Appendix A
Original Draft EIR Comment Letters

FORM GEN. 160 (Rev. 8-12)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

DATE: July 19, 2021

TO: Vincent P.Bertoni, Director of Planning
Department of City Planning

Attn: Paul Caporaso, City Planner
Department of City Planning

FROM: Ali Poosti, Division Manager
Wastewater Engineering Services Division
LA Sanitation and Environment

SUBJECT: 656 SOUTH SAN VICENTE MEDICAL OFFICE PROJECT - NOTICE OF COMPLETION AND AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT

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. AG 1-1

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

CD/AP:sa

c: Shahram Kharaghani, LASAN
Michael Scaduto, LASAN
Wing Tam, LASAN
Christopher DeMonbrun, LASAN

File Location: CEQA Review\FINAL CEQA Response LTRs\FINAL DRAFT\656 South San Vicente Medical Office Project - NOC & NOA of Deir.docx

BEVERLY-WILSHIRE
HOMES ASSOCIATION, INC.

8443 West Fourth Street ● Los Angeles, CA 90048-4101 ● Phone 323/653-6254 & 323/653-5357 e-mail TheBWHA2@AOL.COM

July 31, 2021

To: City of Los Angeles, Dept. of City Planning Major Projects
221 N. Figueroa Street Suite 1350
Los Angeles, CA 90012
Paul Caporaso
paul.caporaso@lacityplanning.org

From: Beverly Wilshire Homes Association
8443 West Fourth Street
Los Angeles, CA 90048
bwha@beverlywilshirehomes.com

RE: Comments for DEIR ENV-2017-468-EIR
656 South San Vicente Medical Office Project
650-676 South San Vicente Boulevard Los Angeles, CA 90048

Dear Mr. Caporaso,

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. ORG 1-1

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

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. ORG 1-2

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. ORG 1-3

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". ORG 1-4

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. ORG 1-5

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.

ORG 1-5 cont.

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.

ORG 1-5 cont.

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.

ORG 1-6

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.

ORG 1-7

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).

ORG 1-8

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.

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.

ORG 1-9

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.

ORG 1-10

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. ORG 1-11

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. ORG 1-12

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. ORG 1-13

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. ORG 1-14

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.

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 ORG 1-15

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.

ORG 1-15 cont.

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.

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.

ORG 1-16

Sincerely,

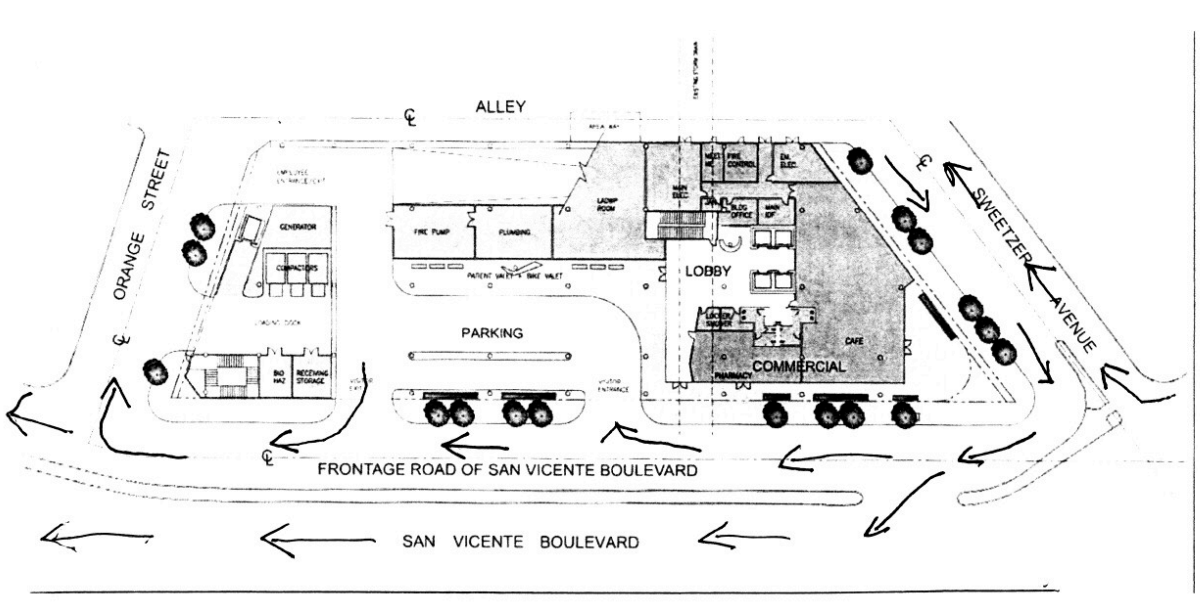
Diana Plotkin
President, Beverly Wilshire Homes Association

