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 raising significant environmental issues received during the noticed 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 the written comments received during the comment period for 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
STATE AND REGIONAL																																		
1	Miya Edmonson IGR/CEQA Branch Chief District 7—Office of Regional Planning Department of Transportation 100 S. Main St., Ste. 100 Los Angeles, CA 90012-3721		X																				X											
2	Ali Poosti Division Manager Wastewater Engineering Services Division LA Sanitation and Environment 2714 Media Center Dr. Los Angeles, CA 90065-1733																														X			
ORGANIZATIONS																																		
3	SAFER c/o Paige Fennie Lozeau | Drury LLP 1939 Harrison St., Ste. 150 Oakland, CA 94612-3507																														X			
4	Yelena Zeltser Policy Coordinator Southeast Asian Community Alliance 840 N. Broadway, Ste. 203E Los Angeles, CA 90012-2360		X			X					X			X			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	Southwest Regional Council of Carpenters c/o Mitchell M. Tsai 155 South El Molino Ave., Ste. 104 Pasadena, CA 91101-2563 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								X	X		
6	Unite Here Local 11 c/o Jordan R. Sisson Law Office of Gideon Kracov 801 S. Grand Ave., Fl. 11 Los Angeles, CA 90017-4613		X			X					X												X							X		X		
INDIVIDUALS																																		
7	Connie Acosta coni.epnc@gmail.com														X																			
8	Phyllis Ling 451 Savoy St. Los Angeles, CA 90012-1465 Bill Chin 836 N. Beaudry Los Angeles, CA 90012-1317		X		X			X				X			X	X	X				X		X								X			
9	Matthew French matt@mattfrench.com																															X			
10	Scott Hitchins 1115 W. Sunset Blvd., Apt. 710 Los Angeles, CA 90012-3979					X						X																						X
11	Jeff Kirshbaum gtmgmt817@gmail.com		X		X							X			X	X					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
12	Phyllis Ling 451 Savoy St. Los Angeles, CA 90012-1465		X		X										X	X	X						X											
13	Ofer Lion oferlion@hotmail.com		X									X			X								X											X
14	Kathy A. McDonald writerkathymcd@gmail.com		X	X	X							X			X	X					X		X								X			
15	Michele McKinley michelemck99@gmail.com														X	X	X		X				X											
16	Reseda Mickey resedamickey@sbcglobal.net		X								X				X								X								X			
17	Olivia Robinson Background Intelligence, Inc. P.O. Box 1457 South Pasadena, CA 91031-1457																						X											
18	Karen Stasevich karenstasevich@gmail.com		X																															
19	Chris Wabich nocheeto@yahoo.com														X								X								X			
LATE LETTERS																																		
20	Chinatown Community for Equitable Development ccedchinatown@gmail.com				X	X									X	X							X											

II. Responses to Comments
C. Comment Letters

Comment Letter No. 1

Miya Edmonson
IGR/CEQA Branch Chief
District 7—Office of Regional Planning
Department of Transportation
100 S. Main St., Ste. 100
Los Angeles, CA 90012-3721

Comment No. 1-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Project proposes 48,000 square feet of office space and up to 95,000 square feet of general commercial floor area. Under the Mixed-Use Development Scenario, up to 737 residential units (including up to 76 restricted affordable housing units) would be constructed with up to 180 hotel rooms. Under the No Hotel Development Scenario, a maximum of up to 827 residential units (including up to 76 restricted affordable housing units) would be constructed. Under either development scenario, the proposed uses would be built above a screened six-level parking podium, which would be partially below grade and partially above grade. Implementation of the Project would also require the removal of the existing vacant buildings within the Project Site. The existing Elysian apartment building, which is located on the Project Site, but not a part of the Project, would remain.

The nearest State facilities to the proposed project are SR 110 and US 101. After reviewing the DEIR, Caltrans has the following comments:

Response to Comment No. 1-1

This introductory comment, which provides general information regarding the Project and its location relative to Caltrans facilities, does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Comment No. 1-2

Caltrans acknowledges and supports infill development that provides a mix of land uses which allow a neighborhood to meet their needs for housing, work, and services, like the proposed Project aims to facilitate. Caltrans also concurs with Project Design Feature TR-PDF-2, which unbundles car parking, strengthens first-mile/last-mile resources, and builds new crosswalks and wider sidewalks. While Caltrans enthusiastically applauds the establishment and/or significant widening of sidewalks throughout the Plan area, this community benefit should not be primarily achieved through expanded right-of-way or private setback conditions. Improving safety and comfort for people walking or riding bicycles presents a rare opportunity to put existing road space to better use. When the extra space for sidewalks or bikeways is achieved through narrowing or eliminating car travel lanes, the bike- and walkability is further enhanced by calmed traffic and shorter crossing distances. These effects feed into one another, creating greater levels of comfort and allowing the area to become safer for all travelers.

Response to Comment No. 1-2

The comment agrees that the Project's location, land use mix, and Transportation Demand Management (TDM) plan under Project Design Feature TR-PDF-2 (now converted to Mitigation Measure TR-MM-1) will help the community to meet needs for housing, employment, and services. The commenter suggests that sidewalk widening should be accomplished within the existing right-of-way through narrowing roadways rather than by encroaching into the Project Site private property. The Project Applicant considered narrowing the roadways, but in consultation with the Bureau of Engineering, the decision was made to leave the road at its current width and provide sidewalk easements on the Project Site. Narrowing the roadway was determined to be more disruptive to surrounding residents and existing infrastructure, as it would require extensive construction encroachment into the public right-of-way for roadway reconstruction and utility relocation.

Comment No. 1-3

The Project also includes 436 or 421 bike parking spaces depending on which development scenario is chosen. While this is a step in the right direction, Caltrans recommends increasing the amount of bike parking to provide at least one long-term bicycle parking space per residential unit.

Response to Comment No. 1-3

The comment suggests that the amount of bicycle parking provided should, at a minimum, equal one long-term space per residential unit. The Project Applicant has committed to meeting the short- and long-term bicycle parking requirements set forth in the Los Angeles Municipal Code (LAMC) (Section 12.21.A.16). Bicycle parking would be

provided in nine dedicated areas throughout the parking levels of the Project Site. Each of the six long-term bicycle parking areas would provide a bicycle maintenance area. Also, the Project would provide space for first-mile/last-mile transportation options, such as bicycle sharing programs in the Transportation Center, as described on page II-18 in Section II, Project Description, of the Draft EIR.

Comment No. 1-4

Since the intention of TR-PDF-2 is to reduce car dependency and lower Vehicle Miles Travelled (VMT), Caltrans also recommends reducing the amount of car parking to the fewest number of spaces possible. Research looking at the relationship between land-use, parking, and transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation. Additionally, Rates of car ownership and vehicle miles traveled (VMT) are significantly lower for low-income households than they are for high-income households. Seeing as this project includes affordable housing, this should be taken into serious consideration. There is sufficient justification to reducing the amount of car parking built for affordable housing projects in order to promote affordability and achieve the project's goals.

If the car parking must be built, it should be designed in a way that is conducive to adaptive reuse. They should contain flat floors with ramps on the exterior edge, so that they can be more easily converted to beneficial uses in the future.

Response to Comment No. 1-4

The Project's proposes to provide 933 parking spaces for the Mixed Use Development Scenario or 907 parking spaces for the No-Hotel Development Scenario. As stated on pages II-13 and II-14 in Section II, Project Description, of the Draft EIR, these totals were the minimum parking requirements based on the LAMC and Assembly Bill 744 at the time the requirements were calculated. Subsequently, Assembly Bill 1245 was passed which amended Assembly Bill 744 and further reduced minimum parking requirements. However, as indicated in the Draft EIR, the original minimum parking requirements were maintained in the Project design to satisfy market demand for parking and to ensure no spillover of parking into the surrounding neighborhood.

As proposed, the Project would provide approximately 1.27 parking spaces per residential unit under the Mixed Use Development Scenario and 1.1 parking spaces per residential unit under the No-Hotel Development Scenario, without considering the parking demands of other land uses. Both development scenarios provide a mix of additional land uses, including office and commercial retail/restaurant space, the parking needs for which must also be satisfied. The Project is designed to take maximum advantage of alternative

modes of transportation while meeting a key Project objective of providing viable commercial development as indicated on page II-9 in Section II, Project Description, of the Draft EIR. While a further reduced parking supply could further reduce VMT, the Project under both development scenarios would not result in significant impacts associated with VMT as concluded on page IV.L-39 in Section IV.L, Transportation, of the Draft EIR. An updated VMT analysis using revised significance thresholds is provided in Response to Comment No. 4-9 below, and similarly concludes that the Project, with mitigation, would not result in significant impacts associated with VMT.

