (on-site and off-site noise during construction, and off-site vibration during construction [human annoyance]).

Response to Comment No. 38-1

This comment expresses opposition to the Project on the basis of traffic, noise, and vibration.

With respect to traffic, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, impacts with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

With respect to noise and vibration during construction, these impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and

R2 and the Project's construction vibration impact would be significant with respect to human annoyance, these impacts would be temporary and would cease upon completion of construction.

Comment Letter No. 39

S. Jon Parsi
321 S. San Vicente Blvd., Apt. 1108
Los Angeles, CA 90048-3337

Comment No. 39-1

I am a condo owner in the 321 S. San Vicente Building and I want to express my protest to the proposed building construction which most of my neighbors have eloquently and categorically disputed for very sound reasons. I hope you take all this notices into consideration before going ahead with this large project which will adversely affect the neighborhood.

Response to Comment No. 39-1

This comment expresses general opposition to the Project but does not raise any specific issues. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 40

Steve Reczek
403 ½ S. Le Doux Rd.
Los Angeles, CA 90048-4057

Comment No. 40-1

Hi, I'm writing you in regards to Environmental Case No 2019-1857-EIR, Our Lady of Mt. Lebanon Project.

I reside at 403 ½ S. Le Doux Rd. Directly across from the proposed site of the building. This whole project is preposterous in this area.

Response to Comment No. 40-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 40-2 through 40-4, below.

Comment No. 40-2

It would absolutely wreak havoc, with traffic and

Response to Comment No. 40-2

This comment expresses concern about traffic. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, impacts with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 40-3

incredible noise pollution.

Response to Comment No. 40-3

This comment states that the Project would result in an increase in noise. Project noise impacts during both construction and operation are fully analyzed in Section IV.G, Noise, of the Draft EIR. Refer to Response to Comment No. 8-5, above.

Comment No. 40-4

This area is already heavily congested with traffic. Not only would it affect residents, it would heavily affect businesses in the area. Please consider the ramifications of such construction in this area.

Response to Comment No. 40-4

This comment expresses concern about the impact of traffic on businesses in the area, which is not a CEQA issue. Response to Comment No. 40-2 above addresses the commenter's concerns about traffic. Nevertheless, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 41

Ann Rubin
6524 Commodore Sloat Dr.
Los Angeles, CA 90048-5314

Comment No. 41-1

I am writing with deep concern for the proposed high-rise apartment on San Vicente—called the Our Lady of Mt. Lebanon project.

Response to Comment No. 41-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 41-2 through 41-6, below.

Comment No. 41-2

#1

I am concerned that a tax-exempt entity—a Church—is building a for-profit, market-rate apartment building. This should put their tax-exemption into jeopardy. If they are proposing a spin-off to a separate entity, please notify concerned parties.

Since the developer is a Church, shouldn't their building include units that would be more compatible with their tax-exempt mission and the word of Jesus? Shouldn't the designated "affordable units" be deeded condominiums so that that residents could build their wealth with long-term home ownership?

The City of Los Angeles should not sell out for so little in terms of concessions for up-zoning, especially when dealing with a property owner that doesn't answer to solely, [sic] for-profit, bottom-line concerns.

Response to Comment No. 41-2

This question is unrelated to the environmental review for the Project. Therefore, it is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 41-3

#2

I am concerned about traffic mitigation because of the proposed abundance of parking spots, when residents should be using the new subway, just a few blocks away. As part of mitigation, owner needs to implement a free shuttle-van service to the new subway stop at Wilshire and La Cienega that runs concurrently with the subway hours and at desirable intervals to accommodate users. This should be done in partnership with the other proposed high-rise apartment tower across the street—owned by Rick Caruso—and Cedars Medical Center and Beverly Center. This is a dense population that could be using the subway from this tight little area.

Response to Comment No. 41-3

This comment expresses concern about traffic and suggests a shuttle service to serve the future Metro rail station. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 41-4

#3

I am concerned this building adds to the heat-island effect. Trees on rooftops and private gardens should not count as open space. Large trees need to be planted in the ground for the important environmental impacts that are essential for our health, especially at this intersection with multiple lanes of traffic on 2 sides. I propose that the property owners be tasked with maintenance—including watering and additional plantings—of the Burton Way median in perpetuity with the Rusty Leaf Figs (and Corals) that are part of the contiguous green space on the Burton Way and San Vicente medians.

Response to Comment No. 41-4

This comment expresses concern about a heat-island effect resulting from the Project and opposition to the location of the Project's open space. Heat-island effects describe the higher day and night temperatures experienced in urban and suburban areas

compared to the temperatures of their rural surroundings. This temperature gap results from solar heat trapped and absorbed by the built environment—roads, pavements, buildings, and roofs. The Project would eliminate much of the asphalt surface parking square footage in which the dark asphalt surface absorbs and radiates heat. Much of this asphalt surface would be replaced with buildings that have lighter colored roofs to deflect some of the radiant heat and thus reducing the potential for heat-island effects from the Project site. Furthermore, the Project would substantially increase the number of trees on the Project Site, with 37 trees planted within the common useable open space areas and 14 trees planted outside of the common useable open space areas. This substantial increase in the number of onsite trees would provide more shade for the outdoor hardscape areas and reduce the so-called heat-island effect as compared to the existing condition in the existing surface parking lot that currently covers the entire western portion of the Project Site.

Finally, with respect to the commenter's proposal that the Applicant plant and maintain additional landscaping within the roadway medians, maintenance of roadways is the responsibility of the City.

Comment No. 41-5

#4

Please enforce recommendations of the Rec and Parks report. Any requirement to dedicate public open space land should be implemented nearby for benefit of nearby neighborhoods impacted by the proposed tower. This land use as public green space could be integrated into First/Last-Mile Planning for the Purple Line to encourage commuters to use the subway with a more pleasant urban environment. Please do not allow in-lieu payment fee.

Response to Comment No. 41-5

This comment expresses opposition to the payment of in lieu fees to meet the Project's parkland requirement. The payment of in lieu fees is permitted under LAMC Section 12.33. In addition, as described in Section II, Project Description, of the Draft EIR, the Project approximately 16,800 square feet of open space (9,200 square feet of common open space and 7,600 square feet of private open space)⁵⁴ in accordance with the requirements of the LAMC.

⁵⁴ *While the actual floor area of some patios exceeds 100 square feet and the actual floor area of some balconies exceeds 50 square feet, consistent with LAMC Section 12.21 G.2(b)(2) and Ordinance No. 167,711, Q Condition 6.A, only 50 square feet per balcony and 100 square feet per patio may be counted as private open space.*

Comment No. 41-6

#5

This plan calls for the historic Church building to be disassembled and rebuilt. I object to this treatment of an historic resource.