Please See 4 Attachments

CC. Councilmember Paul Koretz
200 N. Spring Street.
Los Angeles, CA 90012

ATTACHMENT 1

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

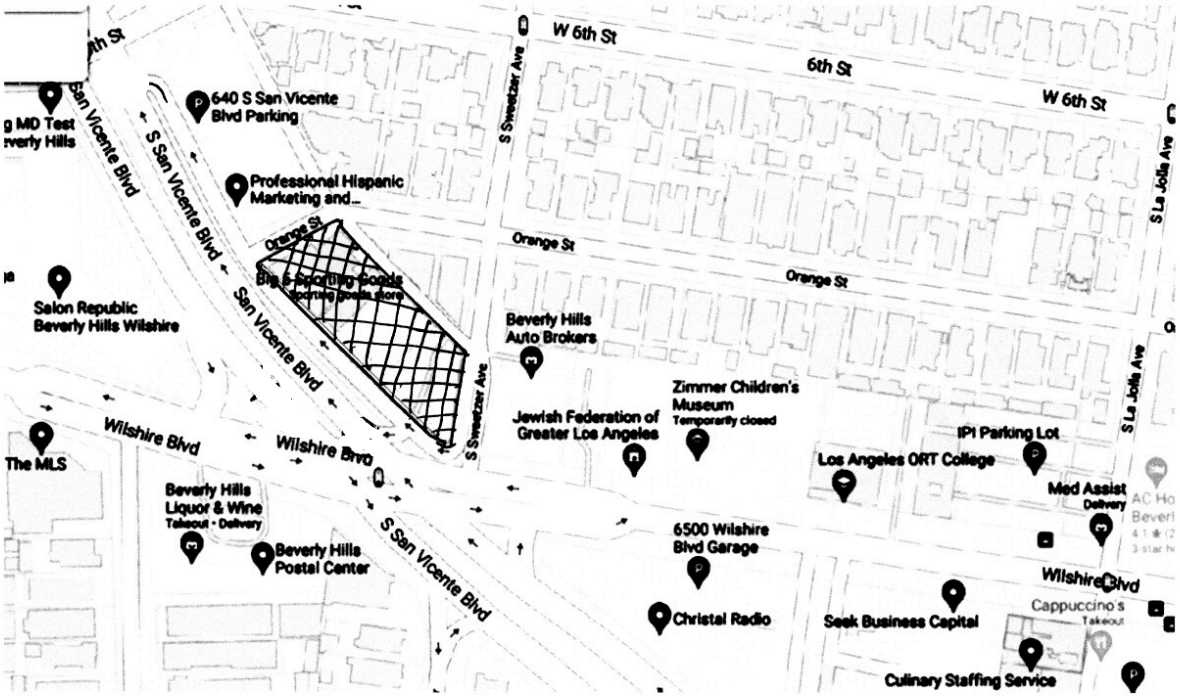


ORG 1-17

ATTACHMENT 1A View of intersection

ORG 1-17 cont.

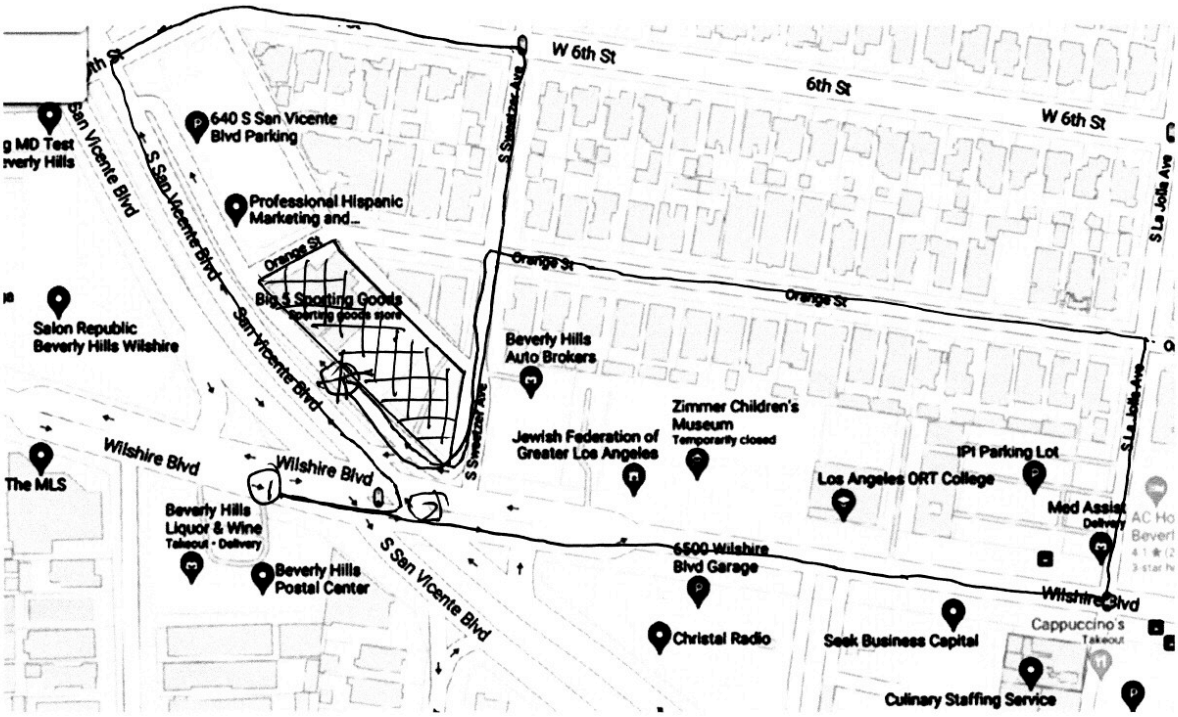
Attachment 2
View of project location within surrounding neighborhood



ORG 1-17 cont.

ATTACHMENT 3

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



ORG 1-17 cont.

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August 2, 2021

Via Email & Overnight Mail:

Paul Caporaso
City of Los Angeles, Department of City Planning
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Los Angeles, CA 90012
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Re: Comments on 656 South San Vicente Medical Office Project (Case No. ENV-2017-468-EIR)

Dear Mr. Caporaso:

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"). ORG 2-1

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 ORG 2-2

[1] Public Resources Code § 21000 *et seq*.; 14 Cal. Code Regs. ("C.C.R.") §§ 15000 *et seq*.