As suggested in the comment, the parking structure would be designed in such a manner as to be adaptable to other uses in the future, with flat floors, higher floor-to-floor heights, and dedicated (unparked) speed ramps for vertical circulation.

Comment No. 1-5

Regarding Section (h): *Caltrans Analysis*
Office of Corridor Management (South) requests that detailed sheets be provided for review. Detailed sheets should include all inputs and outputs generated according to the Highway Capacity Manual, 6th Edition for the 95th percentile ramp queue analysis.

Response to Comment No. 1-5

The detailed *Highway Capacity Manual, 6th Edition*, output worksheets for the I-110 Southbound Off-Ramp to Figueroa Terrace were provided in Appendix B of the Transportation Assessment, which is included in Appendix Q of the Draft EIR.

Comment No. 1-6

A detailed Construction Management Plan (CMP) will be provided under Project Design Feature (TR-PDF-1). It is expected that the following elements will be included in the CMP:

- Advance notification to adjacent property owners and occupants, as well as nearby schools, of upcoming construction activities, including durations and daily hours of construction, and to not impede school drop-off and pickup activities and students using identified pedestrian routes to nearby schools.

- Signs shall be posted along roads identifying construction traffic access or flow limitations due to single lane conditions during periods of truck traffic, if needed.

- Pedestrian/bicycle connections to the bus stops shall remain unblocked. If a bus stop is temporarily relocated during construction, advance notification of alternative bus stop sites and the temporary location of the relocated stop shall be provided to public.

- Any work that would affect the freeways and its facilities, Caltrans has the jurisdiction for review and approval.

Additionally, transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

Response to Comment No. 1-6

Several of these measures are already included in the Draft EIR. Specifically, as detailed in Project Design Feature TR-PDF-1 on page IV.L-24 in Section IV.L, Transportation, of the Draft EIR, the Construction Management Plan (CMP) includes measures to facilitate traffic and pedestrian movement and minimize potential conflicts between construction activities and vehicles, bicyclists, and pedestrians. The CMP also includes measures to provide alternate pedestrian and bicycle routing and protection barriers as needed, especially to ensure safe routes to schools. In response to this comment, additional measures have been added to the CMP. Please refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR.

Comment No. 1-7

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-LA-2018-03511.

Response to Comment No. 1-7

This comment concludes the letter and provides a point of contact that will be included on future public mailings for the Project. This comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 2

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

Comment No. 2-1

This is in response to your March 11, 2021 Notice of Completion and Availability of Draft Environmental Impact Report for the proposed mixed-use project located at 1111–1115 Sunset Boulevard, Los Angeles, CA 90012. LA Sanitation, Wastewater Engineering Services Division has received and logged the notification. Upon review, it has been determined the project is in the final stages of the California Environmental Quality Act review process and requires no additional hydraulic analysis. Please notify our office in the instance that additional environmental review is necessary for this project.

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

Response to Comment No. 2-1

This comment acknowledges receipt of the Notice of Completion and Availability and states that City of Los Angeles Bureau of Sanitation (LASAN) Wastewater Engineering Services Division's previous response is still valid and no additional analysis is required. Refer to Section IV.N.2, Utilities and Service Systems—Wastewater, and Appendix S of the Draft EIR for a full analysis of the Project's Wastewater impacts, including correspondence from LASAN. As discussed therein, impacts would be less than significant.

Comment Letter No. 3

SAFER
c/o Paige Fennie
Lozeau | Drury LLP
1939 Harrison St., Ste. 150
Oakland, CA 94612-3507

Comment No. 3-1

Please find attached a comment letter concerning the DEIR prepared for the 1111 Sunset Project, Case No. ENV-2018-177-EIR, on behalf of the Supporters Alliance for Environmental Responsibility ("SAFER").

Response to Comment No. 3-1

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

Comment No. 3-2

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as 1111 Sunset Project, including all actions related or referring to the proposed 994,982 square foot mixed-use development proposed on a 6.72 acre site located at 1111 and 1115 Sunset Boulevard in the City of Los Angeles ("Project").

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

Response to Comment No. 3-2

The comment concludes the Draft EIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impact, but provides no specific evidence to support these claims. The comment request's the City address the

shortcomings in a revised Draft EIR, and recirculate prior to approval. The comment states it reserves the right to supplement the comments during the review of the Final EIR for the Project and at the public hearings. Overall, the comment does not identify any specific shortcomings of the Draft EIR analysis or mitigation measures, and no specific response is therefore required. Furthermore, the Draft EIR complied fully with all of CEQA's mandates and the comment presents no information or substantial evidence about any specific impact area, and as such, would not meet any of the criteria for recirculation of the Draft EIR (see Section 4.0, Revisions, Corrections and Clarifications, of the Final EIR). This comment is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment Letter No. 4

Yelena Zeltser
Policy Coordinator
Southeast Asian Community Alliance
840 N. Broadway, Ste. 203E
Los Angeles, CA 90012-2360

Comment No. 4-1

On behalf of SEACA, I'm submitting the attached comment letter regarding the 1111 Sunset Project located at 1111–1115 Sunset Blvd (ENV-2018-177-EIR).

Response to Comment No. 4-1

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

Comment No. 4-2

On behalf of the Southeast Asian Community Alliance (SEACA) I respectfully submit comments on the Draft Environmental Impact Report (DEIR) prepared for the 1111 Sunset Project (Project) proposed by Palisades Capital Partners, LLC (Applicant). Specifically, we object to the conclusion that the Project would have less than significant land use impacts and complies with the goals and policies of the Community plan. In addition, the Project would seriously disrupt circulation in the area both during construction and operation causing significant traffic and congestion problems, as well as contributing to greenhouse gas emissions, and poor air quality. Lastly, the analysis fails to adequately address the impacts on park and recreation infrastructure created by the Project. For all these reasons we find the analysis in the DEIR lacking and ask the City to withhold project approvals until the issues raised are addressed and a revised DEIR is recirculated.

SEACA is a community organization that represents low-income immigrant and refugee youth and families in Chinatown, Victor Heights, Solano Canyon, and Lincoln Heights neighborhoods of Los Angeles. Our youth come from deeply low-income families, earning $25,000 or less annually, that rely on public transportation and public open space amenities in their daily lives. Our office is located within one mile from the Project site and many of our youth and families use local Metro and LADOT bus lines directly surrounding the Project site. In addition, our members who live in Victor Heights and/or go to school or work in close proximity to the project will be directly impacted by the traffic, congestion, and

temporary displacement of Metro and LADOT lines, as well as by the GHG and air quality impacts generated by the Project.

Response to Comment No. 4-2

This comment presents a summary of the more detailed comments provided below. As demonstrated by the responses to comments below and the impact analyses included in Sections IV.H, Land Use; IV.L, Transportation; IV.E, Greenhouse Gases; IV.A, Air Quality; and IV.K, Public Services—Parks and Recreation of the Draft EIR, the Project would not result in significant impacts related to land use policy consistency, transportation, greenhouse gas emissions, air quality, or parks and recreation. The Draft EIR is comprehensive and has been completed in full compliance with CEQA. Recirculation of the Draft EIR is not required.

The overview of the SEACA organization and the communities it represents included in this comment is noted for the record.

Comment No. 4-3

I. Project Description

The Applicant is requesting 2 programmatic options to be included in the DEIR: the Mixed-Use option would result in the development of up to 737 residential units (with up to 76 income restricted units at very-low income level), an 180-room hotel, commercial and office uses; and the No-Hotel option would result in up to 827 residential units (with up to 76 income restricted units at very-low income level), commercial and office uses. In either case the project will consist of a 49-story, 572 foot residential tower, a 30-story, 408 foot residential tower, a 17-story, 211 foot tower with hotel or residential units, a 57,500 square foot commercial/office use building, all on a 6 level parking podium, and 29 other low-rise residential and commercial buildings on a 994,982 square foot project site. The Project is seeking Density Bonus incentives pursuant to LAMC Section 12.22 A25, and is located in the Central City North Community Plan Area.

