

## **II. Responses to Comments**

---

## **II. Responses to Comments**

---

### **A. Introduction**

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

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. Section II.C, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

## II. Responses to Comments

### B. Matrix of Comments Received on the Draft EIR

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

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support	
<b>STATE AND REGIONAL</b>																																			
1	Sam Wang Program Supervisor, CEQA-IGR Planning, Rule Development & Implementation SCAQMD 21865 Copley Dr. Diamond Bar, CA 91765-4178					X																										X	X		
<b>ORGANIZATIONS</b>																																			
2	Viviana Pollack Caffe Etc. 6371 Selma Ave. Hollywood, CA 90028-6308					X										X							X										X		
3	Tammy Elliott President The Los Angeles Film School 6363 Sunset Blvd. Hollywood, CA 90028-7317															X							X										X		
4	James Healy Museum of Death 6031 Selma Ave. Los Angeles, CA 90028					X										X							X												

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

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support																		
5	Leo Mellace Sound Factory 6357 Selma Ave. Los Angeles, CA 90028-6312  Joe Erickson RNS Acoustics 7964 Arjons Dr., Ste. 200 San Diego, CA 92126-4438  Ryan Sema RNS Acoustics 7964 Arjons Dr., Ste. 200 San Diego, CA 92126-4438															X							X									X		X																		
6	Talia Nimmer obo SWRCC Mitchell M. Tsai Attorney at Law 139 S. Hudson Ave., Ste. 200 Pasadena, CA 91101-4990  Matt Hagemann SWAPE 2656 29th St., Ste. 201 Santa Monica, CA 90405-2984  Paul E. Rosenfeld SWAPE 2656 29th St., Ste. 201 Santa Monica, CA 90405-2984							X			X					X							X									X		X																		
<b>LATE LETTERS</b>																																																				
7	Charles C. Holloway Manager Environmental Planning and Assessment Department of Water and Power 111 N. Hope St., Rm. 1044 Los Angeles, CA 90012-2607																								X							X																				

## **II. Responses to Comments**

---

### **C. Comment Letters**

#### **Comment Letter No. 1**

Sam Wang  
Program Supervisor, CEQA-IGR  
Planning, Rule Development & Implementation  
SCAQMD  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178

#### **Comment No. 1-1**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Los Angeles is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the CEQA regional air quality analysis during construction, project-level air quality mitigation measures for construction, revision of the toxic air contaminant analysis in the air quality section, and information about South Coast AQMD permits that the Lead Agency should include in the Final EIR.

#### **South Coast AQMD Staff's Summary of Project Information in the Draft EIR**

Based on the Draft EIR, the Lead Agency proposes the development of a 25-story building consisting of 270 multi-family residential units and 6,790 square feet of ground floor commercial space, 30,918 square feet of open space, and recreational amenities.<sup>1</sup> The Proposed Project includes removing the existing surfacer parking area and ornamental landscaping.<sup>2</sup> The Proposed Project would retain six existing buildings of approximately 33,828 square feet.<sup>3</sup> With the inclusion of the existing buildings, the Proposed Project would result in 300,996 square feet of floor area.<sup>4</sup> The Proposed Project's construction would require exporting up to 69,333 cubic yards of soil.<sup>5</sup> The Proposed Project is located at 1520–1542 North Cahuenga Boulevard, 1523–1549 North Ivar Avenue, and 6350 West Selma Avenue in the Hollywood Community of Los Angeles.<sup>6</sup> Based on a review of aerial photographs, South Coast AQMD staff finds that the nearest sensitive receptor (e.g., apartment) is within 150 feet northeast of the Proposed Project. The Proposed Project's construction is anticipated to occur over an approximately 26-month period and is expected to be completed in 2025.<sup>7</sup>

- 1 Draft EIR. Page II-1.
- 2 *Ibid.*
- 3 *Ibid.*
- 4 *Ibid.*
- 5 *Ibid.*
- 6 *Ibid.*
- 7 *Ibid.* Page II-19.

### **Response to Comment No. 1-1**

This comment serves as an introduction to the commenter's letter regarding the Draft EIR for the Project and summarizes the Project Description (Section II, Project Description, of the Draft EIR). Specific comments regarding the Draft EIR are provided and responded to below.

### **Comment No. 1-2**

#### **South Coast AQMD Staff's Comments on the Draft EIR**

##### *CEQA Regional Emissions Air Quality Analysis during Construction*

Based on the Draft EIR, Table IV.A-6: Estimate of Maximum Regional Project Daily Construction Emissions<sup>8</sup> (pounds per day or lbs/day) shows that the Proposed Project's construction NO<sub>x</sub> emissions are significantly close to the South Coast AQMD Regional Air Quality Significant Thresholds,<sup>9</sup> 98 lbs/day compared to 100 lbs/day. Even though the amount of export soil is mentioned as approximately 69,333 cubic yards,<sup>10</sup> in the California Emissions Estimator Model (CalEEMod) construction output files, the Lead Agency identifies zero hauling truck trips for the demolition and grading activities.<sup>11</sup> Due to the zero number of hauling truck trips, the emissions from hauling truck trips are calculated as zero.<sup>12</sup> Hence, it is possible that the Lead Agency underestimates the construction emissions. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the CalEEMod analysis to reflect the appropriate hauling truck trips associated with the 69,333 cubic yards of exported soil and include the hauling emissions to the CEQA regional construction emissions, compared to the South Coast AQMD Regional Air Quality Significant Thresholds to determine the significance impacts level, and include it in the Final EIR. In the event that the construction emissions exceed the South Coast AQMD Regional Air Quality Significant Thresholds, the Lead Agency should provide air quality mitigation measures to commit to reducing the environmental impacts from construction activities in the Air Quality Section and include them in the Final EIR. If the revision is not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

- <sup>8</sup> *Ibid.* Page IV.A-58.
- <sup>9</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.
- <sup>10</sup> *Ibid.* Page II-1.
- <sup>11</sup> Appendix B. PDF page 7.
- <sup>12</sup> *Ibid.* PDF page 8-10.

### **Response to Comment No. 1-2**

Consistent with the Draft EIR, SCAQMD identifies that the Project's maximum daily construction NO<sub>x</sub> emissions (98 lb/day) are less than the SCAQMD's regional significance threshold (100 lbs/day). SCAQMD's comment expresses concern with whether haul truck trip emissions were included in the Draft EIR regional emissions air quality analysis. SCAQMD correctly identifies that the Project would include 69,333 cubic yards of export and the CalEEMod output file showed zero haul truck trips. It should be noted that CalEEMod only calculates average daily haul truck trips. Accordingly, the Project's truck trips were input to CalEEMod as vendor trips to account for peak daily grading/export truck trips. A detailed discussion is provided below of how including haul truck trips entered as vendor trips is necessary to calculate peak daily truck trips.

CalEEMod 2020 provides the total number of haul truck trips over the grading duration based on the total amount of import/export (Project includes 69,333 cubic yards of export over 152 work days) and use of a haul truck with a 16 cubic yard capacity. This would equate to 4,333 total hauls or 8,667 one-way trips. Unfortunately, CalEEMod then uses this information to calculate maximum daily emissions, but only with an average daily number of truck trips (29 hauls or 57 one-way trips). This would be acceptable if the Project were to operate in steady-state average daily excavation/export activity. However, this is not the case for the Project and the default CalEEMod analysis could therefore potentially underestimate peak-daily grading/excavation emissions. Accordingly, the CalEEMod modeling required an adjustment to account for peak-daily excavation/export activity. The Project's haul trips were accounted for in the modeling by including them as vendor trips since this trip category allows for a daily trip input and not total trips over the construction duration. As shown in the modeling on page 6 of Appendix B of the Draft EIR, 200 vendor trips were included for grading/excavation (roughly 3.5 times the default average daily rate) to account for peak-daily activity. In addition, the SCAQMD should note that the Vendor Vehicle Class was also adjusted to Heavy-Heavy Duty Trucks (HHDT) consistent with the default hauling vehicle class. In addition, the trip length was also adjusted from the default 20 mile length to 25 miles to account for increased haul distance to Hanson Aggregates in Irwindale. Furthermore, the modeling accounts for the increase in construction equipment on a peak day and includes 17 pieces of equipment in comparison to the CalEEMod default grading mix of 3 pieces of equipment. Please note that this same approach was used to characterize demolition activities. Under these peak activity levels,

the Project construction air quality impacts were determined to be less than significant. It should be recognized that this level of activity would not be anticipated over the entire 152 day grading period and average daily activities would result in substantially reduced average daily emissions.

To summarize, the CalEEMod analysis included in the Draft EIR correctly reflects peak daily truck trips and distances during grading/export. No changes to the air quality analysis are necessary based on this comment. Peak daily construction regional emissions remain below SCAQMD significance thresholds and result in a less than significant air quality impact consistent with the conclusions in the Draft EIR.

### **Comment No. 1-3**

#### *Additional Recommended Project-Level Air Quality Mitigation Measures during Construction*

Based on the Draft EIR, the regional construction emissions are already at 98 lbs/day for NO<sub>x</sub> and are about to reach the South Coast AQMD Regional Air Quality Significant Thresholds. With the recommendation to revise the construction emissions, including hauling truck emissions, the significant impact level might result differently. In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,<sup>13</sup> South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan,<sup>14</sup> and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.<sup>15</sup>

Project-level air quality mitigation measures for construction air quality impacts that the Lead Agency should consider and include in the Final EIR and any subsequent CEQA document and future development projects may consist of the following:

- All off-road construction equipment with horsepower greater than 50 shall be required to have USEPA-certified Tier 4 engines or engines that are certified to meet or exceed the emission ratings for USEPA Tier 4 engines, where feasible. In the event that all construction equipment cannot meet the Tier 4 engine certification, the applicant must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies that reductions in the daily NO<sub>x</sub> and PM<sub>2.5</sub> emissions can be achieved by other technologies/strategies so that



emissions from all concurrent construction would not exceed applicable SCAQMD daily emission thresholds.

- At a minimum, require the use of the 2010 model year<sup>16</sup> that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of PM and 0.20 g/bhp-hr of NO<sub>x</sub> emissions or newer, cleaner trucks.
- Tune and maintain all construction equipment to be in compliance with the manufacturer's recommended maintenance schedule and specifications that optimize emissions without nullifying engine warranties. All maintenance records for each piece of equipment and their construction contractor(s) should be made available for inspection and remain onsite for a period of at least two years from the completion of construction.
- Require the use of electric or alternative-fueled (i.e., non-diesel) construction equipment, if available, including but not limited to concrete/industrial saws, pumps, aerial lifts, material hoists, air compressors, forklifts, excavators, wheel loaders, and soil compactors.
- Provide electric vehicle (EV) charging stations or, at a minimum, provide the electrical infrastructure, and electrical panels shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment.

<sup>13</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>14</sup> South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/defaultsource/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86)

<sup>15</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

<sup>16</sup> CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

### **Response to Comment No. 1-3**

SCAQMD's concern regarding potential construction emissions was considered in the air quality analysis included in the Draft EIR. As discussed in Response to Comment No. 1-2, peak daily truck emissions associated with hauling soil export were included in the air quality analysis and air quality impacts remain less than significant. As a result, the City is not required to impose the requested mitigation measures.

**Comment No. 1-4***Revision of the Toxic Air Contaminant Analysis in the Air Quality Section*

In the Air Quality Section in the Draft EIR, the Lead Agency mentions, “SCAQMD recommends that HRAs be conducted for substantial individual sources of diesel particular matter (e.g., trucks stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units)”,<sup>17</sup> and the Lead Agency references it as from South Coast AQMD Health Risk Assessment Guidance.<sup>18</sup> However, this written language is likely to be taken from CARB Air Quality and Land Use Handbook: A Community Health Perspective, under Table 1-1: Recommendations on Sitting New Sensitive Land Uses, and specifically for Distribution Centers.<sup>19</sup> The above statement and Table 1-1 are meant for advisory recommendations on sitting new sensitive land uses (e.g., residences, schools) near distribution centers and other land use types. The Lead Agency may misunderstand the above advisory recommendations from CARB Air Quality and Land Use Handbook because the Proposed Project is not a distribution facility, nor are there any sitting new sensitive receptors near the Project site. Therefore, not including an HRA based on the above statement is misused. South Coast AQMD staff recommend that the Lead Agency remove the above explanation from the toxic air contaminants analysis under the air quality section in the Final EIR.

<sup>17</sup> Draft EIR. Page IV.A-63–64

<sup>18</sup> South Coast AQMD’s guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>19</sup> CARB Air Quality and Land Use Handbook can be found at: <https://www.arb.ca.gov/ch/handbook.pdf>.