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.[2]

ORG 2-2 cont.

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.

ORG 2-3

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]

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[2] DEIR, p. II-1.
[3] Pub. Res. Code § 21081; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 883.
[4] **Attachment A:** Comments on 656 South San Vicente Medical Office Project (Case No. ENV-2017-468-EIR) (Aug. 2, 2021) ("Clark Comments").
[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").
[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.

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. ORG 2-4

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.

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]

ORG 2-5

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

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[7] Public Resources Code § 21100.
[8] *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944 (citation omitted).
[9] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390 (internal quotations omitted).
[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.").
[11] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564, *quoting Laurel Heights*, 47 Cal.3d at 392.
[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).
[13] 14 C.C.R. § 15003(b).
[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.

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]

ORG 2-5 cont.

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

ORG 2-6

[15] 14 C.C.R. § 15002(a)(2).
[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.
[17] *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added), *quoting Laurel Heights*, 47 Cal.3d at 391, 409, fn. 12.
[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).
[19] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, *quoting Laurel Heights*, 47 Cal.3d at 405.

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.

ORG 2-6 cont.

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

[20] *See*, *e.g.*, *Laurel Heights,* 47 Cal.3d 376.
[21] *See ibid*.
[22] *County of Inyo,* 71 Cal.App.3d at p. 193.
[23] *Id*. at 192-193.
[24] DEIR Appendix B, p.173.
[25] DEIR Appendix J-1, p.84.
[26] DEIR Appendix B, p.173.
[27] DEIR IV.C-20.

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.

ORG 2-6 cont.

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.

ORG 2-7

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

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[28] DEIR Appendix J-1, p.83.
[29] DEIR II, p.20
[30] CEQA Guidelines, § 15125, subd. (a).
[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.
[32] CEQA Guidelines, § 15125, subd. (a).
[33] *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Ca.4th 310, 320.
[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.
[35] CEQA Guidelines §15384.

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.

ORG 2-7 cont.

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

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[36] Pub. Resources Code § 21082.2(c).
[37] DEIR, pp. II-1, V.A-29.
[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).
[39] *CBE v. SCAQMD, supra,* 48 Ca.4th 310, 327–328, citing Guidelines, § 15125, subd. (a)
[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

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.

ORG 2-7 cont.

undeveloped condition of the property, rather than to an office park that could be developed under existing zoning).

[41] *CBE v. SCAQMD*, *supra,* 48 Ca.4th 310, 321.
[42] *Id.* at 318.
[43] *Id.* at 316.
[44] *Id.* at 327.
[45] *Id.* at 328.
[46] *Id.*

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]

ORG 2-7 cont.

> 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

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[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).

[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").

[49] *See* note 57.

[50] (2017) 17 CA5th 708.

[51] *Id.* at 728.

> 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.

ORG 2-7 cont.

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

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[52] *Id.* at 718.
[53] *Id.*
[54] *Id.* at 720.
[55] *Id.* at 729.
[56] (2015) 241 Cal.App.4th 94.
[57] DEIR, pg. 15.
[58] *Id.*

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]

ORG 2-7 cont.

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

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[59] *Hollywoodians Encouraging Rental Opportunities v. City of Los Angeles* ("*HERO*") (2019) 37 Cal.App.5th 768, review denied (Oct. 23, 2019)
[60] *Id.* at 780-82.
[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).
[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."
[63] *CBE v. SCAQMD*, *supra,* 48 Ca.4th 310, 327–328, citing Guidelines, § 15125, subd. (a).
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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.

ORG 2-7 cont.

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:

ORG 2-8

(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

[64] (2017) 17 CA5th 708.
[65] (2010) 48 Ca.4th 310, 320.
[66] (2015) 241 Cal.App.4th 94.
[67] *See* note 57.
[68] *Id.*
[69] DEIR IV.C-13.
[70] DEIR IV.A-40 through A-41.

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.

ORG 2-8 cont.

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

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

ORG 2-9

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]

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[71] DEIR IV.E-25 and Table IV.E-3.
[72] DEIR, IV.A-55 and Table IV.A-7.
[73] *Id.*
[74] *Id.*

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.

ORG 2-9 cont.

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.

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]

ORG 2-10

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

[75] *Id.*
[76] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.
[77] *Id.* at 518.
[78] *Id.* at 518–520; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
[79] *Id.* at 1220.

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]

ORG 2-10 cont.

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.

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[80] *Sierra Club*, at 521.
[81] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[82] *Sierra Club*, 6 Cal.5th at 518–522.
[83] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236–1237.
[84] *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.
[85] *Id.* (internal quotations omitted).

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.

ORG 2-10 cont.

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.

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

ORG 2-11

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

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[86] DEIR Section IV.A Air Quality, p. IV.A-60.
[87] 14 C.C.R § 15126.2(a).
[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).
[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.
[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.

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]

ORG 2-11 cont.

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

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[91] SCAQMD Rule 1407.
[92] Clark Comments p. 6.
[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
[94] Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021; Clark Comments p. 6.
[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.
[96] CARB 2017 Scoping Plan, p. 6, https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf
[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.

~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

ORG 2-11 cont.

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

[98] CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.
[99] Clark Comments p. 7.
[100] Appendix B of the DEIR, page 135 of 228; Clark Comments p. 7.
[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.
[102] DEIR, p. II-1.
[103] Clark Comments, p. 8.

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.

ORG 2-11 cont.

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."