Response to Comment No. 4-3

This introductory comment, which summarizes the Project Description, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-4

II. Project Conflicts with Community Plan

The DEIR erroneously states that the Project will have no significant land use impacts. In fact, the Project is inconsistent with Objective 1-1 of the Central City North Community Plan (Community Plan) "To provide for the preservation of existing housing and for the development of new housing to meet the diverse economic and physical needs of the existing residents and projected population".[1] Although the project does produce new housing, and includes a small percentage of affordable units, the affordability level of the new housing does not match the income level of the surrounding community and therefore the Project cannot meet the diverse needs of the existing residents. Similarly, the Project does not comport with Policy 1-4.2 of Objective 1-4 or the Community Plan, to "Ensure that new housing opportunities minimize displacement of the existing residents"[2] since the development of between 661–751 new market rate units (units affordable to households earning above $92,750 annually[3]) in a community with a median income between $20,417–$49,183[4] is very likely to result in changes in the local real estate market causing displacement of current residents.

1 https://planning.lacity.org/odocument/e06434a6-341a-48ed-97dc-8f6a85780951/Central_City_North_Community_Plan.pdf. Page III-2.

2 https://planning.lacity.org/odocument/e06434a6-341a-48ed-97dc-8f6a85780951/Central_City_North_Community_Plan.pdf. Page III-4.

3 https://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income-limits-2020.pdf

4 Data.census.gov. 2019: ACS 5-Year Estimates Subject Tables. Median Income in the Past 12 Months (In 2019 Inflation Adjusted Dollars)

Response to Comment No. 4-4

The Project is proposing up to 827 net new residential units that will be built without displacing any existing area residents. Hundreds of units will be constructed on the site without creating displacement. Pursuant to LAMC 12.22 A.25, the Applicant is requesting a density bonus to increase the site's floor area by 35 percent (in lieu of the permitted 3:1 FAR) which will include 76 Very Low Income deed-restricted units, which will be set aside for 55 years. According to the 2021 income table produced by the State of California Housing and Community Development,[1] these units can accommodate a 2-person household making approximately $47,000 a year, which is within the income range outlined by the Commenter.

1 *See County of Los Angeles incomes, www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits/docs/income%20limits%202021.pdf.*

The Commenter claims that the Project is inconsistent with Objective 1-1 and Policy 1-4.2 of Objective 1-4 of the Central City North Community Plan. A project does not need to be in perfect conformity with each and every policy contained in an applicable plan – here the Central City North Community Plan. More specifically, according to the ruling in *Sequoyah Hills Homeowners Association v. City of Oakland*, state law does not require an exact match between a project and the applicable general plan. Rather, to be "consistent," the project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning that a project must be in "agreement or harmony" with the applicable plan to be consistent with that plan. Section IV,H, Land Use of the Draft EIR, pages IV.H-23–IV.H-24, and Table 3 of Draft EIR Appendix J.1 (Mixed Use Development Scenario) and Draft EIR Appendix J.2 (No-Hotel Development Scenario) provide a full consistency analysis with the Central City North Community Plan. As to Objective 1-1, the Draft EIR provides:

> *The Project Site currently comprises a 262,437-square-foot lot with five buildings. Four of the five buildings are currently vacant, while the remaining building is currently occupied by the Elysian apartments, which is not part of the Project. The Elysian apartments would remain on site while the vacant buildings would be removed to allow for development of the Project. The [Mixed Use Development Scenario would include 737] [No-Hotel Development Scenario would include 827] units, including 76 affordable housing units. The Project would provide for a variety of unit types, including one- and two-bedroom units to meet the diverse economic and physical needs of the City's residents. The Project would not conflict with this objective.*

As discussed above, this is a new development project that is not displacing any residents on the Project Site. Therefore, the new units will be available to whomever wishes to lease a unit, and with respect to the affordable units, qualifies for the Very Low-Income units, which corresponds to 30 to 50 percent of the area median income. Moreover, the Project would provide a roughly even split between one-bedroom and two-bedroom units.

With respect to Policy 1-4.2, the Draft EIR provides:

> *No housing would be removed as part of the Project. Housing within the existing Elysian apartments would also remain on-site and would not be removed as part of the Project. Therefore, the Project would not displace any existing housing located on the Project Site and the Project would not conflict with this policy.*

The Commenter asserts, without evidence, that the Project "is very likely to result in changes in the local real estate market causing displacement of current residents." It is unclear to which residents the Commenter refers as there are no residents in the vacant on-site buildings. Furthermore, the Elysian is not part of the Project, and there is no evidence that the Project will "displace" Elysian residents.

Comment No. 4-5

In addition, Los Angeles is undeniably in the midst of an affordable housing crisis, which has been exacerbated by the economic recession due to the coronavirus pandemic, where 56% of all renters in the county are cost burdened—meaning they spend more than 30% of household income on rent. However, the crisis is even more acute for Extremely Low Income (ELI) households (those earning 30% of AMI), 74% of which are severely rent burdened—meaning they spend more than 50% of their income on housing costs.[5] As such, to be consistent with the Community Plan and the City's General plan, the Project must strive to further the City's housing goals, and provide more affordable units and include units at deeper affordability levels. Under the City's Transit Oriented Communities Incentive Program (TOC) the Project could qualify under Tier 3 Incentives due to proximity of a Rapid Metro line as well as multiple local Metro lines. Under Tier 3 the Project could include up to 10% (or between 74 and 91) ELI units (30% AMI), or 14% (or between 104 and 116) very low income units (50% AMI)[6] while receiving the same level of density incentives as currently requested under the Density Bonus. Given the City's deep housing affordability crisis, the Project must consider an alternative with more and deeper residential affordability. For these reasons the Project cannot be found to be compatible with the Community and General plans.

[5] https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/2020-Los-Angeles-County-Affordable-Housing-Outcomes-Report.pdf

[6] https://planning.lacity.org/odocument/39fae0ef-f41d-49cc-9bd2-4e7a2eb528dd/TOCGuidelines.pdf. Section IV Eligibility. Page 7.

Response to Comment No. 4-5

As designed, the Project is consistent with the State Density Bonus rules. The Commenter is requesting the Applicant to consider another development alternative that substantially increases the site's development rights. Specifically, the City's Tier 3 TOC development incentives allow for a 70-percent density increase and a 50-percent floor area increase. Such an increase in density and intensity would generate a significantly larger project and be inconsistent with the Draft EIR Project Description.

In addition, all of the 76 affordable units are Very Low-Income affordable units and are all provided on the Project Site. Different projects use different aspects of state and local law to provide affordable housing (different percentages and different levels of

affordability). This Project is in full compliance with the State Density Bonus law, and all of the affordable units are Very Low-Income. The state law provides that the affordable housing requirement is computed on the base density allowed by the Project Site's zoning and not on the number of total units; as such, 76 units is the correct number of units.

According to the recently issued RHNA numbers,[2] the City of L.A. must build[3] approximately 456,000 new homes in the next housing cycle. Of those units, approximately 115,900 need to be built for Very-Low Income Households, while another approximately 196,800 units need to be built above the moderate income level.[4] According to these metrics provided by the Southern California Associations of Governments (SCAG), the Project is providing units in one of the two income levels with the greatest need.

Comment No. 4-6

III. Project Will Have Significant Traffic Impacts

The DEIR errs in its assertion that the Project would not conflict with any plan, ordinance, or policy addressing the circulation system since the project fails to comply with Mobility Plan 2035 and the Plan for a Healthy Los Angeles. In addition, the DEIR incorrectly calculates the VMT household and work VMT thresholds, and should be updated to reflect the correct data.

Response to Comment No. 4-6

This comment summarizes more detailed comments provided below. Please refer to Response to Comments Nos. 4-7 and 4-8 below for a detailed discussion of the Project's compliance with the Mobility Plan and the Plan for a Healthy Los Angeles, respectively. Please refer to Comment No. 4-9 below for a detailed discussion of the Project's VMT analysis, including an analysis against updated significance thresholds.

Comment No. 4-7

Policy 1.1 Roadway User Vulnerability and Policy 3.1 Access for All of the Mobility Plan 2035 prioritize the safety of "most vulnerable" roadway users and recognizes the need for a multi- modal transportation system[7]. Although the Project claims to be a pedestrian and

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[2] *SCAG, SCAG 6th Cycle Final RHNA Allocation Plan, https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899.*

[3] *SCAG, SCAG 6th Cycle Final RHNA Allocation Plan (approved by HCD on 3/22/21), https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1616462966.*

[4] *SCAG, SCAG 6th Cycle Final RHNA Allocation Plan (approved by HCD on 3/22/21), https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1616462966.*

transit-oriented development, the Project description fails to provide detailed description of pedestrian infrastructure incorporated in the interior of the project. It also fails to articulate *how* the project will support the needs of most vulnerable residents, workers and visitors such as children and youth, low-income people, seniors, and people with limited mobility. A detailed plan of pedestrian infrastructure, internal bike paths, the location of bike parking, and the programmatic way in which vulnerable users will be served by the mobility infrastructure must be produced as part of the Project description and the DEIR analysis.

