CHAPTER 2 – RESPONSES TO COMMENTS

1. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and California Environmental Quality Act (CEQA) Guidelines Section 15088(a) govern the Lead Agency's requirement to respond to comments provided on a Draft Environmental Impact Report (EIR). CEQA Guidelines Section 15088(a) states that "The 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 raising significant environmental issues that were received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this chapter provides responses to written comments on the Draft EIR.

Table 2-1, *Comments Received in Response to the Draft EIR*, provides a list of the comment letters received by the City. Table 2-1 also summarizes the environmental issues raised by each commenter regarding the Draft EIR.

Section 2.2, *Responses to Comments*, below, presents the comment letters submitted during the public comment period for the Draft EIR. As indicated in Table 2-1, the comment letters are organized by agencies (AG), organizations (ORG), form letters (FORM), and individuals (IND). Each letter/correspondence is assigned a number and each comment that requires a response within a given letter/correspondence is also assigned a number. For example, the first agency letter below that provides comments is the letter from the LA Sanitation and Environment, Wastewater Engineering Services Division, and their correspondence is, therefore, designated Letter No. AG 1. The first comment received within Letter No. AG 1 is then labeled Comment No. AG 1-1. Each numbered comment is then followed by a corresponding numbered response (i.e., Response to Comment No. AG 1-1). A copy of each comment letter is provided in Appendix A, Original Comment Letters, of this Final EIR.

As required by CEQA Guidelines Section 15088(c), the focus of the responses to comments is "the disposition of significant environmental issues raised." Therefore, detailed responses are not provided to comments that do not relate to environmental issues. However, in some cases, additional information has been added for reference and clarity.

TABLE 2-1
COMMENTS RECEIVED IN RESPONSE TO THE DRAFT EIR

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Agencies													
AG 1	Ali Poosti, Division Manager Wastewater Engineering Services Division LA Sanitation and Environment 2714 Media Center Drive Los Angeles, CA 90065	07/19/2021									X		
Organizations													
ORG 1	The Beverly Wilshire Homes Association 8443 West Fourth Street Los Angeles, CA 90048	07/31/2021							X				
ORG 2	Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) 601 Gateway Boulevard, Suite 1000 South San Francisco, CA 94080 Attachments to letter: Attachment A: Clark & Associates Attachment B: Wilson IHRIG, Acoustics, Noise & Vibration	08/02/2021		X			X		X				
ORG 3	Supporters Alliance For Environmental Responsibility (SAFER) 1939 Harrison Street, Ste. 150 Oakland, CA 94612	08/02/2021									X		

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Form Letters													
FORM 1	Jose Nazar Tal Maimon Wendy Monares Chor Tin Justine Chan Jennifer Langham Juan Morales Robela Cruz Candelario Ranes Michael Yadelam Alicia Squarzon Vu Q. Nguyen Charles Puree Aris Efthimides Hardo Reyes Nabeel Thotti Jason Yoen Enn Song Changiz Toomari Ellena Yaghoub Pejman Saodat Shad Manayi Harel Tanami Gary Poole Fabio Patorini Miguel Franco Jack Sosa Uzmee Kraikovsli Hanna Dalkhi	08/02/2021									X		

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Individuals													
IND 1	John Lorick 124 South Harper Avenue Los Angeles, CA 90048	07/13/2021	X						X				
IND 2	Paul Siman	07/18/2021	X										
IND 3	Avrielle Gallagher	07/28/2021									X		
IND 4	Carisa Barah	07/29/2021	X				X		X				
IND 5	Mark Gee 6611 Orange Street, No. 7 Los Angeles, CA 90048	08/02/2021	X					X	X				
IND 6	Jose Nazar	08/02/2021									X		

2. Responses to Comments

Comment Letter No. AG 1

Ali Poosti, Division Manager
Wastewater Engineering Services Division
LA Sanitation and Environment
2714 Media Center Drive
Los Angeles, CA 90065
Received July 19, 2021

Comment No. AG 1-1

This is in response to your June 17, 2021 Notice of Completion and Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 650-676 South San Vicente Boulevard Los Angeles, CA 90048. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review it has been determined that the project is in the final stages of the California Environmental Quality Act review process and requires no additional hydraulic analysis. 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. AG 1-1

This comment acknowledges that the Project is in the final stages of the CEQA review process; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. ORG 1

The Beverly Wilshire Homes Association
8443 West Fourth Street
Los Angeles, CA 90048
Received July 31, 2021

Comment No. ORG 1-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the proposed 656 South San Vicente Medical Office Project.

The Beverly Wilshire Homes Association is a non-profit, incorporated organization of property owners, residents and businesses. Our boundaries are La Brea on the east, to La Cienega on the west, and from the north side of Wilshire Blvd on the south to Rosewood Avenue on the north. We have represented this area continuously from 1956 to the present. Our mission is to preserve and improve the quality of life for our members and the community.

The proposed project is on our southwestern border with Beverly Hills. It will have severe impacts on our members both during construction and afterwards.

Response to Comment No. ORG 1-1

This comment provides an introduction to the commenter's organization, the Beverly Wilshire Homes Association. This comment expresses a general concern regarding the Project's impacts on the members of the Beverly Wilshire Homes Association. However, this comment does not raise any specific issues with respect to the specific content and adequacy of the Draft EIR. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. More substantive comments and responses are provided below.

Comment No. ORG 1-2

The proposed project is requesting major discretionary entitlements including a General Plan Amendment, Vesting Zone Change, Reduced Parking, and Vesting Tract Map for increases far beyond the underlying zoning and FAR. See ATTACHMENT 2. The proposed project is requesting an increase in height from the current maximum Height of 45' to approx. 218' (max. of 230 with mechanical penthouse), a zone change from C1-1VL-O to C4-2D and a FAR increase going from a current maximum of 1.5:1 to 4.5:1. All of this and a parking reduction request and 716 bicycle parking spaces.

Response to Comment No. ORG 1-2

This comment provides a summary of the Project. However, this comment does not provide an accurate summary of the zone change requested by the Project. As detailed on page II-20 in **Chapter II, *Project Description***, of the Draft EIR, the zone change

request is from C1-1VL-O to (Q)C2-2D-O to allow for a floor area ratio (FAR) of 4.5:1 and up to a 20 percent reduction in vehicle parking.

Comment No. ORG 1-3

The DEIR is deficient in many respects and fails to address the Project's impacts on the surrounding area and its compliance with The California Environmental Quality Act.

Response to Comment No. ORG 1-3

This comment expresses opposition to the Project and introduces more specific comments which are responded to below.

Comment No. ORG 1-4

TRANSPORTATION - Please see attached drawings

Traffic counts are inaccurate because studies conducted during the time of subway construction at La Cienega and Fairfax stations have blocked the usage of Wilshire Blvd. Construction has caused drivers to use alternate streets. Wilshire has been relatively empty of cars for as long as subway construction has taken place.

San Vicente Boulevard - San Vicente Blvd is comprised of 6 traffic lanes, 3 in each direction, plus 2 left turn lanes in each direction. On the project side there is a frontage road with one lane of northbound traffic that continues from Sweetzer Ave. to 6th Street. San Vicente has a center lane divider that continues from Wilshire to 6th Street.

Orange Street - Orange Street is a designated Local Street that runs east-west along the northern boundary of the project site. It provides one travel lane in each direction. It provides direct access to the employee driveway and loading dock. It is also the site of hundreds of residential units of 4 to 16 apartments each. Built prior to 1950 many have no parking at all. Streets are lined with parked cars, those with driveways access them from Orange Street. Cars are often double parked for lack of parking. Delivery drop offs and pick-ups are off of Orange street. Orange Street's residential density seems to be the dream of city planners as a solution to the housing crisis. On page 81 of the Applicants Transportation Study it states that Orange Street is deemed, "excessively burdened".

Response to Comment No. ORG 1-4

This comment expresses concern regarding potential inaccuracies in the Transportation Assessment due to construction from the Metro D (Purple) Line La Cienega and Fairfax stations that have caused rerouting of traffic. This comment provides roadway descriptions for San Vicente Boulevard and Orange Street. This comment correctly identifies the vehicular access to the Project employee driveway and loading dock.

Transportation impacts were analyzed in **Section IV.I, *Transportation***, of the Draft EIR, with supporting information provided in the *Transportation Assessment for the 656 San Vicente Project* prepared by Gibson Transportation Consulting, Inc., (Transportation

Assessment), included in Appendix J-1 of the Draft EIR. The Transportation Assessment was prepared in accordance with the City's adopted policies, procedures, methodologies and standards as outlined in the Los Angeles Department of Transportation (LADOT) *Transportation Assessment Guidelines* (July 2020) (TAG). The analysis in **Section IV.I, *Transportation***, of the Draft EIR, concluded that the Project would result in less than significant transportation impacts. The findings of the Transportation Assessment were also stated in the LADOT letter, dated December 9, 2020, included as Appendix J-2 of the Draft EIR.

A summary of the existing street and highway system is provided beginning on page IV.I-10 in **Section IV.I, *Transportation***, of the Draft EIR. As detailed in Section 3, Non-CEQA Transportation Analysis, of the TAG, the City, as the lead agency, has the authority to require non-CEQA transportation analysis through application of the traditional operational analysis requirements to address potential circulation deficiencies. As stated therein, any identified deficiencies "are not intended to be interpreted as thresholds of significance, or significance criteria for purposes of CEQA review unless otherwise specifically identified in Section 2 (CEQA Analysis of Transportation Impacts)". As such, an operational evaluation of the nearby intersections was conducted as part of the Project's non-CEQA analysis and detailed in the Transportation Assessment. To evaluate the operational conditions at the intersections, traffic volume counts at the nearby intersections were collected in January and February 2020, as detailed on page 13 of the Transportation Assessment. The traffic volume counts were also compared to traffic volume data collected in 2017, which predates on-going construction, including but not limited to Metro construction for subway stations, in the vicinity of the Project. It was determined that the traffic volume counts collected in 2020 was higher at each of the study intersection, and, thus, for conservative purposes, the traffic volume counts in 2020 were used as the basis of the non-CEQA operational evaluation of the Transportation Assessment. Furthermore, the Transportation Assessment provided a detailed analysis of the effects of Project-related traffic on the cumulative transportation system. The forecasted traffic volumes for cumulative conditions were developed by applying an ambient growth factor of 1 percent per year over three years (to anticipated buildout conditions) to the existing traffic volumes as well as applying traffic growth from the development of potential related projects in the area. The consideration of both the ambient growth factor and related project traffic overestimates the actual traffic volume growth in the area and, thus, provides a highly conservative cumulative condition. Therefore, the traffic volumes presented in the Transportation Assessment are conservative.

This comment correctly summarizes that Orange Street between Sweetzer Avenue and La Jolla Avenue has been deemed "excessively burdened" based on the criteria identified in Section 3.5.3 of the TAG as discussed in Section 4E, Residential Street Cut-Through Analysis, of the Transportation Assessment. As analyzed in the Transportation Assessment, Project traffic is not anticipated to add a substantial amount of traffic to any other adjacent residential streets. The residential street analysis was provided as part of the non-CEQA transportation analysis in the Transportation Assessment contained in Appendix J-1 of the Draft EIR and prepared in accordance with the TAG. As previously

discussed, any identified deficiencies disclosed in the non-CEQA analysis are not intended for interpretation of a significant impact for the purposes of CEQA review. Nonetheless, as detailed in **Section IV.I, *Transportation***, of the Draft EIR, the Project will implement a Transportation Demand Management (TDM) Program to reduce single-occupant vehicle trips and Project traffic throughout the immediate area. Additionally, as discussed in the Transportation Assessment, provided in Appendix J-1 of the Draft EIR, the Project would contribute toward neighborhood improvements and traffic calming measures as part of a Neighborhood Traffic Management Plan (NTMP). The goals of the NTMP would be to minimize neighborhood traffic intrusion and potential loss of on-street parking.

Comment No. ORG 1-5

TRAFFIC CIRCULATION

The site is uniquely inaccessible by pedestrians, transit riders, automobiles, special needs individuals, rideshare visitors and employees. People that have never visited the site will have difficulty accessing it.

The DEIR goes into great detail about how the building can be entered from the frontage road on San Vicente. It describes several curb cuts for driveways leading to valets and building entrances. It states that several parking meters/spaces will be removed along the frontage road, etc. Nowhere does it tell you how any vehicles will access the frontage road from Wilshire or San Vicente. That is because the frontage road cannot be accessed from any direction on Wilshire or San Vicente. All vehicular access must pass through the residential neighborhood. If you look at applicant's own drawing you will see that you can only exit the access road onto San Vicente North. It is one way and project and neighborhood traffic exit there. There is no ingress. See Attachment 1 and 1A

Visitors traveling to the project on Wilshire and/or South on San Vicente will be able to see the building but will not know how to access it.

Cars traveling east on Wilshire cannot turn left at San Vicente to access the building. If they do turn left they will have to pass the building, go to 6th street and turn right, into the neighborhood and take a circuitous route down Sweetzer to access the frontage road and the building entrance. See Attachment 3

If they are traveling east on Wilshire they will have to continue east to La Jolla, turn left, go to Orange Street and turn left, go to Sweetzer and turn left continue to the frontage road on San Vicente to the valet parking entrance.

If they are traveling south on San Vicente they can turn left on 6th street as stated above, and take the same circuitous route to get to the frontage road.

Exiting the building on the San Vicente frontage road will be equally confusing. They will have to turn right out of the building on the San Vicente frontage road that continues to 6th street where you can merge on to San Vicente. Merging there is slow and dangerous

because cars are pulling on to San Vicente from the same frontage road. It is only suited for minimal traffic. Once you merge there you are going north on San Vicente. Or, they can turn right on Orange Street too and discover the way out of the neighborhood on local streets.

If you want to go in any other direction; west, east, or South you are going to have to figure out more confusing machinations than those described above. This will lead to all vehicular traffic having to drive through the residential neighborhood to enter and exit the frontage road for ingress and egress to the project.

Employee access is off of Orange Street as is trash collection and deliveries. The same access issues will exist as described above. They will access the project by travelling west from La Jolla down Orange street to turn left into the project. The reverse is true when they leave.

All of the above scenarios make this site inappropriate for a project of this scale and place an unreasonable burden on the local residents. All traffic must drive through the residential streets.

The DEIR claims that the above scenario will not be a problem because people will not be driving many cars but rather walk, ride bicycles, take buses, ride share, take the metro to the stop at La Cienega. However the building's medical usage will mean people are visiting for testing so they might be fasting, or they might be ill, or they might be having medical procedures that could mean that all of the above apply. For these listed reasons Medical office visitors are less likely to ride a bike, walk or take public transportation.

Response to Comment No. ORG 1-5

This comment correctly summarizes the location of the valet pick-up/drop-off along the frontage road of San Vicente Boulevard and the loading dock and employee-only driveway along Orange Street. However, it incorrectly states that the frontage road cannot be accessed from any direction on Wilshire Boulevard or San Vicente Boulevard. The frontage road is currently, and would be maintained, accessible from the adjacent roadways. The Transportation Assessment, provided in Appendix J-1 of the Draft EIR, provides a detailed analysis of the Project site access and circulation and distribution of traffic to the surrounding street system, and is highlighted on Figures 12 and 13 on pages 64 and 65, respectively. Generally, vehicles traveling northbound along San Vicente Boulevard can turn right onto the frontage road; vehicles traveling southbound can turn left at the traffic signal on 6th Street, a designated Collector Street, and travel along Sweetzer Avenue, also a designated Collector Street, to access the frontage road or the driveway on Orange Street; vehicles traveling eastbound or westbound along Wilshire Boulevard can turn left or right, respectively, at San Vicente Boulevard and turn onto the frontage road. In addition, LADOT has reviewed and verified that the proposed site plan conforms with their standards and guidelines.

As detailed in **Chapter II, *Project Description***, of the Draft EIR, the Project is located within a Transit Priority Area (TPA) and within a Southern California Association of Governments (SCAG)-designated High Quality Transit Area (HQTA). The Project is located within 0.25 mile walking distance from both the Los Angeles County Metropolitan Transportation Authority (Metro) Rapid 720 bus stop and within 0.5 miles of the future Metro D (Purple) Line Wilshire/La Cienega Station. By developing an employment center with retail and commercial uses near transit facilities, the Project encourages use of alternative transportation modes and active transportation through bicycle parking and active street frontages. As previously stated, the Project will implement a TDM Program that would further encourage use of alternative transportation modes.

Comment No. ORG 1-6

PEDESTRIANS:

San Vicente is a very wide street for pedestrians to cross. It is comparable in width to a freeway. Pedestrians avoid it because it is dangerous and one needs to be very fit to cross the entirety without getting stuck on the center median in traffic. When the Wilshire bus stop was moved from the corner of Sweetzer and Wilshire to the west side of San Vicente on Wilshire, many pedestrians (especially seniors) who lived east of San Vicente, stopped taking the bus because they were unable to cross safely.

If bicycles are required to abide by the same traffic laws as cars, then they will have the same access issues as cars that are described above.

Response to Comment No. ORG 1-6

This comment suggests that pedestrians avoid crossing San Vicente Boulevard at Wilshire Boulevard due to the existing geometry and cannot complete the crosswalk in its entirety without stopping at the center median. The Project does not include any improvements that alter the geometry of the intersection, and therefore would not have any impact the street configuration and geometry. In addition, LADOT has reviewed and signed off on the proposed site plan. Note that LADOT has the sole authority to alter the existing geometry of the crosswalk. As detailed in **Section IV.I, *Transportation***, of the Draft EIR, the Project would explore opportunities to manage site access and circulation operations as well as provide road safety enhancements for pedestrian, bicycle, and transit users, which can include contribution toward signal improvements and crosswalk upgrades at adjacent intersections.

This comment also discusses the relocation of an existing bus stop along Wilshire Boulevard from Sweetzer Avenue to west of San Vicente Boulevard, which serves Metro Bus Local 20. The relocation of the bus stop is not related to the development of the Project. Furthermore, the Project is not anticipated to relocate any bus stops during construction or operations.

This comment also suggests that bicyclists would have similar access issues as vehicles. Bicyclists would have the same opportunities as pedestrians and vehicles to access the Project Site. For additional information regarding vehicular access to the Project Site, refer to Response to Comment No. ORG 1-5, above.

Comment No. ORG 1-7

Applicant claims that the project will not induce automobile travel to the medical office building. That claim is a fiction based on the above statements. The proposed use of this building will induce automobile travel to this site.

The analysis in this section is seriously deficient in many respects and understates and misstates the Proposed Project's impacts.

The VMT calculations are deficient and fail to address the abundance of studies documenting the increase in vehicle trips associated with ride hailing.

Response to Comment No. ORG 1-7

This comment states claims made by the Applicant, but does not provide reference for clarification.

This comment further claims that the vehicle miles traveled (VMT) calculations are deficient. A comprehensive analysis of the potential transportation impacts associated with the Project is detailed in **Section IV.I, Transportation**, of the Draft EIR, with supporting information provided in the Transportation Assessment, included in Appendix J-1 of the Draft EIR. As noted in Section 15151, Standards for Adequacy of an EIR in the CEQA Guidelines: “An EIR should be prepared with a sufficient degree of analysis to provide the decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfections but for adequacy, completeness, and a good faith effort at full disclosure.”

The VMT analysis for the Project was conducted using the City VMT Calculator Tool and adhering to the methodologies prescribed in the *City of Los Angeles VMT Calculator Documentation* (LADOT/Los Angeles Department of City Planning [LADCP], May 2020). The VMT Calculator was developed by LADOT to estimate project-specific daily household VMT per capita and daily work VMT per employee for developments within City limits and is consistent with CEQA Guidelines Section 15064.3 and the TAG. The VMT Calculator uses a trip-based method, which includes trip length information and daily vehicle trip generation by trip purpose to determine total daily VMT, household VMT and work VMT. The base vehicle trip generation estimated in the VMT Calculator is primarily based on trip rates published in the Institute of Transportation Engineers (ITE) *Trip*

Generation Manual, 9th Edition,[1] which were determined by surveys of similar land uses at sites around the country. The surveys and trip rates account for all vehicle trip types to a site, including deliveries, maintenance, transportation network companies or TNCs (i.e., rideshare/ride-hailing, Uber, Lyft, etc.), etc. The VMT analysis for the Project was prepared in accordance with the City's methodologies as outlined in the TAG, and the findings of the Transportation Assessment were also stated in the LADOT letter dated December 9, 2020, included as Appendix J-2 of the Draft EIR. It was concluded that the Project would result in less-than-significant transportation impacts.

Comment No. ORG 1-8

The City has not provided any data studies to show that the proposed mitigation measures of unbundling, education about alternative transportation options, and oversupply of bike parking spaces will have any impact on VMTs. Increased VMTs lead to increased Greenhouse Gases (GHG).

Response to Comment No. ORG 1-8

This comment claims that the measures listed are proposed mitigation measures. As detailed in **Section IV.I, *Transportation***, of the Draft EIR, the Project VMT impacts were determined to be less than significant and mitigation measures would not be required. The measures listed by the comment are considered TDM strategies and have been empirically demonstrated to reduce VMT through research documented in the 2010 California Air Pollution Control Officers Association (CAPCOA) publication, *Quantifying Greenhouse Gas Mitigation Measures*.

Comment No. ORG 1-9

PARKING

The building height and FAR requirements along with a request for reduced parking, illustrate that the building envelope is beyond the capacity of the site. The request for the additional height of 218' will lead to requests for additional new projects along San Vicente Blvd. for similar heights and density bonus projects pushing past existing zoning restrictions on height. San Vicente currently has a height limit of 45 feet. Density and height bonuses are given to residential projects because of the current affordable housing shortage. This medical office building does not fall into that category.

Medical uses usually require a higher parking requirement, not a reduction as requested. The request for increased FAR and height would need to justify the reduced parking request from the intense use standard.

[1] As detailed on page 9 of the City of Los Angeles Vehicle Miles Traveled (VMT) Calculator Documentation, the VMT Calculator "was under development prior to release of the 10th Edition of ITE's trip generation manual in late 2017. The VMT Calculator was validated to LA conditions based on the empirical counts conducted at market rate residential, affordable housing, office, and mixed-use sites in the City, regardless of the source of the rates used as a starting point."

The proposal of 716 bicycle parking spaces to reduce some of the auto parking space requirements, seem excessive and will very likely go unused. The use of stackers for some of the parking in the parking podium and requirement for additional height of the floor plates will slow retrieval of autos by the valets. It should trigger additional valet requirements to deal with the movement of autos.

Response to Comment No. ORG 1-9

This comment expresses concern regarding the building height and FAR requirements as being beyond the building envelope of the Project Site. As described in **Section IV.F, *Land Use***, of the Draft EIR, the Project proposes a General Plan Amendment from Limited Commercial to Regional Center Commercial and Vesting Zone Change and Height District Change from C1-1VL-O to (Q)C2-2D-O to allow for the proposed building height and floor area. The proposed zoning for the Project would include a "D" Limitation that would limit the maximum FAR to 4.5:1 and the height to 230 feet to the top of the mechanical penthouse, and support commercial uses on the ground level, consistent with zoning on adjacent properties. Although the Project would result in a building height that is taller than what the current zoning would allow, which would be limited to three stories and 45 feet in height, the proposed 12-story medical office building would be compatible with development along South San Vicente Boulevard and Wilshire Boulevard, which is characterized by a mix of mid- to high- rise buildings, including a 10-story office building with ground floor commercial uses directly across from the Project Site, a 22-story medical office building fronting Wilshire Boulevard to the southeast of the Project Site, and a 12-story office building to the east of the Project Site. The intensity and scale of the development would be offset by the pedestrian orientation of the ground floor, which creates a human scale at the ground level, and the visible upper story landscape decks and unique building design, which would serve to create visual interest. In addition, the building is designed with stepped terraces to break up the building's massing.

This comment also expresses concern regarding the lack of parking proposed on the Project Site. As detailed in **Chapter II, *Project Description***, of the Draft EIR, the Project meets the criteria of Senate Bill (SB) 743 and Zoning Information (ZI) File No. 2542, pursuant to PRC Section 21099 (d)(1), that states a project's "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." As such, parking impacts would not be considered significant under CEQA.

As further detailed in **Chapter II, *Project Description***, of the Draft EIR, the Project is requesting a parking reduction not to exceed 20 percent pursuant to Los Angeles Municipal Code (LAMC) Section 12.32 P, as well as replace up to 30 percent of required automobile parking spaces with bicycle spaces (at a rate of four bicycle parking spaces per one automobile parking space) pursuant to LAMC Section 12.21.A.4(c). The net total parking requirement for the Project is 418 spaces. Thus, the Project would meet the LAMC required automobile parking spaces.

Comment No. ORG 1-10

GREENHOUSE GAS (GHG) EMISSSIONS

The Greenhouse Gas emissions analysis is deficient and doesn't adequately assess actual GHG emissions related to the construction and operational phases.

Among its many deficiencies:

1. The analysis does not address the impacts of ride hailing which will be a significant factor in Vehicle Miles traveled (VMT) to and from the proposed project. Numerous published studies of "rideshare" impacts on VMT in urban cities as well as suburban communities have concluded that not only have such services not reduced VMT as originally theorized, but has been seen to significantly increase VMT.

2. The DEIR also fails to acknowledge that the City of Los Angeles has performed no studies and published no data of its own regarding Vehicle Miles Traveled (VMT), and has published no data to contradict the findings of major research institutions that have documented that middle and high income Angelenos like those likely to be able to afford the type of medical services provided in this building are inversely correlated to transit use in Los Angeles.

Response to Comment No. ORG 1-10

This comment expresses concern regarding potentially deficient GHG analyses as it relates to VMT. As detailed in **Section IV.I, *Transportation***, of the Draft EIR, the VMT analysis for the Project was conducted using the City VMT Calculator Tool and adhering to the methodologies prescribed in the *City of Los Angeles VMT Calculator Documentation*. The VMT Calculator was developed by LADOT to estimate project-specific daily household VMT per capita and daily work VMT per employee for developments within City limits and is consistent with CEQA Guidelines Section 15064.3 and the TAG. The VMT Calculator uses a trip-based method, which includes trip length information and vehicle trip generation by trip purpose to determine total VMT, household VMT and work VMT. The VMT Calculator Tool assumes various modes of transportation for travel.

Comment No. ORG 1-11

3. The City has ignored published data from established research institutions that demonstrates the failure of its policies. See, for example, "Falling Transit Ridership," UCLA Institute of Transportation Studies, January 2018.

Response to Comment No. ORG 1-11

This comment states the City has ignored published data demonstrating the failure of its policies. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 1-12

4. The analysis cites an abundance of existing bus routes as if proximity to bus routes will result in affluent occupants foregoing car ownership and ride hailing services to use the bus system.

Response to Comment No. ORG 1-12

This comment expresses an opinion regarding car ownership and ride-hailing services. A description of the available transit service provided in the area is described beginning on page IV.I-13 of **Section IV.I, *Transportation***, of the Draft EIR and is highlighted in Figure IV.I-2.

Transit infrastructure in proximity to the Project plays a significant part in reducing overall VMT, particularly with short trips within the immediate area or along any of the fixed-rail corridors throughout the City and adjoining jurisdictions. As detailed in Section 3.2 of the *City of Los Angeles VMT Calculator Documentation*, the trip generation characteristics of multi-use sites, including the amount of external traffic generated, is affected by a wide variety of factors, including the availability of transit:

- *"The availability of transit – the greater the number of jobs within a reasonable travel time via transit, the greater the share of travel likely to occur by transit, and the lower the vehicular traffic generation. An example of this is someone who lives close to the Metro and has access to many jobs via transit versus someone living in an area less well served by transit who has limited access to jobs via transit and will be more likely to drive."*

As detailed in **Chapter II, *Project Description***, of the Draft EIR, the Project is located within a TPA and within a SCAG-designated HQTA. The Project is located within 0.25 mile walking distance from both the Metro Rapid 720 bus stop and within 0.5 mile of the future Metro D (Purple) Line Wilshire/La Cienega Station. By developing an employment center with retail and commercial uses near available transit facilities, the Project would encourage multi-modal mobility choices.

Comment No. ORG 1-13

5. As another example, the analysis cites 716 bike spaces in the Project but offers no data that the existence of any number of bike spaces in a medical office project has any impact on VMT or GHG.

Response to Comment No. ORG 1-13

This comment expresses concern regarding the impact of bicycle parking spaces on the VMT or GHG analyses. As detailed in **Chapter II, *Project Description***, of the Draft EIR, the Project would provide 716 bicycle parking spaces to meet the automobile parking replacement with bicycle parking at a rate of four bicycle parking spaces per one automobile parking space, pursuant to LAMC Section 12.21.A.4(c).

The VMT analysis for the Project was performed using the City VMT Calculator tool and adhering to the methodologies prescribed in the *City of Los Angeles VMT Calculator Documentation*. The VMT Calculator contains seven categories of TDM strategies, including parking, transit, education and encouragement, commute trip reductions, shared mobility, bicycle infrastructure, and neighborhood enhancement. The effectiveness of the TDM strategies within each category has been empirically demonstrated to reduce VMT and is based on research documented in *Quantifying Greenhouse Gas Mitigation Measures*. As part of the bicycle infrastructure category, the implementation of bicycle parking and amenities is considered one of several TDM strategies that promotes VMT reduction. As such, the Project bicycle parking supply would result in VMT reductions, as well as greenhouse gas (GHG) emissions reductions.