**Response to Comment No. 1-4**

The methodology for analysis of potential Project-related TAC impacts was provided on Page IV.A-45 of the Draft EIR,

*Potential TAC impacts are evaluated by conducting a qualitative analysis consistent with SCAQMD guidance and the CARB Handbook. The qualitative analysis consists of reviewing the Project to identify any new or modified TAC emissions sources and evaluating the potential for such sources to cause significant TAC impacts. If the qualitative evaluation determines the potential for significant impacts from a new TAC source, or modification of an existing TAC emissions source, a more detailed dispersion analysis is conducted to evaluate estimated Project TAC emissions against the applicable SCAQMD significance thresholds based on downwind sensitive receptor locations.*

Contrary to what is stated in this comment, the SCAQMD has recommended use of SCAQMD's Guidance Document and the CARB Handbook for evaluation of TAC emissions sources. As an example, the SCAQMD provided a comment letter on the MND for the Proposed Inland Center Gas Station Project.<sup>1</sup> As described in the comment letter, the Lead Agency proposed to construct a new gas station with twelve pumps adjacent to existing residential dwellings to the south. The SCAQMD provided the following guidance:

*Guidance Regarding Gasoline Dispensing Facilities Site Near Sensitive Receptors*

*SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plan and Local Planning<sup>2</sup> in 2005. Additionally, the California Air Resources Board's (CARB) Air Quality and Land Use Handbook: A Community Health Perspective<sup>3</sup> recommended in 2005 to avoid the siting of housing within 300 feet of a large gas station or 50 feet from a typical gas station. In April 2017, CARB released a Technical Advisory as a supplement to this Handbook.<sup>4</sup> These Guidance documents provide recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. The SCAQMD staff recommends that the Lead Agency review and consider these Guidance documents when making local planning and land use decisions.*

The SCAQMD provided direction to consider the guidance documents in the Lead Agency's decision to locate a potential TAC emissions source (in this case a gasoline station) near sensitive land uses and included referenced siting distances in the CARB Air Quality and Land Use Handbook.

---

<sup>1</sup> South Coast Air Quality Management District, May 2017. SCAQMD comments on the MND for the Proposed Inland Center Gas Station Project, [www.aqmd.gov/docs/default-source/ceqa/comment-letters/2017/mnd-inlandcenter-052417.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2017/mnd-inlandcenter-052417.pdf?sfvrsn=6).

<sup>2</sup> South Coast Air Quality Management District, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, May 2005, [www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document](http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document).

<sup>3</sup> California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005, [www.arb.ca.gov/ch/landuse.htm](http://www.arb.ca.gov/ch/landuse.htm).

<sup>4</sup> California Air Resources Board, Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways, April 2017, [www.arb.ca.gov/ch/landuse.htm](http://www.arb.ca.gov/ch/landuse.htm).

The SCAQMD guidance document provides the following information regarding the siting of new facilities on Page 2-3.

*The potential impacts of new facilities on sensitive sites will depend on a variety of factors including the amount and toxicity of pollutants emitted, the type of air pollution control equipment at the facility, design features of the facility, the distance from the source of emissions to the sensitive receptor, and local meteorology. All these factors should be carefully evaluated when siting a source of air pollution. Typically, the siting process followed by land use agencies to avoid the location of sensitive sites (e.g., residences, health clinics, etc.) near sources of air pollution does not involve the AQMD. The potential for public health impacts remains unchanged when siting sensitive receptors near a pollution source or a pollution source near a sensitive receptor.*

The SCAQMD then proceeds to cite CARB recommended minimum separation distances between new sensitive land uses and eight categories of existing sources (Table 1-1 in CARB's Handbook) which include: (1) high-traffic freeways and roads; (2) distribution centers; (3) rail yards; (4) ports; (5) refineries; (6) chrome plating facilities; (7) perchloroethylene dry cleaners; and (8) large gasoline stations. The Project would not include any of these substantial TAC sources. As discussed on Page IV.A-63 of the Draft EIR, the primary sources of potential air toxics associated with Project operations include diesel particulate matter from delivery trucks (e.g., truck traffic on local streets and idling on adjacent streets) and, to a lesser extent, facility operations (e.g., natural gas fired boilers). However, these activities, and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions.

It is acknowledged that the SCAQMD unfortunately does not provide clarification regarding what level of diesel truck activity from a typical land use development project would require an HRA. However, the CARB Handbook does recommend to avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units per day (Table 1-1 of the ARB Handbook). Given that Page 2-3 of the SCAQMD guidance states that "the potential for public health impacts remains unchanged when siting sensitive receptors near a pollution source or a pollution source near a sensitive receptor," the City as Lead Agency has elected to use the siting distances in Table 1-1 of the CARB Handbook for evaluating health risk impacts from both TAC sources and sensitive uses.

From an operational standpoint, the Draft EIR correctly identified that the Project would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic toxic air contaminants. In addition, the proposed land uses would not generally involve the use of heavy-duty diesel trucks with the exception of

occasional moving trucks, trash trucks or delivery trucks. A conservative estimate of the number of daily truck trips is provided below based on the National Cooperative Highway Research Program Truck Trip Generation Data.<sup>5</sup>

- Table D-2c of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Retail (includes restaurants)) provides an average of 0.324 truck trips per 1,000 sf or approximately 2.2 truck trips per day for the Project's new retail/restaurant uses (6,790 sf). This assumes that all trucks would be diesel even though many retail/restaurant truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).
- Table D-2e of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Other Land Uses (includes housing)) provides 0.011 truck trips per 1,000 sf or approximately 2.9 truck trips per day for the Project's residential uses (270 du or 260,378 sf). It is conservatively assumed that all of these delivery trucks would be heavy-duty diesel trucks even though many residential truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

As shown above, the Project is conservatively estimated to generate approximately 5 trucks per day and would not be considered a project that attracts a substantial number of diesel-fueled vehicular trips and is not considered to be a substantial source of diesel particulate matter warranting a refined HRA. The SCAQMD correctly identifies that the Project is not a distribution facility. However, since the primary source of emissions from the Project is from diesel delivery trucks, comparing the number of Project-related trucks to a use with a larger volume of trucks (i.e., 100 trucks per day) as a reference point provides context to the level of diesel truck activity warranting a siting criteria in the CARB Land Use Handbook. Based on the above information, the Draft EIR correctly concluded that an operational HRA was not warranted and health risk impacts would be less than significant. Clarification regarding SCAQMD's HRA recommendations and the siting distance from the CARB Land Use Handbook has been included in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of this Final EIR.

### **Comment No. 1-5**

#### *South Coast AQMD Permits and Responsible Agency*

If the implementation of the Proposed Project would require modifying the existing or use of new stationary equipment, including but not limited to emergency generators, fire water

---

<sup>5</sup> National Cooperative Highway Research Program (NCHRP), *Synthesis 298 Truck Trip Generation Data*, 2001, [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_syn\\_298.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_298.pdf).

pumps, boilers, etc., permits from South Coast AQMD are required. The Final EIR should include a discussion on stationary equipment requiring South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used for the stationary sources in the Final EIR will also be used as the basis for the permit conditions and limits for the Proposed Project. Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

### **Response to Comment No. 1-5**

The SCAQMD is referred to Page IV.A-16 of the Draft EIR which provides a list of SCAQMD rules and regulations applicable to land use development projects (including the Project). Rule 1146.2--Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters and Rule 1470-Requirements for Stationary Diesel-Fueled Internal Combustion Ignition Engines are included in this list. As shown in the CalEEMod modeling included in Appendix FEIR-B of this Final EIR, a 500 hp diesel fuel emergency generator would be included as part of the Project. Project emissions from this source were calculated consistent with the requirements of SCAQMD Rule 1470 (200 hours per year of which daily emissions would include one hour for routine testing). In addition, since residential uses are located within 50 meters of the Project, the Project's emergency generator would comply with the 0.01 g/bhp-hr particulate matter standard provided in SCAQMD Rule 1470, Table 1 (PM Emission Standards for New Stationary Emergency Standby Diesel-Fueled CI Engines Located at a Sensitive Receptor or 50 Meters or Less From a Sensitive Receptor—gram per brake horsepower-hour (g/bhp-hr)). Regarding boilers, no specific information is included in the Draft EIR. Instead, natural gas consumption was calculated consistent with CalEEMod default factors and emission factors.

### **Comment No. 1-6**

#### **Conclusion**

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, when the Lead Agency's position is at variance with recommendations raised in the comments, the issues raised in the comments should be addressed in detail, giving reasons why specific comments and suggestions are not accepted. There should be good faith and reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on

public disclosure and are not meaningful, informative, or useful to decision-makers and to the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at [dnguyen1@aqmd.gov](mailto:dnguyen1@aqmd.gov) should you have any questions.

### **Response to Comment No. 1-6**

The comment requests that the City comply with CEQA in responding to SCAQMD's comments. As requested, the City's responses to SCAQMD's comments will be sent to the SCAQMD as part of the Final EIR distribution prior to certification of Final EIR. The City, in making the findings for the Project, will comply with the requirements of Section 15091 of the CEQA Guidelines. Since air quality impacts are less than significant, findings regarding the recommended mitigation measures are not required.

---

**Comment Letter No. 2**

Viviana Pollack  
Caffe Etc.  
6371 Selma Ave.  
Hollywood, CA 90028-6308

**Comment No. 2-1**

I am writing to you as the owner of Caffe Etc(established [sic] in 2004) located just half a block away from the proposed construction site at Selma and Ivar . [sic]

I am highly concerned about the construction of this project and the noise and exhaust it could bring into the block.

I have outdoor seating and this could impact my business and customers ability to enjoy it . [sic]

**Response to Comment No. 2-1**

Construction impacts associated with the Project are thoroughly addressed in the Draft EIR. Based on Google Earth imagery, there is no outdoor seating area for Caffe Etc. with a direct line-of-sight to the Project's construction area. The current outdoor seating area for Caffe Etc. is located inside the East Cahuenga Alley (located between Cahuenga Boulevard and Cosmo Street, north of Selma Avenue) and is shielded from the Project construction area by an existing two-story commercial building located at the northwest corner of Selma Avenue and Cosmo Street. As provided in the Draft EIR (Table IV.G-20), the estimated maximum construction noise level at offsite receptor R7 (located east of Caffe Etc.) would exceed the Project's noise impact significance threshold by 6.1 dBA. However, the construction noise level at the Caffe Etc. building would be reduced due to further distance from the Project Site (a minimum 5 dBA reduction from the additional 50 feet to 100 feet buffer distance) as well as shielding provided by the existing two-story commercial building (minimum 10 dBA noise reduction). Therefore, Project construction noise levels at Caffe Etc. would be approximately 55.8 dBA (70.8 dBA minus 5 dBA due to additional distance and 10 dBA due to presence of existing structure), which would be consistent with existing ambient noise levels and is not anticipated to result in a significant impact.

With regard to construction exhaust, as discussed in Section IV.A, Air Quality, of the Draft EIR, construction of the Project would not result in any local or regional air quality impacts. Impacts associated with Toxic Air Contaminants would also be less than



significant. As such, the Project would not result in significant air quality impacts, including at Caffè Etc.

### **Comment No. 2-2**

Where [sic] all the construction vehicles be parked ? [sic]

Will they be driving down Selma ? [sic]

Will there be street closures ? [sic]

### **Response to Comment No. 2-2**

As discussed in Section IV.I, Transportation, of the Draft EIR, pursuant to Project Design Feature TR-PDF-2, as part of the requirements of the Construction Traffic Management Plan, parking for construction workers will be provided either on-site or at off-site, off-street locations. Construction worker parking will be prohibited on streets in the vicinity of the Project Site.

With regard to hauling, as discussed in the Draft EIR, construction delivery/haul trucks would travel on approved truck routes between the Project Site and the Hollywood Freeway (US-101). Incoming trucks would exit the US-101 onto Gower Street, travel south on Gower Street and west on Selma Avenue to the Project Site. Outgoing trucks would exit the Project Site onto Selma Avenue, head east on Selma Avenue, north on Argyle Avenue, and onto the US-101 south bound on-ramp. As discussed in Section IV.G, Noise, of the Draft EIR, haul truck noise along Selma Avenue would be significant and unavoidable during hauling activities.

With regard to lane closures, while it is expected that the majority of construction activities for the Project would primarily be confined to the Project Site, limited off-site construction activities, such as traffic control and flagging or construction fencing, may occur in adjacent street rights-of-way during certain periods of the day, which could potentially require temporary lane closures. However, if lane closures are necessary, travel lanes would be maintained in both directions along the adjacent streets. Pursuant to Project Design Feature TR-PDF-2, as part of the requirements of the Construction Traffic Management Plan, flag persons would be present to maintain two-way traffic operations should any travel lane be closed during this period. Additional temporary traffic controls would be provided to direct traffic around any closures and to maintain emergency access as required by the Construction Traffic Management Plan. Any anticipated lane closures would be coordinated with LADOT.

**Comment No. 2-3**

Please keep me updated with any further developments . [sic]

**Response to Comment No. 2-3**

The commenter will be placed on the public mailing/notification lists related to the Project.

**Comment Letter No. 3**

Tammy Elliott  
President  
The Los Angeles Film School  
6363 Sunset Blvd.  
Hollywood, CA 90028-7317

**Comment No. 3-1**

The purpose of this letter is to outline for you the concerns that The Los Angeles Film School has relative to the Artisan Hollywood project located at 1520–1542 N. Cahuenga Boulevard, 1523–1549 North Ivar Ave. and 6350 West Selma Ave., Hollywood, CA 90028.