[7] https://planning.lacity.org/eir/1111_sunset/deir/files/D_IVL.pdf. Page IV.L-29 of the DEIR

Response to Comment No. 4-7

The description of the Project provided in Section II, Project Description of the Draft EIR fully complies with CEQA, including the provisions set forth in CEQA Guidelines Section 15124 regarding the contents of a project description. In addition, as stated in CEQA Guidelines Section 15124, "the description of the project shall…. not supply extensive detail beyond that needed for evaluation and review of the environmental impact." Section II, Project Description, provides a description of pedestrian access to the Project Site, the publicly-accessible open space areas provided as part of the Project, bike parking, and the Project's Transportation Center that is designed to support multi-modal mobility options. In addition, Figures 3 and 4 of the Transportation Assessment, provided as Appendix Q of the Draft EIR provide details regarding internal pedestrian circulation and bicycle parking locations. Specifically, Figure 3, Pedestrian Project Site Access, indicates accessible pedestrian paths (with wheelchair-accessible ramps and elevators) alongside standard paths employing stairs across the Project Site. Figure 4, Bicycle Project Site Access, indicates bicycle routes into nine different bicycle parking areas at different locations and levels around the Project Site. The Project would also be fully ADA compliant. Also refer to Appendix FEIR-2 of this Final EIR for an additional graphic showing details regarding internal circulation and access within the Project Site.

Section IV.L, Transportation, of the Draft EIR also includes a description of the Project features that will improve safety and mobility. These include: sidewalks will be widened to meet the standards of LA's Mobility Plan; a new stop sign and improved pedestrian crossing will be provided at Alpine and Beaudry; the intersection at Sunset and Beaudry will be reconfigured to improve pedestrian crossing; and the intersection at Sunset and White Knoll will be signalized to provide another safe point for pedestrians to cross Sunset Boulevard. The Project would also provide dedicated curb-side passenger loading areas on Alpine Street and Beaudry Avenue and an off-street pick-up/drop-off area at the Sunset Building near the corner of Beaudry Avenue and Sunset Boulevard.

In addition, pedestrian access points are designed at each major intersection and are reminiscent of the neighborhood stairs and paseos found in the surrounding areas.

These existing stairs were designed to facilitate neighborhood mobility and access to housing and transportation. The Project's pedestrian access points provide access to publicly accessible open space amenities, retail uses and passage across the Project Site consistent with the historic use of the existing neighborhood stairs that create porosity and mobility into and throughout the site. The design of the Project focuses on the character, porosity, and experience at the ground level.

As summarized above and analyzed in detail in the Draft EIR, the Project would prioritize the safety of roadway users and pedestrians and support a multi- modal transportation system consistent with the policies of the Mobility Plan.

Comment No. 4-8

Similarly, the Project doesn't fulfill many policies of the Plan for a Healthy Los Angeles, including *Policy 1.5 Plan for Health, Policy 1.6 Poverty and Health*, and *Policy 1.7 Displacement and Health*.[8] As stated above the affordability level of the income restricted units included in the project does not match the income of the surrounding community, thus these units would not prevent indirect displacement of current surrounding residents or alleviate the circumstances of low-income people with incomes below 30 % AMI. To this end the Project misses a key strategy to reduce VMTs, support multi-modal circulation, and improve the health of vulnerable populations. By including ELI residential units on-site, the Project would create the opportunity for those employed in the retail and service industries on-site to also reside within the Project and potentially walk or bike to work. The Project as currently proposed cannot be said to promote health or improve mobility for low-income community members and thus does not comport.

[8] https://planning.lacity.org/eir/1111_sunset/deir/files/D_IVL.pdf. Page IV.L-34 of the DEIR

Response to Comment No. 4-8

As discussed in detail in Table IV.L.2 of Section IV.L, Transportation, of the Draft EIR, the Project supports the relevant policies included in the Plan for a Healthy Los Angles. As noted in Response to Comment Nos. 4-4 and 4-5 above, the Project provides 76 very low-income units on-site that are set at 30 to 50 percent of the area median income. As further noted above, there is no requirement that the Project "match the income of the surrounding community" as the Commenter suggests. In addition, the Project is not required to "alleviate the circumstances of low-income people with incomes below 30% AMI."

Furthermore, the Project includes many features that will reduce vehicle miles travelled, support multi-modal circulation, and overall improve the health of the surrounding populations. Specifically, the mixed-use nature of the Project would provide the opportunity

for people to live, work, and play within one site, thereby reducing vehicle miles traveled. The Project would provide greater proximity to neighborhood services, jobs, and residences and would be well-served by existing public transit. The Project would also promote pedestrian activity by enhancing pedestrian access along and through the perimeter of the Project Site. The ground floor commercial uses and streetscape improvements proposed by the Project would further promote walkability and reduce vehicle miles traveled per capita. The Project would also provide bicycle parking to encourage use of alternative modes of transportation. Furthermore, the Project would implement a TDM Program to promote non-auto travel and reduce the use of single-occupant vehicle trips. As indicated above, as part of the Project, a designated Transportation Center would be provided near the intersection of Sunset Boulevard and Beaudry Avenue. The Transportation Center would be open to the public during operating hours and would provide multi-modal mobility options such as bicycle and scooter sharing services to help improve the convenience of making trips without the use of a personal automobile. As such, with the provision of 76 very low-income residential units, the Project is promoting health and improved mobility of low-income community members as well as other populations.

Comment No. 4-9

In addition, the DEIR incorrectly calculates the VMT thresholds[9] by identifying the Project as being located within the East LA APC TAG area. The Project is located within the Central City North Community Plan area and thus with the Central LA APC. The VMT Thresholds should be recalculated and the error addressed in a recirculated draft.

9 https://planning.lacity.org/eir/1111_sunset/deir/files/D_IVL.pdf. Table IV.l-3

Response to Comment No. 4-9

The comment correctly points out that the Project Site is within the Central Area Planning Commission (APC), as the border between the East Los Angeles APC and the Central APC runs along Sunset Boulevard and White Knoll Avenue adjacent to the Project Site. The VMT per capita significance thresholds in the Central APC are lower than those in the East Los Angeles APC. The Central APC identifies significance thresholds of 6.0 household VMT per resident and 7.6 work VMT per employee, as compared to 7.2 household VMT per resident and 12.7 work VMT per employee identified in the Draft EIR. Nonetheless, as described below, the Project under both development scenarios would not result in a significant impact when considering the TDM measures proposed in the Draft EIR, and recirculation of the Draft EIR is not required.

City staff with the Department of Transportation reviewed the VMT Calculator to determine why the Project was shown to be located within the East Los Angeles APC

rather than the Central APC. They determined that the error stemmed from the way the VMT Calculator encodes APC boundaries, and that it effectively amounted to a rounding error based on the Project's location adjacent to the APC boundary. They further confirmed that the error resulted only in the identification of incorrect significance thresholds, and that the accurate calculation of Project VMT was not affected by the error. Therefore, the quantitative results of the VMT analysis presented in the Draft EIR and Transportation Assessment (Appendix Q to the Draft EIR) remain valid.

The VMT analysis provided in the Draft EIR accounted for the Project's proposed TDM measures related to reduced parking supply and provision of bicycle parking, as noted on page IV.L-38 in Section IV.L, Transportation, of the Draft EIR. As shown in Table IV.L-3, under the Mixed Use Development Scenario the Project would result in 4.8 household VMT per capita and 8.4 work VMT per employee. Under the No-Hotel Development Scenario, it would result in 4.9 household VMT per capita and 8.3 work VMT per employee. The Draft EIR concluded that the Project, under both development scenarios, would result in a less-than-significant impact with respect to both residential VMT per capita and work VMT per employee. However, under the Central APC, the Project—under both development scenarios—would have a significant impact based on work VMT per employee, prior to mitigation.