Thank you kindly for considering these points.

Response to Comment No. 41-6

This comment expressing opposition to the planned deconstruction, temporary storage, reassembly, and rehabilitation of the cathedral building is noted for the record and will be forwarded to the decision-makers for their review and consideration. As discussed in Section IV.B, Cultural Resources, of the Draft EIR, the Project's impact to the cathedral building would be less than significant. Refer to Response to Comment Nos. 6-5 through 6-11, above for additional details.

Comment Letter No. 42

Barbara Seid
Westbury Terrace Condominiums
321 S. San Vicente Blvd., Apt. 608
Los Angeles, CA 90048-3354

Comment No. 42-1

I'm a resident at Westbury Terrace and I have very serious concerns about the proposal to build a tall apartment building adjacent to our building. My concerns are about traffic, noise and the physical impact of such a large project.

Response to Comment No. 42-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 42-2 through 42-5, below.

Comment No. 42-2

The proposed project calls for multiple levels of underground parking. Construction would involve huge machines excavating deep into the ground, resulting in vibrations that could harm our 45 year old building, perhaps threatening the stability of our building. As it is, our plumbing is frail and the elevators often need repair. The noise of the new project together with vibrations created by industrial diggers could be a threat to our building, presently home to 80 families.

Response to Comment No. 42-2

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact pursuant to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing structural condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 42-3

Many of our residents are employed by Cedars-Sinai Hospital and need to sleep during the day. How will they be able to do that with continued noise of construction over many months of this large project?

Response to Comment No. 42-3

This comment expresses concern about residents in the area on alternate sleep schedules. Refer to Response to Comment No. 15-3, above. As discussed therein, the City currently has not established specific noise limits with respect to sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limit) and the Project's construction noise impact was fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 42-4

At the present time, traffic, especially in the late afternoon, is often backed up at the intersection of West Third Street and South San Vicente Blvd. As a pedestrian, and a senior citizen with physical disabilities, it is extremely difficult just to cross the street. I have often been forced to weave between between [sic] cars, whose drivers are waiting to make the light, and who are backed up along West Third Street. In short, the intersection is already often congested; additional cars would exacerbate the problem.

Response to Comment No. 42-4

This comment expresses concern about pedestrian facilities at the intersection of West Third Street and South San Vicente Boulevard. Pedestrian facilities are currently provided at this intersection, including continental crosswalks at each leg. Pedestrian push buttons and signal heads with countdowns are present at each leg to assist pedestrians in crossing the street in a safe manner. Furthermore, ADA curb ramps are provided at each corner of the intersection, with truncated domes provided at the northwest, northeast, and southeast corners. LADOT maintains the pedestrian phasing timing. Refer to Response to Comment No. 30-5, above, for a discussion of the Project's potential impact on pedestrian safety.

Comment No. 42-5

In addition, traffic on Holt Street, a narrow street with parking on both sides, would be seriously impacted by an increased flow of traffic exiting and entering the alley between our building and the Church parking lot. As it is, it is difficult to have clear sight lines when

trying to exit the alley. Coming out of our garage when the Church parking lot is full, for example on Sundays, is hazardous. This situation would be even more dangerous with additional cars on Holt Street.

Response to Comment No. 42-5

Under existing conditions, the Church parking lot includes two access points from the alley and the existing surface parking lot. These access points provide full vehicular access (e.g., left-turn and right-turn ingress and egress movements are permitted). The Project would reduce the number of access points along the alley from two to one, which is consistent with the City's Citywide Design Guidelines, which encourage development projects to reduce both the number of driveway intersections and overall driveway widths.

Moreover, as noted above in Response to Comment No. 7-4, the placement of access along the alley is consistent with the City's General Plan and the longstanding policy of LADOT.

Comment No. 42-6

I hope you will take into consideration all of our concerns when making a decision about the proposed project.

Response to Comment No. 42-6

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 42-2 through 42-5, above.

Comment Letter No. 43

Murray Selarz
murrayselarz@gmail.com

Comment No. 43-1

The Mt. Lebanon proposed project would have a disastrous environmental impact to the area. The human & automobile density in the area are already at the saturation point. Streets have become impacted with ordinary traffic as well as all the delivery vehicles, (UPS, Fed-Ex, [sic] DHL, Grub-hub, [sic] Postmates etc.) Not only is there virtually NO parking available, crime & homelessness has exploded in scope... We need to look beyond the tax revenue this project would generate and understand that the environmental impact would compromise the lives of everyone already living in the community. The congestion in the area is already untenable! This project is a recipe for a miserable and unsafe lifestyle for all.

Response to Comment No. 43-1

This comment expresses opposition to the Project and cites parking, crime, and homelessness. Parking and homelessness are not issues evaluated as part of the CEQA process for the Project. However, with respect to homelessness, it should be noted that the Project includes 153 new residential units, including 17 units for Very Low Income households, which would increase the housing and affordable housing stock within the City.

With respect to crime, refer to Response to Comment No. 29-5, above. As discussed therein, the Project's impact related to police protection was evaluated in the Draft EIR and determined to be less than significant.

Comment No. 43-2

I couldn't imagine an environmental impact report that would differ from all my concerns stated above. If it did, it would be a report with political pay-off implications. No environmental engineer with altruistic training could approve such a project! Feel free to contact me to discuss.

Response to Comment No. 43-2

This comment questions the validity of the Draft EIR. The Draft EIR was prepared in accordance with the requirements of CEQA and all of the Project's potential environmental impacts have been evaluated.

Comment Letter No. 44

Ashley Sholder
asholderdesign@gmail.com

Comment No. 44-1

I hope this email finds you doing well. Below is another response to the draft EIR:

A couple weeks ago on May 26, 2021 at approximately 10:15 AM a car accident occurred as a black sedan left the alley between Westbury Terrace and the existing Church parking lot. While traveling westbound through the alley the black sedan collided with a white compact car traveling southbound on Holt. It's important to note this accident is not the first of its kind at this location. It I [sic] in the very same intersection the proposed project's 252 additional residential cars and 145 more during event days plan to enter/exit from. The accident did not occur during rush hour traffic which is always a significantly more treacherous time within a one block radius from the proposed project location, Burton Holt Homeowners Association, and Westbury Terrace. Photos of the accident attached. Low visibility behind parked cars on either side of Holt Ave (an already very narrow street) coupled with a car racing down Holt to escape traffic from 3rd Street and San Vicente were contributing environmental factors to this accident. The impact was absolutely horrific and heard from Burton Holt and Westbury Terrace homeowners working inside their homes. Thankfully the people involved in the accident walked away with their lives. This may not be the case should the city planning commission and council members approve the proposed Mr. [sic] Lebanon development which will severely and negatively impact our neighborhood. We are already crippled [sic] by relentless traffic congestion and resulting accidents from our neighborhood's existing residents, visitors, and commuters passing through our community and at the alley's intersection with Holt Ave.