Our student-centric institution is unique in a variety of ways. As such, our concerns relative to this project are equally unique. For historical context, The Los Angeles Film School (“LAFS”) opened its doors in September of 1999 teaching a non-degree certificate program in immersive filmmaking. With a student body of just 200 at the end of 2000, LAFS operations were conducted from four floors at 6363 Sunset Boulevard. In 2004, the owners of LAFS expanded their educational operation by acquiring the Los Angeles Recording Workshop, now known as the Los Angeles Recording School, located at 6690 Sunset Boulevard. In 2005, LAFS became accredited by the Accrediting Commission of Career Schools and Colleges, a national accrediting agency recognized by the U.S. Department of Education. Shortly thereafter, LAFS gained approval to offer accredited degree programs, commencing with associate degrees in filmmaking, audio arts, game production, and computer animation. In 2005 and 2006, LAFS expanded its facilities throughout 6363 Sunset Boulevard and 6353 Sunset Boulevard; additionally, the LAFS facilities now include the historic Ivar Theatre. In 2015, LAFS began offering accredited baccalaureate degree programs. Now in 2022, LAFS operates four facilities in Hollywood California totaling over 230,000 square feet; services an on-campus student body of over 2500 (with over 12,000 alumni/ae); and offers three associate degree programs and nine baccalaureate degree programs focused on entertainment, audio and music production, film, and business.

**Response to Comment No. 3-1**

This introductory comment that includes an overview of the LAFS is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 3-2**

As you might imagine, a facility working with film and video cameras, audio gathering equipment, and all the ancillary equipment associated with the training of film and video and audio content production and post-production requires a highly stable environment relatively free of extraneous noise and ground vibration. This is the primary focus of our school's concerns regarding the Artisan Hollywood Project: A 25-story construction project that includes four subterranean parking levels is likely to add a significant level of noise and vibration to the local Sunset–Ivar–Selma intersection location. Moreover, LAFS management is very concerned about the potential for construction at the Artisan Hollywood project to be occurring simultaneously at some periods with construction at 6407 Sunset where a 21-story hotel structure with a four-level subterranean parking structure is planned.

**Response to Comment No. 3-2**

As provided in the Draft EIR (Table IV.G-20), Project construction noise impacts would be less than significant at the LAFS (represented by receptor R2). In addition, as provided in the Mitigated Negative Declaration (MND) prepared for the Hollywood Ivar Gardens Project (6407 Sunset Project) under case number ENV-2015-2895-MND, that project's estimated construction noise impacts at the LAFS would be reduced to a less than significant level with implementation of specified mitigation measures. However, as provided in the Draft EIR (Page IV.G-68), the Draft EIR conservatively concluded that potential cumulative on-site construction noise impacts in the event of concurrent construction of the Project and nearby related projects (including the 6407 Sunset Project) would be significant and unavoidable.

As described in the Draft EIR (Page IV.G-32), Project construction haul trucks would travel on the approved truck routes between the Project Site and the Hollywood Freeway (US-101) via Gower Street, Argyle Avenue, and Selma Avenue. The Project haul trucks would not travel on Ivar Avenue adjacent to the LAFS. In addition, the 6407 Sunset Project would not utilize Ivar Avenue for hauling activity. Therefore, Project construction trucks would not result in significant off-site impacts at the LAFS and would not contribute to the cumulative impacts with the 6407 Sunset Project.

With respect to ground-borne vibration, the estimated vibration levels due to the Project construction at the LAFS would be 63.7 VdB, which would be below the 65 VdB significance criteria. Vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, peak vibration levels generated by the Project construction equipment would not contribute to cumulative impacts.

**Comment No. 3-3**

The proposed project would be constructed approximately 50 feet directly west of the Los Angeles Film School's main campus located at 6363 W. Sunset Boulevard, which contains, among other essential facilities, soundstages, a dubbing stage, media editing labs, sound design labs, and classrooms and theater spaces that are central to the Los Angeles Film School's educational mission. Since these uses are particularly sensitive to noise and vibration impacts, the impacts of the proposed project's construction alone could be particularly serious for our school and the learning environment of LAFS students.

**Response to Comment No. 3-3**

Although the Project Site is located directly west of the LAFS, the Project Development Area (where construction activities would occur) is located approximately 150 feet north of the LAFS, as shown on Figure II-2 of the Draft EIR. As analyzed in the Draft EIR, with implementation of mitigation measures, the estimated construction noise levels at LAFS (represented by receptor R2), would be below the significance criteria (see Table IV.G-20). In addition, the estimated maximum construction vibration levels at the LAFS would be 63.7 VdB (see Table IV.G-22), which would be below the 65 VdB significance threshold. Therefore, Project construction noise and vibration impacts would be less than significant at the LAFS.

**Comment No. 3-4**

In recent projects, the owners of LAFS engaged the services of an acoustical engineering consultant to provide LAFS management with some insight into the potential impact to LAFS operations of this level of construction in the immediate area of LAFS operations. The results of this consultant's analysis indicate to LAFS management that the anticipated construction in the area has the potential to significantly impact LAFS operations at 6363/6353 Sunset Boulevard, unless significant actions are taken by the construction contractors to mitigate the impacts of the significantly increased levels of noise and ground vibrations in the immediate area of the Sunset-Ivar intersection.

**Response to Comment No. 3-4**

As analyzed in the Draft EIR, with implementation of mitigation measures, the estimated construction noise levels at the LAFS (represented by receptor R2), would be below the significance criteria (see Table IV.G-20). In addition, ground-borne vibration impacts due to the Project construction were evaluated at the LAFS (represented by receptor R2). As provided in the Draft EIR (Table IV.G-22), the estimated maximum ground-borne vibration at the LAFS would be 63.7 VdB, which would be below the 65 VdB significance threshold. The estimated vibration levels represent the worst-case construction vibration scenario with the heavy construction equipment operating at the

nearest distance to the LAFS. Therefore, Project construction noise and vibration impacts would be less than significant at the LAFS, with implementation of Mitigation Measure NOI-MM-1.

### **Comment No. 3-5**

In addition to these primary concerns, LAFS management is additionally concerned with the impact on traffic congestion in the area, particularly relative to Ivar Avenue between Sunset and Selma. Access to all LAFS campus parking structures is located on Ivar between Sunset and Selma. We are concerned about the potential use of this section of Ivar for staging of construction equipment and operations, as well as the hauling of debris out and construction materials in [sic] throughout the construction period. The level of congestion we anticipate, particularly assuming construction at the Artisan Hollywood Project and 6407 overlaps, is likely to have a substantial impact on our students, future students, and employees being able to access the parking structure.

### **Response to Comment No. 3-5**

Construction staging activities are anticipated to occur on-site. With regard to hauling, as discussed in the Draft EIR, construction delivery/haul trucks would travel on approved truck routes between the Project Site and the Hollywood Freeway (US-101). Incoming trucks would exit the US-101 onto Gower Street, travel south on Gower Street and west on Selma Avenue to the Project Site. Outgoing trucks would exit the Project Site onto Selma Avenue, head east on Selma Avenue, north on Argyle Avenue, and onto the US-101 south bound on-ramp. As such the segment of Ivar between Sunset Boulevard and Selma Avenue where the LAFS parking structure is accessed is not a part of the Project's haul route. In addition, in accordance with Project Design Feature TRA-PDF-2, prior to the start of construction, a Construction Traffic Management Plan will be prepared and submitted to LADOT for review and approval. The Construction Traffic Management Plan includes the following requirements:

- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during construction;
- Temporary traffic controls during construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag persons);
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences; and
- Identification of a construction manager and provision of a telephone number posted at the site during site preparation, grading, and construction readily visible

to any interested party for any inquiries or complaints regarding construction activities.

Refer to Section IV, Mitigation Monitoring Program, of this Final EIR for a full list of the measures required as part of the Project Design Feature TRA-PDF-2.

Based on the above, Project construction activities, including hauling activities, would not result in traffic congestion that would significantly impact access to LAFS.

### **Comment No. 3-6**

If the construction envisioned at Artisan Hollywood and 6407 overlaps, the consequence is likely to significantly impact LAFS students' ability to matriculate in a peaceful and stable environment, requiring LAFS to expend non-budgeted amounts to maintain its business operations. If the projects do not overlap, it will result in several years of construction directly next to our school. Similarly, construction at the Artisan Hollywood project may well impact LAFS' ability to attract new students for enrollment in a highly-competitive market. It is worth noting that LAFS hosts monthly campus open houses, which provide prospective students with an opportunity to visit our campus and see our technology in action, interact with our faculty, and provides the major source of new enrollments for our educational services. Should LAFS find itself in a position of having to expend non-budgeted amounts on temporary facilities to maintain its operations—while at the same time incurring a reduction in new enrollments—the impact could be devastating.

For the avoidance of doubt, LAFS management does not oppose development in the Hollywood area. However, it is essential that the city require new developments to employ significant and appropriate mitigation measures and technologies to avoid negative impact on its neighbors. In addition, LAFS management believes that allowing construction projects at The Artisan Hollywood and 6407 to overlap would be detrimental to all existing businesses in the area of the Sunset-Ivar intersection.

### **Response to Comment No. 3-6**

Cumulative impacts of the 6407 Sunset Project (referred to as Related Project No. 2) and the Project were included in the cumulative analyses throughout the Draft EIR. Based on the cumulative analyses in the Draft EIR, the only potentially significant cumulative impact associated with the Project and Related Project No. 2 would be related to cumulative on-site construction noise impacts (including cumulative impacts at LAFS) as discussed in Section IV.G, Noise, of the Draft EIR. While the timing of construction of the proposed 6407 Sunset Project is not certain, it is anticipated to be constructed prior to the Project given that there is a current active plan check application for building and grading permits with the City for this related project. In addition, as discussed in Section IV, Noise,

of the Draft EIR, construction of the Project would result in less than significant impacts at LAFS (represented by Receptor Location R2 in the analysis) with implementation of the proposed mitigation measures. No other significant impacts associated with other environmental topic areas would occur at the LAFS as a result of the Project.

**Comment No. 3-7**

We hope and trust that the city will take these concerns to heart while reviewing the Artisan Hollywood Project. We look forward to working with the city and the Artisan Hollywood Project developers to ensure that the project, if approved, is a positive experience for the Hollywood community and does not negatively impact the educational environment for current and future LAFS students.

**Response to Comment No. 3-7**

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



**Comment Letter No. 4**

James Healy  
Museum of Death  
6031 Selma Ave.  
Los Angeles, CA 90028

**Comment No. 4-1**

I am writing to you as a business owner near the proposed construction site at Selma and Ivar. I have concerns about the construction phase of this project bringing a significant amount of noise, debris and fumes to this neighborhood. Easy access and available parking is important to my customers. This is a normally quiet neighborhood and loud construction from such a huge site at peak business hours could negatively affect my business.

The Museum of Death has recently relocated to this Selma location and we are relying on a smooth transition from our former location at 6031 Hollywood Blvd. Our customers will need easy visual access when locating the new building! We would like to participate in any public comments and meet with the development team to discuss this matter further. Thank you for your attention to this matter! Cheers!

**Response to Comment No. 4-1**

The address provided by the Commenter for the new location of the Museum of Death is approximately 0.5 mile to the east of the Project Site. As such the Commenter's business will not be significantly impacted by the Project. Specifically, the only significant impacts related to the Project are short-term construction impacts associated with on-site construction noise and vibration (related human annoyance), and off-site construction noise and vibration (related human annoyance) associated with the Project's haul route. Given the approximate 0.5-mile distance to the Project and that 6031 Selma Avenue is not located along the Project's haul routes, these significant impacts would not occur at this location.

The Commenter will be placed on public mailing/notification lists related to the Project.

**Comment Letter No. 5**

Leo Mellace  
Sound Factory  
6357 Selma Ave.  
Los Angeles, CA 90028-6312

Joe Erickson  
RNS Acoustics  
7964 Arjons Dr., Ste. 200  
San Diego, CA 92126-4438

Ryan Sema  
RNS Acoustics  
7964 Arjons Dr., Ste. 200  
San Diego, CA 92126-4438

**Comment No. 5-1**

Could you please enter this letter below and its attachment (very important) into the comments for this Case Number: ENV-2019-5591-EIR. Please confirm receipt. Thank you.

I am writing to you as the property owner of 6357 Selma Ave, approximate [sic] 50 feet across the street from this proposed construction site on Selma and Ivar. I have serious concerns regarding the construction as it relates to the disruption of my existing recording studio business. After hiring an Acoustic firm specializing in the acoustical impacts of construction as well as specializing in recording studio design, their findings were that this construction would make the operation of our recording facility impossible. As you will see in the detailed attached report, the noise and vibrational pollution will create an environment inhospitable for to [sic] our recording operations. Recording with sensitive sound receivers is the one thing we do here.

There is already a precedent for this very circumstance from 2009 with East West Studios and Emerson college and their findings were clear. Construction of this type in this close proximity disrupts the ability for artists to record and for the studio to provide its service. If [sic] the studios were to close, even a few days, word can spread quickly in the tightly-knit high-end recording community that the studio is not an adequate recording location and alternatives are found quickly for those artists. Once lost this type of business is lost it [sic] very difficult to impossible to get back. This historic recording studio has been in continuous operation since the mid-1960's [sic] and is currently home to some of today's brightest music stars. The closure of this iconic studio would not just be a catastrophic loss

to our business but could lead to the loss of an important part of Hollywood's musical history.