Page IV.L-39 in Section IV.L, Transportation, of the Draft EIR also notes that the additional TDM measures to be provided by the Project were conservatively excluded from the VMT analysis, but that a supplemental analysis of Project VMT including the effects of all TDM measures was provided in Appendix A to the Transportation Assessment. These additional TDM measures were included as Project Design Feature TR-PDF-2, described on page IV.L-25 in Section IV.L, Transportation, of the Draft EIR. However, in light of the significant impacts identified above, TR-PDF-2 has been reclassified as Mitigation Measure TR-MM-1. Refer to Section III, Revisions, Clarifications and Corrections to the Draft EIR of this Final EIR. The VMT analysis results including mitigation are provided in Table 4-9.1 for both development scenarios. As shown, under the Mixed-Use Development Scenario with mitigation, the household VMT per resident is 4.1 (below the Central APC significance threshold of 6.0) and the work VMT per employee is 6.6 (below the Central APC significance threshold of 7.6). Under the No-Hotel Development Scenario with mitigation, the household VMT per resident is 4.1 and the work VMT per employee is 6.8, also under the Central APC significance thresholds. Therefore, with these additional TDM measures in place, now classified as Mitigation Measure TR-MM-1, the Project would not result in significant impacts associated with VMT.

Additionally, the analysis of VMT for each individual Project land use, as well as the VMT analysis for the Project Alternatives (discussed in Section V, Alternatives, of the Draft EIR), was updated using the revised significance thresholds. The individual land use VMT analyses are provided in Tables 4.9-2 and 4.9-3 for the Mixed Use Development Scenario

and the No-Hotel Development Scenario of Appendix FEIR-5.2 of this Final EIR, respectively. As shown, the hotel and office land uses in the Mixed Use Development Scenario would result in significant work VMT per employee impacts prior to mitigation, but with application of Mitigation Measure TR-MM-1, the impacts would be reduced below the level of significance. Similarly, the office land use in the No-Hotel Development Scenario would result in a significant work VMT per employee impact prior to mitigation but would be reduced below the level of significance with application of Mitigation Measure TR-MM-1.

As demonstrated above, the change to the threshold of significance does not affect the quantified calculations of household VMT per capita or work VMT per employee. The conclusions presented in the Draft EIR that the Project would have no significant impact with respect to VMT are confirmed with the analysis above and the reclassification of Project Design Feature TR-PDF-2 as Mitigation Measure TR-MM-1. No change to the Project nor commitment to new TDM measures were required to reach this conclusion. Therefore, this change does not constitute significant new information, as no new significant and unavoidable impacts were identified, and there is no need to recirculate the Draft EIR.

Comment No. 4-10

Lastly, a project of this size and scope will inevitably have negative impacts on circulation during the construction phase. The Project anticipates a construction period of 44–63 month [sic] during which the Site will experience up to 280 haul truck trips per day[10]. This will put a significant strain on the low-income residents, youth, and people with limited mobility who are transit dependent. It is clear that bus routes will be disrupted due to increased traffic congestion, which puts undue burden on the most vulnerable population. The Project's Construction Management Plan (CMP) must include measures that specifically address the needs of transit dependent populations in order to comply.

[10] https://planning.lacity.org/eir/1111_sunset/deir/files/App_Q.pdf. Page 139

Response to Comment No. 4-10

Regarding the comment's claim that the Project's 280 daily haul truck trips during construction, that level of haul truck activity would only take place during the grading and excavation phase of construction, which is anticipated to last approximately nine months (rather than the 44 to 63 months noted in the comment) as described on page 139 of the Transportation Assessment. Additionally, haul trucks tend to arrive and depart fairly consistently throughout a 6- to 9-hour workday. With a 6-hour workday, there would be approximately 47 trucks arriving and departing each hour between 9:00 A.M. and 3:00 P.M., which is less than one round trip per minute and would not occur during the peak commuter hours.

This level of haul truck traffic would not substantially burden the surrounding street system. The haul routes for the Project were recommended by LADOT and LADOT's recommendations regarding hauling days and hours, and staging will be incorporated into the Project's Construction Management Plan (required by Project Design Feature TR-PDF-1) that will be submitted to the City for review and Approval.[5] It is noted that most of the north/south streets within the Victor Heights neighborhood are not through streets; therefore, any construction related traffic would not have any effect on the surrounding street system. Additionally, it would not impede public transit buses or require them to reroute, as described on page 141 of the Transportation Assessment, and there are no transit stops adjacent to the Project Site that would need to be temporarily relocated. Pedestrian access to Sunset Boulevard would never be restricted by Project construction activity. Sidewalks on the far sides of the streets adjacent to the Project Site would remain unaffected by Project construction, and detour routes would be provided if ever necessary. Therefore, transit-dependent residents would continue to be able to safely access public transit throughout Project construction.

Finally, the Project's Construction Management Plan would include measures to schedule construction activities to avoid the commuter peak hours and to maintain safe pedestrian routes and detours as necessary. The comment's recommendation that measures be included to specifically address the needs of transit-dependent people is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 4-11

IV. Project Fails to Properly Assess and Mitigate GHG Impacts

The DEIR improperly analyzes potentially significant GHG impacts of the Project on the surrounding community, especially those most vulnerable to GHG effects such as children and elderly. According to CalEnviroScreen the Project is located within an area that is in the 98th percentile for diesel emissions, and in the 99th Pollution Burden Percentile[11]. The Project Site and the adjacent community of Chinatown are home to region's most vulnerable population of low-income immigrants and refugees, including a disproportionate number of seniors[12]. The Project is also located within half a mile from Castelar Elementary, Downtown Magnets High School, and Alpine Recreation Center a ½ mile park that is the only recreation and gathering space for seniors, families, and youth in the area; and within 1 mile of the Roybal Learning Center, and the Cortines School of Visual & Performing Arts.

[5] City of Los Angeles, Inter-Departmental Correspondence from Edward Yu, Department of Transportation to Kathleen King, City Planning, July 2, 2020.

[11] https://oehha.ca.gov/calenviroscreen/maps-data

[12] http://maps.latimes.com/neighborhoods/neighborhood/chinatown

Response to Comment No. 4-11

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. This comment correctly identifies the environmental scores for the Project area from CalENviroScreen for existing conditions. These scores are unrelated to potential GHG impacts associated with the Project. This comment further identifies some sensitive land uses in the Project area. However, this comment does not provide any substantial evidence that the methodology used in the analysis of Air Quality or GHG impacts was not consistent with the City of Los Angeles' CEQA thresholds and CEQA Guidelines Section 15064.4 . It is also critical to note that GHG emission impacts are not localized and are not tied to any specific geographic area, but disperse throughout the atmosphere. This is why CEQA Guidelines Section 15064.4 allows determinations of significance to be based on compliance with statewide and regional plans as well as local plans—there is no localized impact whatsoever with GHG emissions but rather a global cumulative impact, making compliance with local, regional, or state regulations and plans for the reduction of GHG emissions effective and meaningful to reduce impacts.

The analysis presented in Section IV.A, Air Quality, of the Draft EIR demonstrated that localized construction and operational air quality impacts would not expose sensitive receptors to substantial pollutant concentrations; however, there would be a significant and unavoidable regional construction air quality impact. Furthermore, the analysis presented in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR demonstrated that the Project would not conflict with any applicable plan, policy, regulation, or recommendation adopted for the purpose of reducing GHG emissions and because the Project is consistent with and does not conflict with these plans, policies, and regulations, the Project's incremental increase in GHG emissions would not result in a significant impact on the environment. The impacts with regard to GHG emissions and climate change would be less than significant.

Comment No. 4-12

The DEIR does not set a threshold for GHG emissions but sets evaluation criteria according to CEQA Guidelines Section 15064.4(b). Although under CEQA lead agencies have the discretion to select a quantitative or qualitative analysis, both shall be "based to the extent possible on scientific and factual data" and "must reasonably reflect evolving scientific knowledge and state regulatory schemes."[13]. The selected analysis must be supported by substantial evidence and be supported by evliving [sic] scientific knowledge and regulatory policies. None of the plans cited in the DEIR (i.e., AB 32 Scoping Plan, SCAG's 2016–2040 RTP/SCS, City's ClimateLA Plan, City's Green Building Ordinance, City's Mobility 2035 Plan, and City's Green LA Plan) contain vital features of a Climate

Action Plan (pursuant to CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1)), nor do they contain the mandatory, project-specific measures that satisfy CEQA Guidelines § 15064(h)(3). In addition, the DEIR rejects the use of the South Coast Air Quality Management District (SCAQMD)'s 10,000 MTCO2e threshold despite applying these thresholds in other cases. Under the SCAQMD's thresholds the Project would be found to have significant GHG impacts, and merit mitigation measures. Lastly, the DEIR cites SCAG's 2016–2040 RTP/SCS regulatory framework for analysis despite an updated 2020–2045 RTP/SCS having been adopted.