Comment No. ORG 1-14

SHADE AND SHADOW

The homes adjacent to the proposed project are identified in the Survey LA 6th Street-Orange Street Multi-Family Residential Historic District and therefore are offered protections under CEQA and should be considered in the design and execution of this project. There is also an adjacent commercial building at 6535 W. Wilshire that is also identified in Survey LA.

The DEIR is deficient in many respects and fails to address the Project's impacts on the surrounding area and its compliance with The California Environmental Quality Act.

Shade and shadow caused by a building of 218 feet in height would be extensive. The shadow from this building would extend for hundreds of feet to the north, north/east and east. The shadows would persist for approximately 7 months of the year, October until April or May, beginning at 1 pm and continuing until sunset.

Residences in the historic neighborhood would be the ones impacted. This would limit neighboring properties to the north and north/east the ability to collect solar energy.

The proposed project could also have a substantial affect on a scenic vista, in this case the Hollywood Hills when viewed from both Wilshire Blvd. and San Vicente Blvd.

Response to Comment No. ORG 1-14

This comment expresses concern regarding shade and shadow impacts potentially caused by the Project. As described on page 14 in the Initial Study, provided in Appendix A of the Draft EIR, the Project is an employment center comprised of a mix of uses including office and retail-commercial uses on a previously developed “infill” site located within 0.25 mile of a planned Metro D (Purple) Line Station to the west of the Project Site. As such, the Project meets the criteria of SB 743 and ZI File No. 2542. As discussed in ZI File No. 2542, aesthetic impacts, including shade and shadow, are not to be considered an impact, unless evaluation is required under other land use regulations of the LAMC. An evaluation of shade and shadow impacts are not required under the LAMC.

Comment No. ORG 1-15

EMERGENCY RESPONSE SECTION IV.H.1 Public Services-Fire Protection

In the BWHA "Comments for Notice of Preparation" dated February 12, 2020
BWHA expressed concerns about LAFD response times for a medical office building use at 650 S. San Vicente Blvd. Also questioned was the potential need for additional fire station infrastructure to be built to mitigate any cumulative impacts from this project as well as several others that are already entitled in this area. The DEIR states that the distance of fire stations servicing this site in order of proximity are as follows:

1.) Station 58 - 1556 S. Robertson, 1.9 miles

2.) Station 61 - 5821 W. 3rd St., 2.0 miles

3.) Station 68 - 5023 W. Washington, 3.1 miles

All stations exceed the 1 mile first-due Engine, and 1 1/2 mile first due Truck Company distance requirements.

In the DEIR Appendix I-Public Service Letters I-1 Los Angeles Fire Department Correspondence dated September 24, 2020, the response states that the response distance would not be adequate because of distances exceeding 1 mile from the proposed project and all nearby LAFD fire stations.

The distance will also impact the response times for LAFD services and states:
"Based on these criteria (response distance from existing fire station) fire protection would be considered **INADEQUATE."**

The letter concludes with stating "The development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following:

1. Increased staffing for existing facilities. (I.E, Paramedic Rescue Ambulance and EMT Rescue (Ambulance resources).

2. Additional fire protection facilities.

3. Relocation of present fire protection facilities."

This project being a medical office building, may also require more EMT service than a residential building. It is not known what types of medical procedures will take place here.

Response to Comment No. ORG 1-15

This comment expresses concern for the Project's impacts on emergency response, specifically fire protection. The analysis of emergency fire response is provided in **Section IV.H.1, *Public Services – Fire Protection***, of the Draft EIR. As analyzed on pages

IV.H.1-22 through IV.H.1-25, while the Project would increase intensity of the Project Site and increase the Project Site's demand for fire protection services compared to existing conditions, the Project would comply with the applicable Occupational Safety and Health Administration (OSHA), Los Angeles Building Code, Los Angeles Fire Code, other LAMC Sections, and Los Angeles Fire Department (LAFD) requirements. In addition, the Project would comply with LAFD's preliminary recommendations contained in correspondence provided in Appendix I-1 of the Draft EIR, as referenced by this comment. Compliance with applicable Los Angeles Building Code and Fire Code requirements and recommendations would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in LAMC Section 57.118, and which are required prior to the issuance of a building permit. Compliance with applicable regulatory requirements and recommendations, including LAFD's fire/life safety and LAFD's fire/life safety inspection for new construction projects, would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment without creating the need for new or expanded fire facilities. Section 57.09.07 of the Los Angeles Fire Code (Fire Code) states the maximum responses distance for an engine company for a region with land uses commercial, industrial/commercial is 1 mile, and for a truck company, 1.5 miles. For neighborhood land uses, the maximum response distance for both an engine and a truck company is 1.5 miles. If these distances are exceeded, all new structures outside of the maximum response distance would be required to install automatic fire sprinkler systems, as required by LAMC Section 57.507.3.3. With such systems installed, fire protection would be considered adequate even if the project is located beyond the maximum response distance. In addition, automatic fire sprinkler systems are also required for all high-rise structures within the City of Los Angeles that exceed 75 feet in height. Consistent with these requirements, the proposed project would install an automatic fire sprinkler system. Therefore, as the location of the Project Site does not meet either distance standards for an Engine Company or Truck Company, the installation of automatic fire sprinklers would be required, thereby further reducing demand placed on the LAFD facilities and equipment.

Comment No. ORG 1-16

CONCLUSION

The conclusion points to the need for additional city infrastructure to serve this site. The proposed project is also not providing any affordable housing or market rate housing, which could have provided some density bonuses and benefits to address the shortage of the housing stock in the city.

The proposed project along with other proposed and previously entitled Projects such as 333 S. La Cienega Blvd. and the Our Lady of Mt. Lebanon Project at 331-333 San Vicente Blvd., as well as a proposed Metro Crenshaw Line Extension and the Metro Purple Line, have tremendous cumulative impacts both during construction and after completed cause severe traffic and parking issues in our area.

The DEIR describes four alternatives to the proposed project. Any of the alternatives would be superior to what we have proposed here. Construction of this 218 foot medical office tower adjacent to two story residential buildings, in an historic neighborhood, inaccessible from all directions, would be a travesty.

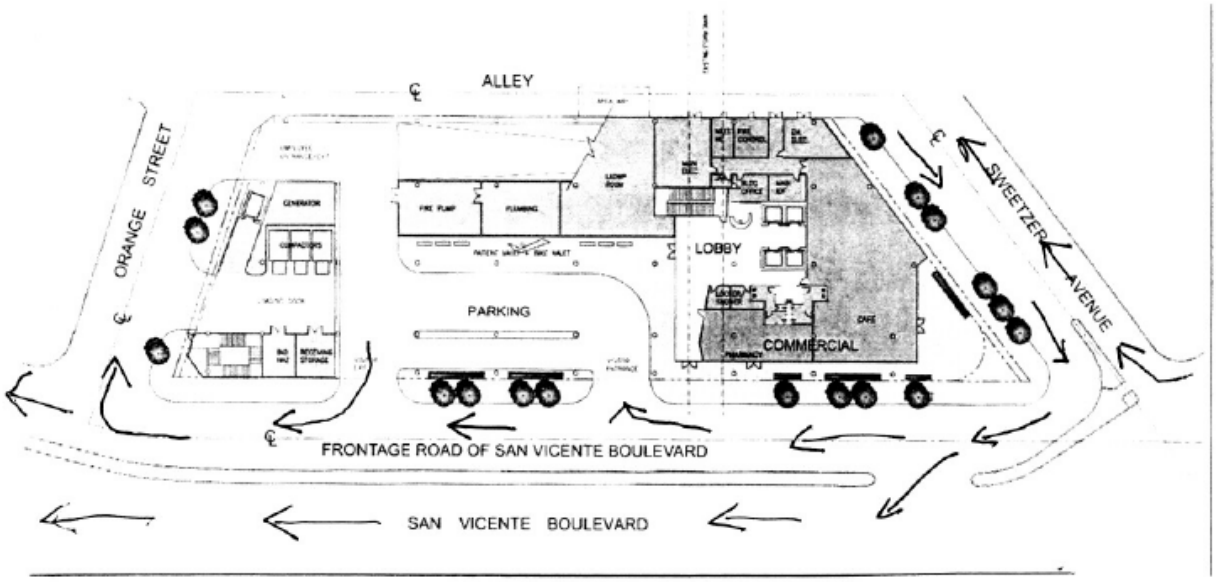
Response to Comment No. ORG 1-16

This concluding comment notes the need for additional city infrastructure to serve the Project Site. Infrastructure is addressed in **Section XIX, *Utilities and Service Systems***, of the Initial Study, provided in Appendix A of the Draft EIR. The analysis therein concluded that the Project would have a less-than-significant impact as it relates to utilities and service systems. As it relates to cumulative impacts, the **Chapter IV, *Environmental Impact Analysis***, of the Draft EIR provides an analysis of cumulative impacts for each topic analyzed. As concluded in the analysis therein, cumulative impacts were found to be less than significant, meaning the Project in combination with the related projects in the vicinity of the Project Site would not combine to cause a significant impacts. Specifically, as it relates to cumulative traffic impacts during construction, the Project and related projects would be required to implement a construction traffic management plan as well as a construction worker parking plan (refer to Project Design Feature TRAF-PDF-2 and TRAF-PDF-3 as provided in **Section IV.I, *Transportation***, of the Draft EIR). As such, significant cumulative impacts would not occur. As it relates to operational traffic impacts, as the Project's work VMT per employee would be below the City's efficiency-based impact threshold, the Project's contribution to cumulative transportation VMT impacts would not be considerable. In addition, while the comment notes that the Draft EIR evaluated four alternatives to the Project, the analysis provided in **Chapter V, *Alternatives***, of the Draft EIR notes that Alternatives 2, 3, and 4 would not fully meet all of the objectives of the Project and would not eliminate any of the Project's significant and unavoidable impacts.

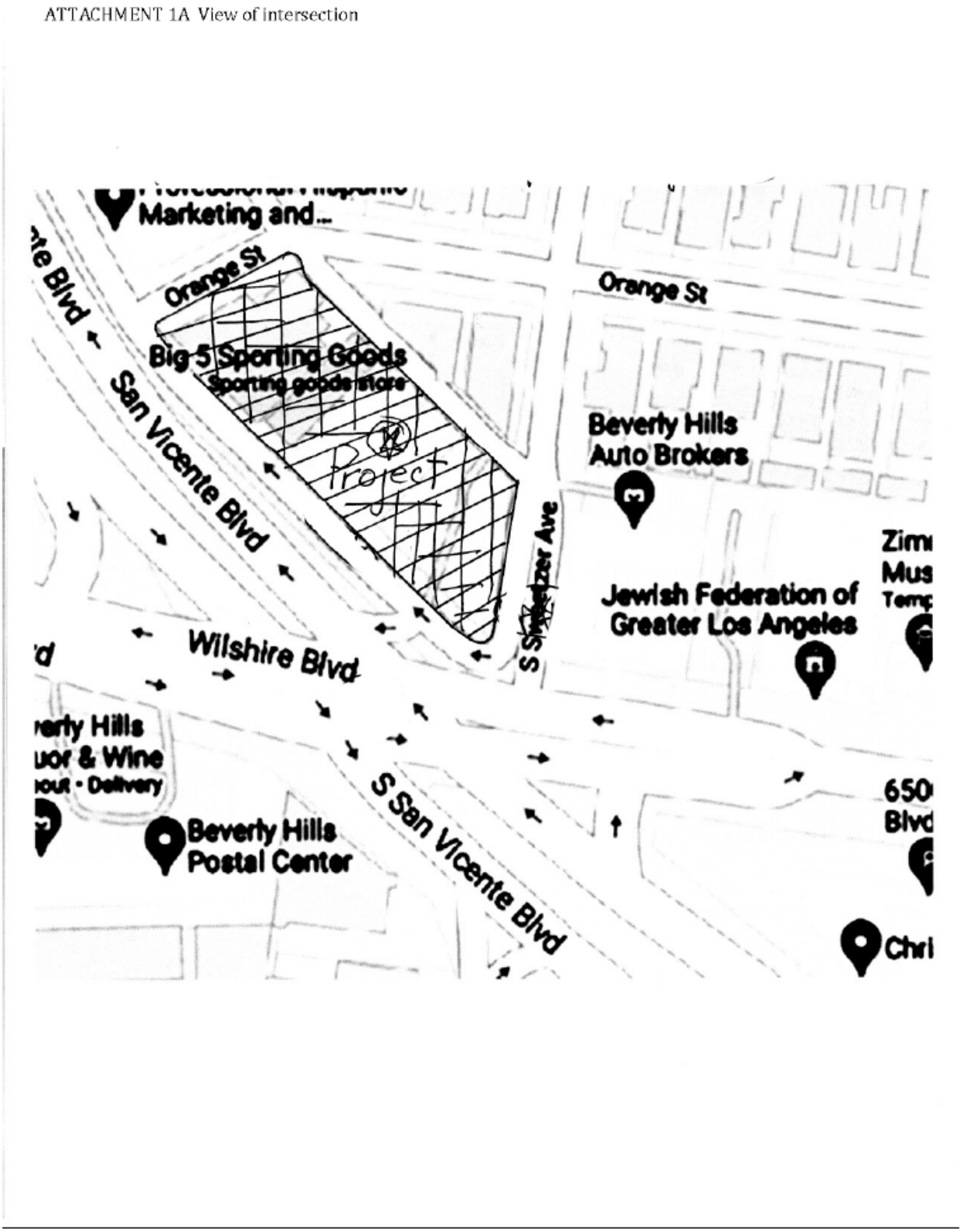
Comment No. ORG 1-17

ATTACHMENT 1

San Vicente Blvd. Frontage Road. - No access from San Vicente Blvd.

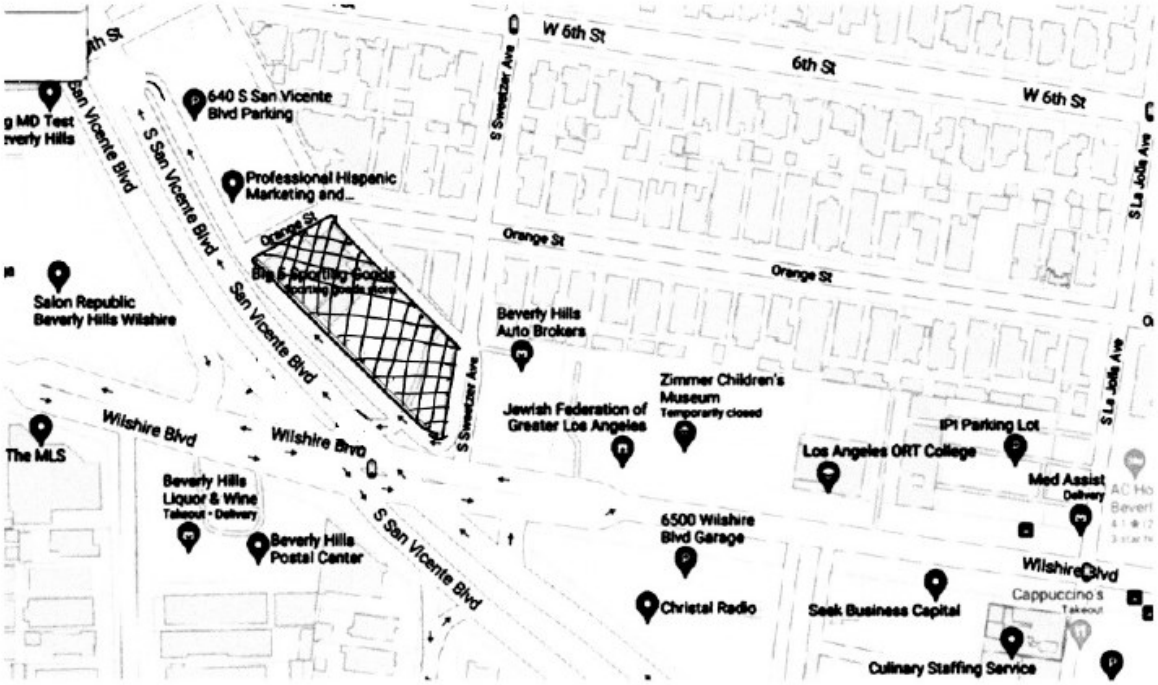


ATTACHMENT 1A View of Intersection



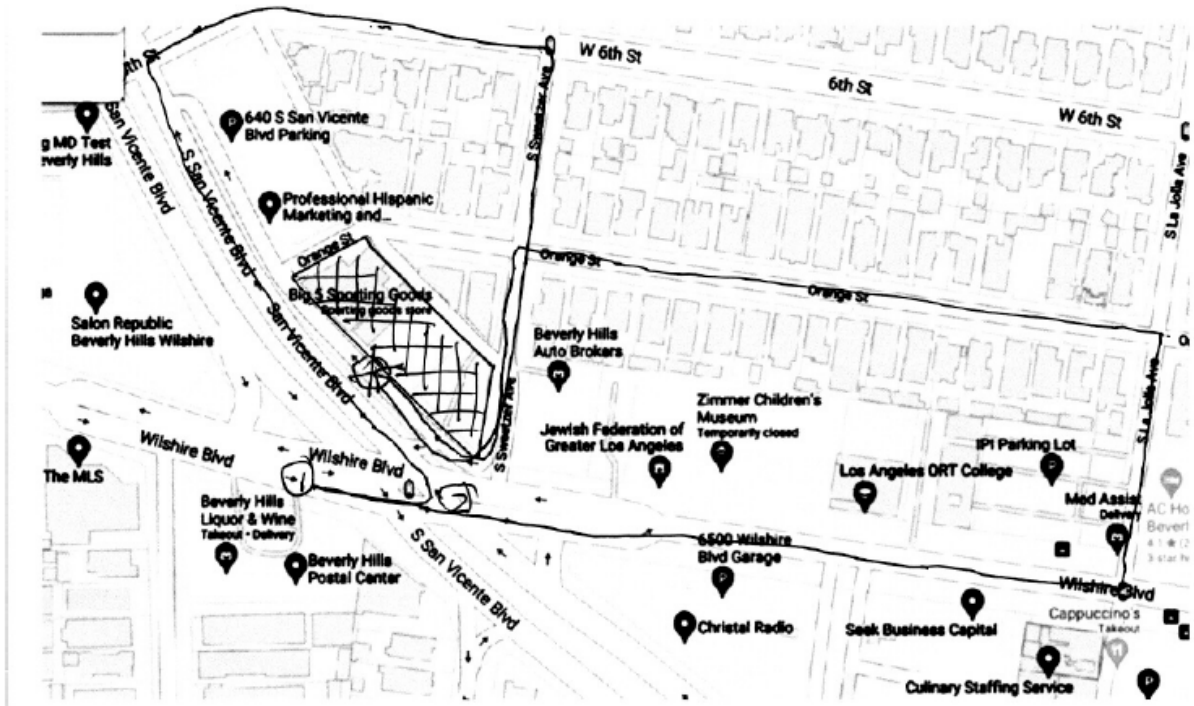
Attachment 2

View of project location within surrounding neighborhood



ATTACHMENT 3

Routes Through the Neighborhood to acces Frontage Road to the Project From Wilshire or San Vicente.



Response to Comment No. ORG 1-17

Images provided under this comment provide context for Comment No. ORG 1-3 through ORG 1-16, above. Refer to Response to Comment Nos. ORG 1-3 through ORG 1-16, above. The images do not accurately reflect the direction of traffic flow, or all of the access points or travel routes to the Project site. There is direct access from North San Vicente to the San Vicente frontage road just north of Wilshire Boulevard in front of the Project site. No further responses are required.

Comment Letter No. ORG 2

Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA)
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
Received August 02, 2021

Comment No. ORG 2-1

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"), we submit these comments on the Draft Environmental Impact Report ("DEIR") for the 656 South San Vicente Medical Office Project (Case No. ENV-2017-468-EIR) ("Project") prepared pursuant to the California Environmental Quality Act ("CEQA")[1] by the City of Los Angeles ("the City") for the Applicants 656–676 SSV Property Owner, LLC and 650 SSV Property Owner, LLC (collectively, "Applicant").

Footnote 1: Public Resources Code § 21000 et seq.; 14 Cal. Code Regs. ("C.C.R.") §§ 15000 et seq.

Response to Comment No. ORG 2-1

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 2-2

The Project would demolish a 5,738 square-foot, vacant educational building, and an 8,225 square-foot Big 5 Sporting Goods store and associated surface parking to develop a medical office and retail-commercial development on an approximately 0.76-acre (33,060 gross square feet, 32,290 net square feet) site located at 650–676 South San Vicente Boulevard ("Project Site"). The Project Site is located at the northeast corner of Wilshire Boulevard and South San Vicente Boulevard, in an urbanized area adjacent to commercial, office, residential, and medical-related uses. The Project would include up to 145,305 square feet of floor area, comprised of 140,305 square feet of medical office space and 5,000 square feet of ground-floor retail-commercial space, of which up to 4,000 square feet maybe a restaurant and 1,000 square feet may be other commercial uses, such as a pharmacy. The proposed building would include 12 stories and would measure approximately 218 feet in height (230 feet to the top of the mechanical penthouse). The Project would include seven floors of medical office uses over four floors of above-grade parking, and a ground floor containing a lobby for the medical office, and commercial uses.

Footnote 2: DEIR, p. II-1.

Response to Comment No. ORG 2-2

This comment briefly describes the Project and accurately reflects the description of the Project as provided in **Chapter II, *Project Description***, of the Draft EIR. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 2-3

Our review of the DEIR demonstrates that the DEIR fails to comply with CEQA. As explained more fully below, the DEIR fails to accurately describe the Project and its existing baseline conditions, and fails to accurately disclose the extent of the Project's potentially significant impacts on air quality, public health, noise, and from greenhouse gas ("GHG") emissions. The DEIR fails to support its significance findings with substantial evidence, and fails to mitigate the Project's significant impacts to the greatest extent feasible, in violation of CEQA. As a result of these deficiencies, the City also cannot make the requisite findings to approve the Project under the City's municipal codes or to adopt a statement of overriding considerations pursuant to CEQA.[3]

These comments were prepared with the assistance of environmental health, air quality, and GHG expert Dr. James Clark, Ph.D, transportation expert Daniel Smith, P.E., and noise expert Derek Watry of Wilson Ihrig. Comments and curriculum vitae of Mr. Clark are attached to this letter as Attachment A.[4] Mr. Watry's comments and curriculum vitae are included as Attachment B.[5] Attachments A–B are fully incorporated herein and submitted to the City herewith. Therefore, the City must separately respond to the technical comments in Attachments A–B.

For the reasons discussed herein, and in the attached expert comments, CREED LA urges the City to remedy the deficiencies in the DEIR by preparing a legally adequate revised DEIR and recirculating it for public review and comment.[6]

Footnote 3: Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

Footnote 4: **Attachment A:** Comments on 656 South San Vicente Medical Office Project (Case No. ENV-2017- 468-EIR) (Aug. 2, 2021) ("Clark Comments").

Footnote 5: **Attachment B:** 656 South San Vicente Medical Office Project (Case No. ENV-2017-468-EIR) (Aug. 2, 2021), Comments on Noise Section by Wilson Ihrig (Aug. 2, 2021) ("Watry Comments").

Footnote 6: We reserve the right to supplement these comments at later hearings on this Project. Gov. Code § 65009(b); Public Resources Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199–1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

Response to Comment No. ORG 2-3

This comment states that the Draft EIR fails to comply with CEQA. This comment introduces subsequent comments and indicates the comments were prepared with assistance from other individuals for air quality, greenhouse gas (GHG), transportation, and noise. Individual responses to the comments raised in this letter are provided under Response to Comment Nos. ORG 2-4 through ORG 2-38.

Comment No. ORG 2-4

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes 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 Los Angeles region.

Individual members of CREED LA include John P. Bustos, Gery Kennon, Chris S. Macias, Robert E. Murphy. These individuals live in the City of Los Angeles, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

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

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

Response to Comment No. ORG 2-4

This comment provides an overview of CREED LA. This comment does not raise any specific issues with respect to the specific content and adequacy of the Draft EIR. More substantive comments and responses are provided below. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 2-5

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR. [7] The EIR is a critical informational document, the "heart of CEQA." [8] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." [9]

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. [10] "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.'" [11] 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."[12] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected." [13]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures. [14] 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." [15] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." [16]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[17] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process."[18] "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.'"[19]

Footnote 7: Public Resources Code § 21100.

Footnote 8: *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (citation omitted).

Footnote 9: *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).

Footnote 10: Public Resources Code § 21061; 14 C.C.R. §§ 15002(a)(1); 15003(b)–(e); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 517 ("[T]he basic purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.").

Footnote 11: *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564, *quoting Laurel Heights*, 47 Cal.3d at 392.

Footnote 12: *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810; see also *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*") (purpose of EIR is to inform the public and officials of environmental consequences of their decisions *before* they are made).

Footnote 13: 14 C.C.R. § 15003(b).

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

Footnote 15: 14 C.C.R. § 15002(a)(2).

Footnote 16: Public Resources Code § 21081(a)(3), (b); 14 C.C.R. §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.

Footnote 17: *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added), *quoting Laurel Heights*, 47 Cal.3d at 391, 409, fn. 12.

Footnote 18: *Berkeley Jets*, 91 Cal.App.4th at 1355; see also *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722 (error is prejudicial if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process); *Galante Vineyards v. Monterey Peninsula Water Management Dist*. (1997) 60 Cal.App.4th 1109, 1117 (decision to approve a project is a nullity if based upon an EIR that does not provide decision-makers and the public with information about the project as required by CEQA); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946 (prejudicial

abuse of discretion results where agency fails to comply with information disclosure provisions of CEQA).

Footnote 19: Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 516, quoting Laurel Heights, 47 Cal.3d at 405.

Response to Comment No. ORG 2-5

This comment provides background information on the purpose and some of the requirements of CEQA. For clarification, an EIR is not required for all projects. PRC Section 21100(a) states: "All lead agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project which they propose to carry out or approve that may have a significant effect on the environment." Based on the Initial Study prepared for the Project, the City determined that the Project may have a significant effect on the environment. Therefore, based on the Initial Study and the scoping process, the Draft EIR was prepared to further evaluate those issue areas in which a potentially significant impact might occur. In addition, for areas in which a potentially significant impact is identified, mitigation measures are identified in the Draft EIR.

The City is aware that given that the Project would result in significant and unavoidable impacts, in accordance with PRC Section 21081 and CEQA Guidelines Sections 15092 and 15093, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of the Project against its significant unavoidable environmental impacts when determining whether to approve the Project. If the benefits of a Project outweigh the significant unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the Lead Agency must adopt a formal statement of overriding considerations.

Comment No. ORG 2-6

III. THE DEIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT

The DEIR does not meet CEQA's requirements because it fails to include a complete and accurate project description, rendering the entire impact analysis unreliable. An accurate and complete project description is necessary to evaluate the potential environmental effects of a proposed project.[20] Without a complete project description, the environmental analysis will be impermissibly narrow, thus minimizing the project's impacts and undercutting public review. [21] The courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]." [22] "Only through an accurate view of the project may affect outsiders and public decision-makers balance the proposal's benefit against its environmental costs." [23]

A. The DEIR Fails to Adequately Describe the Project's Activities that May Result in Significant GHG and Air Quality Impacts

The DEIR fails to accurately describe two important aspects of the Project:(1) the haul trips and (2) the construction timeline.

First, neither the DEIR nor the Appendix notes where debris or excavation material will be taken. The absence of this information makes it impossible to verify the one-way haul trip distance of 20 miles from Appendix B and thus the associated air impacts from haul trips.[24] This issue is further compounded by the fact that the haul trip amounts in the Transportation Assessment J-1 do not match the DEIR's CalEEmod Energy On-Road Emissions calculations. The Transportation assessment states that, during excavation, 53 round-trip haul trucks would be needed for a 23-workday period. This would equal 2438 total haul trips during excavation.[25] But the Energy Appendix B states that, for Demo/Site Prep/Grading, a total of 2784 haul trips would be needed. [26] This inconsistency deprives the City and the public of an accurate view of the impacts stemming from the Project's construction phase.

Secondly, the DEIR throughout contains conflicting construction timeline information. The Energy section describes a 36-month construction timeline[27], whereas the Transportation Assessment Appendix J-1 assumes a 24-month construction timeline[28], and the Project Description section describes a 34-month construction period.[29] The construction timeline is in constant flux throughout the DEIR and thus deprives the City and the public of an accurate view of the timeframe and intensity of impacts stemming from the Project. The City must address these issues in a re-circulated DEIR.

Footnote 20: *See*, *e.g.*, *Laurel Heights,* 47 Cal.3d 376.

Footnote 21: *See ibid*.

Footnote 22: *County of Inyo,* 71 Cal.App.3d at p. 193.

Footnote 23: *Id*. at 192-193.

Footnote 24: DEIR Appendix B, p.173.

Footnote 25: DEIR Appendix J-1, p.84.

Footnote 26: DEIR Appendix B, p.173.

Footnote 27: DEIR IV.C-20.

Footnote 28: DEIR Appendix J-1, p.83.