Beyond the sonic and vibration effects, we understand that the huge scale of this project is outside the guidelines of the Hollywood community plan. Further, what will be done to mitigate the debris, dust and air pollution? It appears that 100's [sic] of trucks a day would be coming in and out of this area during excavation. Who will clean off the buildings and lot? There are potentially many workers and parked construction vehicles would strain already scarcely available parking. Interruption due to closed roads, accidental damage [sic] safety risk from falling object are also concerns.

This project cannot be built without catastrophic effects to Sound Factory's business.

REFERENCE: East West x Emerson college initial comment letters (PAGES 34–40)  
[https://planning.lacity.org/eir/EmersonCollege/Feir/FEIR%20Appendices/Appendix%20A\\_Draft%20EIR%20Comment%20Letters.pdf](https://planning.lacity.org/eir/EmersonCollege/Feir/FEIR%20Appendices/Appendix%20A_Draft%20EIR%20Comment%20Letters.pdf)

### **Response to Comment No. 5-1**

This comment expresses concern regarding construction-related noise and vibration impacts at the Sound Factory and transmits an acoustical report prepared by RNS (RNS Acoustical Report). A detailed analysis of potential noise and vibration impacts at the Sound Factory is included in Section IV.G, Noise, of the Draft EIR. In addition, also refer to Comments 5-2 through 5-25 and the associated responses for the specific comments included in the RNS Acoustical Report.

As discussed in Section IV.F, Land Use, of the Draft EIR, the Project would generally be consistent with the Hollywood Community plan land use provisions and policies. In addition, as discussed in Section IV.A, Air Quality, of the Draft EIR, the Project would not result in significant regional or localized air quality impacts and dust during construction would be controlled in accordance with AQMD regulations. Furthermore, construction worker parking on streets adjacent to the Project Site would be prohibited. Construction activities would also occur in accordance with regulatory requirements that would ensure adequate access is provided to surrounding properties during construction and that construction activities do not result in any safety hazards.

### **Comment No. 5-2**

REFERENCE: ATTACHED RNS ACOUSTIC REPORT

The following report summarizes our comments regarding noise and vibration from the Artisan Hollywood Project (“the Project”) affecting the business operations of Sound Factory.

## Executive Summary

- RNS Acoustics was engaged to review the Draft Environmental Impact Report (DEIR) for the Project, with respect to noise and vibration impacts that will affect Sound Factory. It is our professional opinion that the noise analysis does not adequately discuss or address the impacts to Sound Factory’s operations as a recording studio. Intrusive noise and vibration from construction is expected to have significant detrimental effects on the ability of Sound Factory to conduct their normal business activities, potentially resulting in grave financial and reputational consequences for the studio.
- The preparer of the Noise Analysis (DEIR Chapter IVG [sic] and Appendix G) utilized the California Environmental Quality Act (CEQA) guidelines, Federal Transportation Administration (FTA) and Federal Highway Administration (FHWA) guidelines, Roadway Construction Noise Model (RCNM), and Transportation Noise Model (TNM) to determine the significance and levels of noise and vibration.
- The DEIR states that the Project will result in “Significant and Unavoidable impacts” to Sound Factory, with respect to exterior sound levels and ground-borne vibration (human annoyance) during construction, even with the proposed Project Design Features and Mitigation Methods.
  - The Noise Analysis estimates that the A-weighted Hourly Equivalent Levels from construction will be ~70 dBA LAeq,1hr at Sound Factory’s property line, for all 5 primary phases of construction, including the noise barrier mitigation measure (Page IV.G-47, NOI-MM-1). This is ~10 dBA above the existing ambient sound levels, which is a significant increase.
  - The estimated ~70 dBA sound levels are based on NOI-MM-1, which states that temporary sound barriers will be erected at the north property line of the Project and be designed to attenuate sound levels at ground level at the Sound Factory by 15 dBA.
    - The DEIR does not include the specific barrier locations or height. The effectiveness of the sound barriers could be less than 15 dBA depending on the location and height of the noise source, especially if there are any openings in the sound barrier (i.e. site access for vehicles). The Noise Analysis states that with no barrier attenuation, the noise levels would be ~85 dBA at Sound Factory.

- The barriers will not provide any attenuation for noise sources that have line-of-sight to Sound Factory (i.e., noise sources above the ground floor of the project, and haul/delivery trucks on Selma Avenue).
- Even if the barriers block 15 dBA of sound overall, they will be less effective at blocking low-frequency sounds. The Sound Factory building is also less effective at blocking low-frequency sounds than mid- and high-frequency sounds.
- The Noise Analysis is based on A-weighted Hourly Equivalent Levels, which is required by the CEQA regulations.
  - Hourly Equivalent Levels are an average of the fluctuating sound level over the course of an hour. Individual noise events can temporarily result in noise levels that are significantly louder than the Hourly Equivalent (average) level. Intermittent but frequent loud noise events would be disruptive to recording sessions.
  - A-weighting is commonly used for noise analysis and noise regulations, as it is correlated to how humans perceive the frequency content of sound. A-weighting de-emphasizes the contribution of low-frequency sounds. Large construction equipment can have significant low-frequency sound energy that is not represented by the A-weighted sound level. Building assemblies and noise barriers are less effective at blocking low-frequency sound compared to mid- and high-frequency sound.
- The construction Noise Analysis is based on assumptions about the sound levels, quantities, locations, and duty cycles of the noise generating equipment. The assumptions are based on the preliminary construction plan and FTA/FHWA guideline, which is appropriate for a CEQA EIR. However, the actual sound levels may be even louder at times if the actual equipment used varies compared to the assumptions made in the Noise Analysis.
- The Noise Analysis states that ground-borne vibration from Large Bulldozers, Caisson Drilling, Loaded Trucks, Jackhammers, and haul trucks on Selma Avenue will exceed the 65 VdB threshold for human annoyance at the Sound Factory. These events will also contribute towards ground-borne noise heard in the studios. The perceptible and annoying vibration events are expected to be frequent to near-constant during the Demolition and Excavation phases.
- Construction is anticipated to occur over a 26-month period. The exact construction schedule and length of the various phases is not readily apparent from our review of the DEIR. Los Angeles Municipal Code Section 112.05 indicates that construction is allowed between 7:00 am and 9:00 pm Monday through Friday, 8:00 am to 6:00 pm on Saturday and National Holidays, and at no time on Sundays. Certain phases and construction activities may be more disruptive to recording sessions than others, and it would be helpful to understand the construction schedule in more detail when scheduling clients.

- Occasional noise events, such as loud vehicles accelerating in front of the studio, are slightly audible inside the studios currently, particularly the low-frequency sound components. Intrusive noises from construction and haul/delivery trucks on Selma Avenue are expected to be far more frequent compared to the current ambient noise environment. Even though the studios are designed to a higher standard for sound isolation compared to normal commercial or residential construction, loud intermittent noise events are expected to be audible and annoying inside the studios, and disruptive to recording sessions.
- The remainder of this letter provides additional information regarding Sound Factory studios, the Project noise and vibration impacts to Sound Factory, comments and concerns regarding the DEIR Noise Analysis, and potential additional mitigation measures.

### **Response to Comment No. 5-2**

This introductory comment provides the summary of the comments provided in the RNS Acoustical Report submitted by the Sound Factory. Specific issues raised in this report are addressed in Response to Comment Nos. 5-3 through 5-24, below. Therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. 5-3**

#### **Sound Factory Overview**

Sound Factory is located at 6357 Selma Avenue, 50 feet north of the north property line of the Project site. Sound Factory is a world-class recording studio that has been in operation since the late 1960's. [sic] Sound Factory has been home to over 2,500 album recordings including many of the most popular classic recordings such as "I Want You Back" by The Jackson 5 and "What's Going On" by Marvin Gaye, and many popular contemporary recordings by top recording artists such as Doja Cat, SZA, HER, and Lizzo. It is the sole remaining studio on the block that once housed three popular studios. So significant is this history that the majority of the stakeholders in the area are rebranding the area as the "Vinyl District."

Sound Factory studios are available 24-hours a day, 7-days a week, to accommodate the needs of artists and producers. The most critical hours of operation are from 8:00 am to midnight, Monday through Sunday.

Sound Factory consists of four primary recording suites (Studios A, B, C, and D), as well as ancillary spaces such as office, lounge, kitchen, restroom, and storage spaces. The recording studios were designed and constructed with various sound isolation techniques to limit sound transfer from room to room, and from exterior to interior. Based on our

observations and review of the building plans for one of the studios, the sound isolation construction includes isolated interior walls and ceilings that are decoupled from the exterior structure, additional layers of gypsum board and plywood, thick insulation, sound-lock vestibules, floating floors in certain rooms, very quiet HVAC systems, and interior acoustical treatment.

RNS Acoustics measured the ambient (background) sound levels in the studios to be  $\leq 17\text{--}23$  dBA, depending on the specific space. These are very quiet sound levels, and even breathing or rustling clothes would noticeably increase the noise level. In fact, the ambient sound level at some frequencies was at the noise floor or measurable limit of our Class 1 Sound Level Meter and microphone, so the actual sound levels may be somewhat lower at certain frequencies. These low ambient sound levels are appropriate for a high-quality recording studio, where the highest level of fidelity and dynamic range is desired, both for recording and playback of audio.

While measuring sound levels and observing, there were a few instances where a helicopter or vehicle with loud exhaust was slightly audible inside the studios. Sound Factory staff indicated that such events are usually infrequent enough, or low enough in loudness, that the recording artists and producers can work around them. However, if loud exterior noise events were more frequent, as is expected from the Project construction, then they would be disruptive to recording sessions.

### Artisan Project Overview

According to the DEIR Executive Summary (Chapter I—Section 5. Description of the Proposed Project—Page I-6), the Project is designed to include the following features:

- 270 Residential Units
- 6,790 square feet of ground floor commercial space, including restaurant, and retail uses
- 25 stories, 268 feet tall
- Up to 320 vehicle parking spaces
- Subterranean parking levels require estimated maximum depth of excavation of 50 feet below grade, resulting in the export of up to 69,333 cubic yards of soil.

### **Response to Comment No. 5-3**

This comment provides an overview of the Sound Factory operation including the current background sound environment inside the Sound Factory's four recording studios.

In addition, the comment also provides a summary of the Project Description. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

#### **Comment No. 5-4**

##### **Concerns with Project Construction Noise and Vibration**

###### **Definition of Noise Sensitive Receptors**

The DEIR indicates that “Although recording studio uses are not defined as noise sensitive receptors by the **L.A. CEQA Thresholds Guide**, potential noise impacts at the nearest recording studios, including the Goya Studios located at 1541 Cahuenga Boulevard (represented by receptor location R4), and the Sound Factory located at 6357 Selma Avenue (represented by receptor location R7), were also evaluated for informational purposes only.” (Page IV.G-20)

- Even though the **L.A. CEQA Thresholds Guide** does not explicitly recognize recording studios as noise sensitive, it is our professional opinion, and common sense, that recording studios are in fact highly sensitive to intrusive noise and vibration. **L.A. CEQA Thresholds Guide** does state that residential dwellings, auditoriums, and concert halls are noise sensitive receivers, and we would argue that a recording studio is at least as sensitive to intrusive noise as a concert hall or residential dwelling.

#### **Response to Comment No. 5-4**

This comment correctly notes that recording studios are not defined as a noise-sensitive use by the L.A. CEQA Thresholds Guide. Notwithstanding, as the commenter acknowledges, two nearby recording studios, including the Goya Studios and the Sound Factory recording studios were identified as nearby receptor locations R4 and R7 and included in the Draft EIR noise analysis, and the Project’s potential noise and vibration impacts upon these receptors were analyzed.

#### **Comment No. 5-5**

###### **Construction Duration and Schedule**

The DEIR indicates that construction is expected to take 26 months (Page II-19—7. Anticipated Construction Schedule). However, the DEIR does not appear to provide any breakdown of how long each phase is expected to take, or the planned hours of construction. Certain phases and construction activities may be more disruptive to recording sessions than others, and it would be helpful to understand the construction schedule in more detail when scheduling clients.



**Response to Comment No. 5-5**

As provided in Table IV.G-11 in Section IV.G, Noise, of the Draft EIR, the Project construction would include the following phases: demolition (one month), grading (seven months), building/mat foundation (one month), building construction (15 months), and paving/landscape (two months). In addition, as indicated in the Draft EIR, the construction noise analysis is based on a conservative assumption with all equipment operating near the affected receptors with noisiest equipment located at the closest distance. The majority of the time, construction equipment would be operating at a further distance, which would result in a lower noise level at the receptor location. Therefore, the construction noise levels at the Sound Factory would be lower than the Draft EIR's estimated noise levels for the majority of the time. As discussed in Response to Comment No. 5-18, below, the Project's construction hours would comply with the Los Angeles Municipal Code. Per LAMC Section 41.40, the City's allowable construction hours are between 7:00 A.M. and 9:00 P.M. Monday through Friday and 8:00 A.M. to 6:00 P.M. on Saturday.

**Comment No. 5-6****Estimated Exterior Noise Levels From Construction**

The Noise Analysis (Chapter IVG [sic] and Appendix G) evaluated five specific construction phases. The analysis used the FHWA Roadway Construction Noise Model to estimate the sound levels at the Sound Factory property line (R7). The analysis first estimated the levels assuming no noise mitigation measures (Page IV.G-35). Based on the very significant increase over ambient noise levels at Sound Factory (and three other noise sensitive receivers), the noise analysis provides Noise Mitigation Measure NOI-MM-1 (Page IV.G-47). NOI-MM-1 states that temporary sound barriers will be erected at the north property line of the Project and be designed to provide a minimum 15 dBA noise reduction at ground level at the Sound Factory.