Response to Comment No. 44-1

As discussed in Response to Comment No. 21-4, above, there have been almost no collisions at that intersection. Based on data in the TIMS created by the SafeTREC at the University of California, Berkeley, there was only one reported collision at this intersection for the five-year period from January 1, 2015, to December 31, 2019, and that collision did not involve any injury. The supporting TIMS data is provided in Appendix FEIR-8 to this Final EIR.

The Transportation Impact Study also includes a local street segment analysis of Holt Avenue between 3rd Street and the alley. As shown on Table 12-2 in the Transportation Impact Study, the street segment analysis concluded that under future conditions, the Project would result in an 8.5 percent increase in ADT on Holt Avenue,

which is below the City's 10 percent increase threshold for consideration of potential corrective measures to local streets.

Holt Avenue is identified on page IV.I-13 of the Draft EIR as a Local Street. The street is built to the City's Local Street standards, with a 36-foot roadway width and a full right-of-way of 60-feet, and is therefore not unusually narrow as asserted in comment. The speed limit on Holt Avenue is 25 mph. Generally, travel on local streets can be presumed to be safe if motorists observe speed limits. The crash cited in the comment is alleged to have occurred because one or more of the motorists did not observe traffic laws.

As noted, the Draft EIR discloses that the Project would add vehicle trips through the Holt Avenue / east-west alley intersection. However, the Project does not include any geometric features that would make the intersection any less safe for motorists, bicyclists, and pedestrians. Furthermore, the incremental increase in traffic volume to any intersection does not make it less safe for users.

Refer to Response to Comment No. 30-5, above for a detailed discussion of the Project's transportation analysis and its potential impact on pedestrian safety.

Comment No. 44-2

Did the draft EIR take into account the current road conditions and accidents residents already face on Holt Ave and the immediate area? If not, why not?

Response to Comment No. 44-2

With respect to existing road conditions, as discussed in Response to Comment No. 3-1, above, traffic counts were taken in May 2018.

Refer to Response to Comment No. 30-5, above for a detailed discussion of the Project's potential impact on pedestrian safety.

Comment No. 44-3

If so, why would the city entertain the proposed building project, knowingly subjecting the neighborhood to even more hardship once built?

Response to Comment No. 44-3

The City is required to process all applications submitted, including the Project. The purpose of an EIR is to disclose potentially significant impacts to the public and decision-makers. As noted above in Response to Comment No. 43-2, the Draft EIR was prepared

in accordance with the requirements of CEQA and all of the Project's potential impacts are fully disclosed

Comment No. 44-4

Why would the city entertain the proposed project's request for a 35 percent density bonus which would allow the developers to have 40 additional units increasing the site's allowable 113 base dwelling units by 40 additional units for a total of 153 dwelling units?

Response to Comment No. 44-4

The City is required to consider all entitlement requests, including those of the Project.

Comment No. 44-5

This is exceptionally troublesome given the fact our neighborhood and road infrastructure already cannot support a development of this size, let alone 80 more cars.

Response to Comment No. 44-5

This comment expresses concern about traffic, specifically the capacity of roadways serving the Project Site. As noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, impacts with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment No. 44-6

Will the accident summary provided and photos submitted be publicly recorded in the draft EIR?

Response to Comment No. 44-6

All letters received prior to the end of the Draft EIR comment period, including this one and the attached photos, are included in Appendix FEIR-1 to this Final EIR.

Comment No. 44-7

Who decided it would be best to place the proposed project's entry/exit points in the alley already utilized by 116 cars from residents on Holt Ave and 164 [sic] cars from Westbury Terrace (an 11-story high-rise residential building)? Was the selection of the proposed project's entry/exit point driven by the city or developer? Why wasn't Burton Way selected to place the proposed project's entry and exit points so the project did not affect existing residents and increase the likelihood of future accidents at the alley's intersection with Holt Ave? The proposed projects entry/exit points must be reconsidered and placed on Burton Way.

Response to Comment No. 44-7

Refer to Response to Comment No. 7-4, above for a discussion of why relocating the entry/exit points for the Project to Burton Way is infeasible.

Comment No. 44-8

Did the transportation study within the draft EIR take into consideration the permanent traffic congestion on 3rd street particularly at the intersections of Sherborne [sic], Holt Ave, and San Vicente? On "good" days on 3rd street traffic is only backed up to Hamel and on even worse days it extends way past Robertson. Did the study take this into account? Did the study consider the traffic coming from 3rd street down Holt Ave and the alley between Sherborne [sic] and Holt Ave during rush hour?

Response to Comment No. 44-8

Refer to Response to Comment No. 29-6, above.

Comment No. 44-9

Pedestrians walking on the west side of Holt are particularly vulnerable to alley traffic as most race down this section to avoid the traffic on 3rd street. Is the city planning commission aware of this? Did the draft EIR take into consideration the number of car accidents and pedestrian injuries resulting from impacts with motor vehicles in our neighborhood over the last 5 years?

Response to Comment No. 44-9

Figure 7-1 in the Transportation Study included in Appendix S to the Draft EIR shows the forecast assignment of Project-related traffic. As shown on Figure 7-1, it is forecast that approximately 15 percent of inbound and outbound vehicle trips generated by the Project would utilize the portion of the existing east-west public alley between

Sherbourne Drive and Holt Avenue, which is cited in the comment. Applying this forecast to the Project trip generation table provided on Table 7-1 within the Transportation Impact Study yields 2 inbound (eastbound) and 5 outbound (westbound) trips using the alley in the A.M. peak hour, as well as 5 inbound (eastbound) and 3 outbound (westbound) trips using the alley in the P.M. peak hour. The overall number of net new vehicle trips using the alley between Sherbourne Drive and Holt Avenue equates to about one additional vehicle every 7 to 8 minutes during the peak hours. This relatively small incremental change in vehicle traffic on the alley would not adversely affect pedestrians traveling on the west side of Holt Avenue (or the east side of Sherbourne Drive).

With respect to the question in the final sentence of the comment, the Draft EIR does not include accident data. However, Appendix FEIR-8 to this Final EIR includes collision data in the TIMS created by the SafeTREC at the University of California, Berkeley, for the five-year period from January 1, 2015, to December 31, 2019, with respect to the intersections near the Project Site.

Comment No. 44-10

Adding 252 more residential cars maneuvering through our neighborhood and 145 more cars on event days will be disastrous. Does the city planning commission find it acceptable to add a significant burden and more traffic hazards to Holt Ave that already has visibility issues and is so narrow two cars can barely pass one another?

Response to Comment No. 44-10

Refer to Response to Comment No. 30-5, above.