Footnote 29: DEIR II, p.20

Response to Comment No. ORG 2-6

This comment claims that the Draft EIR inaccurately describes where debris or excavation material will be taken. Demolition debris and excavation material hauling locations have not yet been determined. In the absence of a specific hauling location and distance, the analysis relies on the California Emissions Estimator Model (CalEEMod), which provides recommended default values for the South Coast Air Basin (Air Basin). As stated in the CalEEMod User's Guide, "CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available."[2] If specific project information is known, the modeling analysis may change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. There is no substantial evidence provided to warrant a change to the CalEEMod default trip distance for debris and material hauling. Thus, the default of 20 miles was used and is an appropriate assumption for the Project based on available information. In addition, a detailed construction management plan, including a haul routes that identify where materials will be taken, will be prepared and submitted to the City for review and approval. See Appendix J, Transportation Analysis.

This comment also claims that an inconsistency in the traffic study and the on-road emissions analysis leads to an inaccurate view of emissions. This comment cites to Appendix B of the Draft EIR that purportedly shows a total of 2,784 haul trips. This comment is incorrect because it combines the demolition, site preparation, and grading/excavation haul trips and compares the total to the Transportation Assessment's total haul trips from only excavation. The grading/excavation trips in the Project energy analysis total 2,460 trips, which is similar to the 2,438 trips calculated using the Transportation Assessment. The additional 324 trips mentioned by this comment are from demolition and site preparation and include vendor trips, which would not overlap on the same day with the grading/excavation trips. The 2,460 grading/excavation trips in Appendix B of the Draft EIR is slightly more than the 2,438 grading/excavation trips in the Transportation Assessment due to the analysis rounding up values. This is not an inconsistency, and provides a conservative and slight over-estimation of the total truck trips during excavation. If emissions and energy calculations were to be recalculated using the 2,438 trips mentioned by this comment, emissions would be less than already disclosed and would not have an effect on the emissions and energy significance determinations already disclosed in the Draft EIR.

Lastly, this comment states that **Section IV.C, *Energy***, of the Draft EIR describes a 36-month construction period; this is typographical error in the text and should read as 34-months, consistent with the Project Description. The underlying analysis and calculations are consistent with a construction period of 34 months, and therefore, provides an accurate timeline and intensity of impacts of the Project. Similarly, the Transportation Assessment includes a typographical error where it references a 24-month construction

[2] California Air Pollution Control Officers Association (CAPCOA), CalEEMod User's Guide for CalEEMod Version 2016.3.2, September 2016, page 1.

duration instead of 34 months. The Transportation Assessment uses a Project buildout year of 2023, consistent with the Project Description. Therefore, the typographical error does not result in any change to the analysis or impact determinations in the Transportation Assessment. A correction for this typographical error has been made in **Chapter 3, *Revisions, Clarifications, and Corrections***, of this Final EIR.

Comment No. ORG 2-7

IV. THE DEIR FAILS TO ADEQUATELY ESTABLISH THE EXISTING BASELINE

CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review commences.[30] As numerous courts have held, the impacts of a project must be measured against the "real conditions on the ground." [31] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[32] The use of the proper baseline is critical to a meaningful assessment of a project's environmental impacts.[33] An agency's failure to adequately describe the existing setting contravenes the fundamental purpose of the environmental review process, which is to determine whether there is a potentially substantial, adverse change compared to the existing setting.

Baseline information on which a lead agency relies must be supported by substantial evidence.[34] The CEQA Guidelines define "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion."[35] "Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts ... [U]nsubstantiated opinion or narrative [and] evidence which is clearly inaccurate or erroneous ... is not substantial evidence."[36]

A. The DEIR Incorrectly Relies on Baseline Conditions that Did Not Exist When the Notice of Preparation was Released.

The DEIR incorrectly analyzes air quality, public health, and transportation impacts against a baseline which includes operations from a former 5,738 square- foot, former Montessori school which has been vacant since 2018, almost 2 years before the Project's environmental review commenced.[37] The DEIR's reliance on these hypothetical conditions violates CEQA and renders the DEIR's impact analysis incorrect and unsupported.

The California Supreme Court, in *Communities for a Better Environment v. South Coast Air Quality Management District* ("*CBE v. SCAQMD*"),[38] recognized that "the baseline 'normally' consists of 'the physical environmental conditions in the vicinity of the project, as they exist at the time ... environmental analysis is commenced'"[39] This decision considered a long line of Court of Appeal decisions that hold, in similar terms, that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis.[40] This line of authority includes cases

where a plan or regulation allowed for greater development or more intense activity than had so far actually occurred, as well as cases where actual development or activity had, by the time CEQA analysis was begun, already exceeded that allowed under the existing regulations.[41]

In *CBE v. SCAQMD*, the Supreme Court identified circumstances under which a lead agency could deviate from the "normal" baseline of conditions existing at the date the Notice of Preparation is released. ConocoPhillips had applied to modify an operating petroleum refinery in a way that would increase operation of four boilers that produced steam for refinery operations.[42] The lead agency selected as the project's baseline for nitrogen oxide emissions the amount the boilers would emit if they operated at the maximum level allowed under ConocoPhillips's existing permits, even though ConocoPhillips had never operated them at that level.[43] Citing that refinery operations "vary greatly with the season, crude oil supplies, market conditions, and other factors,"[44] the court explained that agencies may exercise discretion to accommodate a "temporary lull or spike in operations that happens to occur at the time of environmental review."[45] The Court held that a lead agency enjoys the discretion to decide how the existing physical conditions can most realistically be measured, supported by substantial evidence.[46] The Court rejected the "maximum level permitted" baseline because it did not aim to reflect existing conditions.

Some subsequent cases,[47] as well as the CEQA Guidelines,[48] have allowed lead agencies to deviate from using the NOP date as the baseline when assessing existing facilities/operations in limited situations "where conditions change or fluctuate over time." However, in most cases, the facility/operation was still operating to some extent at the time of the NOP.[49]

For example, in *Association of Irritated Residents v. Kern County Board of Supervisors*,[50] the court reviewed the baseline set for an oil refinery that temporarily suspended refining operations at the time of the NOP. The baseline was set at operating levels of the facility in 2007, when the refinery was operating at full capacity, whereas in 2013, the date of the NOP, no refining operations were occurring. The court articulated the baseline analysis as such:[51]

> Our analysis of County's treatment of the baseline question breaks the County's approach into two factual components. The first inquiry considers the basic question of whether County has a sufficient evidentiary basis for finding existing conditions included an *operating* refinery. If that finding is upheld, the second inquiry addresses whether substantial evidence supports County's choice of 2007 as a *realistic measure* of the baseline physical conditions created by the refinery's operations. [emphasis in original text]

To the first inquiry, the court "conclude[d] the EIR's choice of 2007 as the measure of an existing conditions baseline for an operating refinery (1) was supported by substantial evidence."[52] The court noted that suspension of operations was intended as temporary,

and that the refinery had a "history of fluctuating operations"[53] – the refinery frequently started and stopped refining operations. The court noted as relevant that when the refinery suspended operations at the time of the NOP, the refinery "continued other operations and activities. Those continuing activities included managing inventory, blending and marketing fuels, and functioning as a terminal for crude oil and finished petroleum products."[54] To the second inquiry, substantial evidence supported that the 2007 figure was a reasonable representation of the operations actually performed at the refinery.[55] Neither circumstance exists here, because the Montessori school closure was not temporary, and its 2018 baseline impacts are not part of ongoing fluctuating operations.

In *North County Advocates v. County of Carlsbad*,[56] the court upheld the use of recent historical traffic levels as a baseline for an operating shopping mall with that had greater-than-usual vacancies. Specifically, a large department store retail space in the mall was vacant at the time of the NOP. In determining the scope of baseline operations, the court analyzed the historical occupancy of the mall. The court noted that, although the retail space in question was vacant at the time CEQA review commenced, the mall remained operational. The court observed that the department store retail space within the mall frequently fluctuated in occupancy – for instance, "the Robinsons-May space was less occupied from 2007 through 2009 (two retail users occupied part of it from August 2006 through December 2007, and two others occupied part of it from August through November in 2008 and in 2009."[57] The court concluded, "[w]e view this fluctuating occupancy— which is 'the nature of a shopping center'—as akin to the varying oil refinery operations in *Communities for a Better Environment*."[58] Therefore, the court permitted the shopping center to use a baseline that assumed the department store retail space was occupied, despite the fact that the storefront was temporarily unoccupied at the time of the Notice of Preparation. In this case, there is no evidence in the DEIR that the school's 2-year vacancy was "temporary," nor that its impacts were part of fluctuating operations. The City cannot take baseline credit for a vacant school under *North County Advocates*.

Rather, this case is just like *Hollywoodians Encouraging Rental Opportunities v. City of Los Angeles* ("*HERO*"), in which the Court of Appeal denied the use of baseline conditions from an apartment building that had been vacant for two years prior to the start of CEQA review.[59] The Court held that the relevant CEQA baseline when review commenced in 2015 was a vacant building already withdrawn from the rental market, and that impacts from the building's prior use could not be used to measure the impacts of the newly proposed boutique hotel project.[60]

The Notice of Preparation for this DEIR was released on January 13, 2020. [61] The DEIR assumes that all square footage from the Montessori Children's World School may be credited as "Existing" use in its analysis, even though the building was vacant at the time of the Notice of Preparation.[62] Therefore, the "normal" baseline described in *CBE v. SCAQMD*, which should reflect the physical environmental conditions in the vicinity of the project, as they exist at the time environmental analysis is commenced, is of a vacant educational building.[63] However, as will be discussed in the following section in more

detail, when assessing environmental impacts, the DEIR erroneously sets its baseline assuming the Project site's existing educational building is still operating.

The DEIR fails to provide substantial evidence to justify deviation from the "normal" baseline. The DEIR cannot provide this evidence because operations on the educational building had completely ceased, which makes this case plainly distinguishable from *Association of Irritated Residents v. Kern County Board of Supervisors*,[64] *CBE v. SCAQMD*, [65] *North County Advocates v. County of Carlsbad*, [66] and other leading cases[67] allowing use of recent historical conditions as a baseline. Those cases all involved operations active at the time of the NOP experiencing a temporary "lull" due to their "history of fluctuating conditions."[68] Here, the Project involves a completely vacated educational building at the date of the NOP. Montessori Children's World School did not merely halt operations for a temporary period – it completely vacated the premises as of October 2018. There is no evidence that the School expects to reoccupy the Project site. Therefore, the DEIR lacks substantial evidence for finding existing conditions included an *operating* educational building.

Footnote 30: CEQA Guidelines, § 15125, subd. (a).

Footnote 31: *Save Our Peninsula Com. v. Monterey Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121-22; *City of Carmel-by-the Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 246.

Footnote 32: CEQA Guidelines, § 15125, subd. (a).

Footnote 33: *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.

Footnote 34: *CBE v. SCAQMD, supra,* 48 Ca.4th at 321 (stating "an agency enjoys the discretion to decide […] exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence"); *see Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

Footnote 35: CEQA Guidelines §15384.

Footnote 36: Pub. Resources Code § 21082.2(c).

Footnote 37: DEIR, pp. II-1, V.A-29.

Footnote 38: (2010) 48 Cal. 4th 310, 321 (agency erred in using boilers' maximum permitted operational levels as a baseline when operation of the boilers at maximum levels was not the norm).

Footnote 39: *CBE v. SCAQMD, supra,* 48 Ca.4th 310, 327–328, citing Guidelines, § 15125, subd. (a)

Footnote 40: *Environmental Planning Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354, 357-358 (effects of a proposed area plan for land development must be compared to the existing physical conditions in the area, rather than to development permitted under the county's general plan); *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246-247 (effects of rezoning must be compared to the existing physical environment, rather than to development allowed under a prior land use plan); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955 (baseline for water diversion project was actually existing stream flows, not minimum stream flows set by federal license); *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121 (water use baseline for analysis of proposed land development was actual use without the project, not what the applicant was entitled to use for irrigation); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 658 (baseline for proposed expansion of a mining operation must be the "realized physical conditions on the ground, as opposed to merely hypothetical conditions allowable under existing plans"); *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 693, 706-710 (effects of a large office and shopping center development must be compared to the current undeveloped condition of the property, rather than to an office park that could be developed under existing zoning).

Footnote 41: *CBE v. SCAQMD*, *supra,* 48 Ca.4th 310, 321.

Footnote 42: *Id.* at 318.

Footnote 43: *Id.* at 316.

Footnote 44: *Id.* at 327.

Footnote 45: *Id.* at 328.

Footnote 46: *Id.*

Footnote 47: *See North County Advocates v. County of Carlsbad* (2015) 241 Cal.App.4th 94, 105 (upholding use of recent historical traffic levels as a baseline for currently operating shopping mall with greater- than-usual vacancies, noting that “the nature of a shopping center is that tenants change and the amount of occupied space constantly fluctuates”); *San Francisco Baykeeper, Inc. v. State Lands Commission* (2015) 242 CA4th 202, 218 (upholding a baseline for a continuously operating sand mine that was derived from 5 years of historical mining operations, noting that the amount of sand mined fluctuates substantially from year to year due to a variety of factors); *Association of Irritated Residents v. Kern County Board of Supervisors* (2017) 17 CA5th 708, 709 (upholding baseline based on oil refinery’s last year of full operations, noting that the facility was currently in operation at the time of the NOP and its permits remained in

place); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 CA4th 316 (upholding baseline closely approximating historic water use of egg farm in 2004, noting that egg farm only ceased operations after NOP date in 2005).

Footnote 48: CEQA Guidelines, Section 15125(a)(1) (providing, "[w]here existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record").

Footnote 49: *See* note 57.

Footnote 50: (2017) 17 CA5th 708.

Footnote 51: *Id.* at 728.

Footnote 52: *Id.* at 718.

Footnote 53: *Id.*

Footnote 54: *Id.* at 720.

Footnote 55: *Id.* at 729.

Footnote 56: (2015) 241 Cal.App.4th 94.

Footnote 57: DEIR, pg. 15.

Footnote 58: *Id.*

Footnote 59: *Hollywoodians Encouraging Rental Opportunities v. City of Los Angeles* ("*HERO*") (2019) 37 Cal.App.5th 768, review denied (Oct. 23, 2019)

Footnote 60: *Id.* at 780-82.

Footnote 61: City of Los Angeles Planning Department, Notice of Preparation of a Draft Environmental Impact Report (EIR) and Public Scoping Meeting for the 656 South San Vicente Medical Office Project (January 13, 2020).

Footnote 62: See e.g. DEIR fns 23 and 42 "The 5,738-square-foot vacant building previously housed the Montessori Children's World School. As the building was vacated October 2018, credit for this use was included as part of the baseline under CEQA as this reflects the amount of floor area that was in active use during the past two years."

Footnote 63: *CBE v. SCAQMD*, *supra,* 48 Ca.4th 310, 327–328, citing Guidelines, § 15125, subd. (a).

Footnote 64: (2017) 17 CA5th 708.

Footnote 65: (2010) 48 Ca.4th 310, 320.

Footnote 66: (2015) 241 Cal.App.4th 94.

Footnote 67: *See* note 57.

Footnote 68: *Id.*

Response to Comment No. ORG 2-7

This comment states that The Draft EIR incorrectly relied on baseline conditions that did not exist when the Notice of Preparation (NOP) was released. As detailed in the Draft EIR, the 5,738 square foot education building was previously operated by Montessori Children's World School and was vacated in October 2018.

With the passage of SB 743, the focus of transportation analysis shifted from vehicular delay (Level of Service [LOS]) to VMT. The analysis of the potential transportation/traffic-related impacts of the Project is detailed in **Section IV.I, *Transportation***, of the Draft EIR. As detailed therein, the VMT analysis for the Project was conducted using the City VMT Calculator Tool, which allows for users to input project location, proposed land use program, and TDM strategies. Additionally, the VMT Calculator Tool provides a VMT Screening Analysis as an initial step to identify if a project is "screened out" or is required to perform a detailed VMT analysis. As allowed by the VMT Calculator Tool, any existing land uses to be removed by the development of a project can be accounted for in the VMT Screening Analysis. The existing land uses, however, are not reflected in the Project VMT calculations thereafter. Thus, the VMT analysis detailed in **Section IV.I, *Transportation***, of the Draft EIR does not reflect any adjustments for existing uses, regardless of occupancy. In summary, the prior Montessori school was included in the VMT Screening Analysis to determine if a detailed VMT analysis was required; the detailed VMT analysis did not include the prior Montessori school.

As part of the non-CEQA analysis detailed in the Transportation Assessment provided in Appendix J-1, an operational evaluation was conducted at the nearby intersections based on intersection traffic volume data and anticipated traffic generated by the Project. As detailed on page 66 of the Transportation Assessment in footnote [e] of Table 7, Project Trip Generation, in Section 4A, Project Traffic, existing use credits were not assumed for the removal of the prior Montessori school so as to provide a conservative analysis. Additionally, the residential street cut-through analysis was conducted based on the daily vehicle trip estimated by the VMT Calculator and did not account for any trip reductions for existing uses.

It should be noted that the 5,738 square foot Montessori Children's World School was estimated to include approximately 20 students. As detailed in the Transportation Assessment, it was estimated that the school would generate approximately 16 morning peak hour trips and three afternoon peak hour trips, which equates to a maximum of one vehicle every four minutes.

As described in **Section IV.A, *Air Quality***, **Section IV.C, *Energy***, **Section IV.E, *Greenhouse Gas Emissions,*** of the Draft EIR, the total existing site regional and localized air quality emission estimates, existing site energy consumption and existing site greenhouse gas emissions estimates accounted for the air quality emissions, energy consumption and greenhouse gas emissions estimates associated with the 5,738 square foot Montessori Children's World School, respectively, which as the comment notes is inconsistent with the Project's Transportation Assessment. However, as shown in Table IV.A-4, Table IV.A-7, and Table IV.A-9 on pages IV.A-29, IV.A-55, and IV.A-58 in **Section IV.A, *Air Quality***, of the Draft EIR, the total existing site regional air quality emissions are 1.077 pounds per day (lb/day) of volatile organic compound (VOC), 1.623 lb/day of nitrogen oxides (NO_x), 6.946 lb/day of carbon monoxide (CO), 0.018 lb/day of sulfur dioxide (SO_2), 1.671 lb/day of respirable particulate matter (PM10) and 0.465 lb/day of fine particulate matter (PM2.5), and the existing site localized air quality emissions are 0.022 lb/day of NO_x, 0.020 lb/day of CO, 0.002 lb/day of PM10 and 0.002 lb/day of PM2.5, even when including the 5,738 square foot vacant building that previously housed the Montessori Children's World School in addition to the 8,225-square-foot Big 5 Sporting Goods store that would be removed. This shows that existing site air quality emissions are very minor. This is further demonstrated because as shown in Table IV.A-7 and Table IV.A-9 on pages IV.A-55 and IV.A-58 in **Section IV.A, *Air Quality,*** and specifically, as shown on pages 113 and 114 in Appendix B of the Draft EIR, without taking credit for the existing site regional and localized air quality emissions, the total Project operational regional air quality emissions are 10.62 lb/day of VOC, 12.86 lb/day of NO_x, 66.78 lb/day of CO, 0.19 lb/day of SO_2, 19.23 lb/day of PM10 and 5.34 lb/day of PM2.5 without taking credit for the existing site regional air quality emissions, and the Project operational localized air quality emissions are approximately 0.83 lb/day of NO_x, 2.30 lb/day of CO, 0.25 lb/day of PM10 and 0.17 lb/day of PM2.5. Therefore, even though operational air quality impacts are assessed based on the incremental increase in emissions compared to baseline conditions, the Project's operational regional and localized air quality emissions without subtracting out and taking credit for the existing site regional and localized air quality emissions as listed above would be far below the South Coast Air Quality Management District (SCAQMD) regional operational emissions daily thresholds of 55 lb/day of VOC, 55 lb/day of NO_x, 550 lb/day of CO, 150 lb/day of SO_2, 150 lb/day of PM10 and 150 lb/day of PM2.5, and the SCAQMD localized operational emissions daily thresholds for the Project of 77 lb/day of NO_x, 422 lb/day of CO, 1 lb/day of PM10 and 1 lb/day of PM2.5. Therefore, a revision of the baseline existing emissions is not warranted, the Draft EIR impact determinations in **Section IV.A, *Air Quality*** remain the same, and recirculation of the Draft EIR is not necessary. A footnote clarifying the methodology related to existing uses has been made in **Chapter 3, *Revisions, Clarifications, and Corrections***, of this Final EIR.

In addition, as shown in Table IV.C-2 on page IV.C-23 in **Section IV.C, *Energy***, of the Draft EIR and specifically, as shown on pages 11, 12, and 14 in Appendix E of the Draft EIR, the total existing site uses an estimated 174 megawatt-hours (MWh) of electricity, 105,320 cubic feet of natural gas, 28,645 gallons of gasoline, and 2,779 gallons of diesel, even when including the 5,738 square foot vacant building previously housed the Montessori Children's World School in addition to the 8,225-square-foot Big 5 Sporting Goods store that would be removed. This shows that existing site energy consumption is very minor. This is further demonstrated, as shown in Table IV.C-2 on page IV.C-23 in **Section IV.C, *Energy*** of the Draft EIR and specifically, as shown on pages 11, 12, and 14 in Appendix E of the Draft EIR, without taking credit for the existing site energy consumption, the total Project operational energy consumption would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. The Project would also not conflict with any State, regional, or City goals and would be consistent with Title 24 requirements, the California Green Building Code (CALGreen) Code requirements, Corporate Average Fuel Economy (CAFE) Fuel Economy Standards, SCAG's Connect SoCal: 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS), and the LA Green Building Code. Further, disregarding the existing energy consumption, the Project itself would not have an effect on local or regional energy supplies and would not require additional capacity. The Project alone would account for 0.01 percent of Los Angeles Departments of Water and Power (LADWP)'s projected electricity supply at Project buildout, 0.0002 percent of Southern California Gas Company (SoCalGas)' projected natural gas supply, 0.01 percent of County gasoline consumption, and 0.007 percent of County diesel consumption. This energy consumption is very similar to the net energy requirements reported in Table IV.C-2, which would represent 0.01 percent of LADWP's projected electricity supply at Project buildout, 0.0002 percent of SoCalGas' projected natural gas supply, 0.01 percent of County gasoline-related energy consumption, and 0.006 percent of County diesel consumption. Further, the Project's peak electricity demand without subtracting out and taking credit for existing uses would be 0.6 megawatts (MW) as compared to 0.5 MW peak demand when taking credit for existing uses. This difference is negligible because they both represent 0.01 percent of LADWP's peak electrical demand. Therefore, even though operational energy impacts are assessed based on the incremental increase in emissions compared to baseline conditions, the Project's operational energy consumption without subtracting out and taking credit for the existing site energy consumption as listed above would not result in a noticeable change in peak energy demand or consumption, and a revision of the baseline existing emissions is not warranted, the Draft EIR impact determinations in **Section IV.C, *Energy***, of the Draft EIR, remain the same, and recirculation of the Draft EIR is not necessary. A footnote clarifying the methodology related to existing uses has been made in **Chapter 3, *Revisions, Clarifications, and Corrections***, of this Final EIR.

Also, as shown in Table IV.E-3 on page IV.E-26 in **Section IV.E, *Greenhouse Gas Emissions***, of the Draft EIR, even when including the 5,738 square foot vacant building that previously housed the Montessori Children's World School in addition to the 8,225-square-foot Big 5 Sporting Goods store that would be removed, the total existing GHG

emissions would be 380 metric tons (MT) of equivalent mass of carbon dioxide (CO_2e) per year. The existing site emissions would be very minor as compared to the Project, whereas shown in Table IV.E-8, in **Section IV.E, *Greenhouse Gas Emissions***, of the Draft EIR, the Project Without GHG Reduction Characteristics, Features, and Measures would emit 6,210 $MTCO_2e$ per year, and the Project With GHG Reduction Characteristics, Features, and Measures would emit 4,405 $MTCO_2e$ per year when excluding existing site GHG emissions. Further, this comment does not provide credible evidence that the Project would result in new or substantially increased GHG emission impacts as the Project's GHG analyses do not rely on a quantitative threshold for impact determinations, but rather correctly rely on a qualitative threshold and the Project's consistency with various regulations and plans to conclude the Project's GHG impacts would be less than significant (refer to Response to Comment No. ORG 2-13, below, for additional details). The City, as Lead Agency, has determined that the Project's GHG emissions would not be cumulatively considerable and, therefore, would not have a significant cumulative effect if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including those found within the California Air Resources Board (CARB)'s 2017 Climate Change Scoping Plan (2017 Scoping Plan), SCAG's 2020-2045 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019) (herein referred to as the Green New Deal), and the Los Angeles Green Building Code. In addition, the Project's GHG impacts and determination of no conflict with respect to the applicable plans, policies and regulations for reducing GHG emissions as analyzed in the Draft EIR would not change whether or not the Draft EIR considers the existing site use and takes GHG emissions credit from the existing site. Therefore, substantial evidence provided on pages IV.E-44 through IV.E-80 and Table IV.E-4, Table IV.E-5, and Table IV.E-6 in **Section IV.E, *Greenhouse Gas Emissions,*** of the Draft EIR, shows the Project would be consistent with the applicable provisions of these plans and properly concludes that the Project's GHG impacts are less than significant and mitigation measures are not required. Therefore, recirculation of the Draft EIR is not required. A footnote clarifying the methodology related to existing uses has been made in **Chapter 3, *Revisions, Clarifications, and Corrections***, of this Final EIR.

Comment No. ORG 2-8

B. Since Baseline Conditions for the Project Are Those Existing at the Time of the NOP, All of the DEIR's Baseline Analyses Are Inaccurate and Must be Revised

The DEIR bases its analyses and significant impact findings on the following baselines. These, and any others that fail to reflect conditions existing at the time of the Notice of Preparation, must be revised to reflect the conditions existing at the time the Notice of Preparation was released:

> (1) "Energy demand from the existing uses [including the educational building] is incorporated into this analysis to determine the Project's net (Project minus existing) energy consumption."[69] Utility usage for a vacant facility is likely near zero, so this baseline does not reflect conditions existing at the time of the NOP.

(2) "Operational air quality impacts were assessed based on the incremental increase in emissions compared to baseline conditions" which included credit for the previous uses of the "vacant 5,738-square-foot educational building."[70] These baselines must be revised to reflect the vacant state of the educational building Project site. A more accurate baseline for emissions would account for only the square footage from the Big 5 Sporting Goods.

(3) The CalEEMod calculations and Table IV.E-3 bake the previous GHG estimated uses from the educational building into the current estimated uses.[71] The existing site GHG emissions baseline includes the educational building's energy source, mobile, source, waste, water usage GHG emissions, and assumes that building is operating. The correct baseline would assume these are all near zero for the educational building.

Given these erroneous assumptions, the City must re-circulate the EIR and properly re-calculate the baseline with the educational building being vacant.

Footnote 69: DEIR IV.C-13.

Footnote 70: DEIR IV.A-40 through A-41.

Footnote 71: DEIR IV.E-25 and Table IV.E-3.

Response to Comment No. ORG 2-8

This comment claims that the Draft EIR did not reflect accurate baselines and provides three baselines that were found to be inaccurate. Refer back to Response to Comment No. ORG 2-7 for discussion on the baseline used in Section IV.A, Air Quality, Section IV.C, Energy, Section IV.E, Greenhouse Gas Emissions, of the Draft EIR.

Comment No. ORG 2-9

V. THE EIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS

A. The DEIR Fails to Disclose and Analyze Air Quality Impacts from Construction and Operation

1. The DEIR Fails to Disclose Significant Air Quality Impacts Concealed by an Erroneous Baseline

SCAQMD has developed regional significance thresholds for regulated pollutants. These pollutants include VOC, NOx, CO, SOx, PM10, and PM2.5.[72] The SCAQMD's CEQA Air Quality Significance Thresholds (April 2019) indicate that any projects in the South California Air Basin with daily emissions that exceed any of the thresholds should be considered as having an individually and cumulatively significant air quality impact.[73]

To assess whether Project would exceed SCAQMD thresholds, the DEIR calculated operational emissions based on land use types, the number of units or building sizes associated with a project, vehicle trip characteristics, etc. The results are expressed in pounds per day and are compared with the SCAQMD thresholds to determine impact significance.[74]

However, because the City determined that the proposed Project would replace existing uses, the City applied an "emissions credit" for baseline operational emissions associated with the educational building uses at the Project site which ceased operations in October 2018. These operational emissions include emissions associated with architectural coatings, consumer products, landscape maintenance equipment, energy consumption-related emissions, and mobile source emissions.

The DEIR concludes that, when this emissions credit is subtracted from the estimated Project operational emissions, the net operational emissions of the Project do not exceed SCAQMD regional thresholds.[75] The City must fix this error by re-circulating the EIR and properly re-calculating the baseline with the educational building being vacant.

Footnote 72: DEIR, IV.A-55 and Table IV.A-7.

Footnote 73: *Id*.

Footnote 74: *Id*.

Footnote 75: *Id*.