The following table summarizes the estimated construction noise levels from the various phases without mitigation (Page IV.G-35), and assuming that a 15 dBA attenuation is achieved from the sound barriers (Page IV.G-49).

Construction Phase	A-weighted Hourly Equivalent Level at R7 (dBA LAeq,1hr)	
	Without Mitigation	With 15 dBA Mitigation*
Demolition	85.1	70.1
Grading	85.8	70.8
Mat Foundation	84.9	69.9
Building Foundation	85.3	70.3
Building Construction	85	70
Existing Ambient	59.7	59.7

- \*Note\*—Concerns about NOI-MM-1 and the assumed 15 dBA sound barrier attenuation are discussed in more detail in the following section.

### **Response to Comment No. 5-6**

This comment provides the summary of the Project construction noise analysis at receptor R7 (representing the Sound Factory), as provided in the Draft EIR. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. 5-7**

- The sound levels are calculated based on the FTA/FHWA/RCNM methodologies and guidelines, which is appropriate for a CEQA EIR Noise Analysis. However, A-weighted Hourly Equivalent Levels understate the actual impact to a very noise sensitive business such as Sound Factory recording studios.
  - Hourly Equivalent Levels are an average of the fluctuating sound level over the course of an hour. Individual noise events can temporarily result in noise levels that are significantly louder than the Hourly Equivalent (average) level. Intermittent but frequent loud noise events would be disruptive to recording sessions.
  - A-weighting is commonly used for noise analysis and noise regulations, as it is correlated to how humans perceive the frequency content of sound. A-weighting de-emphasizes the contribution of low-frequency sounds. Heavy construction equipment can have significant low-frequency sound energy that is not represented by the A-weighted sound level. Building assemblies and noise barriers are less effective at blocking low-frequency sound compared to mid- and high-frequency sound.
  - The calculated levels are assumed to be based on a construction plan shared with the preparer of the Noise Analysis, or generic scenarios outlined by FTA guidelines. The calculations are based on assumptions about the locations, quantities, maximum sound levels, and duty cycle of each piece of equipment

per phase. It is possible that the noise levels could be louder if there are different types or additional pieces of equipment used compared to the assumptions (i.e. to meet a deadline). It is also possible that certain pieces of equipment could be louder than the assumptions used for the analysis.

### **Response to Comment No. 5-7**

The Project's noise impacts analysis has been evaluated based on the hourly  $L_{eq}$ , in accordance with the City's municipal code and guidelines provided in the L.A. CEQA Thresholds Guide. In addition, the overall A-weighted sound level (dBA) used in the noise analysis is inclusive of the low-frequency sound. As indicated in the Draft EIR, the construction noise analysis is based on a conservative assumption with all equipment (up to 25 pieces) operating near the affected receptors with the noisiest equipment located at the closest distance. The majority of the time, construction equipment would be operating at a further distance and with less pieces of equipment, which would result in a lower noise level at the receptor location.

### **Comment No. 5-8**

#### **Mitigation Measure NOI-MM-1—Temporary Sound Barriers (Page IV.G-47)**

Mitigation Measure NOI-MM-1 indicates that “temporary and impermeable sound barriers shall be erected”... “along the northern property line of the Project Site between the construction areas”... “and the Sound Factory Recording Studio (receptor location R7) (Page IV.G-47). The temporary sound barrier shall be designed to provide a minimum 15 dBA noise reduction at the ground level of receptor locations R1 and R7.”

- Sound barrier walls are typically limited to a theoretical maximum of 20–25 dBA attenuation, and 10–15 dBA is more common for real world conditions and constraints.
- Sound barrier effectiveness depends on the height of the wall compared to the heights of the noise source and receiver, as well as the location of the source and receiver in relation to the barrier. Sound can also flank around the sides of the barrier if it does not fully enclose the sound source(s).
- For example, it is possible that a sound barrier could attain 15 dBA attenuation for a sound source close to the barrier wall, but less attenuation would be attained for a sound source that is closer to the top of the barrier or further from the barrier.
- The sound barrier will only be effective for noise sources located at or below ground level. The sound barrier will provide no attenuation for sound sources located above the height of the fence.

- Barriers (and buildings) are less effective at attenuating low-frequency sounds compared to mid- and high-frequency sounds. It is possible that a barrier wall could attenuate a noise by 15 dBA, but the same barrier would block a lesser amount of low-frequency sound.

### **Response to Comment No. 5-8**

As specified in the Draft EIR (Page IV.G-47), the construction noise barrier would be required to provide a minimum 15 dBA noise reduction at the Sound Factory recording studio (receptor R7). It is correct that the sound barrier effectiveness depends on the height of the wall, the source and the receiver. Therefore, as specified by Mitigation Measure NOI-MM-1, documentation from a noise consultant (at plan check) would be required to verify that the construction noise barrier would provide the specified noise reduction at the affected receptor.

### **Comment No. 5-9**

#### **Exterior to Interior Sound Isolation of the Sound Factory Building**

During our measurements on October 31, 2022, we had a sound level meter at the corner of Selma and Ivar, and a sound level meter inside Studio B Live Room, operating simultaneously for 15 minutes (1:31:30 to 1:46:30 pm).

- The interior ambient level was  $\leq 17$  dBA when there were no extraneous or intrusive noises, and the exterior ambient level was 64.7 dbA [sic] LAeq,15min.
- A motorcycle passed by the exterior sound level meter, and briefly increased the exterior noise level to 78.9 dBA LAeq,4sec and 82.6 dBA (Fast Maximum). During the same 4 second period, the motorcycle was audible inside, and the interior sound level increased from 17 dBA ambient to 25.6 dBA LAeq,4sec and 30.3 dBA (Fast Maximum). The intrusive sound was 13+ dBA above ambient for the loudest portion of the noise event (Fast Maximum), which is a significant increase in loudness.
- From this noise event, we can estimate that the building is attenuating exterior noise by approximately ~52 dBA. At low frequencies below 100 Hz (bass), the building only attenuated 20–38 dB of exterior noise, depending on the specific frequency. Note that standard commercial and residential construction including windows usually attenuates exterior noise by 25–35 dBA.
- From this noise event, we can also see how a brief intermittent noise can be significantly louder than the Equivalent Level over a longer period.
- Even though the studios are designed to a higher standard for sound isolation compared to normal commercial or residential construction, loud intermittent

noise events are expected to be audible and annoying inside the studios, and disruptive to recording sessions.

### **Response to Comment No. 5-9**

This comment provides an estimate of the Sound Factory building's exterior-to-interior sound isolation. As described by the comment, the measured ambient noise level at the exterior of the Sound Factory was 64.7 dBA, which is higher than the baseline ambient noise level of 59.7 dBA used in the Project's noise impacts analysis. Therefore, the Project's noise impacts analysis is conservative, as it is conducted based on a lower ambient noise level. As further described by the comment, the Sound Factory building provides an exterior-to-interior sound isolation of approximately 52 dBA. As provided in the Draft EIR (Table IV.G-20), the estimated noise levels from the Project's on-site construction activities, based on conservative assumptions described in previous responses, would be 70.8 dBA at the Sound Factory (receptor R7). As discussed above, construction noise impacts are analyzed based on the hourly  $L_{eq}$ , per the City's municipal code and the L.A. CEQA Thresholds Guide. The estimated maximum construction noise levels ( $L_{max}$ ) at the exterior of Sound Factory would be 75 dBA (with implementation of mitigation measures). Therefore, based on the above information, the noise levels at the interior of the Sound Factory during the Project's loudest construction phases would be approximately 18.8 dBA  $L_{eq}$  (70.8 dBA minus 52 dBA) or 23 dBA  $L_{max}$  (75 dBA minus 52 dBA) maximum noise level, which would be consistent with the Sound Factory's existing measured interior ambient noise levels of 17–23 dBA, and would also be below the industry standard of 25 dBA for recording studios.<sup>6</sup> Furthermore, the estimated maximum construction noise levels at the Sound Factory of 75 dBA ( $L_{max}$ ) would be lower than measured maximum noise levels of 82.6 dBA  $L_{max}$  as reported by the RNA Acoustical Report (due to motorcycle pass by).

### **Comment No. 5-10**

#### **Construction Traffic Noise/Haul Route**

The DEIR indicates the following regarding construction traffic and the proposed haul route:

- “Construction delivery/haul trucks would travel on approved truck routes between the Project Site and the Hollywood Freeway (US-101). Incoming trucks would exit US-101 onto Gower Street, travel south on Gower Street, and west on Selma Avenue to the Project Site. Outgoing trucks would exit the Project Site onto Selma Avenue, head east on Selma Avenue, north on Argyle Avenue, and onto the US-101 south bound on-ramp” (Page IV.G-32).

---

<sup>6</sup> FTA, *Transit Noise and Vibration Impact Assessment Manual*, provides noise impact criteria of 25 dBA for recording studios, Table 6-4, September 2018

- “Haul truck activities are typically restricted to the non-commuter peak hours (e.g. 9:00 AM to 3:00 PM).” (Appendix I, Page 85). The Approved Haul Route (subject to Permit) confirms these peak hour restrictions (Appendix I.4).
- “Based on projections compiled for the Project, 69333 cubic yards of material would be removed from the Project Site. This period is estimated to require up to 100 haul trucks per day. Thus, up to 200 daily haul truck trips (100 inbound, 100 outbound) are forecast to occur during the excavation period, with approximately 34 trips per hour (17 inbound, 17 outbound) uniformly over a six-hour off-peak hauling period.” (Appendix I, Page 86)
- “It is assumed that the peak period of construction with the highest number of construction trucks would occur during the concrete mat foundation phase, which would include 335 concrete trucks per day (670 truck trips) per day for two days” (Page IV.G-37) based on a 16-hour work day (Page IV.G-37, Table IV.G-12, note b).

### **Response to Comment No. 5-10**

This comment provides a summary of the Project’s construction traffic noise analysis assumptions. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. 5-11**

We have the following comments and concerns regarding Construction Traffic noise:

- Assuming the above numbers are accurate, during the excavation phase there will be a constant stream of dump trucks passing by Sound Factory, approximately once every 105 seconds between 9:00 am and 3:00 pm. For the anticipated two days of mat foundation pouring, there will be a constant stream of concrete trucks passing by Sound Factory, approximately once every 90 seconds for 16 hours.

The Noise Analysis estimated the sound levels due to construction and worker trucks using the Transportation Noise Model (TNM). The following table summarizes the A-weighted Hourly Equivalent Levels (dBA LAeq,1hr) due to “construction trucks” (heavy trucks including dump/haul trucks and material delivery trucks) on Selma Avenue between Argyle Avenue and the Project Site:

	<b>A-weighted Hourly Equivalent Level at R7 (dBA LAeq,1hr)</b>
	<b>Due to Construction and Worker Trucks</b>
<b>Construction Phase</b>	<b>(Not Including Ambient)</b>
Demolition	58.3
Grading	66.9
Mat Foundation	68
Building Foundation	62.7
Building Construction	60.7
Existing Ambient	59.9

- The Noise Analysis for the grading phase appears to be based on 17 construction trucks per hour (Page IV.G-37, Table IV.G-12), not the 34 haul truck trips per hour stated in the Transportation Analysis. Doubling the amount of trucks would be estimated to increase the A-weighted Hourly Equivalent Levels by ~3 dBA.
- As discussed in the Construction Noise section above, the A-weighted Hourly Equivalent Levels are appropriate for a CEQA EIR noise analysis. However, noise levels will be significantly higher for the short but frequent periods of time when the trucks are passing Sound Factory. Also, heavy diesel trucks can generate significant low-frequency sound levels, the impact of which are not fully characterized by the A-weighted Hourly Equivalent Levels.

### **Response to Comment No. 5-11**

This comment provides a summary of the Project construction traffic noise along Selma Avenue (between Argyle Avenue and the Project Site). The 17 construction truck trips as provided in Table IV.G-12 are based on the trucks traveling one-way, along Selma Avenue (between Gower Street and Argyle Avenue), Gower Street, and Argyle Avenue. The construction traffic noise analysis for the roadway segment of Selma Avenue (between Argyle Avenue and the Project Site) is based on 34 construction truck trips.

As described above, the Sound Factory building provides an exterior-to-interior sound isolation of approximately 52 dBA. As provided in the Draft EIR (Table IV.G-12), the estimated maximum noise levels from the Project's off-site construction truck would be 68.0 dBA along Selma Avenue adjacent to the Sound Factory (receptor R7). Therefore, based on the above information, the off-site construction noise levels at the interior of the Sound Factory would be approximately 16 dBA (68.0 dBA exterior noise level minus 52 dBA building sound isolation), which would be below the Sound Factory existing interior ambient noise levels of 17–23 dBA, and would also be below the industry standard of 25 dBA for recording studios.