Comment No. 44-11

I've been informed the planned 12,600 sqft social hall/multi-purpose room has the capacity to hold up to 1500 guests by one of my neighbors who is a professional event director. Will the church be holding events of this magnitude? If so, how does the church and/or developer plan to accommodate a few hundred more cars along Holt Ave and the surrounding side streets with only 145 parking spaces within the proposed project designated to event days?

Response to Comment No. 44-11

This comment incorrectly states the capacity of the multipurpose room would be 1,500 people and expresses concern about parking. Refer to Response to Comment Nos. 7-2 and 7-3, above, for a discussion of the capacity of the multi-purpose room and Response to Comment No. 7-9 above for a discussion of parking for events in the multi-purpose room.

Comment No. 44-12

Is the city planning commission aware of the very limited street parking in the neighborhood already utilized to accommodate existing residents, their guests, and visitors? Does the city planning commission believe our neighborhood can accommodate the added residential and visitor density demand for parking outside the proposed building's parking structure?

Response to Comment No. 44-12

This comment expresses concern about parking. As noted above in Response to Comment No. 11-4, parking is not an impact under CEQA with respect to the Project and, for that reason, was not evaluated in the Draft EIR. However, as noted in Section II, Project Description, of the Draft EIR and Response to Comment No. 7-9, the number of parking spaces provided for the church uses substantially exceeds the code parking requirement in the LAMC in order to provide sufficient parking for holiday services and larger events in the multi-purpose room.

Comment No. 44-13

What will be the maximum capacity of occupants the 12,600 sqft social hall/multi-purpose room will be able accommodate?

Response to Comment No. 44-13

Refer to Response to Comment No. 44-11, above. As discussed in Section II, Project Description, of the Draft EIR, the multi-purpose room would have a capacity of 475 people.

Comment No. 44-14

Who scheduled and/or requested the transportation study be completed on November 19, 2019? Was this the developer or the city planning office? The transportation study was very conveniently completed a week prior to Thanksgiving when most of [sic] Los Angeles residents and homeowners from Burton Holt/Westbury Terrace/surrounding streets had already cleared out of the neighborhood for the holidays. Is the city planning office aware the transportation study may not reflect accurate traffic counts and have horrific consequences for our neighborhood with flawed data?

Response to Comment No. 44-14

This comment mischaracterizes the baseline data used for the Transportation Study. As discussed in Response to Comment No. 3-1, above, existing traffic counts were taken in May 2018.

Comment No. 44-15

When evaluating the viability of the proposed Mt Lebanon project did the city planning office take into account the effect of Caruso's already approved mixed use residential building at 333 La Cienega Blvd on our current road infrastructure? Does the draft EIR make any projections or analyze what traffic will be like for existing residents, their guests, and visitors in the area should two high density apartment buildings (333 La Cienega and the proposed Mt. Lebanon project) be approved for construction?

Response to Comment No. 44-15

As discussed above in Response to Comment No. 8-2, the project located at 333 La Cienega Boulevard is included in the Draft EIR as Related Project No. LA6 and is evaluated throughout the cumulative analyses. As discussed above in Response to Comment Nos. 8-5 and 44-5, while the LOS methodology is generally no longer used to analyze a project's traffic impacts, using the former LOS methodology, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions, the latter of which includes (in the future baseline condition) traffic growth from the related projects, including Related Project No. LA6.

Comment No. 44-16

One of my neighbors who is a trained medical professional (and also submitted a response to you) made us all aware that "within the construction noise impact analysis of the draft EIR, for building R1 at every stage of construction, it has a dBA of 80+. Based on the CDC and The World Health Organization's (WHO) recommendations for sound exposure limits, an exposure of "75–80 dBA for 40–127 hours over a seven day period can lead to permanent hearing damage." Is the city aware of the WHO's Guidelines for Community Noise? Is the city aware that excessive noise over a long duration will cause elevated blood pressure, increased heart rate, cardiovascular constriction, labored breathing, and changes in brain chemistry? On the CDC's website it states, "The U.S. Environmental Protection Agency (EPA) and the World Health Organization (WHO) recommend maintaining environmental noises below 70 dBA over 24-hours (75 dBA over 8-hours) to prevent noise-induced hearing loss." Is the city and developers aware of this?

Response to Comment No. 44-16

Refer to Response to Comment No. 11-3 for a detailed discussion of the Project's potential impacts related to construction noise and hearing loss. As discussed therein, the Project would not result in a significant construction noise impact associated with permanent hearing damage.

Comment No. 44-17

Should the project move forward, how will the city monitor/regulate noise daily levels on the site to ensure residents do not experience permanent health effects from the "significant and unavoidable impacts related to noise and vibration" noted in the draft EIR? Will an independent agency be hired to report this data to residents every day during the proposed building's construction?

Response to Comment No. 44-17

As discussed in Section IV, Mitigation Monitoring Program, to this Final EIR, the Project's design features related to Noise and Mitigation Measure NOI-MM-1 would be enforced and monitored by the Department of City Planning and Department of Building and Safety prior to and during construction.

Comment No. 44-18

Who will ultimately be held responsible should any of us or our children experience hearing loss or other adverse side effects from the construction? Is the city willing to sign off on a project that could knowingly cause irreparable harm to our health which the city could be liable for along with the developer?

Response to Comment No. 44-18

Refer to Response to Comment No. 44-16, above.

Comment No. 44-19

The proposed 6' sound barriers only reduce the noise at ground level; how does the proposed project plan to mitigate the noise above ground level?

Response to Comment No. 44-19

Refer to Response to Comment Nos. 2-76 and 34-1, above. As discussed therein, the barrier height required to mitigate the noise would not be feasible.

Comment No. 44-20

Should the project be approved, will existing residents be subjected to the resulting noise from the proposed project Monday–Friday 7 AM–9 PM and Saturday 8 AM–6 PM? Will the city restrict construction/demolition or mandate alternate work days on site to provide existing residents with any relief should the proposed project be approved?

Response to Comment No. 44-20

Project construction would occur during the regular construction hours set forth in the LAMC and cited by the commenter. The Applicant has also requested approval for a nighttime mat foundation pour and this is included in the construction noise analysis. Refer to Section IV.G, Noise, of the Draft EIR.

Comment No. 44-21

The developers of the proposed Mr. [sic] Lebanon project should be required to provide new double-pane windows and soundproofing for the Burton Holt Homeowners Association (317 S Holt Ave) and Westbury Terrace who both will be severely impacted by the construction noise.

Response to Comment No. 44-21

The construction noise impact analysis in the Draft EIR is based on the quantified significance thresholds in the L.A. CEQA Thresholds Guide, which are based on noise levels at the exterior of the noise sensitive receptors, not in the interior of buildings. Therefore, the focus of the analysis is exterior noise levels, with the understanding that whether a significant construction noise impact would occur in the interior of a residence depends on whether a significant construction noise impact would occur at the exterior of the residence.