ORG 2-12

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.

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

ORG 2-13

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

[104]DEIR Appendix B p. 115 of 228.
[105] Clark Comments p. 5.
[106] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 520; *Kings County Farm Bureau*, 221 Cal.App.3d at 732.
[107] 14 C.C.R §15064.4.

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.

ORG 2-13 cont.

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

[108] 14 C.C.R §15064.4(b).
[109] 14 C.C.R. § 15064.4(b)(3).
[110] DEIR Section IV.E-79.
[111] DEIR IV.E-82.
[112] DEIR IV.E-46.

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.

ORG 2-13 cont.

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

ORG 2-14

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

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[113] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 520; *Kings County Farm Bureau*, 221 Cal.App.3d at 732.
[114] CEQA Guidelines, Appendix G, Sec. XII(d).
[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
[116] DEIR Section IV.G-26.
[117] Watry Comments, p. 3.

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. ORG 2-14 cont.

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

[118] Watry Comments, p. 3.
[119] 14 C.C.R § 15064(b); *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884.
[120] DEIR Section IV.G-34.
[121] Watry Comments, p. 5.
[122] Watry Comments, p. 5.

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.

ORG 2-14 cont.

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.

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]

ORG 2-15

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]

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[123] Watry Comments, p. 5.
[124] *Id.*
[125] *Id.*
[126] MM NOI-1, DEIR Section IV.H Noise, p. IV.H-34.
[127] *Id.*
[128] Watry Comments, p. 6.
[129] Watry Comments, p. 6.
[130] *Id.*

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]

ORG 2-15 cont.

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]

ORG 2-16

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]

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[131] *Covington,* 43 Cal.App.5th at 883.
[132] 14 C.C.R. § 15355.
[133] 14 C.C.R. § 15355(b).
[134] PRC § 21083(b); 14 C.C.R §§ 15064(h)(1), 15065(a)(3).
[135] CEQA Guidelines §15064(h)(1).
[136] 14 C.C.R. § 15130(b)(1).
[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).

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]

ORG 2-16 cont.

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.

ORG 2-17

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

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[138] Clark Comments, p. 2; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).
[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).
[140] Clark Comments p.10.
[141] CEQA Guidelines §15355(b).

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]

ORG 2-17 cont.

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 "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.

ORG 2-18

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

ORG 2-19

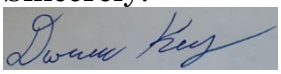
[142] *Id.* at 118–121; *Kings County Farm Bureau*, 221 Cal.App.3d at 718.
[143] Clark Comments, pp. 3–4; https://downtownla.com/maps/development/in-the-pipeline/arts-district/all (last accessed Jan. 22, 2021).
[144] Watry Comments pp. 4-5; DEIR at p. IV.G-62.
[145] Watry Comments pp. 4-5

review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

ORG 2-19 cont.

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

Sincerely.



Darien Key

Attachment

DKK:acp

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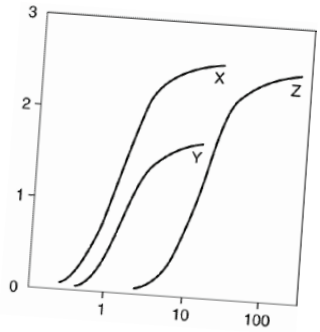
ATTACHMENT A



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August 2, 2021

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

Attn: Mr. Darien Key

Subject: Comments On 656 San Vicente Medical Office Project

Dear Mr. Key:

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.

ORG 2-20 cont.

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.

ORG 2-20 cont.

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).

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.**

ORG 2-21

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.

ORG 2-21 cont.

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)

ORG 2-22

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

[1] DEIR IV.A-41

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.

ORG 2-22 cont.

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:

ORG 2-23

- 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.

ORG 2-23 cont.

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

[2]Appendix B – Air Quality Analysis. Page 115 of 228.

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.

ORG 2-23 cont.

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.

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.

ORG 2-24

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.

ORG 2-24 cont.

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

[3] Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.

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

[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..

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

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.

ORG 2-24 cont.

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

ORG 2-25

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.

ORG 2-25 cont.

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.

ORG 2-26

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.

ORG 2-27

[7] DEIR. 2021. Appendix IV.E pg 82.

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. ORG 2-28

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;

[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).

[9] CEQA Guidelines §15355(b)

- 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.

ORG 2-28 cont.

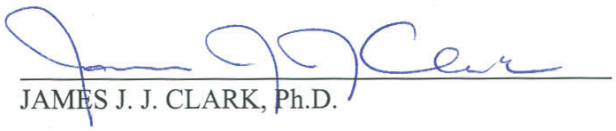
The City's air quality cumulative analysis is clearly deficient and must be supported by the preparation of a revised EIR.

Conclusion

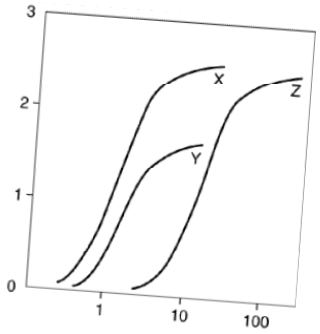
The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the DEIR is approved. The City must re-evaluate the significant impacts identified in this letter by requiring the preparation of a revised draft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

ORG 2-29

Sincerely,



JAMES J. J. CLARK, Ph.D.



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

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

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

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

Professional Experience:

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

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

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

Client: Environmental Litgation Group, Birmingham, Alabama

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

ORG 2-30

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

ORG 2-30 cont.

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

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

Case Result: Summary judgment for defendants.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

ORG 2-30 cont.