Response to Comment No. ORG 2-9

This comment states that the Draft EIR incorrectly applies an "emissions credit" for baseline operational air quality emissions associated with the Montessori Children's World School educational building uses that were previously operational at the Project Site. As described in Response to Comment No. ORG 2-7, above, as seen in **Section IV.A, *Air Quality*,** the total existing site regional air quality emission estimates accounted for the air quality emissions associated with the 5,738 square foot Montessori Children's World School, respectively, which as the comment notes is inconsistent with the Project's Transportation Assessment. However, as shown in Table IV.A-4, Table IV.A-7, and Table IV.A-9 on pages IV.A-29, IV.A-55, and IV.A-58 in **Section IV.A, *Air Quality***, of the Draft EIR and specifically as shown on pages 93 and 94 in Appendix B of the Draft EIR, even when including the 5,738 square foot vacant building that previously housed the Montessori Children's World School in addition to the 8,225-square-foot Big 5 Sporting Goods store that would be removed, the existing site air quality emissions are very minor. This is further demonstrated because as shown in Table IV.A-7 and Table IV.A-9 on pages IV.A-55 and IV.A-58 in **Section IV.A, *Air Quality***, and specifically, as shown on pages 113 and 114 in Appendix B of the Draft EIR, without taking credit for the existing site regional and localized air quality emissions, the total Project operational regional air quality emissions are 10.62 lb/day of VOC, 12.86 lb/day of NO_x, 66.78 lb/day of CO, 0.19

lb/day of SO_2, 19.23 lb/day of PM10 and 5.34 lb/day of PM2.5 without taking credit for the existing site regional air quality emissions, and the Project operational localized air quality emissions are approximately 0.83 lb/day of NO_x, 2.30 lb/day of CO, 0.25 lb/day of PM10 and 0.17 lb/day of PM2.5. Therefore, even though operational air quality impacts are assessed based on the incremental increase in emissions compared to baseline conditions, the Project's operational regional and localized emissions without subtracting out and taking credit for the existing site regional and localized air quality emissions, as listed above, would be far below the SCAQMD regional operational emissions daily thresholds of 55 lb/day of VOC, 55 lb/day of NO_x, 550 lb/day of CO, 150 lb/day of SO2, 150 lb/day of PM10 and 150 lb/day of PM2.5, and the SCAQMD localized operational emissions daily thresholds for the Project of 77 lb/day of NO_x, 422 lb/day of CO, 1 lb/day of PM10 and 1 lb/day of PM2.5. Therefore, a revision of the baseline existing emissions is not warranted, the Draft EIR impact determinations in **Section IV.A, *Air Quality***, of the Draft EIR, remain the same, and recirculation of the Draft EIR is not necessary. A footnote clarifying the methodology related to existing uses has been made in **Chapter 3, *Revisions, Clarifications, and Corrections***, of this Final EIR.

Comment No. ORG 2-10

2) The DEIR Fails to Disclose and Analyze Health Risk from Construction Emissions and Lacks a Quantified Health Risk Analysis

An agency must support its findings of a project's potential environmental impacts with concrete evidence, with "sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision."[76] A project's health risks "must be 'clearly identified' and the discussion must include 'relevant specifics' about the environmental changes attributable to the Project and their associated health outcomes."[77]

Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[78] In *Bakersfield*, the court found that the EIRs' description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[79] Likewise in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[80] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[81] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[82]

The failure to provide information required by CEQA makes meaningful assessment of potentially significant impacts impossible and is presumed to be prejudicial.[83] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[84] Courts reviewing challenges to an agency's approval of a CEQA document based on a lack of substantial evidence will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[85]

Claiming that emissions of toxic air contaminants ("TACs") will be less than significant, the DEIR fails to include a health risk analysis to disclose the adverse health impacts that will be caused by exposure to TACs from the Project's construction and operational emissions. As a result, the DEIR fails to disclose the potentially significant risk posed to nearby residents and children from TACs, and fails to mitigate it. Because the DEIR fails to support its conclusion that the Project will not have significant health impacts from diesel particulate matter ("DPM") emissions with the necessary analysis, this finding is not supported by substantial evidence.

One of the primary emissions of concern regarding health effects for land development projects is DPM, which can be released during Project construction and operation. The DEIR acknowledges that the greatest potential for TAC emissions during construction would be related to DPM emissions associated with heavy-duty equipment during construction.[86] However, the DEIR failed to perform a quantitative assessment of the Project's DPM emissions, instead concluding that the Project's cancer risk from exposure to DPM would be less than significant based on the DEIR's conclusion that the Project's *criteria pollutant* emissions are less than significant.

The DEIR's failure to quantify the health risk from DPM exposure is unsupported. CEQA expressly requires that an EIR to discuss, inter alia, "health and safety problems caused by the physical changes" resulting from the project.[87] When a project results in exposure to toxic contaminants, this analysis requires a "human health risk assessment."[88] OEHHA[89] guidance also sets a recommended threshold for preparing an HRA of a construction period of two months or more.[90] Construction of the instant Project will last at least 24 months, though the DEIR puts forth multiple timelines for construction as discussed above. A health risk analysis is necessary to determine how significant those impacts will be and if mitigation measures are sufficient to avoid risks to public health.

Footnote 76: *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.

Footnote 77: *Id*. at 518.

Footnote 78: *Id*. at 518–520; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

Footnote 79: *Id*. at 1220.

Footnote 80: *Sierra Club*, at 521.

Footnote 81: *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

Footnote 82: *Sierra Club*, 6 Cal.5th at 518–522.

Footnote 83: *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236–1237.

Footnote 84: *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.

Footnote 85: *Id.* (internal quotations omitted).

Footnote 86: DEIR Section IV.A Air Quality, p. IV.A-60.

Footnote 87: 14 C.C.R § 15126.2(a).

Footnote 88: *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).

Footnote 89: OEHHA is the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. See OEHHA organization description, available at http://oehha.ca.gov/about/program.html.

Footnote 90: See "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/hotspots2015.html ("OEHHA Guidance"), p. 8-18.

Response to Comment No. ORG 2-10

This comment claims that the Draft EIR failed to disclose and analyze health risk from construction emissions and lacks a quantified health risk analysis. Neither the City of Los Angeles nor the SCAQMD currently require construction health risk assessments (HRAs) for projects in their jurisdiction. The Project would include a medical office and retail-commercial development with associated parking. SCAQMD requires operational HRAs to be conducted only for facilities that include the following activities that have the potential to generate high levels of diesel particulate matter (DPM):[3]

[3] South Coast Air Quality Management District (SCAQMD), Mobile Source Toxics Analysis, http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis, accessed August 25, 2021.

- Truck idling and movement (such as, but not limited to, truck stops, warehouse/distribution centers or transit centers),
- Ship hoteling at ports, and
- Train idling.

The Project does not include any of these uses and would not be a significant source of on-site diesel emissions. Therefore, an operational HRA is neither warranted nor required.

Potential human health impacts of the Project are addressed throughout the Draft EIR in accordance with the CEQA Statutes and Guidelines and applicable SCAQMD thresholds and regulations. For example, **Section IV.A, *Air Quality***, of the Draft EIR analyzes the potential for the Project to generate criteria air pollutants in excess of SCAQMD thresholds and identifies sensitive receptors in the Project vicinity that may be exposed to such pollutants. **Subsection IV.A.2a)(1), *Air Quality and Public Health***, of the Draft EIR provides a description of the criteria pollutants and their respective health effects. The Draft EIR concludes, based on a detailed quantification of the Project's pollutant emissions, that neither the Project's operational emissions would exceed the SCAQMD's regional or localized thresholds. The Project's construction would not exceed regional thresholds and would not exceed localized thresholds with the incorporation of mitigation. The localized thresholds are health based in that they represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard. The Draft EIR also evaluates impacts from hazardous materials in **Section IX, *Hazards and Hazardous Materials***, of the Initial Study, provided in Appendix A of the Draft EIR.

Specifically, with respect to the need for an HRA for Project construction, the Project includes an anticipated construction duration of approximately 34 months, which is only approximately 9.4 percent of the 30-year exposure duration recommended for health risk analyses by the Office of Environmental Health Hazard Assessment (OEHHA). This comment misrepresents the guidance from OEHHA, which does not require a construction HRA in this situation. The OEHHA guidance cited in this comment provides technical perspective on how construction activities could be evaluated if they would last for more than two months in terms of exposure assumptions. While the guidance recommends to not perform a cancer risk assessment for construction lasting less than two months, it is not accurate to extrapolate this statement into a conclusion that all other longer construction events should be assessed. On the contrary, as indicated in the latest OEHHA Guidance Manual for Preparation of Health Risk Assessments, it is up to local air districts to determine whether construction-related HRAs are to be required.[4] The SCAQMD does not have recommendations for how to conduct a construction HRA for CEQA purposes using the revised OEHHA guidelines but has been tasked with going through a public process to develop those recommendations to bring to the SCAQMD

[4] Office of Environmental Health Hazard Assessment (OEHHA), Guidance Manual for Preparation of Health Risk Assessments, February 2015, page 1-3.

Board for approval.[5] As those recommendations have not been published or adopted, a construction HRA is not required per current SCAQMD guidance.

The Localized Significance Threshold (LST) analysis is performed to ensure that nearby sensitive receptors to a project are not adversely affected by emissions from on-site construction activities that are in close proximity to nearby receptors. As shown Table IV.A-8 on page IV.A-48 in **Section IV.A, *Air Quality***, of the Draft EIR, the closest sensitive receptors, located approximately 20 feet from the Project boundary, would not be significantly impacted by construction emissions from the Project for NO_x, CO and PM10. With respect to PM2.5, as detailed in Table IV.A-10 on page IV.A-64 in **Section IV.A, *Air Quality***, of the Draft EIR, with the implementation of Mitigation Measure AIR-MM-1, impacts for PM2.5 would be reduced to less than significant levels. Therefore, no significant short-term health impacts would occur during construction of the Project, and impacts would be less than significant.

Although a quantitative construction HRA for the Project is not required for the reasons discussed above, in order to provide information that further supports the Draft EIR's less than significant finding with respect to TAC emissions, a quantitative construction HRA has been prepared, and is included in Appendix B of this Final EIR. The results of the quantitative HRA demonstrate that the Project would not exceed the SCAQMD significance threshold for health risk impacts from TAC emissions and re-confirms the Draft EIR's less than significant finding with respect to TAC emissions.

The Project construction HRA was performed using a modeling approach in accordance with the City's approach for conducting such analyses, which used exposure factors (e.g., fraction of time at home, daily breathing rate factors, exposure durations) in the SCAQMD *Risk Assessment Procedures*[6] in effect at the time of the 2003 OEHHA Guidance Manual. As discussed below, the results of the quantitative HRA supports the Draft EIR's less than significant conclusion with respect to TAC emissions.[7]

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5 Based on personal communication with Lijin Sun, *J.D. Program Supervisor, CEQA IGR,* SCAQMD*,* May 18, 2018 and information provided at AEP/SCAQMD Update July 17, 2019.

6 SCAQMD, Risk Assessment Procedures for Rules 1401 and 212 Version 7.0 and Attachment L Version 7.0, 2012.

7 A review of relevant guidance was conducted by the City to determine applicability of the use of early life exposure adjustments to identified carcinogens. The United States Environmental Protection Agency (USEPA) provides guidance relating to the use of early life exposure adjustment factors whereby adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." In 2006, the USEPA published a memorandum, which provided guidance regarding the preparation of health risk assessments (HRAs) should carcinogenic compounds elicit a mutagenic mode of action. As presented in the technical memorandum, numerous compounds were identified as having a mutagenic mode of action. Based upon this review, none of the gaseous compounds considered in the HRA were identified and, therefore, early-life exposure adjustments were not considered. For diesel particulates (pollutants of concern from Project construction equipment and operational diesel-fueled vehicles), 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. Therefore, early life exposure adjustments are neither required nor appropriate and, therefore, should not be considered in the Project's toxic air contaminants (TAC) analysis.

For the quantitative HRA, refined dispersion modeling was performed using the United States Environmental Protection Agency AMS/EPA Regulatory Model (AERMOD). Meteorological data from the SCAQMD's Santa Monica Airport Stations, which is the closest SCAQMD meteorological station to the Project Site, was used to represent local weather conditions and prevailing winds data. Terrain data from U.S. Geological Survey (USGS) was used to assign elevations to sources and modeling receptors. Sensitive receptors used for modeling were placed at the location of the receptor buildings near to the Project Site. Construction DPM emissions from heavy-duty off-road equipment were modeled using the heavy-duty construction equipment exhaust PM10 emissions estimated from CalEEMod and characterized as line volume sources within AERMOD. The line volume sources were located throughout the Project Site to represent on-site construction emissions. Off-site DPM emissions from haul trucks traveling along street surrounding the Project Site (i.e., San Vicente, La Cienega, and Wilshire Boulevard). On-road truck emissions were estimated using the CARB on-road vehicle emissions factor (EMFAC) model and were characterized in AERMOD as line-volume sources. Construction emissions were allocated in AERMOD to the active construction hours. The AERMOD model was also run using the urban modeling option, which is SCAQMD policy for all air quality impact analyses in its jurisdiction.

The results of the Project construction HRA using the refined AERMOD dispersion modeling are listed below. As shown, the unmitigated Project would result in cancer risk impacts that exceed the significance threshold of an incremental risk of 10 in one million for the maximum impacted residential receptors. Implementation of Mitigation Measure AIR-MM-1, as identified on pages IV.A-62 and IV.A-63 in **Section IV.A, *Air Quality***, of the Draft EIR, would reduce cancer risk impacts to well below the significance threshold for the maximum impacted residential receptor. The maximum unmitigated non-cancer impacts for the Project would be an incremental increase in the hazard index of approximately 1.7. Implementation of Mitigation Measure AIR-MM-1, which would reduce the hazard index to 0.12, is less than the threshold of 1.0. The results of this refined AERMOD dispersion modeling provides further substantial evidence that supports the Draft EIR's less than significant conclusion with respect to TAC emissions.

Project Construction Health Risk Assessment Results – Maximum Cancer Risk (Significance Threshold is 10 in one million) (refer to Appendix B of this Final EIR):

- Unmitigated: 17.58 in one million
- Mitigated: 1.15 in one million

Comment No. ORG 2-11

3. The City's Analysis Of Emissions From The On-Site Back Up Generator ("BUG") Ignores The Substantial Emissions That Will Occur From Non-Testing Periods Of The BUG

The City's analysis of the air quality impacts from the BUG makes two improper assumptions. First, it assumed the BUG will be maintained and tested for no more than 50 hours per year even though SCAQMD permits up to 200 hours of testing per year.[91] As Mr. Clark explains, the "City's assumption that the BUG would operate at a substantially reduced rate ignores the legally acceptable threshold outlined in SCAQMD Rule 1470."[92] The City has therefore failed to properly measure the potential impact of DPM emissions from the BUG on the receptors nearby, and from BUG emissions of NOx. Thus the DEIR's conclusion that there will be less than significant impacts from the BUG is unsupported.

Secondly, the DEIR fails to analyze all uses that stem from the reasonably foreseeable increase of generator use during Public Safety Power Shutoff ("PSPS") events and extreme heat events. The recent rise of Extreme Heat Events in the State has increased the amount of PSPS events and thus increased the amount of time generators are being run at hospitals.[93]

Mr. Clark explains that EHEs "are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit."[94] In 2021 alone, the Governor released one Executive Order regarding EHEs and one Proclamation for a State of Emergency with the intention to help avoid PSPS events.[95] CARB notes though that the number of Extreme Heat Events is likely to increase, and thereby PSPS events, with the continuing change in climate that the State is currently undergoing.[96]

According to the California Public Utilities Commission ("CPUC") de- energization report[97] in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers, and the rest were commercial/industrial/medical baseline/other customers. CARB's data also indicated that on average each of these customers had about 43 hours of power outage in October 2019.[98] Mr. Clark notes that CARB concluded that PSPS events in October of 2019 alone generated 126 tons of NOx, 8.3 tons or particulate matter, and 8.3 tons of DPM.[99]

Mr. Clark concludes that "power produced [from generators] during PSPS or extreme heat events is expected to come from [diesel] engines" and would result in increased DPM. Mr. Clark concluded that "each hour of testing/operation of the BUG generates 0.0096 lbs of DPM" and that for 2021 so far the DEIR as drafted would fail to account for 120 hours of generation.[100]

The California Hospital Building Safety Board – Energy Conservation and Management Committee, which governs California Hospitals, has noted this increased trend of EHEs,

PSPS, and increased generator requirements and now recommended in a recent white paper that for hospitals to provide even basic care "[hospitals] must provide backup power in excess of the 96 hours" in the event of PSPS.[101] The Project will include seven floors of medical offices, totaling 140,305 square feet of medical use at the Project site, plus a pharmacy.[102] Since the Project's primary use will be patient care, Dr. Clark explains that, in order to meet existing medical safety board recommendations and adequately serve patients, the Project must provide more backup generating power than an average commercial or retail facility.[103] The Project's medical uses are an additional factor making it reasonably foreseeable that the Project's BUG will operate more than 50 hours per year

While the City is not required to analyze the worst case scenarios, there is substantial evidence demonstrating that PSPS events and EHE are reasonably foreseeable events which will require the use of the BUG. A detailed analysis of the emissions and noise from these additional hours of BUG operation should be included in a revised EIR analysis related to the extra time the BUG will need to run to account for EHEs and PSPS.

Footnote 91: SCAQMD Rule 1407.

Footnote 92: Clark Comments p. 6.

Footnote 93: Modern Health Care, California hospitals rely on generators during PG&E power outages, October 2019, https://www.modernhealthcare.com/providers/california-hospitals-rely-generators-during-pge-power-outages

Footnote 94: Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021; Clark Comments p. 6.

Footnote 95: Cal. Governor Executive Order N-11-21, https://www.gov.ca.gov/wp-content/uploads/2021/07/EO- N-11-21-Extreme-Heat-Event-07.10.21.pdf; Cal. Governor Proclamation of a State of Emergency, June 16, 2021, https://www.gov.ca.gov/wp-content/uploads/2021/06/6.17.21-Extreme-Heat- proclamation.pdf.

Footnote 96: CARB 2017 Scoping Plan, p. 6, https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf

Footnote 97: https://www.cpuc.ca.gov/deenergization/ as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

Footnote 98: CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

Footnote 99: Clark Comments p. 7.

Footnote 100: Appendix B of the DEIR, page 135 of 228; Clark Comments p. 7.

Footnote 101: Cal Hospital Building Safety Board – Energy Conservation and Management Committee, Microgrids for Healthcare Facilities Whitepaper, January 13 2021, https://oshpd.ca.gov/wp- content/uploads/2021/01/HBSB-MICROGRID-CONSOLIDATED-DRAFT-1.13.21-A.pdf.

Footnote 102: DEIR, p. II-1.

Footnote 103: Clark Comments, p. 8.

Response to Comment No. ORG 2-11

This comment first states that the Project analysis of the air quality impacts from the emergency backup generators makes the improper assumption that the emergency backup generators will be maintained and tested for no more than 50 hours per year even though SCAQMD permits up to 200 hours of testing per year based on SCAQMD Rule 1470.[8] Contrary to this comment, as specifically stated in SCAQMD Rule 1470, "new stationary emergency standby diesel-fueled engines (>50 bhp) shall not operate more than 50 hours per year for maintenance and testing." This comment is presumed to be referring to SCAQMD Rule 1470's allowance of emergency backup generators to operate up to 150 hours for an Interruptible Service Contract (ISC) that is a contractual arrangement in which a utility distribution company provides lower energy costs to a nonresidential electrical customer in exchange for the ability to reduce or interrupt the customer's electrical service during a Stage 2 or Stage 3 alert, or during a transmission emergency. Therefore, this comment incorrectly cites Rule 1470 while the Project analysis of the air quality impacts from the emergency backup generators makes the correct assumption that the emergency backup generators will be maintained and tested for no more than 50 hours per year as stated by Rule 1470, and does not improperly assume that the Project has entered an ISC with LADWP as that is not a requirement for acquiring a permit.

Further, this comment fails to recognize that emergency generators are not a substitute for full normal operation of a building. The Project's emergency backup generators would supply power for emergency lighting, exit signs, fire alarm systems, and the electric motor pumps for the fire sprinklers. The emergency generators may also supply emergency power for smoke isolation dampers/evacuation fans, elevators, handicap doors, life support systems and monitoring equipment, and surgical rooms to allow for these patients to be transferred in case of an emergency. However, emergency backup generators are not designed to replace full operational power needs of a building and would not be designed for full normal operation of the Project. Under emergency generator power, the Project buildings would not operate at the normal capacity and would therefore generate substantially less air pollutant emissions, including NO_x and PM. This is because in such an emergency situation, operational activities at the Project would be substantially reduced. For instance, many of the activities emission sources described in **Section IV.A, *Air Quality***, of the Draft EIR, would cease or decrease during an emergency including

8 SCAQMD Rule 1470.

vehicles traveling to and from the Project Site, natural gas combustion from water heaters, boilers, and restaurant cooking stoves, landscaping activities and associated equipment, and the use of consumer products such as re-application of architectural coatings and the cleaning building surfaces. It is not reasonable that these activities would continue at the same level in an emergency situation where the Project is relying on the emergency backup generators for power compared to normal operations. Thus, the Draft EIR conservatively and appropriately evaluates the Project's operational regional and localized emissions in Table IV.A-7 and Table IV.A-9 on pages IV.A-55 and IV.A-58 in **Section IV.A, *Air Quality***, of the Draft EIR, respectively, based on normal Project operational conditions, which would be higher than those from the reduced capacity of the Project during an emergency situation relying on emergency backup power. The Draft EIR does include emissions from emergency generator testing that could occur on a non-emergency Project operational day, which is an appropriate and reasonable assumption. As discussed in the Draft EIR, the Project would result in less than significant impacts with respect to SCAQMD significance threshold even without considering the net emissions reductions from the existing site uses. No additional analysis or recirculation of the Draft EIR is required.

This comment also states that the Draft EIR fails to analyze all uses that stem from the reasonably foreseeable increase of generator use during Public Safety Power Shutoff ("PSPS") events and extreme heat events. However, this comment does not recognize that emergency generators are not a substitute for power supplies that allow for full normal operation of a building. As mentioned above, the operational air quality emissions from normal Project activities as listed above would be greatly limited during an emergency situation until such time that normal operating conditions and electrical power is restored. Thus, the Draft EIR conservatively and appropriately evaluates the Project's operational regional and localized emissions in Table IV.A-7 and Table IV.A-9, respectively. As discussed in the Draft EIR, the Project would result in less than significant impacts with respect to SCAQMD significance threshold even without considering the net emissions reductions from the existing site uses. No additional analysis or recirculation of the Draft EIR is required.

Comment No. ORG 2-12

4. The City's Site Specific Local Significance Thresholds (LSTs) Are Flawed And Do Not Consider The Actual Distance Between The Closest Sensitive Receptors To The Project Site

The City's Air Quality impact analysis lacks substantial evidence to support its conclusions since the "City assumes that the nearest sensitive receptors during the Project construction and operational phases are located 130 feet to the north (a park [short-term impacts]) and 200 feet to the west (residential)."[104] As Mr. Clark explains, this is incorrect because "the DEIR states that the nearest receptor to the Project site is a multi-family residential uses approximately 20 feet (6 meters) to the northeast across the alley adjacent to the Project Site."[105] This error grossly underestimated the air quality

impacts to nearby sensitive receptors since "the LST generated for a receptor 25 meters away would not actually be protective of the residents of the nearest residents to the Project site who are less than 25 meters away from the site boundary."

An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[106] The DEIR's discussion regarding LSTs fails to meet this standard.

Footnote 104: DEIR Appendix B p. 115 of 228.

Footnote 105: Clark Comments p. 5.

Footnote 106: *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 520; *Kings County Farm Bureau*, 221 Cal.App.3d at 732.

Response to Comment No. ORG 2-12

This comment states that the Draft EIR underestimates the air quality impacts to nearby sensitive receptors because the LST generated for a receptor 25 meters away would not actually be protective of the residents of the nearest residents to the Project site who are less than 25 meters away from the site boundary. For clarification, the nearest receptor to the Project site is a multi-family residential use approximately 20 feet (6 meters) to the northeast across the alley adjacent to the Project Site. However, as documented on page IV.A-43 in **Section IV.A, *Air Quality***, of the Draft EIR and stated in the SCAQMD, Final Localized Significance Threshold Methodology, published June 2003 and revised July 2008, on page 3-3. "Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters." Therefore, the Draft EIR correctly applies the relevant LST where the screening criteria used in the analysis were those applicable for a one-acre site in the Central LA area with sensitive receptors located within 25 meters, which accounts for all adjacent off-site sensitive receptors as directed by SCAMQD's Final Localized Significance Threshold Methodology and correctly evaluates the Project's localized operational impacts on adjacent sensitive receptors in Table IV.A-9 on page IV.A-58 in **Section IV.A, *Air Quality***, of the Draft EIR, where the Project's localized operational emissions result in less than significant impacts with respect to SCAQMD numeric indicators and recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-13

B. The DEIR Fails to Disclose and Analyze GHG Impacts from Construction and Operation

a) The DEIR's Analysis of GHG Emissions Relies on an Unsupported Threshold

Under the CEQA Guidelines, a lead agency must analyze a project's impacts on GHG emissions.[107] The Guidelines allow for several approaches to this analysis, both

qualitative and quantitative. The Guidelines explicitly mandate, however, that the "analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes."[108] In determining the significance of GHG emissions impacts, the agency must consider the "extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions."[109]

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. The DEIR concludes that the Project's GHG impacts would be less than significant based on the Project's consistency with the goals and actions to reduce GHG emissions found in the City's Green New Deal and the 2017 California Climate Change Scoping Plan.[110]

Though the DEIR outlines a few ways in which the Project will comply with these plans, the majority of its strategies for assuring consistency are ambiguous at best, and are not supported by substantial evidence. Many of these strategies delegate to other agencies and departments the responsibility of determining compliance with the plans, while others make conclusory statements regarding the Project's compliance with particular strategies for reducing emissions without providing any support for these conclusions. For example, the DEIR asserts that the Project does not conflict with strategies that propose adopting vehicle efficiency measures in order to reduce GHG emissions included in the AB 32 Scoping Plan because it is required to comply with them.[111] Likewise, the DEIR claims that it will be required to comply with SB 100 and the RPS program because the Project's electricity is derived from LADWP.[112] These—and several other claims made by the DEIR regarding its compliance with state and regional plans and policies—offer no meaningful analysis of how the Project would specifically comply with these strategies.

The DEIR's statements cannot qualify as analyses of consistency with local, state, and regional plans because they lack any discussion of the plans' goals and policies as they apply to the Project. An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[113] The DEIR's discussion fails to meet this standard.

Footnote 107: 14 C.C.R §15064.4.

Footnote 108: 14 C.C.R §15064.4(b).

Footnote 109: 14 C.C.R. § 15064.4(b)(3).

Footnote 110: DEIR Section IV.E-79.

Footnote 111: DEIR IV.E-82.

Footnote 112: DEIR IV.E-46.

Footnote 113: *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 520; *Kings County Farm Bureau*, 221 Cal.App.3d at 732.

Response to Comment No. ORG 2-13

This comment states that the Project and the analyses incorrectly relies on an unsupported threshold. The Project's GHG analysis is supported by substantial evidence and emissions modeling provided in the Draft EIR and does not underestimate emissions associated with the Project's construction and operational activities. The Project's CalEEMod output files, provided in Appendix B of the Draft EIR, contain input values that are consistent with information disclosed in the Draft EIR and in some cases slightly more conservative in order to ensure that the Project's potential greenhouse gas emissions are disclosed. As a result, the Project's construction and operational emissions are not underestimated.

Further, as stated in Response to Comment No. ORG 2-8, above, the Project and the GHG analyses correctly rely on a qualitative threshold and the Project's consistency with various regulations and plans to conclude that the Project's GHG impacts would be less than significant. As discussed on pages IV.E-30 through IV.E-33 in **Section IV.E, *Greenhouse Gas Emissions***, of the Draft EIR, in the absence of any adopted thresholds of general application, the City, as Lead Agency, has determined that the Project's GHG emissions would not be cumulatively considerable and, therefore, would not have a significant cumulative effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's 2017 Scoping Plan, SCAG's 2020-2045 RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code if all apply to the Project and are all intended to reduce GHG emissions to meet the Statewide targets set forth in Assembly Bill (AB) 32 and amended by SB 32. Therefore, if the Project would not conflict with these plans, the City would be able to achieve its GHG reduction goals, and, therefore, these plans can be used at a project-level to show that a project would not have a significant cumulative effect on the environment as it relates to GHG impacts. In addition, support for this threshold is found in California Supreme Court case law, such as *Center for Biological Diversity et al. vs. California Department of Fish and Wildlife and Newhall Land and Farming* (2015) 62 Cal.4th 204 and *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.).

Thus, substantial evidence supports that the City has properly exercised its discretion to utilize a qualitative threshold based on consistency with CARB's 2017 Scoping Plan, SCAG's 2020-2045 RTP/SCS, the City's Green New Deal, and the Los Angeles Green Building Code. As the substantial evidence provided on pages IV.E-44 through IV.E-72 and Table IV.E-4, Table IV.E-5, and Table IV.E-6 on pages IV.E-49, IV.E-64, and IV.E-70 in **Section IV.E, *Greenhouse Gas Emissions,*** of the Draft EIR, shows, the Project would be consistent with the applicable provisions of these plans. Therefore, the Draft EIR properly concludes, based on substantial evidence, that the Project's GHG impacts are less than significant and mitigation measures are not required.