**Comment No. 5-12****Demolition and Excavation Phases—Ground-borne Vibration**

The demolition and excavation phases are expected to be particularly disruptive to studio operations, due to the types of activities and quantity of heavy trucks and heavy machinery. The demolition and excavation equipment will generate ground-borne vibration, which is not above the threshold for building damage, but is above the threshold for human annoyance for noise and vibration sensitive buildings. Ground-borne vibration can be re-radiated as airborne noise from the floor slab or attached structure, typically as low-frequency rumble (referred to as ground-borne noise). Ground-borne vibration can also audible cause rattling, creaking, or popping, depending on how the vibration interacts with the structure. Ground-borne vibration decreases with distance, but the specific impact to the receiver is difficult to accurately predict as it will vary depending on the local geology and soils, the specific type and location of construction activity or equipment, the receiver's structural details, the frequency content of the vibration energy, etc.

The Noise Analysis states that “Based on FTA guidance, construction vibration impacts associated with human annoyance would be significant if...” “Project construction activities cause ground-borne vibration levels to exceed 65 VdB at off-site recording studios” (Page IV.G-29).

The following table summarizes the vibration velocity level (VdB) estimated to occur at Sound Factory due to heavy equipment used during demolition and excavation phases, excerpted from Page IV.G-52, Table IV.G-22:

<b>Equipment Type</b>	<b>Estimated Vibration Velocity (VdB)</b>
Large Bulldozer	78
Caisson Drilling	78
Loaded Trucks	77
Jackhammer	70
Small Bulldozer	49

- Except for the small bulldozer, all of the heavy equipment used for demolition is expected to generate vibration at the Sound Factory that is significantly above the 65 VdB threshold for human annoyance. The 65 VdB threshold will be exceeded for Large Bulldozers and Caisson Drilling within 140 feet of Sound Factory, 130 feet for Loaded Trucks, and 75 feet for jackhammers.



**Response to Comment No. 5-12**

This comment provides a summary of the Project construction vibration at the Sound Factory recording studio (receptor R7), as analyzed in the Draft EIR. As indicated by the comment, vibration levels from heavy construction equipment (i.e., large bulldozer, caisson drilling, and loaded truck) would exceed the 65 VdB significance threshold when they are operating within 140 feet of the Sound Factory building. As indicated in the Draft EIR (page IV.G-57), there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from both on-site and off-site construction associated with human annoyance at the Sound Factory recording studio. However, impacts would be temporarily limited to when heavy construction equipment are operating within 140 feet of the Sound Factory building (i.e., operating within the northernmost one-third of the Project Site).

**Comment No. 5-13**

- The noise analysis states that haul trucks passing Sound Factory could result in a vibration level of 72 VdB at 25 feet, which is above the 65 dBA threshold (Page IV.G-53). This also appears to assume a “typical road surface” (Appendix G, Page 96 of 122, Table 4: Off-site Haul Trucks—Human Annoyance). The actual vibration level could be higher if a truck passes over potholes, bumps, manhole covers, etc.
- The estimated vibration levels are based on the FTA Transit Noise and Vibration Impact Assessment Manual, which provides reference vibration source levels for certain equipment. Based on these guidelines, Hoe Rams (often used for pavement demolition) would result in a vibration level of 78 VdB at 50 feet, and Vibratory Rollers (if used) would result in a vibration level of 87 VdB at 50 feet. Pile driving operations would be even higher, but Project Design Feature NOI-PDF-3 indicates that “Project construction will not include the use of driven (impact) piles.

**Response to Comment No. 5-13**

The Project’s vibration impacts analysis is based on the procedures and reference source levels as provided by the FTA Transit Noise and Vibration Impact Assessment Manual. As concluded in the Draft EIR (page IV.G-54), construction trucks could generate vibration up to 72 VdB along Selma Avenue adjacent to the Sound Factory building. Based on review of current Google Earth imagery (captured on August 2022), there are no street bumps or potholes along the Selma Avenue (between the Project Site and Argyle Street). Furthermore, the ground vibration levels generated by the Project construction trucks would be similar to the existing trucks along Selma Avenue and Ivar Avenue, adjacent to the Sound Factory building.

Contrary to the commenter's suggestion, Project construction is not anticipated to utilize a hoe ram, vibratory rollers, or impact pile driving. As indicated in the Draft EIR (Project Design Feature NOI-PDF-3) the Project would utilize a drilling method, which is the least vibration generating, for installing piles to minimize vibration impacts.

### **Comment No. 5-14**

#### **Mitigation Measure NOI-MM-2—Vibration Monitoring**

The Noise Analysis provides Mitigation Measure NOI-MM-2, which will provide vibration monitoring at the existing commercial building directly adjacent to the project site (Page IV.G-55).

- The vibration monitoring is only intended to determine if the vibration levels exceed the thresholds for building damage.
- The mitigation measure states that if the threshold is exceeded, and the Structural Engineer finds that there is no damage to the adjacent building, then the threshold can be increased.
- We are concerned that if the threshold is increased for the adjacent building, then project construction could proceed with more vibration generating equipment operating simultaneously (i.e. [sic] to accelerate the demolition and excavation phases), which could result in higher vibration levels at Sound Factory than were predicted in the Noise Analysis.

### **Response to Comment No. 5-14**

Mitigation Measure NOI-MM-2 is applicable to construction equipment operating close to the commercial building immediately adjacent to the northwest of the Project Site. Since the same construction equipment would be used, it does not affect the vibration levels as estimated at the Sound Factory location. In addition, even if the threshold is increased for the adjacent commercial building, the same number and mix of construction equipment would be used, which would not affect the estimated vibration levels at the Sound Factory.

### **Comment No. 5-15**

#### **Concerns with Project Operation**

##### **L4 Amenity Deck Loudspeakers**

Project Design Feature NOI-PDF-4 states the following (Page IV.G-32):

“Outdoor amplified sound systems, if any, will be designed so as not to exceed the maximum noise level of 75 dBA (Leq-1hr) at a distance of 15 feet from the amplified speaker sound systems at Level 4 amenity deck, and 80 dBA (Leq-1hr) at a distance of 25 feet from the amplified speaker sound systems at Level 25 roof deck. A qualified noise consultant will provide written documentation that the design of the system complies with this maximum noise level.”

Sound Factory is concerned that the actual sound levels could be higher at times, for example if a special event uses additional loudspeakers and subwoofers, or if there is a possibility the volume limiter can be bypassed. As discussed in the construction noise sections above, the A-weighted Hourly Equivalent Level (dBA Leq-1hr) may understate the actual noise impact to Sound Factory, i.e. due to intermittent noises or low-frequency sounds.

### **Response to Comment No. 5-15**

As indicated in the Project Design Feature NOI-PDF-4, a qualified noise consultant would be required to provide written documentation that the design of the outdoor amplified sound system would comply with the Draft EIR’s specified sound level limits. As provided in the Draft EIR (Table IV.G-15), the estimated noise levels from the Project outdoor uses (including amplified sound system) would be 42.8 dBA at the Sound Factory (receptor R7), which would be well below the existing ambient noise levels of 53.2 dBA. In addition, as indicated above, the Sound Factory building provides 52 dBA exterior-to-interior noise reduction. Therefore, based on the above information, the Project’s amplified sound system at the interior of the Sound Factory would be well below the existing ambient noise levels of 17 to 23 dBA.

### **Comment No. 5-16**

#### **Ground Floor Retail**

The Project is anticipated to have ground floor retail or restaurant spaces, with the specific tenants yet to be determined. Sound Factory is concerned that these businesses could cause noise impacts to the studios, particularly if they have exterior loudspeakers, or loud interior sound levels with open windows and doors facing Sound Factory.

### **Response to Comment No. 5-16**

The Project does not include any outdoor amplified sound system at the ground level. In addition, any amplified sound system used would also be required to comply with the City municipal code (LAMC Section 112.01), as not to increase the ambient noise level by 5 dBA.

---

**Comment No. 5-17****Potential Mitigation Options**

The Noise Analysis indicated or implied that there are no additional noise mitigation methods available for construction noise, construction traffic noise, construction vibration, or construction truck vibration. However, we recommend that the following mitigation measures be considered by Sound Factory, the Project design and construction team, and the Authorities Having Jurisdiction.

**Long-term Monitoring of Noise and Vibration Levels**

We recommend that long-term noise and vibration monitors should be installed at Sound Factory. The sound and vibration monitoring system should be provided by an independent third party (not related to the contractor). A microphone would be located on the façade of the Sound Factory building, facing the construction site. A vibration monitor (accelerometer) would be located on the concrete foundation slab of the building. The sound and vibration monitors would be used to record the actual construction noise and vibration levels at Sound Factory.

Thresholds of noise and vibration levels would be set based on the levels indicated in the EIR, as well as levels determined to be disruptive to recording studio operations. If the sound or vibration levels exceed the agreed upon thresholds, automated alerts would be generated via email or text message, to inform the contractor, Sound Factory, and Authorities Having Jurisdiction of the violation. Reports documenting the sound and vibration levels will be provided at regular intervals.

**Response to Comment No. 5-17**

As provided in the Draft EIR (pages IV.G-48 and IV.G-57), all feasible mitigation measures to reduce the potential construction noise and vibration impacts have been evaluated. Moreover, as discussed in the responses above, with implementation of NOI-MM-1 (sound barriers during construction), it does not appear that existing interior sound levels at the Sound Factory would be significantly affected during Project construction.

The comment also suggests providing long-term vibration monitoring at the Sound Factory building. Per FTA guidelines, a vibration control and monitoring plan would be required for potential building damage, if the anticipated construction vibration exceeds the

thresholds of significance.<sup>7</sup> As provided in the Draft EIR (Table IV.G-21), the Project would not result in a significant construction impact with respect to building damage at the Sound Factory building (commercial building to the north). Therefore, the suggested long-term vibration monitoring is not warranted.

As indicated in Mitigation Measure NOI-MM-1, during the plan check process, documentation would be prepared by a noise consultant to verify compliance with mitigation measure (i.e., plans showing that the temporary and impermeable sound barriers would achieve the specified noise reduction). In addition, Mitigation Measure NOI-MM-1 as included in Section IV, Mitigation Monitoring Plan, of this Final EIR, includes the enforcement agency, monitoring agency, monitoring phase, monitoring frequency, and action indicating compliance with the Mitigation Measure. As such, the suggested long-term noise monitoring at the Sound Factory is not warranted. Nevertheless, the Project would include a site acoustics test to document the performance of the temporary construction noise barrier. As set forth in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR, the following text has been incorporated as an additional component of Mitigation Measure NOI-MM-1.

- The Applicant shall provide an on-site acoustics test to document that the temporary construction noise barriers provide the specified noise reduction.

### **Comment No. 5-18**

#### **Limited Hours for Activities Generating Highest Noise and Vibration Levels**

We recommend reviewing this document and the construction plan with the Authorities Having Jurisdiction and the Project construction team, to determine if it is feasible to limit hours of operation for the activities generating the highest vibration and noise levels (demolition and excavation).

#### **Limited Hours of Construction**

The current DEIR does not appear to provide details on hours of operation for activities that will generate excessive noise or vibration.

We recommend that the final EIR provides clear limits on acceptable construction times. We recommend that there should be penalties for continuing construction work outside the agreed time periods.

---

<sup>7</sup> *Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018, Page 187.*

**Response to Comment No. 5-18**

As indicated in the Draft EIR (Page IV.G-60), the Project construction would comply with the Los Angeles Municipal Code. Per the LAMC Section 41.40, the City's allowable construction hours are between 7:00 A.M. and 9:00 P.M. Monday through Friday and 8:00 A.M. to 6:00 P.M. on Saturday. Placing additional time constraints on construction would extend the length of construction, which would extend (not reduce) the duration of construction noise impacts. Moreover, additional time constraints would not reduce the noise impacts, as construction noise impacts are evaluated based on the peak noise during a single hour. As such, the recommended limit on hours of construction and penalties are not warranted.

**Comment No. 5-19****Sound Barrier Walls for Upper Floor Construction**

We recommend that temporary sound barrier walls should be used for any noisy construction activities or equipment used on upper floors. The sound barriers should be designed and oriented to block line-of-sight between the construction activity and the Sound Factory building.

**Response to Comment No. 5-19**

As described in prior responses, the Project's construction noise impacts analysis conservatively assumed that all equipment (up to 25 pieces) would operate near the affected receptors with the noisiest equipment located at the closest distance to the receptors. As such, the Project's demolition and excavation phases are identified as the loudest Project construction phases. As also described previously, with implementation of MM NOI-1 (installation of sound barriers), interior noise levels at the Sound Factory are not expected to change significantly during the Project's noisiest construction phases. In contrast to the demolition and excavation phases, construction activities taking place at the upper levels of the Project buildings would involve smaller construction equipment (i.e., hand tools), which would generate lower noise levels than the large earth moving equipment at the ground level. Furthermore, Project construction at the upper floors, such as fit-out constructions, normally occurs when the building exterior walls are in place, which would minimize transmission of construction noise to the exterior. Moreover, placing temporary sound barrier walls on the Project's under-construction upper floors would create significant logistical challenges for the construction of the building and would not be feasible to implement. Accordingly, such upper-level temporary sound barrier walls are not proposed to be implemented for the Project.

---

**Comment No. 5-20****Noise Committee**

We recommend that the General Contractor forms a noise committee, to ensure compliance with the mandatory Project Design Features and Mitigation Measures. The noise committee would consist of the General Contractor, relevant Sub-contractors, project design team, Sound Factory management, and appointed acoustical consultant. The committee would meet regularly to review the noise and vibration impacts on Sound Factory, review the sound and vibration monitor levels, and determine further mitigation efforts if needed.