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

ORG 2-30 cont.

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

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

Case Result: Settlement in favor of plaintiff.

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

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

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

Case Result: Settlement in favor of plaintiff.

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

ORG 2-30 cont.

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

Case Result: Settlement in favor of defendant.

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

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

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

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

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

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

Client – Confidential

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

ORG 2-30 cont.

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

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

Client – City of Santa Monica, Santa Monica, California

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

Client: Omnitrans, San Bernardino, California

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

ORG 2-30 cont.

Client: Confidential, San Francisco, California

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

Client: Confidential, Minneapolis, Minnesota

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

Client – United Kingdom Environmental Agency

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

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

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

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

ORG 2-30 cont.

Client: City of Santa Clarita, Santa Clarita, California

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

Client: Confidential, Los Angeles, California

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

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

Client – Confidential, Los Angeles, California

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

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

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

ORG 2-30 cont.

Client: Confidential, San Francisco, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, San Francisco, California

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

Client: Covanta Energy, Westwood, California

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

Client – United Kingdom Environmental Agency

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

ORG 2-30 cont.

Client – Confidential, Los Angeles, California

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

Client – Confidential, Los Angeles, California

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

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

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

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

Client: Confidential, Los Angeles, California

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

ORG 2-30 cont.

Client: Kaiser Venture Incorporated, Fontana, California

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

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

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

Client: Confidential, Escondido, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, Bogotá, Columbia

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

ORG 2-30 cont.

Client: Confidential, Los Angeles, California

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

Client: Confidential, Los Angeles, California

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

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

Client: Confidential, Los Angeles, California

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

ORG 2-30 cont.

Client: Confidential, Los Angeles, California

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

Client –Dominguez Energy, Carson, California

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

Kaiser Ventures Incorporated, Fontana, California

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

ANR Freight - Los Angeles, California

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

Kaiser Ventures Incorporated, Fontana, California

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

ORG 2-30 cont.

Unocal Corporation - Los Angeles, California

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

Client: Confidential, Los Angeles, California

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

Client: Confidential, San Francisco, California

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

Client: Confidential, San Francisco, California

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

IT Corporation, North Carolina

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

Professional Associations

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

ORG 2-30 cont.

Publications and Presentations:

Books and Book Chapters

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

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ORG 2-30 cont.

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ORG 2-30 cont.

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ORG 2-30 cont.

ATTACHMENT B

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #21-084

2 August 2021

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

Subject: *656 South San Vicente Medical Office Project*
Draft Environmental Impact Report
Environmental Case: ENV-2017-468-EIR
SCH No. 2020010172
June 2021
Review and Comment on Noise Analysis

Dear Mr. Key,

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.

ORG 2-31 cont.

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.

ORG 2-31 cont.

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,

[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)

many people are finding working and learning more difficult because their home environment is not as quiet as their office or school was.

ORG 2-31 cont.

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]

ORG 2-32

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

[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]

[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].

tied to absolute noise exposure levels (see Thresholds of Significance, Operations at DEIR p. IV.G-32), it is imperative that these be accurate.

ORG 2-32 cont.

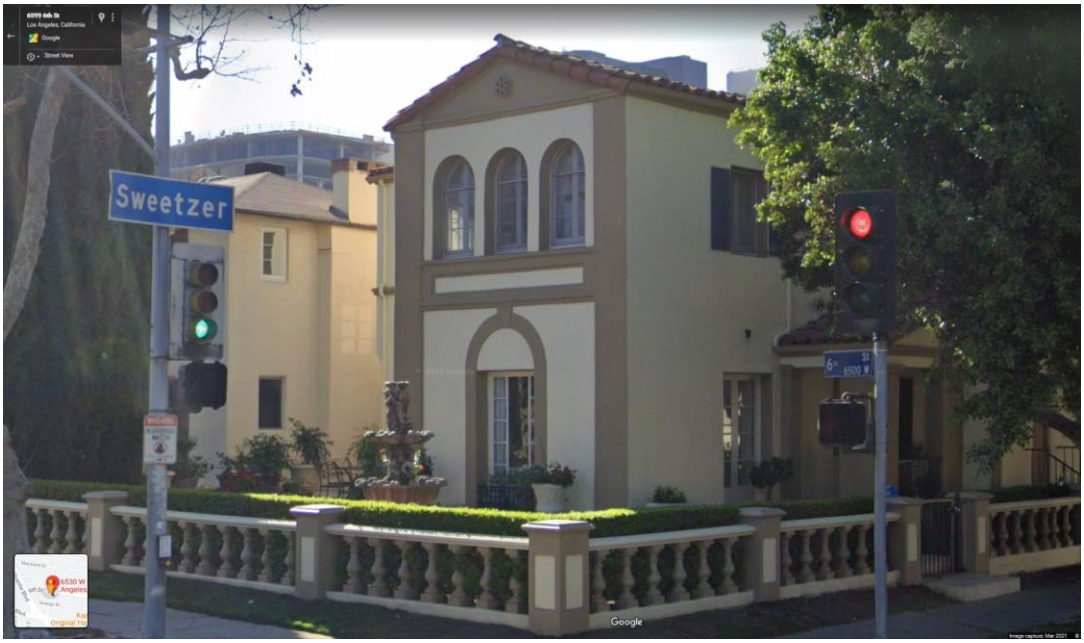
1.2 DEIR Fails to Identify Significant Cumulative Noise Impact

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]

ORG 2-33



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.

ORG 2-33 cont.

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:

ORG 2-34

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

[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.