Comment No. ORG 2-14

C. The DEIR Fails to Accurately Disclose and Mitigate Significant Noise Impacts

The CEQA Guidelines require an EIR to consider "whether a project would result in…[g]eneration of a substantial temporary or periodic increase in ambient noise levels in the vicinity of the project..."[114] The DEIR's noise analysis fails to accurately disclose the Project's noise impacts for several reasons.

1. The DEIR Fails to Disclose and Analyze Traffic Noise

a) The DEIR Traffic Noise Model was Uncalibrated thus Resulting in an Inaccurate Quantitative Analysis

The DEIR's Noise Report fails to accurately calculate the baseline ambient noise at the Project site. An accurate baseline is necessary to assess the significance of the Project's two-year construction noise on sensitive receptors in the vicinity of the Project site.[115]

To establish ambient noise levels at the Project site, the DEIR relies on six, 15-minute, on-site noise measurements conducted on a single day between 7:00 am and 9:00 am on February 19, 2020.[116] Mr. Watry explains that these measurements are inadequate and go against industry practice by failing to gather the requisite 24 hour data in order to properly calibrate existing traffic noise levels.[117] Mr. Watry notes that the DEIR presents modeled traffic noise levels in terms of CNEL, while expressly stating that there was no need to measure existing CNEL. Mr. Watry explains that these contradictory statements in the DEIR demonstrate that the traffic noise model was not properly calibrated, and, therefore, does not support an accurate quantitative analysis assessing Project noise levels over existing noise levels.[118] The DEIR's failure to calibrate the noise modeling makes an accurate analysis of the DEIR's conclusions of noise impacts impossible, and render the DEIR's conclusion that noise impacts have been mitigated to the greatest extent feasible unsupported.

b) DEIR Construction Noise Analysis Under-Estimates Noise Levels

CEQA does not set a numeric threshold for determining the significance of ambient noise increases. Lead agencies may select their own thresholds. The agency's selection of a threshold of significance must be supported by substantial evidence.[119] As explained by Mr. Watry in his comments, the Project's noise impacts will be significant, and the DEIR fails to consider the actual distance of the Project's construction activities to nearby sensitive receptors.[120] In addition, the DEIR fails to address potentially significant noise impacts from the Project's construction activities, both underestimating some impacts and failing to disclose others.

The DEIR underestimates the noise levels from construction activities, such as the noise from tractor and loaders by at least 15%.[121] Mr. Watry notes "the acoustical usage factor for "Tractor/Loader/Backhoe" in the RCNM is 40%, whereas the DEIR analysis, without

explanation, uses 25%."[122] The DEIR's noise measurements were therefore conducted using inaccurate and unsupported acoustical usage factors. The DEIR therefore fails to accurately disclose the actual construction noise on sensitive receptors near the Project site, resulting in inadequate analyses of impacts on these receptors and incorrect conclusions about the nature and severity of the Project's impacts.

Furthermore, the DEIR also provides inconsistent analysis regarding the noise from tractors and loaders. As Mr. Watry explains, in the Demolition phase, for example, the distance used for the Concrete Saw and Tractor/Loader/Backhoe is 20 feet, the closest approach distance between the project site and noise-sensitive receptor N1.[123] However, the distance for the Dozers and Frond End Loader is 235 feet.[124] Mr. Watry clarifies that these distances are "about as far from N1 as one can be while on the project site. The distance used for the Excavators and Forklift is a little more than halfway across the site as viewed by N1."[125] No rationale is given for the varying distances. Thus, Mr. Watry concludes, the distances used in the DEIR's analysis are unsupported and clearly inaccurate, rendering the impact analysis inaccurate.

The DEIR inconsistent foundation for its noise analysis creates confusion regarding how severe these noise impacts will be and fails to provide substantial evidence for its conclusions.

Footnote 114: CEQA Guidelines, Appendix G, Sec. XII(d).

Footnote 115: 14 C.C.R § 15125; *Comtys. For A Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 328 (accurate description of the affected environment is essential because it establishes the baseline physical conditions against which a lead agency can then determine whether an impact is significant); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 952; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App 4th 1109, 1121-22

Footnote 116: DEIR Section IV.G-26.

Footnote 117: Watry Comments, p. 3.

Footnote 118: Watry Comments, p. 3.

Footnote 119: 14 C.C.R § 15064(b); *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884.

Footnote 120: DEIR Section IV.G-34.

Footnote 121: Watry Comments, p. 5.

Footnote 122: Watry Comments, p. 5.

Footnote 123: Watry Comments, p. 5.

Footnote 124: *Id*.

Footnote 125: *Id*.

Response to Comment No. ORG 2-14

This comment claims that the Draft EIR failed to disclose and analyze traffic noise. With respect to the comments regarding the Traffic Noise Model (TNM), the Federal Highway Administration (FHWA) TNM is used by Caltrans for the traffic noise analysis. Caltrans uses peak traffic noise hour to determine potential worst case traffic noise levels [Leq(h)] at individual sensitive receptors along highways/freeways, and determine if the projected traffic noise levels would approach or exceed its noise abatement criteria (NAC). Because traffic noise modeling uses free-flowing, maximum posted speed limit to calculate the worst case hourly equivalent noise level, $L_{eq}(h)$, and at some receptor locations there may be shielding unaccounted for in the modeling process, it is important to calibrate the model using concurrent traffic count when doing the off-peak traffic hour noise measurement. The difference between the measured noise level and the calculated noise level using the concurrent traffic count would be considered the amount to be adjusted, when the traffic noise levels are calculated with the traffic volumes (existing, future, and cumulative, with and without project). The adjusted traffic noise levels will then be used to determine if the NAC is approached or exceeded, and noise abatement measures can be determined with modeling.

The 24-hour weighted average, whether it is in terms of the Community Noise Equivalent Level (CNEL) or Day-Night Noise Level (DNL, or L_{dn}), cannot and should not be calibrated with ambient noise measurement for several reasons. First, the modeled traffic noise levels are used to compare projected traffic noise levels among various project scenarios (existing, future, cumulative, with and without project), and they are not used to determine if the proposed on-site uses would be exposed to potentially significant traffic noise impacts (which is not required by CEQA). As long as every project scenario uses the same modeling settings (e.g., pavement conditions or shielding effect), the differences between these project scenarios would not change (since the adjustment would be added to the baseline model and all subsequent modeled conditions) and would be valid for determining project-related changes and its potential impacts.

Second, traffic noise level calibration is used at individual receptor locations, and should not be applied to all receptors along one segment of the road, because there may be different shielding conditions at each respective receptor locations. Together, there are 27 segments of local streets evaluated in the noise analysis, and there are multiple receptors along each street segment analyzed. It is not feasible to conduct 24-hour ambient noise measurement at each and every one of the sensitive receptors along these 27 segments of the streets in the Project vicinity.

Last, City of Los Angeles Noise Regulations, Chapter XI of the LAMC, in Section 111.02, provides procedures and criteria for the measurement of the sound level of “offending” noise sources. In accordance with the LAMC, a noise source that causes a noise level

increase of 5 dBA over the existing average ambient noise level as measured at an adjacent property line creates a noise violation. LAMC Section 111.01 further defines that "Ambient Noise" is the composite of noise from all sources near and far in a given environment, exclusive of occasional and transient intrusive noise sources and of the particular noise source or sources to be measured. Ambient noise shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured. The ambient noise levels included in the noise analysis therefore provided a basis for the comparison to project-related noise levels at the sensitive receptor locations where the ambient noise level was taken. Contrary to the statements raised in this comment, the City has no requirement nor standards for conducting 24-hour ambient noise measurements. As such, the measurements utilized in the Draft EIR are in compliance with applicable City standards.

As shown at the top of Table IV.G-10 on page IV.G-37 in **Section IV.G, *Noise,*** of the Draft EIR, the usage factor is "estimated." Even though it is unusual to modify the usage factor when modeling construction noise from a set of construction equipment, changing the usage factor for two (2) pieces of equipment out of nine (9) pieces of equipment from 40 percent to 25 percent, and the equipment is not among the three pieces of equipment with the highest noise levels, would result in a reduction of 0.4 dBA in the hourly equivalent noise level, $L_{eq}(h)$, calculated (for the demolition phase in this case). The difference in the resulting total combined noise level is too small to be perceptible by the human ear.

It's unreasonable to assume all of the equipment would be operating in a concentrated area along the closest edge to the off-site sensitive receptor. The varied distances are deliberate to simulate equipment arranged in different locations throughout the site but placing equipment with highest noise level at the closest distance to the off-site receptors. It is not possible to physically locate heavy-duty equipment in the same space at the same time or locate multiple equipment within close distances, which would pose a risk to safety from the accidental collision of equipment. As the analysis assumes the equipment with highest noise level are located at the closest distance to the off-site receptors, the Draft EIR provides a reasonably conservative analysis. Therefore, no additional analysis or recirculation is required.

Comment No. ORG 2-15

c) Construction Noise Mitigation Measure Should Be Clarified

The DEIR concludes that noise impacts will be significant and unavoidable even with mitigation measures. To address this, the DEIR includes in its mitigation measures the installation of a 15-foot barrier to be erected during demolition and excavation/grading activities,[126] the barrier will do nothing to combat the noise impacts to multi-story residential buildings around the Project site.[127] The DEIR concludes that noise impacts to nearby receptors from construction of the Project will still be substantial with this mitigation.[128]

Mr. Watry concludes that the mitigation offered by the DEIR is wholly insufficient. He explains that a 15-foot high barrier is inadequate to mitigate noise impacts at residences on the far side of the alleyway, which are two-story with multiple windows facing the Project Site.[129] Mr. Watry recommends that the DEIR's mitigation measure be revised to require a 15-foot barrier for the entire extent of the residential buildings, and that feasible noise mitigation should be provided for all sensitive receptor locations, not just ground-level locations.[130]

The DEIR's failure to implement all feasible mitigation measures to reduce construction noise impacts before declaring them significant and unavoidable is a separate CEQA violation. The DEIR concludes that construction noise impacts are significant and unavoidable. Therefore, the DEIR must adopt all feasible mitigation measures to reduce construction noise impacts to the greatest extent feasible, including but not limited to those recommended by Mr. Watry.[131]

Footnote 126: MM NOI-1, DEIR Section IV.H Noise, p. IV.H-34.

Footnote 127: *Id.*

Footnote 128: Watry Comments, p. 6.

Footnote 129: Watry Comments, p. 6.

Footnote 130: *Id*.

Footnote 131: *Covington,* 43 Cal.App.5th at 883.

Response to Comment No. ORG 2-15

This comment states that the noise mitigation measures should be clarified. The Draft EIR concluded that construction noise would result in a significant and unavoidable impact, even with the implementation of mitigation measures. Mitigation Measure NOI-MM-1 states the following:

"The Project shall provide temporary ground-level construction noise barriers, with a minimum height of eight feet and up to a height of 15 feet along the alleyway along the northeast property line, equipped with noise blankets or equivalent noise reduction materials rated to achieve sound level reductions of at least 10 dBA between the Project Site and ground-level sensitive receptor locations. These temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptor(s) during the duration of construction activities. Prior to obtaining any permits, documentation prepared by a noise consultant verifying compliance with this measure shall be submitted to the Department of City Planning."

CEQA requires that feasible and reasonable mitigation measures be implemented to reduce potential noise impacts. Providing a temporary ground-level construction noise barrier that can achieve sound level reduction of at least 10 dBA between the Project Site

and ground-level sensitive receptor locations is feasible and reasonable. However, providing a noise barrier with a height to block the line-of-sight between the Project Site and receptors at second or higher-level building locations is not considered feasible, due to the potential need for the barrier height to reach 20 feet above ground or higher, which would likely require a barrier foundation that could interfere with internal construction activities, require partial or complete closure of the adjacent alleyway, and/or cause safety issues for workers and pedestrians.

Comment No. ORG 2-16

VI. THE DEIR FAILS TO CONSIDER AND ANALYZE CUMULATIVE IMPACTS

CEQA requires an evaluation of cumulative impacts, defined as "two or more individual effects which, when considered together, are considerable."[132] Such impacts may "result from individually minor but collectively significant projects taking place over a period of time."[133] Lead agencies must consider whether a project's potential impacts, although individually limited, are cumulatively considerable. [134] "Cumulatively considerable" under CEQA means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." [135]

CEQA Guidelines section 15130(b)(1) provides two options for analyzing cumulative impacts: (A) list "past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or" (B) summarize "projection contained in an adopted local, regional or statewide plan, or related planning document that describes or evaluates conditions contributing to the cumulative effect."[136] "When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."[137]

This analysis necessarily requires the identification of other projects that will be constructed and/or operating over the same time period as the subject project and the analysis of these projects together with the project being reviewed. The DEIR fails to analyze the impacts the Project will have when considered with other projects within the vicinity that are planned, have been completed, or are under construction.[138]

Footnote 132: 14 C.C.R. § 15355.

Footnote 133: 14 C.C.R. § 15355(b).

Footnote 134: PRC § 21083(b); 14 C.C.R §§ 15064(h)(1), 15065(a)(3).

Footnote 135: CEQA Guidelines §15064(h)(1).

Footnote 136: 14 C.C.R. § 15130(b)(1).

Footnote 137: *Id.*; *see id.* § 15130(a) (stating that the lead agency shall describe its basis for concluding that an incremental effect is not cumulatively considerable).

Footnote 138: Clark Comments, p. 2; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).

Response to Comment No. ORG 2-16

This comment states that the Draft EIR failed to analyze the cumulative impacts of the Project. **Chapter IV, *Environmental Impact Analysis***, of the Draft EIR provides a cumulative analysis for all environmental issues analyzed as part of the Draft EIR based on the related projects list provided in Table III-1 on page III-5 in **Chapter III, *Environmental Setting***, of the Draft EIR. Specific comments on the cumulative analysis in the Draft EIR is provided below in Response to Comment Nos. ORG 2-18 and ORG 2-19.

Comment No. ORG 2-17

A. The DEIR Fails to Disclose, Analyze, and Mitigate Cumulative Impacts to Air Quality

A proper cumulative impact analysis is vital for an environmental analysis "because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that the environmental damage often occurs incrementally from a variety of small sources with which they interact."[139] The DEIR's conclusion is flawed for the following reasons.

First, as Mr. Clark notes "the Project would contribute to an existing significant impact, i.e. degraded air quality in the South Coast air basin as evidenced by frequent violations of PM_{10}, $PM_{2.5}$ and ozone ambient air quality standards."[140] He further notes that the Project would increase the emissions of PM_{10}, $PM_{2.5}$, and ozone precursors and thus would contribute to these existing exceedances of ambient air quality standards. Thus, the Project's contributions *per se* are cumulatively significant under CEQA.

Second, a cumulative impacts analysis must consider "past projects, the effects of other current projects, and the effects of probable future projects."[141] The DEIR did not identify any other closely related, past, present, or reasonably foreseeable probable future projects let alone attempt to quantify their emissions and, thus, to evaluate them cumulatively with the Project.

Third, the method utilized by the City fails to meet the basic requirements for a cumulative air quality analysis as outlined by the SCAQMD's L.A. CEQA Threshold Guide (2006). A cumulative impact analysis would include a review of the list of related projects and identify those that would have pollutant or odor emissions. The City's air quality cumulative analysis is clearly deficient and must be supported by the preparation of a revised EIR.

Furthermore, the provision of the CEQA Guidelines that permitted agencies to conclude air emissions would be cumulatively insignificant because they are small in the grand scheme of things has been struck down by the Courts. Indeed, as was recognized in *CBE v. CRA* and *Kings County Farm Bureau*, the relevant analysis is not the relative amount of emissions from the Project compared with other emissions, but "whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."[142] As Mr. Clark explained in his comment letter, the Project's emissions may significant if the City had considered the nearby past projects, the effects of other current projects, and the effects of probable future projects.[143]

Footnote 139: *Bakersfield Citizens* (2004) 124 Cal. App. 4th at 1214 (quoting *Communities for a Better Environment v. California Resources Agency* 103 Cal.App.4th at 116).

Footnote 140: Clark Comments p.10.

Footnote 141: CEQA Guidelines §15355(b).

Footnote 142: Id. at 118–121; Kings County Farm Bureau, 221 Cal.App.3d at 718.

Footnote 143: Clark Comments, pp. 3–4; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).

Response to Comment No. ORG 2-17

This comment claims that the Draft EIR fails to disclose, analyze, and mitigate cumulative impacts related to air quality. As stated in the 2006 L.A. CEQA Thresholds Guide, the "City of Los Angeles has not adopted specific Citywide significance thresholds for air quality impacts. However, because of the SCAQMD's regulatory role in the air basin, the 2006 L.A. CEQA Thresholds Guide references the screening criteria, significance thresholds and analysis methodologies in the SCAQMD CEQA Air Quality Handbook to assist in evaluating projects proposed within the City."[9] It is important to note that the mass daily and localized thresholds of significance recommended by the SCAQMD and set forth in the 2006 L.A. CEQA Thresholds Guide apply to individual development projects; they do not apply to the cumulative emissions generated by multiple development projects. Instead, the effects of cumulative growth throughout the Air Basin are addressed through the SCAQMD's Air Quality Management Plan (AQMP). Therefore, the air quality impact analyses are inherently cumulative analyses and the SCAQMD thresholds for individual projects take into account the cumulative impacts within the entire Air Basin. The significance thresholds adopted by the SCAQMD are designed to assist the region in attaining the applicable regional state and national ambient air quality standards.[10,11] These standards apply to both primary (criteria and precursor) and secondary pollutants (ozone). Additionally, Section 15064(h)(3) of the State CEQA

9 City of Los Angeles, 2006 L.A. CEQA Thresholds Guide, 2006, page B-1.
10 California Air Resources Board (CARB), Ambient Air Quality Standards, May 4, 2016.
11 SCAQMD, CEQA Air Quality Handbook, April 1993, page 6-1.

Guidelines provides guidance in determining the significance of cumulative impacts. Specifically, Section 15064(h)(3) states in part that:

> *A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.*

The SCAQMD has provided guidance on an acceptable approach to addressing the cumulative impacts issue for air quality as discussed below:[12]

> *"As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR… Projects that exceed the Project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."*

Therefore, in recognition of SCAQMD's role as expert agency and regulator of air quality in the L.A. air basin, the 2006 L.A. CEQA Thresholds Guide references the screening criteria, significance thresholds and analysis methodologies identified by the SCAQMD. Therefore, based on Section 15064(h)(3) and Section 15064.7(c) of the State CEQA Guidelines, the Draft EIR appropriately relied on the cumulative significance thresholds established by the SCAQMD. Therefore, consistent with accepted and established SCAQMD cumulative impact evaluation methodologies and the State CEQA guidelines, the potential for the Project to results in cumulative impacts from regional emissions is assessed based on the SCAQMD thresholds and methodologies. This approach is widely used and no additional analysis is required.

Comment No. ORG 2-18

B. The DEIR Fails to Disclose, Analyze, and Mitigate Cumulative Impacts to Noise Quality

The DEIR fails to identify significant cumulative noise impacts even though the City concedes the Project hits the significance threshold. Mr. Watry notes that "Table IV.G-18 indicates that land use on Sweetzer Avenue between Orange Street and 6th Street is

[12] SCAQMD, Cumulative Impacts White Paper, Appendix D, August 2003.

"Commercial'" but in actuality is residential.[144] The DEIR notes existing noise level at this duplex is 55.5 CNEL and that the Future Plus Project noise level will be 60.5 CNEL, a 5.0 dBA increase and that this does not exceed the significance threshold.[145] This is incorrect because the threshold is "5 dBA or greater", not "greater than 5 dBA", so the 5.0 dBA increase along Sweetzer constitutes a cumulatively significant impact for the duplexes along this roadway.

Footnote144: Watry Comments pp. 4-5; DEIR at p. IV.G-62.

Footnote 145: Watry Comments pp. 4-5

Response to Comment No. ORG 2-18

This comment claims that the Draft EIR fails to disclose, analyze, and mitigate cumulative impacts related to noise. Based on Table IV.G-6 on page IV.G-19 in **Section IV.G, *Noise***, the Draft EIR, multi-family residential uses are Conditionally Acceptable in areas exposed to 60 and 65 dBA CNEL, and Normally Unacceptable in areas exposed to 70 dBA CNEL. For commercial uses, it is Normally or Conditionally Acceptable in areas exposed to 60-70 dBA CNEL. It becomes Conditionally Acceptable or Normally Unacceptable in areas exposed to 75 dBA CNEL. Therefore, even for a residential use, it only becomes Normally or Clearly Unacceptable when the traffic noise exceeds 70 or 75 dBA CNEL.

Along Sweetzer Avenue between 6th and Orange Streets, the increase from 55.5 dBA CNEL under Existing Conditions to 60.5 dBA CNEL under Future Plus Project Conditions is 5 dBA. However, Project-related contribution would be 3.3 dBA. The 2006 L.A. CEQA Thresholds Guide provides the following standards:

A project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.[13]

Because the Project would not result in the exposure of the residences along Sweetzer Avenue between 6th and Orange Streets to or within the Normally Unacceptable or Clearly Unacceptable noise exposure level of 70 dBA CNEL (with increase by 3 dBA or more that pushes it to 70 dBA CNEL, or any 5 dBA or greater increase if it is already exposed to 70 dBA CNEL or higher) under the Cumulative Conditions, the Project would not result in a significant impact on noise levels from Project operations. Therefore, no additional analysis is required, and recirculation is not required.

[13] City of Los Angeles, 2006 L.A. CEQA Thresholds Guide, 2006, page 1.2-3.

Comment No. ORG 2-19

VII. CONCLUSION

For the reasons discussed above, the DEIR for the Project remains wholly inadequate under CEQA. It must be thoroughly revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for 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. ORG 2-19

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 2-20

ATTACHMENT A

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the 2021 City of Los Angeles Draft Environmental Impact Report (DEIR) of the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

According to the DEIR, the 656 South San Vicente Medical Office Project (Project) would demolish a 5,738 square-foot, vacant educational building, and an 8,225 square-foot Big 5 Sporting Goods store and associated surface parking to develop a medical office and retail- commercial development on an approximately 0.76-acre (33,060 gross square feet, 32,290 net square feet) site located at 650–676 South San Vicente Boulevard (Project Site). The Project Site is located at the northeast corner of Wilshire Boulevard and South San Vicente Boulevard, in an urbanized area adjacent to commercial, office, residential, and medical related uses.

The Project would include up to 145,305 square feet of floor area, comprised of 140,305 square feet of medical office space and 5,000 square feet of ground floor retail-commercial space, of which up to 4,000 square feet may be a restaurant and 1,000 square feet may be other commercial uses, such as a pharmacy. The proposed building

would include 12 stories and would measure approximately 218 feet in height (230 feet to the top of the mechanical penthouse). The Project would include seven floors of medical office uses over four floors of above-grade parking, and a ground floor containing a lobby for the medical office, and commercial uses. The Project would provide full-valet services for 418 parking spaces, including 393 vehicle parking spaces for medical office uses and 25 vehicle parking spaces for retail-commercial uses. The Project would also provide full-valet service for bicycle parking and would include 716 bicycle parking spaces for short- and long-term use.

General Comments:

The proposed Project is located in a dense portion of Los Angeles. The anticipated significant environmental effects based on the summary provided by the City include significant unavoidable noise and vibration impacts (specifically, on-site noise during construction and on-site vibration during construction [human annoyance]). The Project would also result in significant unavoidable cumulative noise impacts (specifically, on-site, and off-site noise during construction). The DEIR concludes that all other potential impacts would be less than significant or mitigated to less-than-significant levels. The conclusion from the City that all other potential impacts would be less than significant is, in fact, without merit. There are errors and omissions in the City's analysis of air quality and public health impacts, and there are substantial impacts that are not addressed in the City's analysis that must be addressed in a revised draft environmental impact report (RDEIR).

Response to Comment No. ORG 2-20

This introductory comment provides a brief summary of the Project and introduces general comments on the validity of the air quality analysis provided in the Draft EIR. Individual responses to the comments raised in this Attachment A are provided under Response to Comment Nos. ORG 2-22 through ORG 2-29.

Comment No. ORG 2-21

Specific Comments:

1. **The City Failed To Accurately Assess The Baseline Conditions From The Existing Project Site. After Correcting The Baseline Conditions, It Is Clear That The Project May Result In Significant Criteria Air Pollutant And Greenhouse Gas (GHG) Emissions.**

The City has incorrectly assessed the baseline conditions at the Project site. The City's air quality analyses of criteria pollutant and greenhouse gas (GHG) emissions for the operational phase relies on a logical flaw regarding the baseline operation emissions from the *vacated* properties the project will be constructed upon. The DEIR explains that under CEQA, the baseline environmental setting for an EIR is *generally* established *at or around* the time that the NOP for the EIR is published (i.e., January 14, 2020).[1] However, the DEIR's operational emissions modeling uses baseline emissions from a former school at

the Project site which has been vacant since 2018, almost two years prior to the NOP. Under CEQA, the baseline emissions for the project should be calculated from the date of the NOP. While CEQA allows for the calculation of baselines on a range of previous years of fluctuating operations in limited circumstances, CEQA assumes that, when calculating baseline emissions, the existing businesses being replaced are operational at the time the NOP is released. The City cannot claim baseline emissions credits for non-existent uses. According to DEIR, p. III-1, footnote (FN) 68 of DEIR, "The 5,738 square-foot vacant building previously housed the Montessori Children's World School. As the building was vacated October 2018, credit for this use was included as part of the baseline under CEQA as this reflects the amount of floor area that was in active use during the past two years." (See also DEIR p. IV.A-29. FN42). The Project's environmental review began on January 14, 2020, when the NOP was released. At that time, the Project site had been vacant for almost two years. The baseline for emissions calculations for the Project should therefore be zero. Instead, the DEIR subtracted operational emissions from the hypothetical "Existing" uses at the Project site from the Project's actual operational emissions to conclude that the Project's "Net Increase" in emissions would be less than significant. (See e.g. DEIR, pp. IV.A-55 to IV.A-58) These conclusions are unsupported. The DEIR should be revised to accurately reflect the Project's operational emissions with no credit given for existing use.

Footnote 1: DEIR IV.A-41

Response to Comment No. ORG 2-21

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment A" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-8. Refer to Response to Comment No. ORG 2-8 above that demonstrates that Draft EIR impact determinations remain the same and recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-22

2. The City's Air Quality Analysis Failed To Include A Quantitative Health Risk Analysis Of The Impacts Of Diesel Particulate Matter Emissions From The Construction Phase Of The Project For The Nearest Sensitive Receptor(s)

The City claims that it is not required to conduct a numerical health risk analysis (HRA) for mixed use commercial projects, such as the Project, as the applicable standards and guidance that are available are intended for evaluation of health risks associated with stationary long-term sources of TAC emissions. This is false. Under CEQA the City is required to provide a detailed health risk analysis for all projects that emit toxic air contaminants with potential human exposure.

The construction phase of the Project is estimated to require 34-months to complete. During that time period, all of the nearby sensitive receptors will be subjected to exposure

to all of the toxic air contaminants (TACs) emitted from the Project site, including diesel particulate matter (DPM), a known human carcinogen. There can be a substantial increase in the cancer risk even from "short" exposures like the 34-month construction phase. The CalEEMOD analysis of the construction activities presented by the City shows that unmitigated emissions of DPM from the Project site would range between 1.96 pounds per day (lbs/day) to 3.25 lbs/day. Mitigated emissions of DPM would range from 0.1 lbs/day to 0.19 lbs/day. Coupled with the DPM emissions from the on-site back-up generator(s) during the operational phase of the project, the risk to the adjacent sensitive receptors could exceed the South Coast Air Quality Management District's (SCAQMD) significance threshold of 10 in 1,000,000. By relying on the Air Quality Management Plan (AQMPs) control strategies for construction equipment and other activities to mitigate DPM emissions, the City cannot attest as to whether there is a cancer risk presented to the community by the Project. The City must address this concern by performing an air dispersion model of the sources on site and off site, quantify the annual concentrations of DPM for each of the receptors, perform a health risk assessment of the DPM concentrations consistent with the California Air Resources Board Toxic Hot Spot Guidance, and present the results in a revised DEIR.

Response to Comment No. ORG 2-22

Neither the City of Los Angeles nor the SCAQMD currently require construction health risk assessments (HRAs) for projects in their jurisdiction for CEQA compliance. In addition, as detailed in Response to Comment ORG 2-10, the Project does not include any of the land uses for which the SCAQMD would require an operational health risk assessment. Therefore, neither a construction nor operational HRA is warranted or required for the Project. CEQA requires an analysis of whether a project would expose sensitive receptors to substantial pollutant concentrations. That analysis detailing Project impacts based on substantial evidence has been provided on pages IV.A-60 through IV.A-62 in **Section IV.A, *Air Quality***, under Threshold (c), of the Draft EIR.