The contractor shall provide regular updates to Sound Factory and the noise committee regarding the scheduling of noise and vibration intensive activities, and overall construction phasing and progress.

**Response to Comment No. 5-20**

As indicated in Mitigation Measure NOI-MM-1, during the plan check process, documentation would be prepared by a noise consultant to verify compliance with mitigation measures (i.e., plans showing that the temporary and impermeable sound barriers would achieve the specified noise reduction). In addition, the Project Design Features and Mitigation Measures would be included in Section IV, Mitigation Monitoring Program, of this Final EIR. The MMP includes the enforcement agency, monitoring agency, monitoring phase, monitoring frequency, and action indicating compliance for each of the Project's Mitigation Measures and Project Design Features. As such, the recommended formation of a noise committee to ensure compliance with the Project Design Features and Mitigation Measures is not warranted.

**Comment No. 5-21****Modified Haul Route**

We recommend that the contractor and Authorities Having Jurisdiction review the proposed haul route, and determine if it is feasible to avoid Selma Avenue.

**Penalties for Violating Construction Truck Staging Regulation**

The Approved Haul Route (Appendix I.4) states that "All trucks shall be staged on jobsite" and there shall be "No Staging on Cahuenga Boulevard, Selma Avenue, or Ivar Avenue."

We recommend that there should be penalties if trucks are staged on Selma Avenue, as idling heavy trucks could result in additional noise impacts to Sound Factory.

---

**Response to Comment No. 5-21**

As provided in Appendix I of the Draft EIR, the Project haul routes have been reviewed and approved by the City of Los Angeles Department of Transportation and the Bureau of Street Services. The haul routes were selected to limit the impact on noise sensitive uses (i.e. residential areas). Furthermore, as indicated in Appendix I of the Draft EIR, all construction trucks shall be staged on the jobsite, and no staging is permitted on Selma Avenue.

**Comment No. 5-22****Locations of Noisy Equipment**

We recommend that all noisy stationary equipment, such as generators, air compressors, etc., should be located as far as feasible from Sound Factory. Stationary equipment should include temporary noise barriers located as close as possible to the equipment, to minimize the sound levels transmitted to Sound Factory.

**Response to Comment No. 5-22**

The Project would follow best practices as to place stationary construction equipment as far from noise-sensitive uses as feasible. As provided in the Response to Comment No. 5-28 (above), the estimated construction noise levels at the interior of the Sound Factory recording studios would be consistent with the Sound Factory's existing measured interior ambient noise levels. Nevertheless, as shown in Section III, Revisions, Clarifications and Corrections to the Draft EIR, of this Final EIR, the Project would implement the following Project Design Feature, as suggested by the commenter.

**NOI-PDF-5:** Stationary construction equipment (e.g., generators and air compressors), should be integrated with a temporary noise barrier and be located as far from noise-sensitive receptors, as feasible.

**Comment No. 5-23****Disallow Increasing the Vibration Threshold**

We recommend that Mitigation Measure NOI-MM-2 be revised so that the allowable vibration thresholds at the commercial building can not be increased, even if the Structural Engineer finds that there is no building damage. Increasing the allowable threshold could result in additional vibration impacts to Sound Factory.



---

**Response to Comment No. 5-23**

Mitigation Measure NOI-MM-2 is applicable for construction equipment operating adjacent to the commercial building adjacent to the northwest of the Project Site. It does not affect the vibration levels as estimated at the Sound Factory location, as the same construction equipment as analyzed would be used. In addition, even if the threshold is increased for the adjacent commercial building, the same number and mix of construction equipment would be used, which would not affect the estimated vibration levels at the Sound Factory. Therefore, the requested disallowance of a potential increase in the vibration threshold for the commercial building adjacent to the northwest of the Project Site is unwarranted.

**Comment No. 5-24****Disallow Exterior Loudspeakers at Ground Floor Retail/Restaurant**

We recommend that the Ground Floor Retail/Restaurant spaces across the street from Sound Factory should not be allowed to have exterior loudspeakers, or interior loudspeakers with open windows or doors facing Sound Factory.

**Requirements for Amenity Deck Sound Levels**

We recommend that subwoofers and amplified live music specifically be disallowed at the amenity decks. The Project team should also provide additional documentation showing how the loudspeaker sound level limits will be implemented and enforced.

**Response to Comment No. 5-24**

The Project does not include any outdoor amplified sound system at the ground level. As analyzed in the Draft EIR, the estimated noise levels from the outdoor uses at the amenity decks (Levels 4 and 25) including outdoor amplified sound systems at the Sound Factory (receptor R7) would be 42.8 dBA ( $L_{eq}$ ), which would be well below the existing ambient noise level of 53.2 dBA ( $L_{eq}$ ). As indicated by Project Design Feature NOI-PDF-4, a qualified noise consultant would be required to provide written documentation that the design of the outdoor amplified sound system would comply with the Project's specified sound level limits. The proposed Project Design Features are included in Section IV, Mitigation Monitoring Program, of this Final EIR, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance.

**Comment No. 5-25**

**Comments**

This report is based on our best understanding of the current design intent and project goals. If any of the project conditions or design goals change significantly, we reserve the right to modify our analysis and recommendations. Feel free to call if you have any questions or comments.

**Response to Comment No. 5-25**

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

**Comment Letter No. 6**

Talia Nimmer  
obo SWRCC  
Mitchell M. Tsai Attorney at Law  
139 S. Hudson Ave., Ste. 200  
Pasadena, CA 91101-4990

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

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

**Comment No. 6-1**

On behalf of Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”), my Office is submitting these comments to the City of Los Angeles (“City”) regarding the Draft Environmental Impact Report (“**DEIR**”) for the Artisan Hollywood project (“**Project**”).

The Southwest Carpenters is a labor union representing 57,000 union carpenters in six states, including in southern California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. (Gov. Code § 65009(b); Pub. 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.) SWRCC also incorporate by reference all comments raising issues with the Project’s environmental review. (*Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 [finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties].)

Moreover, the Southwest Carpenters requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”) (Pub. Res. Code, § 21000 et seq.), and the California Planning and Zoning Law (“**Planning and Zoning Law**”) (Gov. Code, §§ 65000–65010).

California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

### **Response to Comment No. 6-1**

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific comments regarding the Draft EIR are provided and responded to below. The Commenter will be placed on public mailing/notification lists related to the Project.

### **Comment No. 6-2**

#### **I. THE CITY SHOULD REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY'S ECONOMIC DEVELOPMENT AND ENVIRONMENT**

The City should require the Project to be built using a local workers who have graduated from a Joint Labor-Management Apprenticeship Program approved by the State of California, have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, or who are registered apprentices in a state-approved apprenticeship training program.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Furthermore, workforce policies have significant environmental benefits given that they improve an area’s jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program” can result in air pollutant reductions.<sup>2</sup>

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>3</sup>

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.<sup>4</sup> Some municipalities have even tied local hire and other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as

Assembly Bill No. 2011 (“**AB2011**”). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The City should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

- <sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.
- <sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305—Warehouse Indirect Source Rule—Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316—Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.
- <sup>3</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>
- <sup>4</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

### **Response to Comment No. 6-2**

This comment suggests the City require local hire and skilled workforce provisions to reduce VMT and associated air quality and GHG impacts. However, as set forth in Sections IV.I, Transportation; IV.A, Air Quality; and IV.E, Greenhouse Gas Emissions, of the Draft EIR, the Project would not result in any significant VMT, air quality, or GHG impacts. CEQA Guidelines Section 15126.4(a)(3) provides that mitigation measures are not required for effects determined to be less than significant. Therefore, no mitigation measures are warranted for VMT, air quality, or GHG impacts. Nevertheless, this comment regarding community benefits is noted for the record and will be forwarded to the decision-makers for their review and consideration.

### **Comment No. 6-3**

## **II. THE CITY SHOULD IMPOSE TRAINING REQUIREMENTS FOR THE PROJECT’S CONSTRUCTION ACTIVITIES TO PREVENT COMMUNITY SPREAD OF COVID-19 AND OTHER INFECTIOUS DISEASES**

Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. In fact, several construction sites have been identified as sources of community spread of COVID-19.<sup>5</sup>

Southwest Carpenters recommend that the City adopt additional requirements to mitigate public health risks from the Project's construction activities. Southwest Carpenters requests that the City require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon Southwest Carpenters' experience with safe construction site work practices, Southwest Carpenters recommends that the City require that while construction activities are being conducted at the Project Site:

**Construction Site Design:**

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

**Testing Procedures:**

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.

- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

### **Planning**

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.<sup>6</sup>

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The City should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

Southwest Carpenters has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program which the City should implement to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.<sup>7</sup>

<sup>5</sup> Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, *available at* <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

<sup>6</sup> See *also* The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 [sic] Standards for U.S [sic] Constructions Sites, *available at* [https://www.cpwr.com/sites/default/files/NABTU\\_CPWR\\_Standards\\_COVID-19.pdf](https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf); Los Angeles



County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at [https://dpw.lacounty.gov/building-and-safety/docs/pw\\_guidelines-construction-sites.pdf](https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf).

<sup>7</sup> For details concerning Southwest Carpenters' ICRA training program, see <https://icrahealthcare.com/>.

### **Response to Comment No. 6-3**

The State and local government implement the regulation and enforcement of safe working conditions for construction sites during public health emergencies, including but not limited to the COVID-19 pandemic. The Project would comply with all applicable safety regulations if COVID-19 risks persist at the commencement of construction of any Project phase.

### **Comment No. 6-4**

## **III. THE CITY MUST REVISE AND RECIRCULATE THE DEIR**

CEQA is a California statute designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CEQA Guidelines**”) § 15002(a)(1).<sup>8</sup> At its core, “[i]ts purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

To achieve this purpose, CEQA mandates preparation of an Environmental Impact Report (“**EIR**”) for projects so that the foreseeable impacts of pursuing the project can be understood and weighed. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80. The EIR requirement “is the heart of CEQA.” CEQA Guidelines, § 15003(a).

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).

Section 15088.5(a) of the CEQA Guidelines provides that an EIR must be recirculated whenever there is disclosure of significant new information. Significant new information includes: (1) disclosure of a new significant environmental impact resulting from the project

or from a new proposed mitigation measure; (2) disclosure of a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; and (3) disclosure of a feasible project alternative or mitigation measure considerably different from others previously analyzed which would clearly lessen the significant environmental impacts of the project which the project proponents decline to adopt. *Id.*

Additionally, an EIR must be recirculated when it is so fundamentally inadequate and conclusory in nature that meaningful public review and comment is precluded. *Id.* [citing *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043].

Here, as discussed below, the DEIR fails to substantiate all of its conclusions to allow meaningful public review and comment, provide adequate mitigation measures, and fully assess all pertinent environmental factors. Accordingly, this comment letter discloses significant new information, necessitating revision and recirculation of the DEIR.

<sup>8</sup> The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when... clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

#### **Response to Comment No. 6-4**

This comment summarizes various CEQA requirements and applicable case law regarding recirculation of an EIR. However this general comment and the comments below do not demonstrate that the Draft EIR requires recirculation. Contrary to this comment, the Draft EIR fully substantiates its conclusions, provides adequate mitigation measures and fully discusses all environmental topics addressed under CEQA. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

#### **Comment No. 6-5**

##### **A. The DEIR Fails to Support its Noise Findings with Substantial Evidence**

CEQA requires that an EIR identify and discuss the significant effects of a Project, how those significant effects can be mitigated or avoided. CEQA Guidelines § 15126.2; PRC §§ 21100(b)(1), 21002.1(a). If a project has a significant effect on the environment, an agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns”. [sic] CEQA Guidelines § 15092(b)(2)(A–B). Such findings must be supported by substantial evidence. CEQA Guidelines § 15091(b).

Here, the DEIR finds that the Project's noise impacts associated with its construction activities would be significant without mitigation. DEIR at IV.G-36. Accordingly, the DEIR implements mitigation measure NOI-MM-1, temporary sound barriers along the property line "to provide a minimum 15-dBA noise reduction at the ground level" so as to mitigate impacts to nearby sensitive receptors. *Id.* at 47. However, such measures do not mitigate noise sources elevated above the ground level as construction of the 25-story building progresses. Thus, the mitigation measure must be revised to fully explain how the noise barriers would be used to mitigate noise impacts at a minimum of 15 dBA for elevated sources.

Similarly, mitigation measure NOI-MM-2 is also insufficient and constitutes deferred mitigation. Specifically, NOI-MM-2, a measure implemented to reduce damage to an off-site building stemming from vibration levels generated from the Project construction, provides that "[p]rior to construction, the Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program". DEIR at IV.G.56. [sic] However, such statement implies that no such engineer has been retained yet and that no program has been implemented. Absent this preparation and analysis, the DEIR's conclusion that the Project's vibration impacts associated with building damage would be less than significant with mitigation is merely speculative. *Id.* at 57.

### **Response to Comment No. 6-5**

Project construction noise is dominated by major construction equipment located at the ground level (e.g., an excavator, tractor, loader, backhoe, and bore/drill rig). Construction activities that would take place at the upper levels of the Project buildings would involve smaller construction equipment (i.e., hand tools), which would generate lower noise levels than the larger equipment at the ground level. Furthermore, Project construction at the upper floors, such as fit-out constructions, normally occurs when the building exterior walls are in place, which would minimize transmission of construction noise to the exterior. Therefore, Mitigation Measure NOI-MM-1 (temporary construction noise barrier) is specified to reduce construction noise from the at-grade major construction equipment.