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]

ORG 2-34 cont.

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]

ORG 2-35

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.

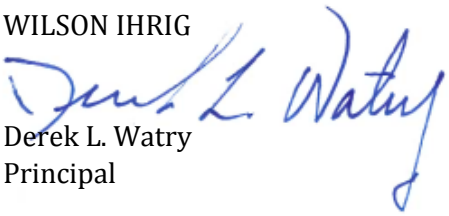
* * * * *

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

ORG 2-36

Very truly yours,

WILSON IHRIG



Derek L. Watry
Principal

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

DEREK L. WATRY

Principal

Since joining Wilson Ihrig in 1992, Derek has gained experienced in many areas of practice including environmental, construction, forensic, architectural, and industrial. For all of these, he has conducted extensive field measurements, established acceptability criteria, and calculated future noise and vibration levels. In the many of these areas, he has prepared CEQA and NEPA noise technical studies and EIR/EIS sections. Derek has a thorough understanding of the technical, public relations, and political aspects of environmental noise and vibration compliance work. He has helped resolve complex community noise issues, and he has also served as an expert witness in numerous legal matters.

Education

- M.S. Mechanical Engineering, University of California, Berkeley
- B.S. Mechanical Engineering, University of California, San Diego
- M.B.A. Saint Mary's College of California

Project Experience

12th Street Reconstruction, Oakland, CA
Responsible for construction noise control plan from pile driving after City received complaints from nearby neighbors. Attendance required at community meetings.

525 Golden Gate Avenue Demolition, San Francisco, CA
Noise and vibration monitoring and consultation during demolition of a multi-story office building next to Federal, State, and Municipal Court buildings for the SFDPW.

ORG 2-37

911 Emergency Communications Center, San Francisco, CA
Technical assistance on issues relating to the demolition and construction work including vibration monitoring, developing specification and reviewing/recommending appropriate methods and equipment for demolition of Old Emergency Center for the SFDPW.

Central Contra Costa Sanitary District, Grayson Creek Sewer, Pleasant Hill, CA
Evaluation of vibration levels due to construction of new sewer line in hard soil.

City of Atascadero, Review of Walmart EIR Noise Analysis, Atascadero, CA
Review and Critique of EIR Noise Analysis for the Del Rio Road Commercial Area Specific Plan.

City of Fremont, Ongoing Environmental Services On-Call Contract, Fremont, CA
Work tasks primarily focus on noise insulation and vibration control design compliance for new residential projects and peer review other consultant's projects.

City of Fremont, Patterson Ranch EIR, Fremont, CA
Conducted noise and vibration portion of the EIR.

City of King City, Silva Ranch Annexation EIR, King City, CA
Conducted the noise portion of the EIR and assessed the suitability of the project areas for the intended development. Work included a reconnaissance of existing noise sources and receptors in and around the project areas, and long-term noise measurements at key locations.

Conoco Phillips Community Study and Expert Witness, Rodeo, CA
Investigated low frequency noise from exhaust stacks and provided expert witness services representing Conoco Phillips. Evaluated effectiveness of noise controls implemented by the refinery.

Golden Gate Park Concourse Underground Garage, San Francisco, CA
Noise and vibration testing during underground garage construction to monitor for residences and an old sandstone statue during pile driving for the City of San Francisco.

Laguna Honda Hospital, Clarendon Hall Demolition, San Francisco, CA
Project manager for performed vibration monitoring during demolition of an older wing of the Laguna Honda Hospital.

Loch Lomond Marina EIR, San Rafael, CA
Examined traffic noise impacts on existing residences for the City of San Rafael. Provided the project with acoustical analyses and reports to satisfy the requirements of Title 24.

Mare Island Dredge and Material Disposal, Vallejo, CA
EIR/EIS analysis of noise from planned dredged material off-loading operations for the City of Vallejo.

Napa Creek Vibration Monitoring Review, CA
Initially brought in to peer review construction vibration services provided by another firm, but eventually was tapped for its expertise to develop a vibration monitoring plan for construction activities near historic buildings and long-term construction vibration monitoring.

ORG 2-37 cont.

San Francisco DPW, Environmental Services On-Call, CA
Noise and vibration monitoring for such tasks as: Northshore Main Improvement project, and design noise mitigation for SOMA West Skate Park.

San Francisco PUC, Islais Creek Clean Water Program, San Francisco, CA
Community noise and vibration monitoring during construction, including several stages of pile driving. Coordination of noise and ground vibration measurements during pile driving and other construction activity to determine compliance with noise ordinance. Coordination with Department of Public Works to provide a vibration seminar for inspectors and interaction with Construction Management team and nearby businesses to resolve noise and vibration issues.

San Francisco PUC, Richmond Transport Tunnel Clean Water Program, San Francisco, CA
Environmental compliance monitoring of vibration during soft tunnel mining and boring, cut-and-cover trenching for sewer lines, hard rock tunnel blasting and site remediation. Work involved long-term monitoring of general construction activity, special investigations of groundborne vibration from pumps and bus generated ground vibration, and interaction with the public (homeowners).

Santa Clara VTA, Capitol Expressway Light Rail (CELR) Bus Rapid Transit (BRT) Update EIS, CA
Reviewed previous BRT analysis and provide memo to support EIS.