Although quantitative construction HRA for the Project is not required for the reasons discussed above (refer to Response to Comment ORG 2-10, above), in order to provide information that further supports the Draft EIR's less than significant finding with respect to TAC emissions, a quantitative construction HRA has been prepared to address the risk to nearby sensitive receptors, and is included in Appendix B of this Final EIR. The results of the quantitative HRA demonstrate that the Project would not exceed the SCAQMD significance threshold for health risk impacts from TAC emissions and re-confirms the Draft EIR's less than significant finding with respect to TAC emissions. Refer to Response to Comment ORG 2-10 for further discussion on the quantified construction HRA.

Comment No. ORG 2-23

3. The City's Site Specific Local Significance Thresholds (LSTs) Are Flawed And Do Not Consider The Actual Distance Between The Closest Sensitive Receptors To The Project Site

Given the location of the Project site in a densely packed residential and commercial area, it is the City's responsibility to ensure that sensitive receptors are not adversely impacted during the construction and/or operational phases of the Project. The nearest sensitive receptors to the Project site include:

- Multi-family residential uses approximately 20 feet (6 meters) to the northeast across the alley adjacent to the Project Site, fronting the south side of Orange Street at South Sweetzer Avenue in the City of Los Angeles;
- Multi-family residential uses approximately 50 feet (15 meters) to the north across Orange Street in the City of Los Angeles;
- Multi-family residential uses approximately 60 feet (18 meters) to the east fronting the east side of South Sweetzer Avenue at Orange Street in the City of Los Angeles;
- Multi-family residential uses approximately 185 feet (56 meters) to the northeast fronting the south side of Orange Street at South Sweetzer Avenue in the City of Los Angeles;
- Multi-family residential uses approximately 280 feet (85 meters) to the south along Schumacher Drive in the City of Los Angeles;
- Multi-family residential uses approximately 300 feet (91 meters) to the southwest along South Tower Drive in the City of Beverly Hills;
- Nursing home approximately 410 feet (125 meters) to the northwest in the City of Los Angeles; and
- Multi-family residential uses approximately 450 feet (137 meters) to the southwest along South Tower Drive in the City of Beverly Hills.

In the City's derivation of Localized Significance Threshold (LSTs) levels, the City assumes that the nearest sensitive receptors during the Project construction and operational phases are located 130 feet to the north (a park [short-term impacts]) and 200 feet to the west (residential)[2]. Clearly, this analysis by the City is incorrect since the DEIR states that the nearest receptor to the Project site is a multi-family residential uses approximately 20 feet (6 meters) to the northeast across the alley adjacent to the Project Site, fronting the south side of Orange Street at South Sweetzer Avenue in the City of Los Angeles. SCAQMD defines LSTs as the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor. LSTs are developed based upon the size or total area of the emissions

source, the ambient air quality in each source receptor area (SRA) in which the emission source is located, and the distance to the sensitive receptor. SCAQMD cautions that care should be taken when estimating these distances since *allowable emissions increase rapidly with increasing downwind distance*. Linear interpolation is acceptable to SCAQMD to estimate the allowable emissions between the downwind distances given in the tables. The LST generated for a receptor 25 meters away would not actually be protective of the residents of the nearest residents to the Project site who are less than 25 meters away from the site boundary.

The City must revise its assessment of the air quality impacts by generating a new set of LSTs for construction and operational impacts which consider the actual distance of the nearest receptors and present those results in a revised DEIR.

Footnote 2: Appendix B – Air Quality Analysis. Page 115 of 228.

Response to Comment No. ORG 2-23

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment A" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-12. Refer to Response to Comment No. ORG 2-12 above that demonstrate that Draft EIR impact determinations remain the same and recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-24

4. The City's Analysis Of Emissions From The On-Site Back Up Generator (BUG) Ignores The Substantial Emissions That Will Occur From Non-Testing Operational Use

In the City's air quality analysis, it assumed that the BUG will be maintained and tested for no more than 50 hours per year. According to SCAQMD Rule 1470, BUGs are allowed to operate for up to 200 hours per year. The City offers no evidence to support the DEIR's assumption that the BUG would operate at a substantially reduced rate, nor does the DEIR include a condition restricting BUG use to just 50 hours per year. The City analysis also ignores the legally acceptable 200-hour threshold authorized by SCAQMD Rule 1470, which is a reasonably forseeable use of the BUG. The City has therefore failed to properly measure the potential impact of diesel particulate matter (DPM) and criteria pollutants (particularly NO_x) emissions from the BUG on the receptors nearby.

In addition, the DEIR ignores the substantial increase in operational emissions from BUGs in the Air Basin due to unscheduled events, including but not limited to Public Safety Power Shutoff (PSPS) events and extreme heat events. Extreme heat events are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.[3] In 2021, the Governor of California declared that during extreme heat events the use of stationary generators shall be deemed an emergency use under California

Code of Regulations (CCR), title 17, section 93115.4 sub. (a) (30) (A)(2). The number of Extreme Heat Events is likely to increase in California with the continuing change in climate the State is currently undergoing.

Power produced during PSPS or extreme heat events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts).[4] Of particular concern are health effects related to emissions from diesel back-up engines. DPM has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury.

According to the California Public Utilities Commission (CPUC) de-energization report[5] in October 2019, there were almost ***806 PSPS events*** (emphasis added) that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers, and the rest were commercial/industrial/medical baseline/other customers. CARB's data also indicated that on average each of these customers had about 43 hours of power outage in October 2019.[6] Using the actual emission factors for each diesel BUG engine in the air district's stationary BUGs database, CARB staff calculated that the 1,810 additional stationary generators (like those proposed for the Project) running during a PSPS in October 2019 generated 126 tons of NO_x, 8.3 tons or particulate matter, and 8.3 tons of DPM.

According to the DEIR, the Project proposes a testing schedule that would result in roughly 50 hours of operation per generator per year, all at 74 percent load. The testing of the generator was assumed to last no more than 1 hour per day of testing. Each hour of testing/operation of the BUG generates 0.0096 lbs of DPM according to the spreadsheet provided in Appendix B of the DEIR, page 135 of 228.

For every PSPS or Extreme Heat Event (EHE) triggered during the operational phase of the project, significant concentrations of DPM and NO_x will be released that are not accounted for in the City's analysis. In 2021, two EHEs have been declared so far. For the June 17, 2021 Extreme Heat Event, the period for which stationary generator owners were allowed to use their BUGs lasted 48 hours. For the July 9, 2021 EHE, the period for which stationary generator owners were allowed to use their BUGs lasted 72 hours. These two events would have tripled the calculated DPM and criteria pollutants (NO_x, VOCs, CO, SO_x and particulate matter) emissions from the Project for the year if the Project had been completed.

The California Hospital Building Safety Board – Energy Conservation and Management Committee, which governs California Hospitals, explained in a recent white paper that hospitals must have additional power capacity, stating that to "provide even basic patient care must provide backup power in excess of the 96 hours currently code required" in the event of Public Safety Power Shutoffs. The Project will include seven floors of medical offices, totaling 140,305 square feet of medical use at the Project site, plus a pharmacy.

(DEIR, p. II-1) Since the Project's primary use will be patient care, in order to meet existing medical safety board recommendations and adequately serve patients, the Project must provide more backup generating power than an average commercial or retail facility. The Project's medical uses are an additional factor making it reasonably forseeable that the Project's BUG will operate more than 50 hours per year.

The DEIR must be revised to include an accurate analysis of the full extent of reasonably forseeable operation of the BUG that will occur at the Project site that is not accounted for in the current air quality analysis.

Footnote 3: Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.

Footnote 4: CARB. 2019. Use of Back-up Engines For Electricity Generation During Public Safety Power Shutoff Events. October 25, 2019.

Footnote 5: https://www.cpuc.ca.gov/deenergization/ as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

Footnote 6: CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.

Response to Comment No. ORG 2-24

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment A" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-11. Refer to Response to Comment No. ORG 2-11 that show that Draft EIR assumptions remain valid, the Draft EIR impact determinations remain the same, and recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-25

5. The City's Greenhouse Gas Analysis Relies On An Unsupported Threshold

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions and has not formally adopted a local plan for reducing GHG emissions. The DEIR concludes that the Project's GHG impacts would be less than significant based on the Project's consistency with the goals and actions to reduce GHG emissions found in the City's Green New Deal, and the 2017 California Climate Change Scoping Plan. While the City claims compliance with AB 32 Cap-and-Trade, the Project is not subject to Cap-and-Trade. Claims by the City that the compliance by third parties (those they are reliant on for energy) to reduce GHG emissions will reduce the Project's GHG emissions are unsupported and cannot be viewed as a reliable mitigation measure.[7] The City must correct these assumptions regarding the GHG analysis in a revised EIR.

Footnote 7: DEIR. 2021. Appendix IV.E pg 82.

Response to Comment No. ORG 2-25

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment A" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-13. Refer to Response to Comment No. ORG 2-13 that show that Draft EIR impact determinations remain the same and recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-26

6. Increasing The Operational Emissions Of The BUG To The Maximum Allowable Level Under SCAQMD 1407 Or Accounting For PSPS or EHE Events Will Result In Significant Increases In NOx Emissions For The Project.

As established above, the operation of the BUG onsite will likely be triple to quadruple the amount modeled by the City. According to Appendix B, the NO_x emissions from the generator will be approximately 9.78 lbs per year for the 50 hours of operation modeled. Taking into account the number of PSPS and EHE events calculated above the actual (additional 48 hours plus 72 hours added to the 50 hours assumed in the model or 170 hours per year) the actual NO_x emissions from the generator will be 33 lbs per year instead of the 9.78 lbs per year listed in Appendix B. The City must address the significance level change of operational NOx emissions for the Project in a revised DEIR.

Response to Comment No. ORG 2-26

Similar to Comment No. ORG 2-11, this comment first states that the Project analysis of the air quality impacts from the emergency backup generators makes the improper assumption that the emergency backup generators will be maintained and tested for no more than 50 hours per year even though SCAQMD permits up to 200 hours of testing per year based on SCAQMD Rule 1470.[14] Contrary to this comment, as specifically stated in SCAQMD Rule 1470, "new stationary emergency standby diesel-fueled engines (>50 bhp) shall not operate more than 50 hours per year for maintenance and testing." This comment is presumed to be referring to SCAQMD Rule 1470's allowance of emergency backup generators to operate up to 150 hours for an Interruptible Service Contract (ISC) that is a contractual arrangement in which a utility distribution company provides lower energy costs to a nonresidential electrical customer in exchange for the ability to reduce or interrupt the customer's electrical service during a Stage 2 or Stage 3 alert, or during a transmission emergency. Therefore, this comment incorrectly cites Rule 1470 and the Project analysis of the air quality impacts from the emergency backup generators makes the correct assumption that the emergency backup generators will be maintained and tested for no more than 50 hours per year as stated by Rule 1470, and does not

[14] SCAQMD Rule 1470.

improperly assume that the Project has entered an ISC with LADWP as that is not a requirement for acquiring a permit.

Further, this comments states that taking into account the number of PSPS and EHE events calculated above the actual (additional 48 hours plus 72 hours added to the 50 hours assumed in the model or 170 hours per year) the Draft EIR fails to account for the maximum NO_X that will result in significant increases in NO_X. First, this comment fails to recognize the units of the SCAQMD regional and localized operational emissions daily thresholds are in units of lb/day, where the SCAQMD regional operational threshold is 55 lb/day of NO_X, and the SCAQMD localized operational emissions daily thresholds for the Project is 77 lb/day based on the Final Localized Significance Threshold Methodology, published June 2003 and revised July 2008. Therefore, citing the Project's 9.78 lbs/year of NO_X for 50 hours of annual operation for the emergency generator and scaling for 170 hours of operation for the emergency generator to approximately 33 lbs/year of NO_X is unbased as there are no SCAQMD regional and localized operational thresholds to compare this to in regards to air quality impacts.

In addition, as shown on Table IV.A-7 and Table IV.A-9 on pages IV.A-55 and IV.A-58 in **Section IV.A, *Air Quality***, and specifically on page 135 of Appendix B, the NO_X emissions from an hour of emergency generator operation is 0.20 lbs/day. Even if we were to assume the emergency generator were to operate an additional 23 hours for a total of 24 hours on a maximum worst case day in a PSPS and/or EHE scenario, the emergency generator would emit a total of 4.8 lbs/day of NO_X. This total worst case emergency generator emission of 4.8 lbs/day of NO_X when added to Project operational regional air quality emissions of 12.86 lb/day of NO_x, and Project operational localized air quality emissions are approximately 0.83 lb/day of NO_X would be far below the South Coast Air Quality Management District (SCAQMD) regional operational emissions daily threshold of 55 lb/day of NO_x and the SCAQMD localized operational emissions daily thresholds for the Project of 77 lb/day of NO_x.

Furthermore, this comment fails to recognize that emergency generators are not a substitute for power supplies that allow for full normal operation of a building. As described in Response to Comment No. ORG 2-11, the operational air quality emissions from normal Project activities as listed above would be greatly limited during an emergency situation until such time that normal operating conditions and electrical power is restored where emergency generators are not a substitute for full normal operation of a building. The Project's emergency backup generators would supply power for emergency lighting, exit signs, fire alarm systems, and the electric motor pumps for the fire sprinklers. The emergency generators may also supply emergency power for smoke isolation dampers/evacuation fans, elevators, handicap doors and life support systems and monitoring equipment and surgical rooms to allow for these patients to be transferred in case of an emergency. However, emergency backup generators are not designed to replace full operational power needs of a building and would not be designed for full normal operation of the Project. Therefore, when under emergency generator power, the Project buildings would not operate at the normal capacity and would generate

substantially less air pollutant emissions, including NO_x. This is because in such an emergency situation, operational activities at the Project would be substantially reduced. For instance, many of the activities emission sources described in **Section IV.A, *Air Quality***, of the Draft EIR, would cease or decrease during an emergency including vehicles traveling to and from the Project Site, natural gas combustion from water heaters, boilers, and restaurant cooking stoves, landscaping activities and associated equipment, and the use of consumer products such as re-application of architectural coatings and the cleaning building surfaces. It is not reasonable that these activities would continue at the same level in an emergency situation where the Project is relying on the emergency backup generators for power compared to normal operations. Thus, the Draft EIR conservatively and appropriately evaluates the Project's operational regional and localized NO_X emissions in Table IV.A-7 and Table IV.A-9 on pages IV.A-55 and IV.A-58 in **Section IV.A, *Air Quality***, of the Draft EIR, respectively, based on normal Project operational conditions, which would be higher than those from the reduced capacity of the Project during an emergency situation relying on emergency backup power. The Draft EIR does include emissions from emergency generator testing that could occur on a non-emergency Project operational day, which is an appropriate and reasonable assumption. As discussed in the Draft EIR, the Project would result in less than significant impacts with respect to SCAQMD significance threshold even including emissions from a worst case day of emergency generator operations to normal Project operational conditions. No additional analysis or recirculation of the Draft EIR is required.

Comment No. ORG 2-27

7. The DEIR's Analysis of GHG Emissions Ignores The Substantial Increase In Operations of Back-Up Generators (BUGs).

The DEIR ignores the substantial increase in operational GHG emissions from BUGs in the Air Basin caused by the unscheduled events, including but not limited to PSPS and EHE events. In Appendix B of the DEIR, the estimates for GHG emissions from the generator sets testing is calculated to be 8 tons per year of CO_{2eq}. This amount is based on an assumed operation of 50 hours per year. Taking into account the number of PSPS and EHE events calculated above the actual (additional 48 hours plus 72 hours added to the 50 hours assumed in the model or 170 hours per year) the actual CO_{2eq} emissions from the generator will be 27.2 tons of CO_{2eq} per year instead of the 8 tons CO_{2eq} listed in Appendix B and in table IV.E.8 of the DEIR. This would represent a significant increase in overall emissions and the City must address the significance level change of operational CO_{2eq} emissions for the Project in a revised DEIR.

Response to Comment No. ORG 2-27

As described in Response to Comment No. ORG 2-26, this comment incorrectly refers to SCAQMD Rule 1470's allowance of emergency backup generators to operate up to 150 hours for an Interruptible Service Contract (ISC) in addition to the allowed 50 hours per year of maintenance and testing as allowed for backup generators under SCAQMD Rule 1470. As described in Response to Comment No. ORG 2-26, ISCs are not typical for a

backup generator because ISCs require a contractual arrangement in which a utility distribution company provides lower energy costs to a nonresidential electrical customer in exchange for the ability to reduce or interrupt the customer's electrical service during a Stage 2 or Stage 3 alert, or during a transmission emergency. Therefore, this comment incorrectly cites Rule 1470 and the Project analysis of the GHG emissions from the emergency backup generators makes the correct assumption that the emergency backup generators will be maintained and tested for no more than 50 hours per year as stated by Rule 1470 and does not improperly assume that the Project has entered an ISC with LADWP as that is not a requirement for acquiring a permit.

Furthermore, this comment fails to recognize that emergency generators are not a substitute for power supplies that allow for full normal operation of a building. The operational GHG quality emissions from normal Project activities as listed above would be greatly limited during an emergency situation until such time that normal operating conditions and electrical power is restored where emergency generators are not a substitute for full normal operation of a building. As explained in Response to Comment ORG 2-11, the Project's emergency backup generators would supply power for emergency lighting, exit signs, fire alarm systems, and the electric motor pumps for the fire sprinklers. The emergency generators may also supply emergency power for smoke isolation dampers/evacuation fans, elevators, handicap doors and life support systems and monitoring equipment and surgical rooms to allow for these patients to be transferred in case of an emergency. However, emergency backup generators are not designed to replace full operational power needs of a building and would not be designed for full normal operation of the Project. Therefore, when under emergency generator power, the Project buildings would not operate at the normal capacity and would generate substantially less GHG emissions. This is because in such an emergency situation, operational activities at the Project would be substantially reduced. For instance, many of the activities emission sources described in **Section IV.E, *Greenhouse Gas Emissions***, of the Draft EIR, would cease or decrease during an emergency including vehicles traveling to and from the Project Site, building energy consumption (i.e., electricity, natural gas), water conveyance and wastewater treatment, solid waste, and landscaping activities and associated equipment. It is not reasonable that these activities would continue at the same level in an emergency situation where the Project is relying on the emergency backup generators for power compared to normal operations. Thus, the Draft EIR conservatively and appropriately evaluates the Project's GHG emissions in Table IV.E-8 on page IV.E-75 in **Section IV.E, *Greenhouse Gas Emissions***, of the Draft EIR, based on normal Project operational conditions for a full year, which would be higher than those from the reduced capacity of the Project during an emergency situation relying on emergency backup power for an extended period of time. The Draft EIR does include emissions from emergency generator testing that emissions based on the 50 hours of maintenance and testing allowed under Rule 1470, which as explained above an appropriate and reasonable assumption. Therefore, the Draft EIR does not underrepresent maximum unmitigated emissions from Project Operations for the first year of Project Operation. No additional analysis or recirculation of the Draft EIR is required.

Further, this comment does not provide credible evidence that the Project would result in new or substantially increased GHG emission impacts as the Project's GHG analyses do not rely on a quantitative threshold for impact determinations, but rather correctly rely on a qualitative threshold and the Project's consistency with various regulations and plans to conclude the Project's GHG impacts would be less than significant (refer to Response to Comment No. ORG 2-13, above, for additional details). Since the City, as Lead Agency, has determined that the Project's GHG emissions would not be cumulatively considerable and therefore would not have a significant cumulative effect if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including those found within the CARB's 2017 Climate Change Scoping Plan (2017 Scoping Plan), SCAG's 2020-2045 RTP/SCS, L.A.'s Green New Deal, and the Los Angeles Green Building Code, the Project's GHG impacts and determination of no conflict with respect to the applicable plans, policies and regulations for reducing GHG emissions as analyzed in the Draft EIR would not change based on whether or not the Draft EIR considers the existing site use and taking GHG emissions credit from the existing site. Therefore, as the substantial evidence provided on pages IV.E-44 through IV.E-71 and Table IV.E-4, Table IV.E-5, and Table IV.E-6 in **Section IV.E, *Greenhouse Gas Emissions*,** of the Draft EIR, shows the Project would be consistent with the applicable provisions of these plans and properly concludes, that the Project's GHG impacts are less than significant and mitigation measures are not required. Therefore, recirculation of the Draft EIR is not required.

Comment No. ORG 2-28

8. The DEIR Fails To Perform An Accurate Cumulative Impact Analysis On Air Quality.

A proper cumulative impact analysis is vital for an environmental analysis "because the full environmental impact of a proposed Project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that the environmental damage often occurs incrementally from a variety of small sources with which they interact."[8] The DEIR's conclusion is flawed for the following reasons.

First, the discussion in the comments above indicates that the Project would contribute to an existing significant impact, i.e. degraded air quality in the South Coast air basin as evidenced by frequent violations of PM_{10}, $PM_{2.5}$ and ozone ambient air quality standards. The Project would increase the emissions of PM_{10}, $PM_{2.5}$, and ozone precursors and thus would contribute to these existing exceedances of ambient air quality standards. Thus, the Project's contributionis *per se* are cumulatively significant.

Second, a cumulative impacts analysis must consider past projects, the effects of other current projects, and the effects of probable future projects."[9] The DEIR did not identify any other closely related, past, present, or reasonably foreseeable probable future projects let alone attempt to quantify their emissions and, thus, to evaluate them cumulatively with the Project.

Third, the method utilized by the City fails to meet the basic requirements for a cumulative air quality analysis as outlined by the SCAQMD's L.A. CEQA Threshold Guide (2006). A cumulative impact analysis would include a review of the list of related projects and identify those that would have pollutant or odor emissions. Such an analysis would determine the potential impacts of all such projects, together with the proposed Project, using the methodology to evaluate the proposed Project's pollutant impacts. This significance methodology includes:

- The type, number of pieces, and usage of equipment;
- Rate, quantity, and type of fuel consumption;
- Emission factors, assuming implementation of applicable rules and regulations;
- Type(s) and size(s) of land uses, including location of vehicle driveways and parking facilities; and
- The location and usage of equipment or processes that may emit odors.

The City's air quality cumulative analysis is clearly deficient and must be supported by the preparation of a revised EIR.

Footnote 8: *Bakersfield Citizens* (2004) 124 Cal. App. 4th at 1214 (quoting *Communities for a Better Environment v. California Resources Agency* 103 Cal.App.4th at 116).

Footnote 9: CEQA Guidelines §15355(b)

Response to Comment No. ORG 2-28

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment A" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-17. Refer to Response to Comment No. ORG 2-17 that show that Draft EIR impact determinations remain the same, and recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-29

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the DEIR is approved. The City must re- evaluate the significant impacts identified in this letter by requiring the preparation of a revised draft environmental impact report.

Response to Comment No. ORG 2-29

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-

makers for their review and consideration. Refer to Response to Comment Nos. ORG 2-21 through 2-28 for an explanation as to why recirculation of the Draft EIR is not necessary.

Comment No. ORG 2-30

Resume for James J. J. Clark, Ph. D

Response to Comment No. ORG 2-30

This comment provides a resume for James J. J. Clark, Ph. D, who prepared Attachment A. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 2-31

ATTACHMENT B

As requested, we have reviewed the information and noise impact analyses in the following document and its appendices:

656 South San Vicente Medical Office Project
Draft Environmental Impact Report ("DEIR")
Environmental Case: ENV-2017-468-EIR
SCH No. 2020010172
June 2021

This letter reports our comments on the project DEIR noise analysis.

Wilson, Ihrig & Associates, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 55 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Environmental Noise Model (ENM), Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

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

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result. The problems and irritation that are associated with speech disturbance have become more pronounced during the COVID-19 pandemic because many people find themselves and the people they live with trying to work and learn simultaneously in spaces that were not designed for speech privacy.

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

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

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments. While sheltering-in-place during the COVID-19 pandemic, many people are finding working and learning more difficult because their home environment is not as quiet as their office or school was.

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

Response to Comment No. ORG 2-31

This introductory comment provides an introduction to the commenter's organization, the Wilson, Ihrig & Associates. In addition, this comment provides a list of health effects of

noise. Specific comments on the analysis provided in the Draft EIR are provided under Comment Nos. ORG 2-32 through ORG 2-36.

Comment No. ORG 2-32

1 Comments on Traffic Noise Analysis

1.1 Traffic Noise Model Uncalibrated

The DEIR presents Modeled Existing Traffic Noise Levels in Table IV.G-9, results that are quantified by CNEL levels.[2] [DEIR at p. IV.G-29] The traffic noise levels were calculated using the FHWA Traffic Noise Model (TNM) which, as the DEIR notes on page IV.G-28, is an industry standard. However, part and parcel of standard practice is validating/calibrating modeled existing traffic noise levels with measured data.[3] In this case, that apparently was not done because the DEIR preparers failed to gather the requisite, 24-hour data. Instead, the DEIR states:

> *Long-term (24-hour) noise measurements were not required to be conducted, as the operation of the proposed medical office building would be limited to daytime and evening hours with no nighttime business operations. Long term measurements are typically used to assess noise sources that would affect Community Noise Equivalent Levels (CNEL) over a 24- hour period. [DEIR at p. IV.G-26]*

So, the DEIR presents modeled traffic noise levels in terms of CNEL while expressly stating that there was no need to measure existing CNEL levels. This implies that the traffic noise model was not calibrated, and, therefore, does not support an accurate quantitative analysis assessing Project noise levels over existing noise levels. Computer models are better at calculating changes in noise levels due to changing, yet similar, conditions than they are at calculating absolute noise levels. The most obvious reason is the widely variable conditions of pavement. Roadways with old, cracked pavement or pavement with gaps and joints in it are noisier than smoothly paved roads. While the models allow for some characterization of the pavement conditions, comparing modeled results to actual measured noise levels does two things: (i) it ensures that the model is essentially correct ("in the ballpark"), and (ii) assuming it is essentially correct, enables the determination of a calibration factor – the difference between the modeled and measured noise levels. For example, if the model initially under-predicts the noise levels by 1.5 dB, then 1.5 dB is added to the baseline model and all subsequent modeled conditions to improve accuracy. Since the DEIR's thresholds of significance are tied to absolute noise exposure levels (see Thresholds of Significance, Operations at DEIR p. IV.G-32), it is imperative that these be accurate.

Footnote 2: The Community Noise Equivalent Level (CNEL) is the average A-weighted noise level during a 24-hour day that includes an addition of five dB to measured noise levels between the hours of 7:00 p.m. to 10:00 p.m. and an addition of 10 dB to noise levels between the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. [DEIR at p. IV.G-5]

Footnote 3: As stated in the California Department of Transportation (Caltrans) Technical Noise Supplement to the Traffic Noise Analysis Protocol (September 2013), cited in the DEIR at p. IV.G-4:

> **Section 3.1.2 Model Validation/Calibration**: Noise measurement near highways or other transportation corridors are routinely used to validate and, if necessary, calibrate the project-specific TNM model by comparing calculated noise levels with actual (measured) noise levels. [Caltrans Technical Noise Supplement, Sept. 2013, at p. 3-3].

Response to Comment No. ORG 2-32

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment B" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-14. Refer to Response to Comment No. ORG 2-14 above for a discussion regarding traffic noise modeling and calibration with ambient noise measurement.

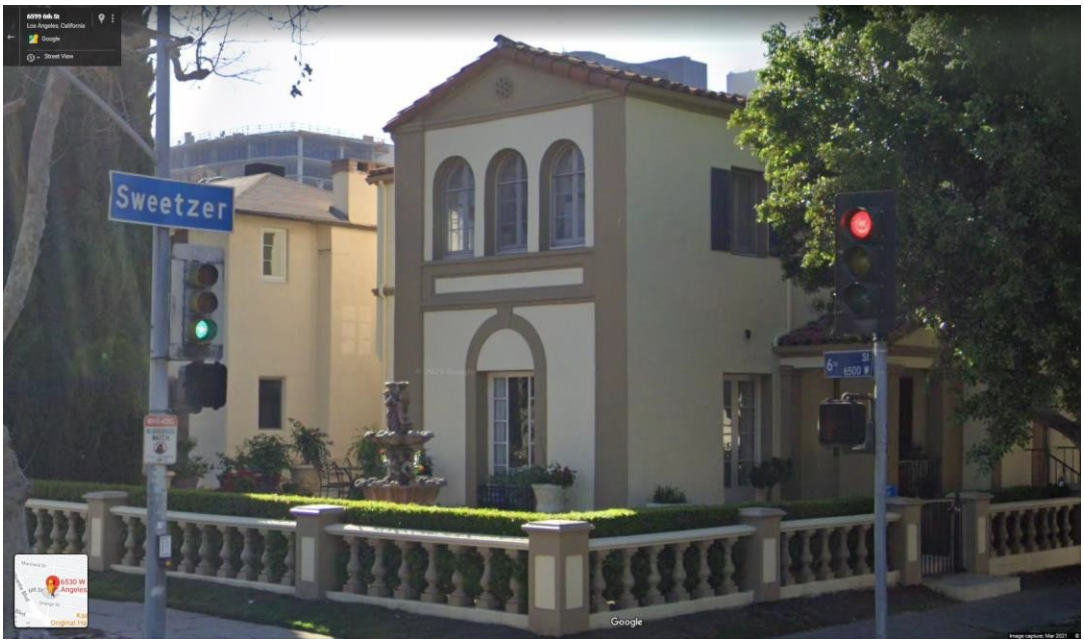
Comment No. ORG 2-33

1.2 DEIR Fails to Identify Significant Cumulative Noise Impact

Taking the noise analysis at face value (i.e., disregarding the lack of model calibration), the DEIR still fails to identify a significant cumulative noise impact by its own calculations. Table IV.G-18 indicates that land use on Sweetzer Avenue between Orange Street and 6th Street is "Commercial". [DEIR at p. IV.G-62] This is incorrect. It is, in fact, "Residential" as easily seen in Photograph 1 obtained from Google Street View.