Here, the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, but the impact would be temporary and would cease upon completion of construction and thus, permanent improvements to nearby properties is not warranted. It is not considered feasible or reasonable to double-pane all of the windows in multiple multi-family buildings to address a temporary significant construction noise impact. Moreover, with the implementation of the various measures in recommended Mitigation Measure NOI-MM-1 in the Draft EIR, the maximum exceedance at the ground level of receptor location R1 would be significantly reduced from 20.8 to 5.8 L_{eq} (dBA), and the maximum exceedance at the ground level of receptor location R2 would also be significantly reduced from 17.6 to 2.6 L_{eq} (dBA). Furthermore, access to these residences to double pane existing windows cannot be guaranteed.

Comment No. 44-22

Caruso's 333 LaCienega [sic] actually offers a 7,000 sqft publicly accessible park and market which both enhance the entire neighborhood and improves the quality of life for all residents. What does the Mt Lebanon project bring to our community's existing residents other than standstill traffic, a monolithic eyesore, increased strain on our city services—specifically police protection in a neighborhood plagued by hostile homeless, and a higher probability of accidents on Holt Ave, a street can barely handle its existing residents, visitors, and commuters? Does the proposed project offer any publicly accessible space, a market, or planned improvements to our roads and sidewalks, specifically to address the homeless crisis in our neighborhood? Are the developers of the Mt. Lebanon project planning to improve anything for our community other than place an immeasurable burden on existing residents, their guests, and visitors to our neighborhood?

Response to Comment No. 44-22

The Project does not include publicly accessible open space. However, in accordance with Section 12.33 of the LAMC, the Applicant would be required to pay in-lieu fees that will be used by the City to provide and maintain park and recreational space and facilities for City residents. In addition, the Applicant intends to make the proposed multi-purpose room available for six to eight non-church events each year, the impacts of which were analyzed in the Draft EIR. Contrary to the suggestion in the comment, the Project would not impact homelessness because it does involve the removal of any existing residential units and includes 17 Very Low Income affordable units.

Comment No. 44-23

Attachments: 6 photos





Response to Comment No. 44-23

These photos of a recent automobile accident near the Project Site are noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 45

Norman Sklarewitz
321 S. San Vicente Blvd., Apt. 504
Los Angeles, CA 90048-3332

Comment No. 45-1

Without reservation I adamantly oppose the high rise project proposed by Our Lady of Mt. Lebanon for the site adjoining my residence, Westbury Terrace at 321 S. San Vicente Blvd. If construction is approved, the project's dirt, dust and noise will negatively impact my physical health, the economic value of my unit and the quality of life I as a senior am entitled to.

Response to Comment No. 45-1

This comment expresses concern over dirt, dust, and noise generated by the Project. With respect to dirt and dust, as discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires dust control measures during construction activities. As also discussed in Section IV.A, Air Quality, the Project's air quality impacts would be less than significant during both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

With respect to noise, the Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction. In addition, with respect to the Project's construction noise impact as it relates health, refer to Response to Comment No. 11-3, above. As discussed therein, the Project's construction noise levels would not result in a negative health effect.

Lastly and as previously mentioned, property values are not an issue under CEQA and are not addressed further.

Comment No. 45-2

It's clear to anyone who reads details of the massive high-rise project that the developers are arrogantly not taking into consideration the terrible consequences on us specifically and the entire community in general. The city must exercise its right to oppose this project.

Response to Comment No. 45-2

This comment, which expresses general opposition to the Project, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 46

Norman Sklarewitz
321 S. San Vicente Blvd., Apt. 504
Los Angeles, CA 90048-3332

Comment No. 46-1

As a resident of Westbury Terrace, I wish to express my serious concerns about the impact construction of a high resident apartment tower on the properly adjoining ours. From documents, it's painfully clear that the construction of this proposed project will literally be just a matter of yards away from our building.

Response to Comment No. 46-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. The specific issues raised by the commenter are substantively identical to those raised in Comment Nos. 30-2 through 30-6, so refer to Response to Comment Nos. 30-2 through 30-6, above.

Comment No. 46-2

As an obvious result, there will be a physical assault by heavy duty construction equipment on our utility lines and even the structural integrity of our building. The resulting vibration, for one thing, is almost certainly to damage the piping in our building if not seriously affect the very foundation of our building. This is a real danger.

Response to Comment No. 46-2

Refer to Response to Comment No. 30-2, above.

Comment No. 46-3

Along with the vibrations caused by many months of pounding by pile drivers, riveting machines and similar heavy equipment will be the incessant noise. As noted, the site of the proposed 19-story tower is literally just a matter of yards from our residential property. Our residents include a number of seniors as well as medical professionals working at the nearby Cedars-Sinai Medical Center. Those folks work long hours and often night shifts. How are they to sleep when bombarded by the awful noise associated with heavy construction?

Response to Comment No. 46-3

Refer to Response to Comment Nos. 30-3 and 30-4, above.

Comment No. 46-4

One other consideration is the resulting traffic that inevitably will greatly increase if this project proceeds as planned. The adjoining intersection of San Vicente and Burton Way augmented by La Cienega Blvd. is already one of the busiest—and most dangerous—on the West Side. To add the vehicular volume from hundreds of church tower residents plus the added volume of cars of parishioners attending religious services as well as such events as wedding and funerals is totally unacceptable. Any proper traffic study will confirm this observation.

Response to Comment No. 46-4

Refer to Response to Comment No. 30-5, above.

Comment No. 46-5

It is sincerely hoped that the Los Angeles City officials reviewing the proposal by the church will carefully consider the above impact issues as well as others equally obvious.

Response to Comment No. 46-5

Refer to Response to Comment No. 30-6, above.

Comment Letter No. 47

Norman Sklarewitz
321 S. San Vicente Blvd., Apt. 504
Los Angeles, CA 90048-3332

Comment No. 47-1

I have previously submitted a comment re the above project. However, in light of the Florida condo disaster, I wish to submit a supplementary memo as follows:

In one of the many discussions seeking cause of the Florida condo collapse, it was noted that a project nearby was under construction. The concern expressed was that the vibrations from the construction equipment could well have contributed to the failure of already compromised components of the Surf City condo.

That situation parallels that involving Westbury Terrace and the almost certain impact of construction vibration from the church project. As a resident of Westbury Terrace I wish to express my deep concern. Is the city willing to require that the church guarantee its work won't negatively affect our building just yards away? Does the city of Los Angeles need another building collapse that can be prevented?