[13] https://opr.ca.gov/ceqa/climate-change.html. CEQA Guidelines § 15064.4 subds. (a) & (b)

Response to Comment No. 4-12

The California Supreme Court's decision published on November 30, 2015, in the *Center for Biological Diversity v. California Department of Fish and Wildlife* (Case No. 217763) (also known as *CBD v. CDFW* or the Newhall Ranch Case) reviewed the methodology used to analyze GHG emissions in an EIR. The California Supreme Court suggested regulatory consistency as a potential "pathway to compliance," by stating that a lead agency might assess consistency with AB 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court recognized that to the extent a project's design features comply with or exceed the regulations outlined in the *Climate Change Scoping Plan* and adopted plans by CARB or other state agencies, a lead agency could appropriately rely on their use as showing compliance with performance-based standards adopted to fulfill a statewide plan for the reduction or mitigation of GHG emissions. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, for the reduction of GHG emissions.

Section 15064.4 of the CEQA Guidelines recommends that lead agencies quantify GHG emissions of projects and consider several other factors that may be used in the determination of significance of GHG emissions from a project: the extent to which the project may increase or reduce GHG emissions; whether a project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs.

CEQA Guidelines Section 15064.4 does not establish a threshold of significance. Lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), as long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)).

The CEQA Guidelines also clarify that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see CEQA Guidelines Section 15130(f)). As a note, the CEQA Guidelines were amended in response to SB 97. In particular, the CEQA Guidelines were amended to specify that compliance with a GHG emissions reduction plan may appropriately be determined to render a cumulative GHG impact less than significant.

Thus, per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that would avoid or substantially lessen the cumulative problem within the geographic area of the project. To qualify, such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plans [and] plans or regulations for the reduction of greenhouse gas emissions." Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant impact on GHG emissions if the project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions.

In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the AB 32 Climate Change Scoping Plan, which meets the criteria for appropriate analysis under the CEQA Guidelines.

The Draft EIR provides a thorough analysis of the Project's GHG impacts within Section IV.E, Greenhouse Gas Emissions of the Draft EIR. The analysis includes quantification of construction and operational GHG emissions, quantification of applicable reduction measures, and consistency with applicable local plans and policies. However, critically, the threshold of significance adopted by the City for analysis here is qualitative and based on the Project's consistency with appropriate laws, regulations, plans, and policies. Thus, the quantitative data and analysis is provided for informational purposes only, but nonetheless demonstrates with substantial evidence that the Project's consistency

with applicable laws, regulations, plans, and policies in fact results in notable GHG emissions reductions.

Page IV.E-30 of the Draft EIR provided the following analysis and discussion regarding the 2020–2045 RTP/SCS.

> *On September 3, 2020, SCAG's Regional Council adopted an updated RTP/SCS known as the 2020–2045 RTP/SCS or Connect SoCal.[70] As with the 2016–2020 RTP/SCS, the purpose of the 2020–2045 RTP/SCS is to meet the mobility needs of the six-county SCAG region over the subject planning period through a roadmap identifying sensible ways to expand transportation options, improve air quality and bolster Southern California long-term economic viability.[71] On October 30, 2020, the California Air Resources Board (CARB), accepted SCAG's determination that the SCS met the applicable state greenhouse gas emissions targets. The goals and policies of the 2020–2045 RTP/SCS are similar to, and consistent with, those of the 2016–2040 RTP/SCS. In addition, CARB's new target requiring a 19-percent reduction in per capita GHG emissions has been included in the 2020–2045 RTP/SCS to fulfill SB 375 compliance with respect to meeting the State's GHG emission reduction goals. Hence, because the Project would be consistent with the 2016–2020 RTP/SCS as discussed later in this section, the Project would also be consistent with the 2020–2045 RTP/SCS.[72] Because the 2020–2045 RTP/SCS was adopted by SCAG subsequent to both circulation of the Notice of Preparation (NOP) for the Project on May 21, 2018 and approval by LADOT of the Transportation Assessment for the Project on August 8, 2020, this section and the balance of this Draft EIR provided detailed analysis of Project consistency with the 2016–2020 RTP/SCS.*

[70] *SCAG, News Release: SCAG Regional Council Formally Adopts Connect SoCal, September 3, 2020.*

[71] *SCAG, News Release: SCAG Regional Council Formally Adopts Connect SoCal, September 3, 2020.*

[72] *For example, the Project would be consistent with both the 2016–2040 RTP/SCS and the 2020–2045 RTP/SCS because it would increase urban density within a High Quality Transit Area (HQTA) immediately adjacent to a Metro light rail station and in close proximity to more than a dozen bus routes, would include transit-oriented development, and would implement TDM, all of which would reduce the City's per capita VMT and associated air emissions. Another example is that because the Project would be consistent with the City's existing General Plan land use designation and zoning of the Project Site, it has been accounted for in the regional growth projections in both the 2016–2040 RTP/SCS and 2020–2045 RTP/SCS.*

Based on the above information, no additional analysis was warranted regarding the 2020–2045 RTP/SCS. The Draft EIR correctly concluded that the Project would result in less than significant GHG impacts. No substantial evidence to the contrary has been provided by the Commenter. In response to this comment, an analysis of the 2020–2045 RTP/SCS policies has been included in this Final EIR, but only for informational purposes. Please refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR.

Comment No. 4-13

V. Project Cannot Be Properly Evaluated on Open Space Resources

The Project description fails to provide any meaningful details about the features, design elements, or programmatic components associated with the Project's open space areas. Despite providing for between 82,925 square feet (under the mixed use option) and 93,050 square feet (under no-hotel option) of open space, the Applicant did not see fit to include any plan for how this space will be used to benefit future residents, workers, visitors or the surrounding community. Therefore, the DEIR cannot properly analyze any impacts or mitigating features of the Project.

The Project area is located adjacent to one of the poorest and open-space limited communities in the City of Los Angeles. Furthermore, the transit-dependent community members face barriers in accessing the broader network of City parks and the green infrastructure of the broader region. At full buildout the Project will bring between 1,777 (mixed use option) and 1,994 (no hotel option) additional residents into the community, and add between 582 (mixed use option) and 492 (no hotel option) workers daily to the area. Here, again, the low-income residents, seniors, and children and youth will be most affected by the Project's impacts since these populations most rely on local, public open-space infrastructure. The Project must be updated with a plan for public-serving open space and green infrastructure focused on addressing the needs of the local community. A new DEIR analyzing specific impacts and mitigation measures must be updated and recirculated.

Response to Comment No. 4-13

The analysis of potential impacts associated with parks and recreational facilities in the Draft EIR has been completed in accordance with CEQA Guidelines and the methodology and thresholds established by the City. The analysis determined that Project impacts are less than significant. No new analysis or mitigation measures are required. The Project meets all open space requirements of the LAMC. In addition, the design of the Project aims to maximize open space and contribute positively to the growth of publicly accessible open space in a community lacking in pedestrian-focused open space. An array of open spaces have been designed to support outdoor living and provide informal recreation, safe play areas, and open-air dining experiences for future residents, neighbors

and visitors. Resident-specific open spaces include private balconies or roof terraces for select units, communal roof decks and associated recreation rooms at the top of each tower, a pool deck facing Downtown L.A. at the base of Tower A, and amenity pavilions set within landscaped spaces at The Hill level. While the Project does not have any code mandate to provide publicly accessible open spaces, the design is centered around two publicly accessible open spaces with direct connections to the public right of way, as illustrated in the pedestrian circulation diagram included as Appendix FEIR-2 of this Final EIR. The first is the Sunset Terrace, which includes planting and hardscape with seating areas designed for passive recreation and events with convenient access to retail and food and beverage amenities. The second is The Hill, an approximately 20,925-square-foot grassy knoll with views to downtown L.A. that would include active and passive recreation spaces with family play features, a lawn with lounge furniture, and spaces for picnicking. The Hill, the Project's primary open space, will be generally publicly accessible from dusk to dawn. In addition, the Beaudry Gardens will offer families space for outdoor play and picnicking. In total, the landscape will include 262 new trees along with planters, hardscape, and urban furnishings for public enjoyment.