Table IV.G-18 of the DEIR indicates that the Existing noise level on Sweetzer Avenue between 6th and Orange Streets is 55.5 CNEL and that the Future Plus Project noise level will be 60.5 CNEL, a 5.0 dBA increase. [DEIR at p. IV.G-62] The DEIR states that this does not exceed the significance threshold established by the City of Los Angeles, but this is also incorrect. The *L.A. CEQA Thresholds Guide* (2006) which the DEIR cites numerous times states:

> *A project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase. [LA CEQA Thresholds Guide at p. I.2-3]*



Photograph 1 Duplex at 6530/6532 W. 6th Street, Los Angeles

The threshold is “5 dBA or greater”, not “greater than 5 dBA”, so the 5.0 dBA increase along Sweetzer constitutes a cumulative significant impact for the duplexes along this roadway.

It is our understanding that a two-step process is required for cumulative impact analysis. In the first step the agency must determine the cumulative noise level from all sources, including the project, and assess the significance of that total noise. In the second step, if cumulative noise is significant, the agency must determine if the project’s contribution is “considerable.” The information in Table IV.G-18 establishes that a cumulative significant traffic noise impact will occur along Sweetzer Avenue by increasing the noise level by 5 dBA. It also indicates that the project is responsible for 3.3 dBA of those 5 dBA. Given that the project is responsible for more than half of the total increase, it is clear that the project’s contribution is considerable. As such, the project should be identified as having a significant environmental noise impact, an impact the DEIR failed to identify.

Response to Comment No. ORG 2-33

As stated in Comment No. ORG 2-3, above, the concerns and comments from “Attachment B” were used to assist in preparing the comments proposed in the organization’s comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-18. Refer to Response to Comment No. ORG 2-18 above for a discussion regarding cumulative noise impact analysis.

Comment No. ORG 2-34

2 Comments on the Construction Noise Analysis

2.1 DEIR Construction Noise Analysis Under-Estimates Noise Levels

Regarding construction noise, the DEIR reveals that, even with mitigation measures, construction noise will remain a significant and unavoidable impact. This is not a surprising conclusion given that multiple people reside across the alleyway from the project site.

The details of the construction noise analysis are presented in Appendix H of the DEIR. In the sheets titled "Project: 656 San Vicente, Construction Noise Impact on Sensitive Receptors" (no page number or other identifying information is provided), the types, number, reference noise levels, and acoustical usage factors for the equipment that will be used during the various phases of development are given, and the results of the calculations are shown in some detail. We find two oddities in these sheets:

1. The footnote states that the source for the reference noise level are the LA CEQA Guide and the FHWA Roadway Construction Noise Model (RCNM). By comparing the information for the different types of equipment, it appears that the data comes primarily from the RCNM, which is appropriate. However, the acoustical usage factor for "Tractor/Loader/Backhoe" in the RCNM is 40%, whereas the DEIR analysis, without explanation, uses 25%.[4] [DEIR at p. IV.G-37, Table IV.G-10] By using a diminished usage factor for this equipment, the DEIR under-estimates the construction noise levels.

2. As explained in the DEIR at p. IV.G-34, an attenuation rate of 6 dBA for each doubling of distance was used for the construction noise analysis since the area has "hard" surfaces (e.g., concrete). However, the distances used for the analysis are confounding and inconsistent. In the Demolition phase, for example, the distance used for the Concrete Saw and Tractor/Loader/Backhoe is 20 feet, the closest approach distance between the project site and noise-sensitive receptor N1. However, the distance for the Dozers and Frond End Loader is 235 feet. This is about as far from N1 as one can be while on the project site. The distance used for the Excavators and Forklift is a little more than halfway across the site as viewed by N1. No rationale is given for the varying distances. Of course, using the larger distances for some of the equipment reduces the calculated noise levels. Similarly confounding and inconsistent distances are used for each phase of the construction noise analysis. [DEIR at Appendix H]

Footnote 4: The *acoustical usage factor* is the percentage of the time the equipment typically operates under high load, i.e., with the engine revving at full power.

Response to Comment No. ORG 2-34

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment B" were used to assist in preparing the comments proposed in the

organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-14. Refer to Response to Comment No. ORG 2-14 above for a discussion regarding construction noise impact analysis, traffic noise modeling, and calibration with ambient noise measurement.

Comment No. ORG 2-35

2.2 Construction Noise Mitigation Measure Should Be Clarified

Despite apparently under-estimating construction noise levels, the DEIR concludes that construction noise will be significant and unavoidable, even with proposed mitigation measures. The most substantive measure is NOI-MM-1 which calls for a temporary noise barrier along the alleyway separating the project site from noise-sensitive receptor N1:

> *NOI-MM-1: The Project shall provide temporary ground-level construction noise barriers, with a minimum height of eight feet and up to a height of 15 feet along the alleyway along the northeast property line, equipped with noise blankets or equivalent noise reduction materials rated to achieve sound level reductions of at least 10 dBA between the Project Site and ground-level sensitive receptor locations. These temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptor(s) during the duration of construction activities. Prior to obtaining any permits, documentation prepared by a noise consultant verifying compliance with this measure shall be submitted to the Department of City Planning. [DEIR at p. IV.G-49]*

Given that the measure itself proposes a barrier up to 15 feet in height and given that the residences on the far side of the alleyway are two-story with multiple windows facing the project site, this mitigation measure is inadequate. It should be revised to require a 15-foot barrier for the entire extent of the residential buildings. Feasible noise mitigation should be provided for all sensitive receptor locations, not just ground-level locations.

Response to Comment No. ORG 2-35

As stated in Comment No. ORG 2-3, above, the concerns and comments from "Attachment B" were used to assist in preparing the comments proposed in the organization's comment letter. Therefore, the issues raised in this comment are the same as those in Comment No. ORG 2-15. Refer to Response to Comment No. ORG 2-15 above for a discussion regarding clarification of noise mitigation measures.

Comment No. ORG 2-36

Please contact me if you have any question about this review of the 656 South San Vicente Medical Office Project DEIR noise analysis.

Response to Comment No. ORG 2-36

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is

warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. ORG 2-37

Resume for Derek L. Watry

Response to Comment No. ORG 2-37

This comment provides a resume for Derek L. Watry, who prepared Attachment B. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. ORG 3

Supporters Alliance For Environmental Responsibility (SAFER)
1939 Harrison Street, Ste. 150
Oakland, CA 94612
Received August 2, 2021

Comment No. ORG 3-1

I am writing on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as 656 South San Vicente Medical Office Project (ENV-2017-468-EIR; SCH 2020010172), including all actions related or referring to the proposed development of a 12-story medical office and retail-commercial building with four above-ground parking levels, located at 650 – 675 South San Vicente Boulevard in Los Angeles ("Project").

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Department of City Planning address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist*., 60 Cal. App. 4th 1109, 1121 (1997).

Response to Comment No. ORG 3-1

This comment provides an introduction to the commenter's organization, the Supporters Alliance For Environmental Responsibility (SAFER). This comment contends without any specifics or supporting evidence that the Draft EIR has shortcomings and that the City should recirculate the document prior to considering approval of the Project. While it is acknowledged that SAFER reserves the right to supplement this comment, note that as stated in Chapter 1, Introduction, of the Draft EIR, the Draft EIR was circulated for public review in compliance with the provision of CEQA Guidelines Sections 15085(a) and 15087(a)(1). The City, serving as the Lead Agency: (1) published a Notice of Completion (NOC) and a Notice of Availability (NOA) of a Draft EIR which indicated that the Draft EIR was available for review at the Department of City Planning (221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90012); (2) posted the NOC/NOA and the Draft EIR on the City's website at https://planning.lacity.org/development-services/eir; (3) prepared and transmitted the NOC to the State Clearinghouse; (4) sent a copy of the NOC/NOA to all property owners and occupants within 500 feet of the Project Site; and (5) sent a copy of the NOC/NOA to the last known name and address of all organizations and individuals who previously requested such notice in writing or attended public meetings about the Project. Proof of publication is available at the City. The public review period commenced on June 17, 2021 and ended on August 2, 2021 for a total of 45 days. The City specified that any public agency or members of the public desiring to comment on the Draft EIR must submit their comments

in writing or send them via email to the provided address prior to the end of the public review period. Additionally, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. FORM 1 – General Opposition Letter

Name	
Jose Nazar	Nabeel Thotti
Tal Maimon	Jason Yoen
Wendy Monares	Enn Song
Chor Tin Justine Chan	Changiz Toomari
Jennifer Langham	Ellena Yaghoub
Juan Morales	Pejman Saodat
Robela Cruz	Shad Manayi
Candelario Ranes	Harel Tanami
Michael Yadelam	Gary Poole
Alicia Squarzon	Fabio Patorini
Vu Q. Nguyen	Miguel Franco
Charles Puree	Jack Sosa
Aris Efthimides	Uzmee Kraikovsli
Hardo Reyes	Hanna Dalkhi

This comment letter was submitted by the individuals listed above.

Received August 2, 2021

Comment No. FORM 1-1

The closing of the Montessori School and the new ownership of the building and land at 650-676 South San Vicente Blvd., Los Angeles, CA 90048 by Stockdale Capital Partners has been an environmental disaster for our neighborhood. For more than a year, Stockdale allowed, without lifting a finger, its abandoned property and building to be overtaken by vagrants who ended up covering the adjacent S. San Vicente Blvd and Orange St. blocks with dozens of tents upon an ocean of garbage.

These were not roofless families with children, but mostly common criminals released because of COVID-19. Neighbors walk or park in fear day or night. Women were subjected to groping or catcalls. In no time, we had a wave of violent burglaries and car break-ins reported in the newspapers.

As the owner of the office building next door and to keep my tenants safe, I had to hire security guards 24/7 with no cooperation from Stockdale. The guards were threatened at knifepoint (reported to police) and I had to provide them with bulletproof vests.

During the burglaries, neighbor Gabriel Donnay, a 31-year-old, was brutally stabbed. Stockdale still didn't do anything to secure their property, while the vagrants lit bonfires in the center of Orange Street.

A fire broke out inside the Montessori school building. The charred walls became an eyesore. I had to send personnel to paint their blackened walls.

I and my diplomat wife, a busy Ambassador to Egypt, did Stockdale's work and negotiated with the vagrants to go. On her last day of that work, social workers offered help to a couple of homeless remaining.

Granted, Stockdale, who was observing our efforts, with the last vagrant gone dropped on the sidewalk flimsy, rental wire fencing easily pushed aside, which I had to affix to the sidewalk with my personnel. We still keep repairing it daily.

When the vagrants left, the rats abandoned the building, invading our neighborhood. Stockdale did nothing again. The raticide you can observe behind the fence was bought by my wife.

Our security personnel still keep watch on Stockdale's property 24/7 to prevent the vagrants attempts to return. No action from Stockdale.

Please, don't abandon us in the hands of negligent Stockdale. A permit would be a virtual license to kill our neighborhood They have clearly shown their lack of concern for our environment. You would promptly end up with the environmental consequences on your desk.

We emphatically oppose this project.

Response to Comment No. FORM 1-1

This comment expresses opposition to the Project. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. IND 1

John Lorick
124 South Harper Avenue
Los Angeles, CA 90048
Received July 13, 2021

Comment No. IND 1-1

I am writing thank you for your efforts to limit the size of the proposed building at this Wilshire and San Vicente location and for working to enforce the requirements for adequate parking at the site.

Response to Comment No. IND 1-1

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 1-2

As everyone in the area has experienced, this section of Wilshire and San Vicente is already heavily congested. The area suffers from inadequate street parking and equally inadequate, expensive structure parking. A poorly planned massive new building will only add to the traffic volume and congestion.

Reducing the required amount of parking at the proposed new building will aggravate current traffic congestion because the building's new occupants and business patrons will be searching for street parking nearby or in the adjacent residential neighborhoods. They will not be riding and parking bicycles.

Response to Comment No. IND 1-2

This comment expresses an opinion regarding traffic and parking. Transportation impacts were analyzed in **Section IV.I, *Transportation***, of the Draft EIR, with supporting information provided in the Transportation Assessment, included in AppendixJ-1 of the Draft EIR. The analysis in **Section IV.I, *Transportation***, of the Draft EIR concluded that impacts related to transportation would be less than significant. As noted in **Chapter II, *Project Description***, of the Draft EIR, the Project would provide 418 vehicle parking spaces and 716 bicycle parking spaces. Furthermore, as the Project Site is located within a TPA, parking impacts would not be considered significant under CEQA.

Comment No. IND 1-3

The intersection is also a potential crossing point for the future light rail extension. Overbuilding and inadequate parking at this site will influence future design options and

may result in sub-optimal rider access, reduced overall ridership, and overall compromised design choices for the light rail.

Response to Comment No. IND 1-3

This comment states that the Wilshire Boulevard and San Vicente Boulevard intersection is a potential crossing point for the future light rail extension. Although not specifically named, this comment refers to the Crenshaw Northern Extension Project, which is currently undergoing further analysis to contemplate three alignment alternatives. Based on the latest project information detailed in Crenshaw Northern Extension Fact Sheet provided on the Metro website (www.metro.net), the three alignment alternatives and proposed stations are not located adjacent to the Project Site. Thus, the Project would not interfere with the future design options of the light rail extension project and, likewise, given there has been no alignment alternative chosen, the Project is not required to consider potential cumulative impacts.

Comment No. IND 1-4

Please continue your efforts to limit the size of this porposed development and to enforce the building code parking space requirements.

Response to Comment No. IND 1-4

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. IND 2

Paul Siman
Received July 18, 2021

Comment No. IND 2-1

I am sorry that I didn't check the Web site sooner, and when I did today, I saw that the three scheduled zoom presentation dates listed passed. Are you going to conduct any additional meetings (sessions) in the near future?

Response to Comment No. IND 2-1

This comment references a zoom presentation. These presentations were not conducted by the City, but rather the Applicant's public outreach consultant. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-2

I participated in one of the original sessions a year ago or so, and it appears that the developer has not modified the plans, and has not addressed the lack of sufficient parking -- not only for the full-time personnel, but the hourly transient patient population.

Response to Comment No. IND 2-2

This comment expresses concern regarding a lack of sufficient vehicular parking. For information regarding vehicular parking for the Project, refer to Comment Letter ORG-1, Response to Comment No. ORG 1-9, above. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-3

The plans have bicycle slots up the wazoo, what about charging stations? It is also naïve to think that 300 doctors are going to bike to work or use public transportation. Honestly, what planet are you folks on? It might look good on paper to make a statement like that, but the bottom line is that a doctor is not going to use public transportation. Plus – if coming from the valley, where isn't any direct or fast public transit.

Response to Comment No. IND 2-3

This comment expresses concern for the number of bicycle parking spaces provided on the Project Site. Bicycle parking is not a CEQA issue. As such, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. Furthermore, to the extent the comment refers to bicycle parking that replaces vehicle parking spaces per LAMC 12.22.A.4, parking

impacts would not be considered significant under CEQA as the Project Site is located within a TPA. Note that with regard to vehicle charging stations, as stated in **Chapter II, *Project Description***, of the Draft EIR, the Project would provide 84 parking spaces that would be capable of supporting future electrical vehicle supply equipment (EVSE) and 42 parking spaces that would be equipped with electric vehicle (EV) charging stations. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-4

The plans have not addressed traffic mitigation or traffic flow along Wilshire and from San Vicente. Nor has the plan addressed the increase in traffic in the neighborhood with individuals circling around looking for parking, when a) there isn't any available at the location and b) free versus having to pay and tip a parking attendant.

Response to Comment No. IND 2-4

This comment expresses concern regarding traffic flow along Wilshire Boulevard as well as neighborhood traffic. With the passage of SB 743, the focus of transportation analysis shifted from vehicular delay (LOS) to VMT. The analysis of the potential transportation/traffic-related impacts of the Project is detailed in **Section IV.I, *Transportation***, of the Draft EIR. As detailed therein, the Project VMT impacts were determined to be less than significant and mitigation measures would not be required.

In addition to the VMT analysis detailed in the Draft EIR, the Transportation Assessment provided an operational evaluation of the nearby intersections, a review of the Project site access and circulation, and a residential street analysis as part of a non-CEQA analysis. The findings of the Transportation Assessment were also stated in the LADOT letter dated December 9, 2020, included as Appendix J-2 of the Draft EIR. As discussed in the Transportation Assessment, provided in Appendix J-1 of the Draft EIR, although the results of the non-CEQA analyses cannot be considered impacts under CEQA, the Project would implement a TDM Program to reduce single-occupant vehicle trips and Project traffic throughout the immediate area as well as contribute toward neighborhood improvements and traffic calming measures as part of a NTMP to minimize neighborhood traffic intrusion. For further information regarding the residential street analysis, refer to Comment Letter ORG-1, Response to Comment No. ORG 1-4, above.

Comment No. IND 2-5

Based upon the number of floors and sq. footage, I've used AIA guidelines to arrive at approx. 300 doctors at 4 patients per hour. That is 1,200 vehicle per hour, and where is the parking if it is even half the amount. It also means that the building is going to have at least 8 to 12 valets to park the cars at that patient/transient rate. Even 300 cars/hour is more than the plan has spaces to park.

Response to Comment No. IND 2-5

This comment expresses concern regarding a lack of sufficient vehicular parking. For information regarding vehicular parking for the Project, refer to Comment Letter ORG-1, Response to Comment No. ORG 1-9, above. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-6

Asking for variances requires giving back to the community, which is lacking. The developer is asking for variances without making any type of enhancement for the area.

Response to Comment No. IND 2-6

This comment expresses concern regarding the request for variances. The list of requested entitlements for the Project is set forth in **Chapter II, *Project Description***, of the Draft EIR; the Project entitlements do not include any variance request. As variances are not a CEQA issue, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-7

One example is the cross-walk from the West side of San Vicente and Wilshire to the East side where the building is situated. The broad width of the street means that people are stranded in the middle island, and vehicles wishing to make a right turn onto San Vicente-narrowly miss the person, or hold up Wilshire west bound due to pedestrians.

The cross-walk is lacking in visual applications, and if one were to go by the developers premise of transit use, the station on the West side of San Vicente will impede traffic and endanger pedestrians.

Response to Comment No. IND 2-7

This comment provides an example of a community benefit that the Applicant could implement as it relates to a cross-walk on San Vicente Boulevard. For information regarding pedestrian accessibility at the adjacent intersection of San Vicente Boulevard and Wilshire Boulevard, refer to Comment Letter ORG-1, Response to Comment No. ORG 1-6, above. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-8

I would be happy to speak with the public relations team and a person from the developers office about the areas concerns before voicing objection at the Council level. The project is a year behind schedule?

Response to Comment No. IND 2-8

This comment notes that the commenter would like to express concerns regarding the Project to the Applicant before raising objections at the Council level. The comment also questions the Project being behind schedule. The Project construction timeline is set forth in **Chapter II, *Project Description***, of the Draft EIR, and states that the Project construction is estimated to commence in 2021 and be completed in 2023 with a 34-month construction schedule. The Project is still generally within the estimated construction timeline in the Draft EIR. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 2-9

I look forward to hearing back as when additional community presentations may be scheduled, or to get a few dates for me to select to have an in-depth conversation.

Response to Comment No. IND 2-9

This comment notes additional future community presentations. While the zoom presentations noted in Comment No. IND 2-1 were not conducted by the City, but rather the Applicant's public outreach consultant, the next opportunities during the CEQA process to provide public input include the Advisory Agency, City Planning Commission and City Council hearings held after publication of the Final EIR. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. IND 3

Avrielle Gallagher
Received July 28, 2021

Comment No. IND 3-1

I strongly oppose the building of the 656 South San Vicente Medical office project. I have lived on 6611 Orange St for 6 years.

If you need to know why, I'm happy to share. But as a resident of the building that is about 50 feet away, I am expressing my opposition to the construction of this building.

Response to Comment No. IND 3-1

This comment expresses general opposition to the Project. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. IND 4

Carisa Barah
Received July 29, 2021

Comment No. IND 4-1

Hi Paul, please kindly confirm this was received and that you have the attachment included. Thank you.

I am a resident of 6611 Orange Street and I am writing in opposition to the proposed project of 656 South San Vicente Medical Office Project Environmental Case # - ENV-2017-468-EIR
State Clearinghouse # - 2020010172.

It is the responsibly of the City of LA, to put the safety and health of its residents first and in turn I hope you strike down this proposed medical building and replace it with either housing or a park which would ground the exchange of the Purple line La Cienega & Fairfax stations together helping ridership grow. A medical building would not accomplish that objective the city is very desperate to attain.

Here is a list of my concerns and objections:

Response to Comment No. IND 4-1

This introductory comment expresses opposition to the Project, suggests two alternative project types for the Site, and introduces more specific comments which are responded to below.

Comment No. IND 4-2

- Property is only zoned for 45ft but they are trying to get it rezoned to Wilshire Corridor.. this property is NOT located on Wilshire rand should NOT be allowed a rezoning for any other purpose but housing. The city has a clear initiative to building more affordable house, not a medical building.

Response to Comment No. IND 4-2

This comment expresses opposition to the Project based on rezoning of the Project Site to Wilshire Corridor. It is not clear what this comment means as a Wilshire Corridor zoning designation does not exist. As described in **Chapter II, *Project Description***, of the Draft EIR, the Project is requesting a Vesting Zone Change from the existing zoning of C1-1VL-O, which permits commercial and retail uses, to the proposed zoning of (Q)C2-2D-O to allow for the proposed building height and floor area. The existing zoning currently does not allow for residential uses. In addition, this comment states that the City has a clear initiative to build more affordable housing and not a medical building. While the City generally does need to build more housing throughout the City, and the Project Site is within a HQTA, SCAG's 2020-2045 RTP/SCS emphasizes locating housing, jobs, and

transit closer together. As such, the Project, as a proposed medical office, would provide employment near public transit, consistent with the 2020-2054 RTP/SCS.

Comment No. IND 4-3

- Beverly Hills put a moratorium on exactly this type of building so the developer is trying to get the Beverly Hills doctor by being across the street from Beverly Hills - this is NOT a valid reason to have this building built AND does nothing to revitalize the area.

Response to Comment No. IND 4-3

This comment expresses opposition to the Project based on the nature of the Project as a medical office development, and claims that the City of Beverly Hills has put a moratorium on medical office use. Note that the Project is in the City of Los Angeles and not the City of Beverly Hills. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 4-4

- Truck access and travel would be on Orange Street.. the developer wishes for trucks to go north on Sweetzer and west on Orange.. both residential streets - they feel ok with bringing medical waste & other building services in and out of all day and night.

Response to Comment No. IND 4-4

This comment expresses opposition to the Project based on operational trucks accessing the loading dock on the Project Site from Orange Street via the neighborhood streets. It is unclear from this comment what issues are of concern. Generally, impacts related to routine transport, use, or disposal of hazards and hazardous materials as addressed in the Project's Initial Study, provided in Appendix A of the Draft EIR. As analyzed therein, the medical (biohazardous) waste such as needles, used bandages, and IV catheters would be handled in compliance with the Medical Waste Management Act, part of the California Health and Safety Code 117600-118360. The Medical Waste Management Act ensures protection of public health and safety and the environment, through the implementation and enforcement of regulations that apply to the handling, storage, treatment, and disposal of biohazardous waste. In Los Angeles County, the California Department of Public Health is the local enforcement agency for the Medical Waste Management Act. All potentially hazardous materials generated from the medical office would be disposed of in compliance with the applicable regulations in accordance with a Hazardous Materials Management Plan, which would be required for the proposed facility in compliance with regulation. Therefore, operation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and impacts would be less than significant. In addition, noise impact associated with the loading dock on the Project and the trucks accessing the Project Site during operation of the Project was analyzed in **Section IV.G, *Noise***, of

the Draft EIR. As analyzed therein, impacts from on-site and off-site sources of noise related to trucks accessing the Project Site were found to be less than significant.

Comment No. IND 4-5

- the proposed truck route will hinder and prevent emergency vehicles from accessing both Orange & Sweeter streets, creating a harmful and potentially deadly impact for residents.

Response to Comment No. IND 4-5

This comment expresses opposition to the Project based on impacts to emergency access. Emergency access as adequately addressed in **Section IV.H.1, *Public Services – Fire Protection***, **Section IV.H.2, *Public Services – Police Protection*** of the Draft EIR, as well as under response to Checklist Question No. XVII.d, in the Initial Study, provided in Appendix A of the Draft EIR. As analyzed therein, the operation of the Project would not include the installation of barriers (e.g., perimeter fencing, fixed bollards, etc.) that could impede emergency vehicle access to and within the vicinity of the Project Site. In addition, emergency response is routinely facilitated, particularly for high priority calls, through the use of sirens to clear a path of travel (including bypassing of signalized intersections), driving in the lanes of opposing traffic pursuant to Section 21806 of the CVC and multiple station response. Furthermore, because of the grid-like pattern of the local street system, each of the fire stations that serve the Project Site have multiple routes available to respond to emergency calls at the Project Site. Additionally, the Project's driveways and internal circulation would be designed to incorporate all applicable City Building Code and Fire Code requirements regarding Project Site access, including providing adequate emergency vehicle access. Compliance with applicable Los Angeles Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in LAMC Section 57.118, and which are required prior to the issuance of a building permit. Therefore, based on the considerations above, despite the Project increase in traffic, the Project would not significantly impair the emergency vehicles from responding to emergencies at the Project Site or the surrounding area

Comment No. IND 4-6

- Limited amount of parking, using bicycle parking to circumvent the lack of parking

Response to Comment No. IND 4-6

This comment expresses opposition to the Project based on the amount of parking provided by the Project. As described on page II-18 in **Chapter II, *Project Description***, of the Draft EIR, pursuant to LAMC Section 12.32 P, the Project is requesting a reduction in parking not to exceed 20 percent, incident to a legislative action, reducing the required vehicle parking to a total of 597 spaces. As required by LAMC Section 12.21 A.16, the Project would be required to provide 15 bicycle parking spaces. However, pursuant to

LAMC Section 12.21 A.4(c), non-residential projects within a TPA may replace up to 30 percent of the required automobile parking spaces, or a reduction of 179 vehicle parking spaces, with bicycle parking at a rate of four bicycle parking spaces per vehicle parking space, thereby, further reducing the required vehicle parking spaces to 418 spaces, in exchange for providing 716 bicycle parking spaces. The Project would provide a total of 716 bicycle parking spaces and 418 vehicle parking spaces. As detailed in **Chapter II, *Project Description***, of the Draft EIR, the Project meets the criteria of Senate Bill (SB) 743 and Zoning Information (ZI) File No. 2542, pursuant to PRC Section 21099 (d)(1), that states a project's "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." Therefore, parking impacts are not considered significant under CEQA as the Project Site is located within a TPA. Therefore, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 4-7

- They are trying to use the amount of bike parking spots as a selfing point.. which is a complete manipulation. The destinations along the new Purple line extension will be LACMA & The Motion Picture Museum, NOT San Vicente. Commuters who ride bikes will not be the workers in this proposed building NOR the patients who will be commuting by car. Patients going to see doctors don't ride their bikes.. they take ride-shares or drive themselves.

Response to Comment No. IND 4-7

This comment expresses opposition the Project based on claims that the Applicant is trying to use the amount of bike parking spaces as a selling point. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 4-8

- Increased greenhouse gasses due to lack of parking - ride-shares increase greenhouse gases by 2 fold.. equaling 4 car rides per visitor. Decrease in pubic transport both before and now substantially because of Covid has been documented many times, and the California environmental quality act means this building and the current draft EIR will significantly erode the local environment this building is proposed on

Response to Comment No. IND 4-8

The comment states that as a result of COVID and the reduction of public transport, the GHG emissions associated with the Project would increase due to a lack of parking and increases in ridesharing. This comment does not provide any evidence supporting these

claims only stating that it is “documented.” Therefore, the Draft EIR impact analysis, the Project’s mobile source GHG emissions calculations using the VMT and trips generated from the Project Transportation Assessment prepared by Gibson Transportation Consulting, Inc., and the emissions presented for Project Operations remain valid.

Further, this comment does not provide credible evidence that the Project would result in new or substantially increased GHG emission impacts as the Project’s GHG analyses do not rely on a quantitative threshold for impact determinations, but rather correctly rely on a qualitative threshold and the Project’s consistency with various regulations and plans to conclude the Project’s GHG impacts would be less than significant (refer to Comment Letter ORG-2, Response to Comment No. ORG 2-13, above, for additional details). The City, as the Lead Agency, has determined that the Project’s GHG emissions would not be cumulatively considerable and therefore would not have a significant cumulative effect if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions. Regulatory plans and policies include those found within the CARB’s 2017 Scoping Plan, SCAG’s 2020-2045 RTP/SCS, Green New Deal, and the Los Angeles Green Building Code. The Project’s GHG impacts and determination of no conflict with respect to the applicable plans, policies and regulations for reducing GHG emissions as analyzed in the Draft EIR would not change based whether or not the Draft EIR considers the existing site use and taking GHG emissions credit from the existing site. Therefore, as the substantial evidence provided on pages IV.E-44 through IV.E-71 and Table IV.E-4, Table IV.E-5, and Table IV.E-6 in **Section IV.E, *Greenhouse Gas Emissions*,** of the Draft EIR, shows the Project would be consistent with the applicable provisions of these plans and properly concludes, that the Project’s GHG impacts are less than significant and mitigation measures are not required.