Response to Comment No. 47-1

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, construction the Project's construction vibration impact with respect to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. The commenter presents no evidence that the construction of the Project "parallels" the Florida condominium event or that it was related to a nearby project under construction.

Comment Letter No. 48

Camille Soroudi
camille.soroudi@gmail.com

Comment No. 48-1

I am a local resident in the neighborhood of this planned construction project (live directly across the street), and I have MAJOR concerns about this project I wanted to voice. I am VERY concerned about the noise from this planned project impacting both my family's daily life as well as decreasing the value of our property and ability to find new tenants.

Response to Comment No. 48-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. As previously mentioned, property values are not an issue under CEQA and are not addressed further. Specific issues raised by the commenter are addressed in Response to Comment No. 48-2 through 48-4, below.

Comment No. 48-2

I am also very concerned about vibrations from the construction site posing a danger to our building and its utilities.

Response to Comment No. 48-2

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact with respect to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing structural condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate.

Comment No. 48-3

Lastly, the intersection on Burton and San Vicente is already a dangerous intersection with high traffic and many accidents—I am concerned about this project significantly worsening both the traffic congestion and accident rates in this area, and making our area unsafe.

Response to Comment No. 48-3

With respect to the claim that “many accidents” occur at the Burton Way/San Vicente Boulevard intersection, refer to Response to Comment No. 22-7, above.

With respect to the general concern expressed regarding traffic, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation of the Draft EIR, the Project’s impact with respect to VMT would be less than significant. In addition, the Project’s April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project’s transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

With respect to traffic safety, as discussed in Section IV.I, Transportation, of the Draft EIR, the Project would not substantially increase hazards due to a design feature. The roadways adjacent to the Project Site are part of the existing urban roadway network and contain no sharp curves or dangerous intersections, and the Project does not include any proposed modifications to the street system or any dangerous design features. The residential and religious uses proposed by the Project are consistent with the uses that surround the Project Site and would not introduce any hazards onto or adjacent to the Project Site. The Project design would also be reviewed by LADBS and LADOT during the City’s plan check process of construction plans to ensure all applicable building design requirements are met. In addition, as noted in Response to Comment No. 30-5, above, the streets surrounding the Project Site are not a part of the HIN.

Comment No. 48-4

I hope you will not proceed with this construction project, as most residents in the area oppose a tall building being constructed in our area for the reasons above. There are height restrictions on buildings in this area for a reason and I do not support making “exceptions” for anyone. Please note the area has many rental vacancies as is and more housing in this area is not needed nor desired.

Response to Comment No. 48-4

The commenter’s opposition to the Project’s requested entitlements is noted for the record and will be forwarded to the decision-makers for their review and consideration

Comment Letter No. 49

Violetta Starkes
Nik Starkes
321 S. San Vicente Blvd.
Los Angeles, CA 90048-3359

Comment No. 49-1

I'm a homeowner at West Burry [sic] Terrace located at 321 S San Vicente Blvd Los Angeles, CA 90048, just across the alley from the proposed 19 stories [sic] building, Our Lady of Mt. Lebanon Project.

I want to express my STRONG opposition to the planned 19 stories [sic] building church project!

Response to Comment No. 49-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 49-2 through 49-5, below.

Comment No. 49-2

One of my biggest concerns and worries is the extreme construction noise that will impact our ability to live in or rent our units for the duration of the construction 2–4 years,

Response to Comment No. 49-2

This comment expresses concern about noise. The Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 49-3

and affecting the rent price during and after, caused by blocking the view from the south side of our building completely!

Response to Comment No. 49-3

This comment expresses concerns about the cost of rent and views. The cost of rent is not an issue under CEQA and was not evaluated in the Draft EIR. With respect to views, refer to Response to Comment No. 9-7, above.

Comment No. 49-4

I also want to bring to your attention the immediate danger to the structure and utilities of our much older building built in 1974, from the vibrations and all the heavy construction equipment that will be used in this construction project! This is very concerning to me, especially now after seeing the horrific and tragic accident in the Miami Flordia [sic] condominium building collapse! I'm not sure how safe is to build a high-rise building right next to a much older and smaller building like ours!

Response to Comment No. 49-4

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22 above, the Project's construction vibration impact with respect to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary. As also noted in Response to Comment No. 7-22, with respect to the existing structural condition of Westbury Terrace, the Applicant has no responsibility for the maintenance of a building that it does not own or operate. The commenter presents no evidence that the construction of the Project would result in the same outcome as the Florida condominium event or that it was related to a nearby project under construction.

Comment No. 49-5

I also want to mention that the current traffic situation caused by the church's events is already impossible to deal with, especially on weekends when the church guests park illegally in the alley! I don't understand how they can even think to have their parking entrances and exits from the small alley when they have a wide-open space on Burton Way!

Thank you for your time and attention to this matter.

Response to Comment No. 49-5

This comment expresses concern about parking and alley operations. Parking is not an impact under CEQA with respect to the Project and was not evaluated in the Draft EIR. However, as noted in Section II, Project Description, of the Draft EIR and Response to Comment No. 7-9, the number of parking spaces provided for the church substantially

exceeds the code parking requirement in the LAMC requirements in order to provide sufficient parking for holiday services and larger events in the multi-purpose room.

With respect to alley operations, refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, or result in significant queuing or hazardous conditions.

Comment Letter No. 50

Gina Tuttle
ginatuttle@mac.com

Comment No. 50-1

I record from home daily. The noise Will [sic] be horrendous. I oppose this building being built. Do you need a list of all the reasons why? If so let me know. Noise is the biggest for me.

Response to Comment No. 50-1

This comment expresses concern about noise. The Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction.

Comment No. 50-2

Blocking views.

Response to Comment No. 50-2

This comment expresses concern about views. Refer to Response to Comment No. 9-7, above.

Comment No. 50-3

Entry by our garage will be more crowded.

Response to Comment No. 50-3

This comment expresses concerns about alley operations. Refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development or result in significant queuing or hazardous conditions.

Comment Letter No. 51

Gina Tuttle
ginatuttle@mac.com

Comment No. 51-1

Hi I work from home. The noise of construction, the vibrations, the congestion pls don't build this building.

Thanks

Response to Comment No. 51-1

This comment expresses concern about noise, vibration, and traffic congestion. With respect to noise and vibration during construction, these impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2 and the Project's construction vibration impact would be significant with respect to human annoyance, these impacts would be temporary and would cease upon completion of construction.

With respect to traffic, as noted above in Response to Comment No. 8-5, in accordance with SB 743, the City no longer evaluates transportation impacts using vehicle delay or LOS. The focus of the analysis is now on VMT. As evaluated in Section IV.I, Transportation, of the Draft EIR, the Project's cumulative traffic impact with respect to VMT would be less than significant. In addition, the Project's April 2019 Transportation Study, which includes an LOS analysis for non-CEQA purposes, is included as Appendix S to the Draft EIR. This traffic operations assessment was not used, and generally cannot be used, to assess the significance of the Project's transportation impacts under CEQA. Nevertheless, as evaluated therein, even under the former LOS significance thresholds, the Project would not result in a significant LOS impact under either Existing Plus Project or Future Plus Project conditions.