Mitigation Measure NOI-MM-2 as specified in the Draft EIR provides the performance measures and procedures required to mitigate vibration impacts. Specifically, this measure includes retaining a qualified structural engineer to inspect and document the conditions of the existing buildings and to establish requirements for the vibration monitoring program. Mitigation Measure NOI-MM-2 has been included in Section IV, Mitigation Monitoring Program, of this Final EIR, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. Therefore, Mitigation

Measure NOI-MM-2 appropriately provides the performance measures and procedures requirements to mitigate the vibration impacts.

### **Comment No. 6-6**

#### **B. The DEIR Fails to Analyze Biological Resource Impacts**

Yet another reason why the DEIR should be revised and recirculated is because it fails to analyze whether the Project will have significant biological resource impacts despite the Initial Study providing that the Project would involve the removal of two mature olive trees which could “potentially provide nesting sites for migratory birds”.<sup>9</sup> Although the Initial Study blanketly concludes that the Project’s biological resource impacts would be less than significant because (1) the Project would comply with the Migratory Bird Treaty Act; and (2) the olive trees would be replaced, these rationales fail.

First, it is well established that determinations that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a *project-specific analysis* of potential impacts and the effect of regulatory compliance. See *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1; *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal.App.4th 936, 956. Therefore, the Initial Study’s reliance on compliance with the Migratory Bird Treaty Act, absent any project specific analysis, cannot justify its less than significant impact finding.

Moreover, despite the Project’s tree replacement measure, it will take years before the new trees are able to provide the environmental benefits the already existing mature trees provide. Given that the Initial Study fails to consider this, nor does it consider that there is no guarantee that the new trees will ever survive to such point, the Initial Study’s finding is unsupported for this reason too.

In light of the Initial Study’s unsupported less than significant impact conclusion, the DEIR must be revised to include a section assessing whether the Project will have significant biological resource impacts due to its removal of two olive trees with nesting site potential.

<sup>9</sup> Initial Study at 40, available at [https://files.ceqanet.opr.ca.gov/266007-3/attachment/P2\\_Xpigip\\_LbVeE9vb8UA3aEHq\\_MIsTA9ELvtolL3wSwTWZAp3vIR-LWKK5zjZKZ6x4bv1Ez25airFrH20](https://files.ceqanet.opr.ca.gov/266007-3/attachment/P2_Xpigip_LbVeE9vb8UA3aEHq_MIsTA9ELvtolL3wSwTWZAp3vIR-LWKK5zjZKZ6x4bv1Ez25airFrH20).

### **Response to Comment No. 6-6**

As discussed in the Initial Study and in Section VI. Other Environmental Considerations of the Draft EIR, the Project’s Development Area contains limited ornamental landscaping consisting of 12 olive trees located within the existing surface parking area. None of the trees to be removed are of protected species and all trees would be replaced on a one-to one basis. Importantly, as (as described in the Draft EIR, all tree

removals performed as part of the Project would comply with the Migratory Bird Treaty Act (as required by Mitigation Measure BIO-MM-1), which prohibits the take, possession, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. Additionally, California Fish and Game Code Section 3503 states that “[i]t is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” To ensure regulatory compliance with the Migratory Bird Treaty Act and California Fish and Game Code, tree removal activities associated with the Project would take place outside of the nesting season (February 1–August 31), to the extent feasible.<sup>8</sup> Should vegetation removal activities occur during the nesting season, a biological monitor would be present during the removal activities to ensure that no active nests would be impacted. If active nests are found, a buffer would be established until the fledglings have left the nest. The size of the buffer area varies with species and local circumstances (e.g., presence of busy roads) and would be based on the professional judgment of the monitoring biologist, in coordination with the California Department of Fish and Wildlife (CDFW). In addition, should a protected species such as bats be encountered during Project construction, the Project would adhere to all applicable regulations, including the California Fish and Game Code and the California Code of Regulations, so as to avoid direct or indirect impacts. As such, with compliance with the Migratory Bird Treaty Act, the California Fish and Game Code, and the California Code of Regulations, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Thus, as demonstrated by the Draft EIR, with compliance with these specific regulatory requirements, impacts would be less than significant.

### **Comment No. 6-7**

#### **C. The DEIR Defers Its Transportation Mitigation Measures**

CEQA mitigation measures proposed and adopted are required to describe and implement what actions will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) (providing “[f]ormulation of mitigation measures should not be deferred until some future time”); CEQA Guidelines, § 15041 (“[a]ll mitigation must be feasible and fully enforceable, and all feasible mitigation must be imposed by lead agencies”). While Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against

---

<sup>8</sup> *The Project would comply with the State Migratory Bird Treaty Act (MBTA). Per AB 454, the federal MBTA authorizes states and territories to enforce laws or regulations that further protect migratory birds and their nests.*

deferrals, such exception is narrowly proscribed to situations where measures are infeasible or impractical to be developed during the environmental review.

The DEIR improperly defers its Construction Traffic Management Plan mitigation measure, labeled as a project design feature (TR-PDF-2), designed to “facilitate traffic and pedestrian movement, and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians”. [sic] DEIR at IV.I-27. Specifically, although the DEIR provides certain performance standards to be incorporated into the Plan, it fails to prepare, provide, and implement the Plan. *Id.* (“[p]rior to the start of construction, a Construction Traffic Management Plan shall be prepared”). Such failure deprives the public from assessing the adequacy of the Plan and providing input. Nor does the DEIR provide any explanation as to why preparation of the Plan at this time is not feasible. Thus, the DEIR’s transportation mitigation measure is improperly deferred and the DEIR must be revised to include a fully prepared Plan.

### **Response to Comment No. 6-7**

Project Design Feature TR-PDF-2 has been incorporated into the Mitigation Monitoring Program for the Project and will be an enforceable condition of approval; thus, its implementation will be ensured. This PDF includes the following specific measures that will be included as part of the Construction Traffic Management Plan and Worksite Control Plan:

- As parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by LADOT, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures;
- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during construction;
- Temporary traffic controls during construction activities adjacent to public rights-of-way to improve traffic flow on public roadways (e.g., flag persons);
- Parking for construction workers will be provided either on-site or at off-site, off-street locations. Parking shall be prohibited on streets in the vicinity of the Project Site;
- Coordinate with the City and emergency service providers to ensure adequate access is maintained to the Project Site and neighboring businesses and residences;
- Coordinate with LADOT Parking Meter Division to address loss of metered parking spaces;

- Implement safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers, as appropriate, including along all identified Los Angeles Unified School District (LAUSD) pedestrian routes to nearby schools;
- Schedule construction-related deliveries, haul trips, etc., to occur outside the commuter peak hours, to the extent feasible, so as to not impede school drop-off and pick-up activities and students using LAUSD's identified pedestrian routes to nearby schools;
- Notify the LAUSD Transportation Branch and the site administrators of nearby LAUSD schools of the expected start and ending dates of construction. In addition, the contractor or their designee shall coordinate with LAUSD site administrators and/or designated representatives to ensure that effective measures are employed to reduce construction-related effects related to existing pedestrian and school bus routes, and school drop off/pick up areas on proximate LAUSD facilities; and
- Identification of a construction manager and provision of a telephone number posted at the site during site preparation, grading, and construction readily visible to any interested party for any inquiries or complaints regarding construction activities.

These measures represent specific requirements for the Project and are not deferred mitigation. These measures, among others, will be included in the Construction Management Plan and Worksite Traffic Control Plan that will be reviewed and approved by LADOT.

### **Comment No. 6-8**

#### **C. CONCLUSION**

SWRCC request that the City require a local and trained workforce for the Project, that the City mitigate COVID-19 effects, and that the City revise and recirculate the DEIR. If the City has any questions or concerns, feel free to contact my Office.

### **Response to Comment No. 6-8**

This comment summarizing the comments above is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

---

**Comment No. 6-9****Exhibit A—SWAPE Letter dated March 8, 2021**

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduce or mitigate the potential GHG impacts.

**Response to Comment No. 6-9**

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 6-10****Worker Trips and Greenhouse Gas Calculations**

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):



$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

$n$  = Number of land uses being modeled.”<sup>5</sup>

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$  = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$  = emission factor for running emissions.”<sup>6</sup>

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

- 1 “California Emissions Estimator Model.” CAPCOA, 2017, *available at*: <http://www.aqmd.gov/caleemod/home>.
- 2 “California Emissions Estimator Model.” CAPCOA, 2017, *available at*: <http://www.aqmd.gov/caleemod/home>.
- 3 “CalEEMod User’s Guide.” CAPCOA, November 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.
- 4 “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14–15.
- 5 “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.
- 6 “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

### **Response to Comment No. 6-10**

This comment correctly summarizes the CalEEMod calculation procedure for evaluating mobile source emissions associated with construction worker trips/VMT and that generally reducing the trip length would also reduce pollutant emissions associated with

those trips. However, this comment is not specific to any of the analyses contained in the Draft EIR or the associated technical appendices.

### **Comment No. 6-11**

#### **Default Worker Trip Parameters and Potential Local Hire Requirements**

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the location and urbanization selected on the project characteristic screen. These values were supplied by the air districts or use a default average for the state. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

<b>Worker Trip Length by Air Basin</b>		
<b>Air Basin</b>	<b>Rural (miles)</b>	<b>Urban (miles)</b>
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, [sic] with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, [sic] with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, *available at*: <http://www.caleemod.com/>, p. 1, 9.

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

---

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84–D-86.

### **Response to Comment No. 6-11**

As with Comment No. 6-10, this comment correctly summarizes the CalEEMod calculation procedure for evaluating mobile source emissions associated with construction worker trips/VMT. However, this comment fails to disclose that CalEEMod provides a further geographic breakdown by county. In the case of the Project, Los Angeles County was selected as the Project Site is located within Los Angeles County and the default trip length is 14.7 miles (consistent with South Coast Air Basin in which the county is located within). Furthermore, this comment fails to disclose that the default CalEEMod land use setting is “urban.” CalEEMod makes no reference to any “local hire requirement” as a requirement for using the CalEEMod default urban setting. In addition, CalEEMod does not provide a “local hire requirement” as a potential mitigation measure. This comment does not provide substantial evidence that the default CalEEMod setting should have been modified to rural or reference any discussion within the CalEEMod User’s Guide of a “local hire requirement” as necessary in order to use the default urban setting. Rather, the settings used were specific to the use and location of the Project specified by CalEEMod.

### **Comment No. 6-12**

#### **Practical Application of a Local Hire Requirement and Associated Impact**

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

<b>Local Hire Provision Net Change</b>	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

<sup>14</sup> "Appendix D Default Data Tables." CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

### **Response to Comment No. 6-12**

This comment correctly links shorter trips with a reduction in pollutant emissions. However, as discussed in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, GHG impacts were concluded to be less than significant and mitigation measures, including those suggested within this comment, would not be warranted nor required.

### **Comment No. 6-13**

#### **Disclaimer**

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies

and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

**Attachment:** Worksheets [233 pages]

**Attachment:** Exhibit B—Air Quality and GHG Expert Paul Rosenfeld CV [11 pages]

**Attachment:** Exhibit C—Air Quality and GHG Expert Matt Hagemann CV [10 pages]

**Response to Comment No. 6-13**

The comment does not raise CEQA issues, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

**Comment Letter No. 7**

Charles C. Holloway  
Manager  
Environmental Planning and Assessment  
Department of Water and Power  
111 N. Hope St., Rm. 1044  
Los Angeles, CA 90012-2607

**Comment No. 7-1**

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments on the Artisan Hollywood Project (Project) located at 1520 North Cahuenga Boulevard, Los Angeles, CA 90028. The mission of LADWP is to provide clean, reliable water and power to the City of Los Angeles. Based on our review of the Draft Environmental Impact Report prepared for the Project, we respectfully submit the comments below:

**Response to Comment No. 7-1**

This introductory comment is noted for the administrative record.

**Comment No. 7-2****Joint:**

1. This response shall not be construed as an approval for any project.

**Water System:****IV.L.1 Utilities and Service Systems—Water Supply and Infrastructure**

- On Page IV.K.1-16, Table IV.K.1-2 shows incorrect supply numbers for years 2019 and 2020 under the Transfer, Spread, Spills, and Storage (af) column. Revise “- 1,710” to 1,710, and revise “-1,155” to 1,155.
- On Page IV.K.1-25, Table IV.K.1-4 shows the Multi-Dry Year demand projections, which seems to be the five-year average of the numbers shown in LADWP’s 2020 Urban Water Management Plan (UWMP) Exhibit 11G. Since, the projected water demand for each of the five years (Year One through Year Five of the Multiple Dry Years) was prepared based on different hydrology, it is suggested to remove the five-year average number from Table IV.K.1-4 because it doesn’t reflect the different multiple dry year water supplies.

For any questions regarding the above comments, please contact Marshall Styers of my staff at (213) 367-3541 or [Marshall.Styers@ladwp.com](mailto:Marshall.Styers@ladwp.com).

**Response to Comment No. 7-2**

These clarifications have been made to Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.