Shell Oil Refinery, Martinez, CA
Identified source of community noise complaints from tonal noise due to refinery equipment and operations. Developed noise control recommendations. Conducted round-the-clock noise measurements at nearby residence and near to the property line of the refinery and correlated results. Conducted an exhaustive noise survey of the noisier pieces of equipment throughout the refinery to identify and characterize the dominant noise sources that were located anywhere from a quarter to three-quarters of a mile away. Provided a list of actions to mitigate noise from the noisiest pieces of refinery equipment. Assisted the refinery in the selection of long-term noise monitoring equipment to be situated on the refinery grounds so that a record of the current noise environment will be documented, and future noise complaints can be addressed more efficiently.

ORG 2-37 cont.

Tyco Electronics Corporation, Annual Noise Compliance Study, Menlo Park, CA
Conducted annual noise compliance monitoring. Provided letter critiquing the regulatory requirements and recommending improvements.

University of California, San Francisco Mission Bay Campus Vibration Study, CA
Conducted measurements and analysis of ground vibration across site due to heavy traffic on Third Street. Analysis included assessment of pavement surface condition and propensity of local soil structure.

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VIA EMAIL

August 2, 2021

Paul Caporaso, Planning Assistant
Department of City Planning
City of Los Angeles
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012
paul.caporaso@lacity.org

Re: Comment on Draft Environmental Impact Report, 656 South San Vicente Medical Office Project (ENV-2017-468-EIR; SCH 2020010172)

Dear Mr. Caporaso,

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). ORG 3-1

Sincerely,

Rebecca Davis
Lozeau Drury LLP

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. FORM 1-1

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.

JOSE NAZAR SUITE 510 ME@JOSENAZAR.COM [signature]

Full Name	Address	Email Address	Signature
TAL Maimon	#310	Info@the maimon@gmail.com	[signature]
Wendy Monares	380	Wendymonares@gmail.com	[signature]
Chor Tin Justine Chan	380	justinecct@gmail.com	[signature]
Jennifer Langham	594	drjlangham@yahoo.com	[signature]
Juan Morales	Electric	morales5juan@yahoo.com	[signature]
Robela Cruz	Maintenance	[illegible]	[signature]
CANDELARIO RANGEL	MAINTENANCE	crangel39@gmail.com	[signature]
MICHAEL YADEGAR	#421	YADEGAR1555@GMAIL.COM	[signature]
ALICIA SQUARZON	544	bsquarzon@lotflp.com	[signature]
Vu Q Nguyen	350	vunguyen@atlas-genomics.com	[signature]

Comment Letter No. FORM 1 – General Opposition Letter

Full Name	Address	Email Address	Signature
CHARLES PUREE	#583	CPUREE7703@aol.com	
ARIS EFTHIMIOU	#543	SIMON@LOTFLP.COM	
HAROLD REYES	640 S. San Vicente Bl Suite 587	HAROLDCONSULTANT@GMAIL.COM	
Nabeel Thotti	640 S San Vicente #589	nabeelthotti@640southcom	
Jason Yoon	640 S. San Vicente #420	yooniljeong7@gmail.com	
Enn Song	#420	3angelshc@gmail.com	
Changiz Toomari	#430	acct@toomari.com	
Ellena Yaghoub	#430	info@toomari.com	
Pejman Saedat	#430	service@toomari.com	
Shad Manavi	#326	shadmanavi@gmail.com	
Harel Tavami	#341	Harel111@gmail.com	
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FABIO PASTORINI	251	FABIO@VISASACCESS.com	
MIGUEL FRANCO	260 BUILDING	MIGUEL@LOTFLP.COM	
Jack Sosa	380 SECURITY	SosaPalma@Hotmail.com	
Uzma Kwaikowski	291	Uzbrows@gmail.com	
Hannah Daikhi	479	hannah@egoscue.com	

Connect Create Collaborate

Paul Caporaso <paul.caporaso@lacity.org>

Big 5 Property Development

2 messages

john lorick <johnlorick@att.net> Tue, Jul 13, 2021 at 3:42 PM
To: "paul.koretz@lacity.org" <paul.koretz@lacity.org>, daniel.skolnick@lacity.org, paul.caporaso@lacity.org

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. IND 1-1

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. IND 1-2

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. IND 1-3

Please continue your efforts to limit the size of this porposed development and to enforce the building code parking space requirements. IND 1-4

Sincerely

John Lorick
124 South Harper Avenue
Los Angeles, CA 90048

johnlorick@att.net
(310) 418-4624

Connect Create Collaborate

Paul Caporaso
<paul.caporaso@lacity.org>

Zoom Sessions

1 message

P. E. Siman <pesiman@twc.com> To: 656sanvicente@collaborate-la.com Cc: paul.caporaso@lacity.org Sun, Jul 18, 2021 at 3:20 PM

Community Out-Reach

-

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? IND 2-1

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. IND 2-2

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. IND 2-3

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. IND 2-4

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. IND 2-5

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. IND 2-6

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. IND 2-7

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? IND 2-8

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. IND 2-9

Paul Siman

Paul Caporaso <paul.caporaso@lacity.org>

656 South San Vicente Medical Office Project

2 messages

Avrielle Gallagher <avrielle@religionofsports.com> Wed, Jul 28, 2021 at 10:04 PM
To: paul.caporaso@lacity.org

Environmental Case # - ENV-2017-468-EIR
State Clearinghouse # - 2020010172
Project Name - 656 South San Vicente Medical Office Project

Hi Paul,

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.

IND 3-1

Thanks,
Avrielle
323.646.4238

Paul Caporaso <paul.caporaso@lacity.org>

Opposition Letter - 656 South San Vicente Medical Office Project

1 message

Carisa Barah <carisabarah@gmail.com> Thu, Jul 29, 2021 at 1:04 PM
To: Paul Caporaso <paul.caporaso@lacity.org>

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.