Comment Letter No. 52

Eric and Selina Vail
8611 Burton Way, Apt. 1
Los Angeles, CA 90048-3933

Comment No. 52-1

My wife and I are currently the owners of 8611 Burton Way #1 Los Angeles, CA and would be directly impacted by the Our Lady of Mt. Lebanon Project. With that in mind we would like to voice our full throated SUPPORT for the project. While, of course, vibration and noise is an inevitable temporary result of this project, we trust that all efforts will be made to minimize these nuisances. The city of Los Angeles (and California as a whole) is suffering from a plague of underzoning and inadequate housing supply with resulting exorbitant housing costs. No sane city would have HALF of all land zoned for single family housing. This is a result of shortsighted, selfish NIMBY naysayers who are often the loudest voice in the room. Please know that there is a silent majority of people who support equitable housing policy for the betterment of all. Who realize that increased density and urbanization is the best way to support a green society. Who know, [sic] that the way out of the housing crisis is to build MORE housing now [sic] less. Please let this comment be their voice and guide you and the committee to APPROVING this plan.

Response to Comment No. 52-1

This comment expressing support for the Project and its provision of housing is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 53

Janet Wei
janet.wei@gmail.com

Comment No. 53-1

I am in 100% agreement with the serious concerns outlined below, particularly to our health and safety. I am a physician at Cedars-Sinai and recognize the health hazards related to exposure of elevated levels of fine particulate matter and toxins to exacerbate asthma, heart disease, lung disease, and cancer, as well as to chronic loud noises to mental health, hearing loss, sleep disturbance, high blood pressure and subsequent heart disease.

Please put a stop to this project.

Response to Comment No. 53-1

This comment expresses concern about health impacts from air quality and noise. With respect to air quality, as discussed in Section IV.A, Air Quality, of the Draft EIR, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

With respect to noise and its impact on health, refer to Response to Comment No. 11-3, above. As discussed therein, the Project's construction noise levels would not result in a negative health effect.

Comment Letter No. 54

Negin Yamini
5670 Wilshire Blvd, Ste. 1837
Los Angeles, CA 90036

Comment No. 54-1

My name is Negin Yamini. I am a tenant at 321 South San Vicente Blvd, and a member of the Wesburry [sic] Terrace Homeowner's Association. I am also an attorney duly licensed to practice in the State of California. Along with the homeowners in my building as well as my fellow board members, I have significant concerns about the upcoming Church project. Please see below:

Response to Comment No. 54-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 54-2 through 54-5, below.

Comment No. 54-2

1) Noise and pollution: Many homeowners' bedrooms or living rooms face the church. The noise and pollution will make their homes utterly uninhabitable.

Response to Comment No. 54-2

This comment expresses concern about noise and air pollution. The Project's noise impacts are fully evaluated in Section IV.G, Noise, of the Draft EIR. While the Project's construction noise impact would be significant and unavoidable after mitigation at receptor locations R1 and R2, it would be temporary and would cease upon completion of construction. The commenter's concerns about air pollution are addressed in Response to Comment No. 54-3, below.

Comment No. 54-3

The pollution has the potential to harm many of elderly tenants who also have asthma and respiratory issues. The quality of life as a whole will be diminished and curtailed for all tenants of the building.

Response to Comment No. 54-3

This comment expresses concern about health impacts from air quality and noise. With respect to air quality, as discussed in Section IV.A, Air Quality, of the Draft EIR, the Project's air quality impacts would be less than significant with respect to both construction and operation of the Project. In addition, as discussed in Response to Comment No. 2-14, above, the HRA included as Appendix FEIR-4 to this Final EIR further demonstrates that Project construction would not result in a significant impact on human health.

Comment No. 54-4

2) Dangerous traffic conditions in they alley [sic], and inability of tenants to get in and out of the parking structure for 321 building: This is a major concern because the alley is very narrow, and with the ingress and egress of trucks and other construction vehicles, our tenants will not be able to easily enter and exit the building's parking structure. The traffic congestion created by the project's construction vehicles WILL create dangerous driving conditions for all driving through the alley.

Response to Comment No. 54-4

This comment expresses concerns about alley operations. Refer to Response to Comment Nos. 7-4, 7-7, 7-8, 7-9, and 8-5. As discussed therein, the Project would not materially change traffic operations in the alley, specifically as it relates to inbound and outbound traffic movements associated with the Westbury Terrace residential development, nor result in significant queuing or hazardous conditions.

Comment No. 54-5

3) Permanent damage to the base and pipes of our building: the vibration impact of the construction can undermine the base of our structure and possibly even rupture some pipes. If a pipe breaks, and a leak takes place, the consequences can be dire. If any part of the structure fractures or breaks, the result can be fatal.

Response to Comment No. 54-5

This comment expresses fear about construction vibration. As discussed in Section IV.G, Noise, of the Draft EIR, and reiterated in Response to Comment No. 7-22, above, the Project's construction vibration impact with respect to the significance threshold for building damage would be less than significant, and the comment provides no evidence to the contrary.

Comment No. 54-6

These are a few concerns, among a myriad of others, that I am sure have been voiced. The builders and planners must act NOW and address these concerns.

Response to Comment No. 54-6

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 54-2 through 54-5, above.

Comment Letter No. 55

Opposition Form Letter No. 1
(multiple signatures—see following list)

Kimberly Casper
kmcasper18@gmail.com

Talia Moradkhanian
tmoradkh@gmail.com

Jazmin Delgado
jazmindelgadob@gmail.com

Nicole Peltier
nicolexpeltier@gmail.com

Sarin Khachatourians
sarinkkhach@msn.com

Ani Pogarian
anipogarian@gmail.com

Aleen Martin
aleenmartin@gmail.com

Keegan Ross
Cast Partner
4658 W. Washington Blvd.
Los Angeles, CA 90016-1743

Adrienne Moradkhanian
adriennemor@yahoo.com

Kelly Stern
kellyann.stern@gmail.com

Edick Moradkhanian
sevaneng@pacbell.net

Nina Travers
ninatravers1@gmail.com

Comment No. 55-1

I am a resident of the Burton/Holt area and a frequent visitor to the Westbury Condominiums and 8544 Burton Way. I hereby submit my opposition to the Our Lady of Mt. Lebanon Project, reference Environmental Case No ENV-2019-1857-EIR. Comments below:

Response to Comment No. 55-1

This comment expressing general opposition to the Project is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenters are addressed in Response to Comment Nos. 55-2 through 55-7, below.