Overall, the open space network included as part of the Project re-establishes a "hilltop in the city" by creating a highpoint at the center of the project, a "vista-point" oriented to the Downtown L.A. skyline. A series of pedestrian walkways, and stairs crisscross the Project Site, providing cut-through access for area residents and visitors (during operating hours) and are reminiscent of the neighborhood stairs and paseos found in the surrounding areas. In addition to the proposed open space, the Project would provide a fire lane that would be accessible to pedestrians when not in use. Lastly, the Project incorporates features, such as direct pedestrian paths with extensive wayfinding signs, seating, water elements, and decorative paving materials, to provide a more welcoming open space area.

Comment No. 4-14

VI. Conclusion

SEACA appreciates the opportunity to provide these comments on the Project's DEIR. We are committed to make our City and especially the Chinatown community a thriving and safe community where our youth and families can live, work, and recreate. We see ourselves and our community as stakeholders in the Project and have a direct interest in seeing that the State's environmental laws and the City's land-use laws are being followed, that the City satisfies its affordable housing obligations, and that new development not contribute to the climate-change crisis that threatens low-income communities of color. For the above reasons we urge the City to address our concerns through and amended and recirculated DEIR with additional mitigation measures.

Response to Comment No. 4-14

This comment, which concludes the letter, is noted for the record and will be forwarded to the decision-makers for their review and consideration. As demonstrated by the comments and responses above, the Draft EIR is comprehensive and has been completed in accordance with the City and CEQA Guidelines. No new analysis or mitigation measures are required. Recirculation of the Draft EIR is also not required.

Comment Letter No. 5

Southwest Regional Council of Carpenters
c/o Mitchell M. Tsai
155 South El Molino Ave., Ste. 104
Pasadena, CA 91101-2563

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

Paul E. Rosenfeld
SWAPE
2656 29th St., Ste. 201
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Comment No. 5-1

On behalf of the Southwest Regional Council of Carpenters ("**Commenter**" or "**Carpenter**"), my Office is submitting these comments on the City of Los Angeles' ("**City**" or "**Lead Agency**") Draft Environmental Impact Report ("**DEIR**") (SCH No. 2018051043) for the 1111 Sunset Mixed-Use Project, a new mixed-use development proposed on a 272,918-square-foot (6.27-acre) site with 994, 982 square feet of floor area under two different development scenarios ("**Project**").

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

Response to Comment No. 5-1

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.

Comment No. 5-2

Commenters expressly reserves 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. Cal. Gov. Code § 65009(b); Cal. Pub. Res. 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.

Commenters expressly reserves 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. Cal. Gov. Code § 65009(b); Cal. Pub. Res. 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.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *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, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 et seq, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and 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. 5-2

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration. The Commenter will be placed on requested public mailing/notification lists related to the Project.

Comment No. 5-3

The City should require the Applicant [sic] provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or 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 an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements 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 providing localized economic benefits. 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 providing 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.

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

> …labor 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.[1]

[1] 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*

Response to Comment No. 5-3

The comment regarding community benefits including local hire does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration. With respect to greenhouse gas emissions, Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, demonstrates that the Project would have a less than significant greenhouse gas emissions impact.

Comment No. 5-4

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

Response to Comment No. 5-4

As discussed in Section I, Executive Summary, of the Draft EIR, Project level impacts would be significant and unavoidable even with implementation of feasible mitigation measures for the following environmental topics: air quality during construction (regional emissions); noise (on- and offsite noise during construction); and vibration (on and off-site vibration with regard to human annoyance). Cumulative impacts for these environmental topics would also be significant and unavoidable with the exception of cumulative vibration impacts related to on site construction (human annoyance), which would be less than significant. The Project complies with or exceeds the requirements included in the City's Green Building Code. However, the above identified impacts would remain significant and unavoidable.

As determined in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, the Project complies with or exceeds the regulations and GHG reduction actions/strategies outlined in the *Climate Change Scoping* Plan, the 2016–2040 RTP/SCS and the Sustainable City pLAn/L.A.'s Green New Deal, as well as with the City's Green Building Code. Accordingly, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Furthermore, because the Project is consistent and does not conflict with these plans, policies, and regulations, the Project's incremental increase in GHG emissions would not result in a significant impact on the environment; therefore, it was concluded that the Project's impacts are considered less than significant. As such, no additional mitigation measures to reduce GHG emissions are required.

Comment No. 5-5

I. EXPERTS

This comment letter includes comments from air quality and greenhouse gas experts Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, Ph.D. concerning the DEIR. Their comments, attachments, and Curriculum Vitae ("CV") are attached hereto and are incorporated herein by reference.

Matt Hagemann, P.G., C.Hg. ("Mr. Hagemann") has over 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund

programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Mr. Hagemann also served as Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closer. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring.

For the past 15 years, Mr. Hagemann has worked as a founding partner with SWAPE (Soil/Water/Air Protection Enterprise). At SWAPE, Mr. Hagemann has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality, and greenhouse gas emissions.

Mr. Hagemann has a Bachelor of Arts degree in geology from Humboldt State University in California and a Masters in Science degree from California State University Los Angeles in California.

Paul Rosenfeld, Ph.D. ("Dr. Rosenfeld") is a principal environmental chemist at SWAPE. Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts on human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risks, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particular matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants, Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal

injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Dr. Rosenfeld has a Ph.D. in soil chemistry from the University of Washington, M.S. in environmental science from U.C. Berkeley, and B.A. in environmental studies from U.C. Santa Barbara.

Response to Comment No. 5-5

This introductory comment summarizing the qualifications of SWAPE is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-6

II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations ("**CCR**" or "**CEQA Guidelines**") § 15002(a)(1).[2] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" [sic] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs*. (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also*, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the 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" specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position.' A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal. 3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA's information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

> A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

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).

[2] 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. 5-6

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-7

B. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that "[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092… but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report" in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes "changes in the project or environmental setting as well as additional data or other information" that "deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative)." CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include "new significant environmental impacts from the project or from a new mitigation measure," "substantial increase in the severity of an environmental impact," "feasible project alternative or mitigation measure considerably different from others previously analyzed" as well as when "the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to "significant new information" regardless of whether the agency opts to include it in a project's environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App. 4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply "the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information."]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

For all of the reasons outlined below, the DEIR should be revised and recirculated for additional public comment.

Response to Comment No. 5-7

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the

decision-makers for their review and consideration. See responses to comments below for specific responses to allegations of CEQA inadequacies.

Comment No. 5-8

C. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.[3]

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency 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 SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency 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 A.M. to 7:30 A.M.; main gate [ZONE 1] and personnel gate [ZONE 2]

- After 7:30 A.M. 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.[4]

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 Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

[3] 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.

[4] *See also* The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVIC-19 [sic] Standards for U.S [sic] Constructions Sites, *available at* 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.

Response to Comment No. 5-8

The Draft EIR provides impact analysis as well as all feasible mitigation measures (when a potential significant impact is determined) for all required CEQA impact areas, that were not previously scoped out in the Project's Initial Study. As to risks associated with construction activities and COVID-19, the Applicant will comply with all State and Los Angeles County construction activity protocols in place at the time of the commencement of construction and throughout the construction process.

Comment No. 5-9

D. The Project Description is Not Stable and Finite

"[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient" environmental document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 200.) "A curtailed or distorted project description may stultify the objectives of the reporting process" as an accurate, stable and finite project description is necessary to allow "affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. (*Id.* at 192–93.) Courts determine de novo whether an agency proceeded "in a manner required by law" in maintaining a stable and consistent project description. (*Id.* at 200.)

Here, the project description is not stable and finite. The project description in DEIR states that the DEIR contemplates two development scenarios. (DEIR, II-1.) The first Project scenario is a mixed-use development with a hotel use; and the second scenario is a mixed-use development without a hotel use. The DEIR then speculates that under either

scenario, the environmental impacts would be the same because the Project would be comprised of a maximum of 994,982 square feet of floor area. This is inaccurate. The DEIR also states no basis for a future decision of which scenario would ultimately be chosen or how a decision would be made.

This description is also unstable because the DEIR precludes a full environmental analysis of both scenarios. A scenario with additional residential units and no hotel use would not have the same impacts as a scenario with a hotel use and a reduction in residential uses. There is insufficient information in the DEIR to analyze and evaluate both development scenarios.