IND 4-1

Here is a list of my concerns and objections:

- 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. IND 4-2

- 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. IND 4-3

- 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. IND 4-4

- 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. IND 4-5

- Limited amount of parking, using bicycle parking to circumvent the lack of parking IND 4-6

- 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. IND 4-7

- 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 IND 4-8

- 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. IND 4-9

- 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) IND 4-10

- 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.

IND 4-11

- 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

IND 4-12

- 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.

Thank you for your time,
Carisa

Carisa Barah
Producer
917-667-1161
smallbattles.com

July 12 Zoom - Chat screen snaps.pdf
1810K

Comment Letter No. IND 5

mag:656sanvicente.ltr210802.1/04
WHAT: design and production
WHERE: architecture, design and media fields
HOW: analog and digital

MARK GEE
6611 ORANGE ST, NO 7
LOS ANGELES, CA USA
90048

AUGUST 02, 2021

PAUL CAPORASO
CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
221 N. FIGUEROA ST
SUITE 1350
LOS ANGELES, CA
90012

RE: ENV-2017-468-EIR

Mr. Caporaso,

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. IND 5-1

- 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. IND 5-2

Comment Letter No. IND 5

mag:656sanvicente.ltr210802.2/04

WHAT: design and production
WHERE: architecture, design and media fields
HOW: analog and digital

MARK GEE
6611 ORANGE ST, NO 7
LOS ANGELES, CA USA
90048

RE: ENV-2017-468-EIR

- 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.

IND 5-2 cont.

- 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.

IND 5-3

- 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.

IND 5-4

↓

Comment Letter No. IND 5

mag:656sanvicente.ltr210802.3/04

WHAT: design and production
WHERE: architecture, design and media fields
HOW: analog and digital

MARK GEE
6611 ORANGE ST, NO 7
LOS ANGELES, CA USA
90048

RE: ENV-2017-468-EIR

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.

IND 5-4 cont.

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.

IND 5-5

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.

IND 5-6

- 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.

IND 5-7

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

IND 5-8

Comment Letter No. IND 5

mag:656sanvicente.ltr210802.4/04

WHAT: design and production
WHERE: architecture, design and media fields
HOW: analog and digital

MARK GEE
6611 ORANGE ST, NO 7
LOS ANGELES, CA USA
90048

RE: ENV-2017-468-EIR

- 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.

IND 5-9

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.

IND 5-10

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.

IND 5-11

Yours,

Mark Gee
310.694.6042
mark@mimsync.com

cc: CD5

Comment Letter No. IND 6

Paul Caporaso <paul.caporaso@lacity.org>

Opposition to Stockdale Capital Partners - ENVIRONMENTAL CASE NO.: ENV-2017-468-EIR

5 messages

Jose Nazar <me@josenazar.com> Mon, Aug 2, 2021 at 1:54 PM
To: "paul.caporaso@lacity.org" <paul.caporaso@lacity.org>

Dear Mr. Paul Caporaso,

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.

IND 6-1

Stockdale.pdf
3270K

Comment Letter No. IND 6

Jose Nazar <me@josenazar.com> Mon, Aug 2, 2021 at 1:58 PM
To: "paul.caporaso@lacity.org" <paul.caporaso@lacity.org>

Picture enclosed.

IND 6-2

IND 6-2
cont.

Begin forwarded message:
[Quoted text hidden]

Stockdale.pdf
3270K

Jose Nazar <me@josenazar.com> Mon, Aug 2, 2021 at 1:59 PM
To: "paul.caporaso@lacity.org" <paul.caporaso@lacity.org>

Encampment on both sides of San Vicente going around to Orange Street for two and a half blocs.

IND 6-2 cont.

Begin forwarded message:

From: Jose Nazar <me@josenazar.com>
Subject: **Opposition to Stockdale Capital Partners - ENVIRONMENTAL CASE NO.: ENV-2017-468-EIR**
Date: August 2, 2021 at 1:54:50 PM PDT
To: "paul.caporaso@lacity.org" <paul.caporaso@lacity.org>

[Quoted text hidden]

Stockdale.pdf
3270K

Paul Caporaso <paul.caporaso@lacity.org> Mon, Aug 2, 2021 at 2:07 PM
To: Jose Nazar <me@josenazar.com>

Hello Jose,

Thank you for your email and associated attachments, it will be added as part of the Project's case file. If you would like to be added to the Interested Parties List to receive notification of publications and hearings, please let me know.

All the best,

LOS ANGELES CITY PLANNING

Paul N. Caporaso
Pronouns: He/Him, They/Them
Planning Assistant
Los Angeles City Planning
221 N. Figueroa St., Room 1350
Los Angeles, CA 90012

Planning4LA.org
T: (213) 847-3629

[Quoted text hidden]

Jose Nazar <me@josenazar.com> Mon, Aug 2, 2021 at 2:32 PM
To: Paul Caporaso <paul.caporaso@lacity.org>

Thank you, very much. I'm not used to such high speed in answers from the City I'm impressed.; you are a gem.
Yes, we are very concerned about Stockdale in our neighborhood, so please include us in all allowed communications.
Respectfully,
Jose Nazar

PS. 700 bikes? Probably 7 max will be used! It shows their nerve. That would mean 175 cars roaming for parking in streets already crammed to the rim.

> On Aug 2, 2021, at 2:07 PM, Paul Caporaso <paul.caporaso@lacity.org> wrote:
>
> [Quoted text hidden]