Comment No. 55-2

- Parking: The project has a total 397 planned parking spaces, 252 of which are designated for new residents, and 145 are allocated for church events and staff. The entry/exit points to the project are directly across from the Westbury garage entrance which will cause significant traffic congestion in the alley and along Holt Ave, causing significant delays entering/exiting the garage. Additionally the existing road infrastructure cannot accommodate the added congestion. I insist they relocate their entrance/exit points on Burton Way so our building's homeowners/renters are not impacted.

Response to Comment No. 55-2

Refer to Response to Comment No. 7-4, above, for a discussion of why relocating the entry/exit points for the Project to Burton Way is infeasible.

Comment No. 55-3

- It appears the transportation study was very conveniently completed on November 19, 2019, a week prior to Thanksgiving when most of Los Angeles residents and homeowners from Westbury Terrace/Burton Holt had already cleared out of the neighborhood for the holidays. It does not reflect accurate traffic counts and even if this study was redone today, the city still wouldn't have an accurate picture for the future as most of us still work from home and are not commuting to work as we did prior to the pandemic. The traffic in the area is already horrible, but add years of construction and it will be unbearable for those who have to live next to it, not only during the years of construction, but also afterwards.

Response to Comment No. 55-3

Refer to Response to Comment No. 9-6, above.

Comment No. 55-4

- Dust/Health Concerns: Many residents in the area will be directly facing the construction. Our units and our health will be directly impacted by the construction with the amount of dust and air pollution created. How will the city remedy this, especially for individuals who can no longer keep their balcony doors open?

Response to Comment No. 55-4

Refer to Response to Comment No. 29-2, above.

Comment No. 55-5

- Noise: Many residents in the construction zone are professionals who work from home. It will make quality of life significantly decrease, and make working from home essentially impossible. Especially if 333 La Cienega construction is occurring concurrently.

Response to Comment No. 55-5

Refer to Response to Comment No. 29-4, above.

Comment No. 55-6

- Impact of construction on surrounding buildings: How will the city account for any damage done to surrounding buildings through the vibrations of pounding from pile drivers and other heavy construction equipment that is certain to cause serious structural damage? Given that the DEIR concluded that there will be significant vibration effects for residents. What has been studied for the potential damages and hazards that the vibration will cause in the aging building nearby? What reassurances do nearby residents have that these damages will be prevented, mitigated, or even covered by the development?

Response to Comment No. 55-6

Refer to Response to Comment No. 29-9, above.

Comment No. 55-7

- Safety: It has taken me up to 1.5 hours to get ahold of the LAPD (i.e., even just to speak with someone upon calling 911), when I need them. We have a serious homeless issue in the area, as well, with regular arsonists who live on the perimeter of the building. We also have regular car thefts—just check the police reports on the neighboring blocks alone. It seems we are already extremely short on resources and the LAPD does not arrive when we need them. This project will put an even tighter restraint on LAPD resources and create a more dangerous space for residents.

Response to Comment No. 55-7

This comment expresses concern about police protection. Refer to Response to Comment No. 29-5 above. As discussed therein, the Project's impact related to police protection services is evaluated in the Draft EIR and determined to be less than significant.

Comment Letter No. 56

Opposition Form Letter No. 2

Natalie Kayichian
natkayichian@gmail.com

Jessica Raya
jraya814@gmail.com

Comment No. 56-1

I am submitting my comments in opposition to the Our Lady of Mt. Lebanon Project, reference Environmental Case No ENV-2019-1857-EIR.

- Health Impact: Many residents in the area will be directly facing the construction. Our units and our health will be directly impacted by the construction with the amount of dust and air pollution created. How will the city remedy this, especially for individuals who can no longer keep their balcony doors open?

Response to Comment No. 56-1

Refer to Response to Comment No. 29-2, above.

Comment No. 56-2

- What about permanent hearing damage from continuous construction for years on end?

Response to Comment No. 56-2

Refer to Response to Comment No. 29-3, above.

Comment No. 56-3

- Noise: Many residents in the construction zone are professionals who work from home. It will make quality of life significantly decrease, and make working from home essentially impossible.

Response to Comment No. 56-3

Refer to Response to Comment No. 29-4, above.

Comment No. 56-4

- LAPD Resources: Has the strain on LAPD been taken into account at all? It is already very difficult to get ahold of LAPD when we need them. Adding this many units and residents directly impacts our safety.

Response to Comment No. 56-4

Refer to Response to Comment No. 29-5, above.

Comment No. 56-5

- Traffic Congestion: Did the transportation study within the draft EIR take into consideration the permanent traffic congestion on 3rd street particularly at the intersections of Sherborne [sic], Holt Ave, and San Vicente? On “good” days on 3rd street traffic [sic] is only backed up to Hamel and on even worse days it extends way past Robertson. Did the study take this into account? Did the study consider the traffic coming from 3rd street down Holt Ave and the alley between Sherborne [sic] and Holt Ave during rush hour? Pedestrians walking on the west side of Holt are particularly vulnerable to alley traffic as most race down this section to avoid the traffic on 3rd street. Is the city planning commission aware of this? Did the draft EIR take into consideration the number of car accidents and pedestrian injuries resulting from impacts with motor vehicles in our neighborhood over the last 5 years? Adding 252 more residential cars maneuvering through our neighborhood and 145 more cars on event days will be disastrous. Does the city planning commission find it acceptable to add a significant burden and more traffic hazards to Holt Ave that already has visibility issues and is so narrow two cars can barely pass one another?

Response to Comment No. 56-5

Refer to Response to Comment Nos. 29-6 and 29-7, above.

Comment No. 56-6

- Parking: The project has a total 397 planned parking spaces, 252 of which are designated for new residents, and 145 are allocated for church events and staff. The entry/exit points to the project are directly across from the Westbury garage entrance which will cause significant traffic congestion in the alley and along Holt Ave, causing significant delays entering/exiting the garage. Additionally the existing road infrastructure cannot accommodate the added congestion. I insist they relocate their entrance/exit points on Burton Way so our building’s homeowners/renters are not impacted.

Response to Comment No. 56-6

Refer to Response to Comment No. 9-5, above.

Comment No. 56-7

- Impact of construction on surrounding buildings: How will the city account for any damage done to surrounding buildings through the vibrations of pounding from pile drivers and other heavy construction equipment that is certain to cause serious structural damage? Given that the DEIR concluded that there will be significant vibration effects for residents. What has been studied for the potential damages and hazards that the vibration will cause in the aging building nearby? What reassurances do nearby residents have that these damages will be prevented, mitigated, or even covered by the development?

Response to Comment No. 56-7

Refer to Response to Comment No. 29-9, above.