Comment No. IND 4-9

- As of the date of this letter, the medical office building at 640 S. San Vicente still has “for lease” banners up. It makes one curious why these medical offices would be attractive here with apparent vacancies next door. The draft EIR does not offer any.

Response to Comment No. IND 4-9

This comment notes that the Draft EIR does not offer any explanation for the attractiveness of a medical office building on the Project Site with claims regarding vacancies of other nearby medical office buildings. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 4-10

- Proximity to the new Purple Line extension as well as the fact that this building is on a mostly residential street means this property should ideally be residential. The project site parcels currently addressed 666, 668 and 676 S San Vicente have been identified as “suitable for residential development without the need for any legislative

action by the City." If there is to be development of such massive scale on this particular site, necessity and context both demand a greater proportion of residentially-oriented uses. This could mean including actual dwelling units that directly take on the housing crisis; more ground-floor, pedestrian friendly retail and services as inclusionary programs for the nearby residents and commuters; publicly available open space such as a parklet or plaza. In fact, a 2016 Forbes article pointed to the synergy of retail and medical uses when near one another. (https://www.forbes.com/sites/bisnow/2017/06/23/healthcare-is- becoming-the-new-retail/?sh=26abc1667946)

Response to Comment No. IND 4-10

This comment expresses opposition to the Project based on the nature of the Project as a medical office development and this comment notes that the Project should ideally be a residential development rather than a medical office development, as currently proposed. Refer to Response to Comment No. IND 4-2 above for a discussion regarding the existing zoning on the Project Site and directive from SCAG's 2020-2045 RTP/SCS.

Comment No. IND 4-11

- They are proposing double height parking so they can build out future offices, which on the Zoom they held July 12, their land use consultant Nicole Kuklok-Wladman, who was also at the in person PLUC MCW meeting feb 2020 , stated she didn't remember that being the case and they don't remember Mid Cit West questioning them and having concerns about that and the overall height of the building. **I was AT that meeting... I was the one to bring up that point and was part of that questioning with the MCW panel. These developers will lie any chance they get even when already on the record.

Response to Comment No. IND 4-11

This comment expresses opposition to the Project based on claims that the Applicant's representative lied on a Zoom meeting held on July 12, 2021 regarding the height of the building and double height of the parking levels. As noted on page II-18 in **Chapter II, *Project Description***, of the Draft EIR, the Project includes doubled-stacked parking spaces, which would require 20-foot ceiling heights, which explains the overall height of the building and need for double height of the parking levels. However, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 4-12

- They also would not share who was on the July 12 Zoom.. neighbors or parties of interest could not see how many had joined in and when I asked them to share that info they would not. It is the default setting of zoom to allow all parties to see on another, speak, and make public comments. Nicole Kuklok-Wladman needed to

manually change these settings and in turn was not acting in good faith. (Screen snap attached)

- The only shared the Zoom link 90min before the zoom.. which meant anyone signing up earlier, there was no notification that a link was even coming, leaving people (like myself and my neighbor) to think the meeting may not be happening.. which I am sure led to less attendance. Again not acting in good faith. (Attached is a pdf of the email for the zoom sent out at 3:26pm the day of the event) Even started at 6pm. There was no email notification when I signed up to attend on Sunday July 11.. the only notification was this email.
- They would not let people speak, which I asked to do and was denied, and told they didn't knwo how to let people.. it's a zoom.. that is the default setting.. you have to change them to make it inaccessible!

  Participants could only text into private chat their questions or concerns… so the public couldn't see their comments. When pressed with information they did not like, they ignored it. I have screen snaps (attached) - Again not acting in good faith
- The Zoom only lasted 15min and basically was only to show to access the documents on these websites. They didn't actually wish to engage with the public at all.. though was "the public" even on it? Who knows. - again not acting in good faith
- The developer has sent out letters with no return address, making their outreach look like trash.. preventing the public from fully being aware of their intentions. This was also notated and brought up at the PLUC meeting Feb 2020. - again not acting in good faith.

*** THE DEVELOPER IS INTENTIONALLY AND CONSISTENTLY NOT ACTING IN GOOD FAITH TO AVOID PUSH BACK. A developer who behaves in such a way should NOT be allowed to proceed with their project, as there are in breach of their fiduciary responsibly.

Response to Comment No. IND 4-12

This comment expresses opposition to the Project based on allegations that the Applicant's representative did not act in good faith during a Zoom meeting conducted on July 12, 2021. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. IND 5

Mark Gee
6611 Orange Street, No. 7
Los Angeles CA, 90048
Received August 02, 2021

Comment No. IND 5-1

I am an architect and resident of the neighborhood to the immediate north of the proposed project. I find several aspects of the project at 656 South San Vicente troubling upon reviewing the Draft EIR. I respectfully submit my comments and suggestions below.

Response to Comment No. IND 5-1

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. Specific comments on the Draft EIR are provide below in Comment Nos. IND 5-2 through 5-11. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 5-2

- The building is grossly out of scale with the stated intensity of use. The floor-to-floor heights on the drawings are much greater than those of typical commercial buildings, especially the parking levels, which are twice the height of a common garage.
  - The unusually extra-generous parking levels add 40’ to the overall building height compared to similar use buildings.
  - Indeed, the Applicant’s 12-story project dwarfs the 10-story 8383 Wilshire (160’ according to Beverly Hills records, 16’ average floor-to-floor) by adding 69’-6” for only two more stories. This is clearly illustrated in the southerly aerial perspective rendering of the Draft EIR.
  - Another nearby building, the Jewish Federation’s Goldsmith Building, is also 12 stories but 147’ tall per original building permit (12’-3” average floor-to-floor).
  - At 6500 Wilshire the tower is 23 stories and 316’ tall (13’-9” average floor-to-floor).
  - The proposed excessive height contributes to a problematic massing, which in turn presents inappropriateness to context and results in expansive facades which themselves need greater articulation and scale differentiation.
  - A quick survey of space planning literature from medical device manufacturers, including MRI and CT scanners, did not indicate a need for such tall headroom.
- The Applicant should justify needing the unusual 20’ parking level floor heights. One interpretation is a need to park tall vehicles on every level. Speaking as a residential neighbor, the prospect of increased numbers of large vehicles traveling along Orange Street or Sweetzer Avenue on a daily basis is very undesirable. At an online outreach

meeting July 12, the Applicant's land use consultant stated that she believed the City had imposed a requirement to utilize stacking parking which necessitated the height. I find this explanation hard to believe, but if it is true, as an architect I do not fault the designers for taking advantage of the required headroom to help create more attractive occupied interior environments alongside the parking -- renderings and elevations suggest this to be the case but plans are not explicit -- yet I find the resultant overall height increase, massing, and exterior expression problematic and not effectively resolved architecturally. The Draft EIR states, "the parking spaces would be designed to blend with the building's architecture to minimize views of the Project's parking uses from the street front," but the "blend" solution misses the opportunity to introduce architectural differentiation with a variety of scales. It results in a monotonous expanse. One can look to examples of the Miami Museum and work by Ned Kahn to see that parking facades can be dealt with creatively. Stacked parking saves lateral space; perhaps it is possible to consolidate it vertically as a tower rather than the plinth that forces the offices higher. I ask the City to require the Applicant to identify the need for such tall parking areas to insure that vehicle types do not pose a significant impact. If it is true that the City has imposed a such a specific entitlement requirement for stacked parking in this project, it would be in the City's interest at this time to understand that it is planned for effectively. Therefore I also request that the City ask the Applicant to state how much stacked parking is being provided and where. There are additional potential significant environmental concerns with tall levels that I will describe below and explain why I additionally request that the City have the Applicant clarify if parking levels are solely for parking or shared with office. Finally on this point I urge the City to have the Applicant reassess the partitioning of parking and office architecturally and arrive at a less imposing facade.

- The 716 proposed valet bicycle parking spaces are also unusual but not unwelcome. The plans show room for what might possibly be 108 stacked racks on the ground floor, by my estimation. I urge the City to require a covenant to provide and maintain all on- site bicycle parking and valet services within the parking areas.

Response to Comment No. IND 5-2

This comment provides concerns regarding the height of the proposed building and its related scale to near-by buildings; the height of the parking levels and concerns regarding vehicle type; and location of bicycle parking spaces.

As it relates to concern regarding the height of the proposed building, as discussed in the Initial Study, provided in Appendix A of the Draft EIR, the Project would generally be consistent with the heights of other commercial structures on Wilshire Boulevard and South San Vicente Boulevard, which range from low-rise strip malls to a 22-story medical office building. The proposed 12-story medical office building would reach a height of 230 feet above ground level (to the top of the mechanical penthouse) and would be within the scale of the surrounding buildings, particularly the 22-story Cedars-Sinai Medical Center located 0.25 miles from the Project Site fronting Wilshire Boulevard. The Initial Study analysis found that the Project would be consistent with Policy 2-3.1 of the Wilshire

Community Plan, which requires that new development be compatible with the scale of adjacent neighborhoods.

Regardingparking level heights and vehicle types that may access the Project Site, as noted on page II-18 in **Chapter II, *Project Description***, of the Draft EIR, the Project has 20-foot ceiling heights on the parking levels to accommodate the clearance required for doubled-stacked parking lifts in each space. No special vehicle types are proposed to access the Project Site necessitating the need for higher ceilings. In addition, the latest site plans provided to the City indicates which spaces are planned for stacked vehicle parking spaces. Furthermore, all parking levels (Floors 2 through 5) only include vehicle parking spaces and do not include any office uses.

Regarding bicycle parking spaces, the comment correctly states that the Project would provide full-valet service for bicycle parking spaces and would include 716 bicycle parking spaces for short- and long-term use. These bicycle parking spaces would be provided on the ground floor and within the roof level of the proposed building. The location of the bicycle parking spaces complies with LAMC 12.21.A.16(e)(2)(viii) design standards and location provisions and is not a CEQA issue.

Comment No. IND 5-3

- Throughout the entire project the extremely generous floor-to-floor heights suggest the possibility of additional real floor area using mezzanines. These are not counted in building code floor area limitations but the result is real added floor area and occupant load that may be difficult to enforce during tenant improvements. This translates into greater strain on traffic, parking, and transit in the future than the nominal number of stories and shell and core exiting capacity are accounted for at time of entitlement and permitting. The applicant is asking for a reduction in parking requirements, which seems antithetical to implied future occupant loads and significant traffic-related impacts. The requested parking reduction per LAMC 12.32 P does not seem justified in light of this without further study and explanation. I strongly urge the City to address this possibility when examining the traffic and parking impacts and their requirements. The City may desire to require covenants, affidavits, development agreements, or other instruments to insure that FAR is respected during tenant improvements.

Response to Comment No. IND 5-3

This comment raises concerns regarding the floor-to-floor heights of the building levels within the proposed medical office building. As discussed in Response to Comment No. IND 5-2, above, the Project includes doubled-stacked parking lifts in the parking spaces, which would require 20-foot ceiling heights. In addition, the heights of the medical office floors of the proposed building are higher than standard office levels as medical office buildings require more mechanical equipment, such as ventilation systems, to support medical operations. No mezzanines have been contemplated as part of the Project or are proposed in the future. If mezzanines or additional floor area were to be added in the future, the request would be required to undergo discretionary review at the time the

change is requested. If this were to occur, any potential parking and traffic impacts from this increase would be evaluated in compliance with CEQA.

Comment No. IND 5-4

- The architectural expression is underwhelming -- indeed, banal -- and not befitting the location. The facade has an undifferentiated horizontal monotony similar to suburban office parks. Unlike those low-rise complexes, the project is tall enough to be visible from street level at a great distance. The separation of the upper three floors by use of the recessed terraces begins to break down bulk and create distinct masses, but this is undermined by applying the same facade as the floors below. The developers can choose to spend money on whatever building elements they prefer, but the added building volume and its cladding do not present an attractive, well-proportioned structure that is sensitive to its context. This intersection will be of increasing importance in the very near future and it is deserving of a better urbanistic response – one that addresses needs of commuters a là transit-oriented destination services, one that enhances the character of the intersection as an identifiable and inviting urban node, one that enhances the neighborhood such that the local residents would want to claim it. A landmark building of the proposed height would not necessarily be out of place at this location, yet this proposal is unfortunately an unremarkable mass. The draft EIR identifies potential environmental impacts, but the project vicinity presents a great number of notable characteristics that should be strengthened, among them being:
  - Adjacency to Beverly Hills, a not-insignificant factor in socio-economic terms for property owners, residents and visitors;
  - The terminus of the residential area and green median of San Vicente south of Wilshire to the more commercial zone in the north;
  - Entry to Miracle Mile;
  - A nexus of transit modalities;
  - Proximity to notable cultural, recreational, and leisure sites.
  - A Metro Purple Line stop
- I am sure that both the developer and City want an attractive, notable building due to the location, but the neighborhood deserves improved aesthetics for the given height and bulk to create an urban placemaker. Taking a cue from the Gruen Associates website about their remodel of the Jewish Federation building: “The 12-story, 135,000-SF building, originally constructed in 1955, received a new exterior façade to highlight the architectural importance of its location.” It is regrettable that the proposed project does not present an urban node that demonstrates the same recognition of place and its possibilities.
- There are a number of successful existing, transit-oriented, nodal centers along Wilshire Blvd (Western Ave, Vermont Ave, Normandie) that should be held up as examples. The urban form is often a tower or a mid-rise volume of narrower plan proportions as opposed to a bulky mass as proposed. We see plazas, a great

proportion of retail wrapping the ground levels. While these examples are directly adjacent to the Metro Purple Line stations, the La Cienega station is mere steps away in Beverly Hills and this proximity within the City should inform the urban placemaking. Looking ahead to the future Purple Line stops, we see Fairfax, La Brea, Rodeo Drive, Century City, and Westwood. These are all notable locations with strong urban identities and abundance of ground-level pedestrian amenities. One would hope new development on this site would aspire to the same qualities but is sadly lacking. The project not only intends to take advantage of various by-right transit-oriented opportunities but also seeks rezoning and delivers little to the community in return.

- The terraces help to break up the massing, but simply varying glazing types and mullion rhythms will create more "visual interest" by reducing the monotony.

Response to Comment No. IND 5-4

This comment regarding the architectural design of the proposed building and suggestions for improving the architectural design is noted. However, architectural design is not a CEQA issue. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 5-5

One can see that many of my concerns derive from the very tall floors. I urge the City and its Planning Commission to fully understand the reasons behind this. Without a clear explanation of necessity, the City should take measures to have the Applicant remedy the egregious height, and outsize massing, which are directly related to the potential significant impacts of unenforced occupant load increases. It would be to the benefit of all if reducing the size of the project also alleviated the unremarkable architectural expression. As the project currently stands, I ask the City not to grant the requested FAR and height limit increases.

Response to Comment No. IND 5-5

This comment raises concerns regarding the floor-to-floor heights of the building levels within the proposed medical office building. Refer to Response to Comment No. IND 5-3, above, for a discussion regarding heights of the building levels of the proposed medical office building.

Comment No. IND 5-6

In addition, I request that the City consider the following to be included as Mitigation Measures, Development Conditions, or other requirements as appropriate:

- Include vertical breaks in the massing along San Vicente using wall plane relief and different materials. This would also be welcome on the northeast (alley) facade which is currently undifferentiated.

- Introduce finer articulation and features to the facade to break up the monotony.
- It is unclear whether level 6 has a terrace along the northeast (alley) facade or not. Elevations and renderings distinctly show it, but landscaping plans do not. This elevation is especially sensitive to the appearance of bulk toward the low-rise residential. Any breakup, setback/stepback, and variation in the facade would be welcome to break down the monotonous appearance and improve the likelihood of identifying the building from the north and east.

Response to Comment No. IND 5-6

This comment provides suggestions for the Project to be included in the EIR as either a mitigation measure, condition of approval, or other requirement as it relates to the architectural design of the Project. As noted in Response to Comment No. IND 5-4, above, aesthetic impacts are not considered significant under CEQA because the Project is located in a TPA. It should also be noted that the intensity and scale of the proposed development would be offset by the pedestrian orientation of the ground floor, which creates a human scale at the ground level, and the visible upper story landscape decks and unique building design, which would serve to create visual interest. In addition, the building is designed with stepped terraces to break up the building's massing. With regards to the northeast (alley) façade, no outdoor landscaped patios or stepped terraces are proposed along this façade facing the alley. However, Figure II-6 in **Chapter II, *Project Description***, of the Draft EIR, does illustrate cascading planting along this façade to provide variation along this façade for visual interest. A graphic mural is also proposed along the northeast (alley) façade. Note that the landscape plans illustrated in Figure II-9 provided in **Chapter II, *Project Description***, of the Draft EIR, depict the landscaped outdoor patios proposed on the Project Site and do not illustrate proposed plantings.

Comment No. IND 5-7

- The Draft EIR states that the generator will be run up to 50 hours per year for maintenance and testing. Noise analysis needs to be made available and restrictions on time of day for testing should be adopted. The Draft EIR does not indicate the location of combustion and heat exhausts. Both are presumably on Orange Street. Mitigation measures should be included that address expected noise impact to the neighboring residential uses as well as STC/attenuation requirements of the enclosure and attenuation by mufflers on the exhausts.
- Expand noise mitigation measure NOI-MM-1 to include fencing along Orange Street.
- Add a noise mitigation measure to post on jobsite limitations on use of loud equipment outside of certain hours. The lingering effects of the pandemic with work from home make residences even more sensitive to noise than before.
- Louvers facing Orange Street on levels 6-9 should have sound attenuating devices installed to mitigate fan or mechanical noise.

Response to Comment No. IND 5-7

This comment states that noise analysis needs to be made available for emergency generators operating on-site and suggests that the location of the emergency generators are not indicated. Page IV.G-44 in **Section IV.G, *Noise***, of the Draft EIR states that emergency generators will be located within an enclosure in the loading dock area (also refer to Figure II-3 on page II-10 in **Chapter II, *Project Description***, of the Draft EIR which also clearly illustrates the location of the emergency generators). A qualitative analysis of the impacts from emergency generators is provided in **Section IV.G, *Noise***, of the Draft EIR. The completely enclosed nature of the emergency generators would shield any sensitive receptors from noise levels above ambient levels. Therefore, expanding Mitigation Measure NOI-MM-1 to include fences is not only ineffective but also not warranted. The emergency generators are adequately housed and shielded from the sensitive receptors along Orange Street.

Second, an additional mitigation measure is not required to post on jobsite limitations on use of loud equipment outside of certain hours. The following LAMC requirements already limit the noise described by the commenter.

LAMC Section 112.02 limits increases in noise levels from air conditioning, refrigeration, heating, pumping and filtering equipment. Such equipment may not be operated in such manner as to create any noise which would cause the noise level on the premises of any other occupied property, or, if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the ambient noise level by more than 5 dB.

LAMC Section 113.01 prohibits collecting or disposing of rubbish or garbage, operating any refuse disposal truck, or collecting, loading, picking up, transferring, unloading, dumping, discarding, or disposing of any rubbish or garbage, as such terms are defined in LAMC Section 66.00, within 200 feet of any residential building between the hours of 9:00 p.m. and 6:00 a.m. of the following day, unless a permit therefore has been duly obtained beforehand from the Board of Police Commissioners.

Last, louvers are designed to reduce noise from inside the enclosure and any louvers facing Orange Street would be subject to LAMC Section 112.02, above and the resulting noise level from inside the enclosure would be required to not exceed the ambient noise level by more than 5 dB.

Comment No. IND 5-8

- Upfront, concrete commitments for Traffic Demand Mitigation measures. Incentives for utilizing public transportation should be required in the Conditions of Approval.

Response to Comment No. IND 5-8

This comment requests commitments for specific traffic demand mitigation measures. As detailed in **Section IV.I, *Transportation***, of the Draft EIR, the Project will implement a TDM Program that includes strategies aimed at encouraging use of alternative

transportation modes. Furthermore, the Project would be subject to the requirements set forth in the TDM Ordinance. As detailed therein, the Project VMT impacts were determined to be less than significant and mitigation measures would not be required.

Comment No. IND 5-9

- Off-site development conditions in the immediate intersection context. Remove, or relocate further north, the vehicular access between the San Vicente frontage road and S. San Vicente proper -- this has been a very awkward and hazardous condition for both motorists and pedestrians. In conjunction, create a better resolution to the southern terminus of Sweetzer Avenue at Wilshire. Widen the frontage road median enough for a turnout onto the frontage road from S. San Vicente; improve the greenery of the median. Improve the pedestrian street crossings and traffic flow as Caltrans suggests. Create protected right turns from Wilshire to San Vicente (both directions) and increase the pedestrian crossing timing, especially in light of the greater amount of expected foot traffic coming from the new Metro station. These improvements would all further the aims of the City's Policies 2-2.1, 3-2.3 and Objectives 3.16, 11-2.
- Because many residential neighbors only have street parking, entitlements should stipulate not to include Jacarandas or other messy species.

Response to Comment No. IND 5-9

This comment expresses concern regarding vehicular access to the Project Site. Transportation impacts were analyzed in **Section IV.I, *Transportation***, of Draft EIR, with supporting information provided in the Transportation Assessment, included in Appendix J-1 of the Draft EIR. The analysis in **Section IV.I, *Transportation***, of the Draft EIR, concluded that the Project would result in less-than-significant transportation impacts under CEQA. However, a detailed operational evaluation of the nearby intersections and a review of the Project site access and circulation were provided as part of the Project's non-CEQA analysis detailed in the Transportation Assessment. The findings of the Transportation Assessment were also stated in the LADOT letter dated December 9, 2020, included as Appendix J-2 of the Draft EIR. As detailed in **Section IV.I, *Transportation***, of the Draft EIR, the Project would explore opportunities to manage site access and circulation operations as well as provide road safety enhancements for pedestrian, bicycle, and transit users, which can include contribution toward signal improvements and crosswalk upgrades at adjacent intersections.

Comment No. IND 5-10

On a final note as to use, as of the date of this letter, the medical office building at 640 S. San Vicente still has "for lease" banners up. It makes one curious how and why the proposed medical offices would be more attractive with apparent vacancies next door. It also pains me to see this sort of development proposed when Los Angeles sorely needs residential development to address the affordable housing crisis. Indeed, the project site parcels currently addressed 666, 668 and 676 S San Vicente have been identified in the City's own Housing Element as "suitable for residential development without the need for

any legislative action by the City." If there is to be development of such massive scale on this particular site, necessity and context both demand a greater proportion of residentially-oriented uses. This could mean including actual dwelling units that directly take on the housing crisis; more ground-floor, pedestrian friendly retail and services as inclusionary programs for the nearby residents and commuters; publicly available open space such as a parklet or plaza. The Draft EIR itself points out that the project is within a Regional Center overlay and quotes the desired attributes:

> The development of sites and structures integrating housing with commercial uses is encouraged in Regional Centers, in concert with supporting services, recreational uses, open space, and amenities.

Response to Comment No. IND 5-10

This comment expresses a concern regarding the vacancies in the vicinity of Project Site. In addition, the comment states that the parcels on the Project Site are "suitable for residential development without the need for any legislative action by the City." **Chapter V, *Alternatives***, of the Draft EIR analyzed a residential building with ground floor commercial uses (see Alternative 4). As analyzed therein, more than half of the alternative's significant impacts would be similar to the impacts under the Project as many of the impacts related to construction and ground disturbance would be similar to the Project. As such, the significant and unavoidable noise and vibration impacts under Alternative 4 would be similar to the Project and would not be reduced to less-than-significant levels. Alternative 4 would result in a reduced VMT rate as compared to the Project's VMT rate. However, the change in uses as proposed under this alternative would also result in greater police protection impacts. As Alternative 4 proposes the development of residential uses rather than medical office uses, most of the Project's objectives would not be met, with three fully met and one partially met by this alternative. In addition, the existing zoning currently does not allow for residential uses. Furthermore, while the City generally does need to build more housing throughout the City, and the Project Site is within a Regional Center, as stated in this comment, the General Plan Framework Element encourages integrating housing with commercial uses and supporting services, which this Project, as a proposed medical office, would fulfill.

Comment No. IND 5-11

Some of my comments could be construed to fall within the exemption criteria of SB 743 and ZI File No. 2542 for TDAs. Most of them relate directly to the effects of the rezoning request. I call on the City to examine closely these concerns in terms of potential significant impacts related to traffic and land use. In my view, the Draft EIR seeks avoidance of broader goals of the General Plan and pays lip service to policy statements. If the City commits to allowing the height and volume as requested on this site, it should use the opportunity to encourage a much richer project than what is being proposed. It's use intensity should not require the volume and massing proposed. Given the prominent site and requested envelope, something much more aspirational and inviting would be welcome.

Response to Comment No. IND 5-11

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. IND 6

Jose Nazar
Received August 2, 2021

Comment No. IND 6-1

ENVIRONMENTAL CASE NO.: ENV-2017-468-EIR; **STATE CLEARINGHOUSE NO.:** 2020010172

PROJECT NAME: 656 South San Vicente Medial Office Project; **PROJECT ADDRESS:** 650-676 South San Vicente Boulevard, Los Angeles, California 90048

The closing of the Montessori School and the new ownership of the building and land at 650-676 South San Vicente Blvd., Los Angeles, CA 90048 by Stockdale Capital Partners has been an environmental disaster for our neighborhood. For more than a year, Stockdale allowed, without lifting a finger, its abandoned property and building to be overtaken by vagrants who ended up covering the adjacent S. San Vicente Blvd. and Orange St. blocks with dozens of tents upon an ocean of garbage.

These were not roofless families with children, but mostly common criminals released because of COVID-

19. Neighbors walk or park in fear day or night. Women were subjected to groping or catcalls. In no time, we had a wave of violent burglaries and car break-ins reported in the newspapers.

As the owner of the office building next door and to keep my tenants safe, I had to hire security guards 24/7 with no cooperation from Stockdale. The guards were threatened at knifepoint (reported to police) and I had to provide them with bulletproof vests.

During the burglaries, neighbor Gabriel Donnay, a 31-year-old, was brutally stabbed. Stockdale still didn't do anything to secure their property, while the vagrants lit bonfires in the center of Orange Street.

A fire broke out inside the Montessori school building. The charred walls became an eyesore. I had to send personnel to paint their blackened walls.

I and my diplomat wife, a busy Ambassador to Egypt, did Stockdale's work and negotiated with the vagrants to go. On her last day of that work, social workers offered help to a couple of homeless remaining.

Granted, Stockdale, who was observing our efforts, with the last vagrant gone dropped on the sidewalk flimsy, rental wire fencing easily pushed aside, which I had to affix to the sidewalk with my personnel. We still keep repairing it daily.

When the vagrants left, the rats abandoned the building, invading our neighborhood. Stockdale did nothing again. The raticide you can observe behind the fence was bought by my wife.

Our security personnel still keep watch on Stockdale's property 24/7 to prevent the vagrants attempts to return. No action from Stockdale.

Please, don't abandon us in the hands of negligent Stockdale. A permit would be a virtual license to kill our neighborhood. They have clearly shown their lack of concern for our environment. You would promptly end up with the environmental consequences on your desk.

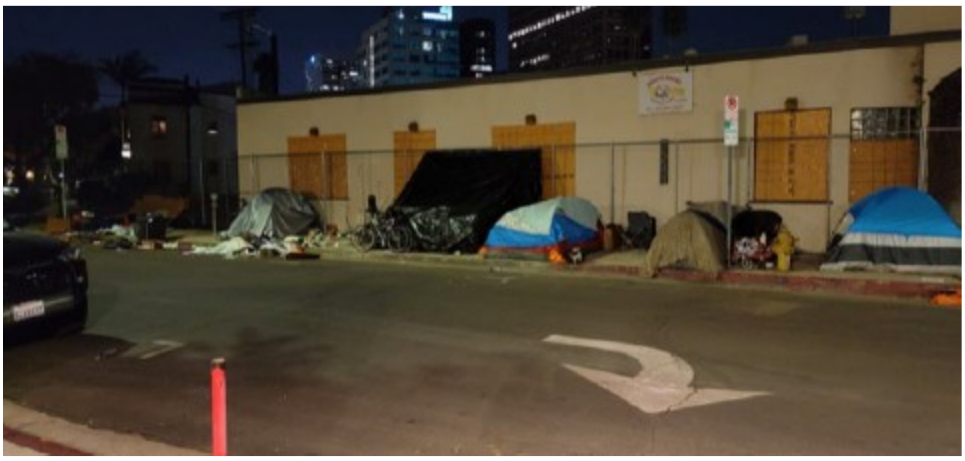
We emphatically oppose this project.

Response to Comment No. IND 6-1

This comment expresses opposition to the Project. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. IND 6-2

Picture enclosed.



Response to Comment No. IND 6-2

This comment provides photographs referenced in Comment No. IND 6-1, above. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR and, as such, no further response is warranted. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.