Response to Comment No. 5-9

The Commenter is incorrect in stating that the Project Description is not stable and finite. The Draft EIR fully discloses the two development scenarios—The Mixed Use Development Scenario and the No Hotel Development Scenario—in Section II, Project Description. As stated therein:

> *The Project proposes two development scenarios—the Mixed Use Development Scenario and the No-Hotel Development Scenario. When the scenario does not affect analytics herein, the term "Project" is used. Regardless of the development scenario, the Project would comprise a maximum of 994,982 square feet of floor area.*
>
> *Under the Mixed Use Development Scenario, up to 737 residential units (including up to 76 restricted affordable housing units), up to 180 hotel rooms, up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area are proposed.*
>
> *Under the No Hotel Development Scenario, a maximum of up to 827 residential units (including up to 76 restricted affordable housing units) would be constructed along with up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area. The additional residential units (under the No-Hotel Development Scenario) would be located in the building as the proposed hotel and would replace the 180 hotel rooms proposed by the Mixed Use Development Scenario. Regardless of the removal of the hotel, the Project design would remain as proposed.*

All aspects of both development scenarios are disclosed. Further, the difference between the two options is very limited as it involves only the use of one building and whether the building will contain hotel rooms or residential units and both options would have the same design.

Each development scenario is separately analyzed for environmental impacts when the separate scenario could result in different impacts (e.g., Transportation Impacts relative to Vehicle Miles Travelled where each scenario is separately analyzed as there are different trip generation between residences and hotel; Water Supply; and Energy). However, if there would be no difference in impacts based on the development scenario then the impacts overall for the Project were analyzed (e.g., Construction Impacts (as both scenarios contain the exact same square footage, same construction equipment and phasing and building design); Geology; and Cultural Resources). Each impact section makes clear the impact methodological approach. For example, regarding air quality impacts, the impact analysis is preceded by the following:

> *As set forth in Section II, Project Description, of this Draft EIR, the Project proposes two development scenarios—the Mixed Use Development Scenario and the No-Hotel Development Scenario. Under the Mixed Use Development Scenario, up to 737 residential units, up to 180 hotel rooms, up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area are proposed. Under the No-Hotel Development Scenario, a maximum of up to 827 residential units would be constructed along with up to 48,000 square feet of office space, and up to 95,000 square feet of general commercial floor area. The additional residential units (under the No-Hotel Development Scenario) would be located in the Sunset Buildings and would replace the 180 hotel rooms proposed by the Mixed Use Development Scenario. Regardless of the removal of the hotel, the Project design would remain as proposed. Specifically, the total floor area, building heights, massing, and footprint would be the same under both development scenarios. In addition, construction activities including depth of excavation, overall amount of grading, and the types of equipment to be used would be the same under both development scenarios. The following analysis accounts for both development scenarios and the term "Project" is used unless stated otherwise.* (Draft EIR, page IV.A-40.)

The Commenter failed to identify any instances where the Draft EIR contains insufficient information about a development scenario that precluded adequate impact analysis. Rather, the Draft EIR contains a fulsome description of the two development scenarios allowing for a complete and accurate impact analysis for each and every required impact area.

The Commenter states "The DEIR also states no basis for a future decision of which scenario would ultimately be chosen or how a decision would be made." Which development scenario is ultimately chosen is not a CEQA issue; rather both development scenarios are fully analyzed across all required CEQA impact areas such that either one

can be selected to be constructed. Furthermore, the Project approvals and entitlements sought allow for either development scenario.

Comment No. 5-10

E. The DEIR's Mitigation Measures are Impermissibly Vague and Defer Critical Details

The DEIR improperly defers critical details of mitigation measures. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. CEQA Guidelines § 15126.4(a)(1)(B) ("…[f]ormulation of mitigation measures should not be deferred until some future time.").

Deferring critical details of mitigation measures undermines CEQA's purpose as a public information and decision-making statute. "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal. App. 4th 70, 92 ("Communities"). As the Court noted in *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307, "[a] study conducted after approval of a project will inevitably have a diminished influence on decision-making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA."

A lead agency's adoption of an EIR's proposed mitigation measure for a significant environmental effect that merely states a "generalized goal" to mitigate a significant effect without committing to any specific criteria or standard of performance violates CEQA by improperly deferring the formulation and adoption of enforceable mitigation measures. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670; Communities, 184 Cal.App.4th at 93 ("EIR merely proposes a generalized goal of no net increase in greenhouse gas emissions and then sets out a handful of cursorily described mitigation measures for future consideration that might serve to mitigate the [project's significant environmental effects."); cf. *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1028–1029 (upheld EIR that set forth a range of mitigation measures to offset significant traffic impacts where performance criteria would have to be met, even though further study was needed and EIR did not specify which measures had to be adopted by city).].

Here, the DEIR features several mitigation measures which are impermissibly vague and defer critical details:

Response to Comment No. 5-10

Comment No. 5-10 merely summarizes the Commenter's position on deferred mitigation. Each of the purported improperly deferred mitigation measures are responded to below.

Comment No. 5-11

- *AIR-MM-4-6*: AIR-MM-4 specifies that construction equipment will be maintained and operated to minimize exhaust emissions but no plans or details are included other than minimization of idling times which lack enforcement. AIR-MM-5 specifies that "to the extent possible" diesel/gasoline power generator use should be minimized and should be placed 100 feet from sensitive land uses. AIR-MM-6 states that the Project "would include… to the extent commercially available and feasible…"solar-powered [sic] generators for construction use.

Response to Comment No. 5-11

All mitigation measures, including AIR-MM-4, are enforceable through the adoption of a Mitigation Monitoring Program (pursuant to CEQA Guidelines section 15097), which, in turn, is enforceable as an adopted project condition. (See Section IV, Mitigation Monitoring Program, of this Final EIR.) Measure AIR-MM-4 contains the specific performance criteria of "minimizing exhaust emissions" and provides a specific measure to achieve that—restriction of idling time. The measure is not impermissibly vague, lacking details, or unenforceable and is consistent with CARB's off-road vehicle idle times regulations, specifically CCR Section 2449(d)(2) Idling which regulation is independently enforceable as a matter of law.

With respect to AIR-MM-5, diesel/gasoline power generators will be placed "at least" 100 feet from sensitive receptors. Given the placement of existing power poles, it may not be possible to solely reply upon electric generators for construction, but to the extent possible, they will be used. Because of the possibility of the need to use a diesel and or gasoline generator during the early stages of construction (i.e., demolition and grading/excavation), the construction air quality analysis assumed the use of one generator as a worst case scenario. Measure AIR-MM-5 is adequately drafted; it is not vague or lacking in critical details.

With respect to AIR-MM-6, the Project is committed to using solar generators if they are commercially available for construction. As it is not known at this time to what extent

they will be available for Project construction, no emission reduction credit was taken for them. As such, AIR-MM-6 in an appropriate mitigation measure.

Comment No. 5-12

- *CUL-MM-1*: States that a qualified archaeologist will be retained to prepare a Cultural Resource Monitoring and Treatment Plan but fails to include details of that plan in the DEIR or include any performance standards by which a future plan would be prepared.

Response to Comment No. 5-12

The Commenter claims Mitigation Measure CUL-MM-1 "fails to include" the details of the Cultural Resource Monitoring and Treatment Plan. CUL-MM-1 includes the details: "The Cultural Resource Monitoring and Treatment Plan shall include the professional qualifications required of key staff, monitoring protocols relative to the varying archaeological sensitivity across the Project Site, provisions for evaluating and treating unanticipated cultural materials discovered during ground-disturbing activities, situations under which monitoring may be reduced or discontinued, and reporting requirements. The Cultural Resource Monitoring and Treatment Plan shall also include a section describing the protocol, in the event that unanticipated human remains are discovered during Project construction."

The Commenter also claims CUL-MM-1 fails to include performance standards "by which a future plan would be prepared." The measure specifically provides: "Prior to the start of Project ground disturbance, including demolition, digging, trenching, plowing, drilling, tunneling, grading, leveling, removing peat, clearing, augering, stripping topsoil or a similar activity ('Ground Disturbance Activities') at the Project Site, a qualified principal archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology shall be retained to prepare a written Cultural Resource Monitoring and Treatment Plan **in accordance with the Secretary of the Interior's Standards for Archaeological Documentation**, to reduce potential Project effects on unanticipated archaeological resources unearthed during construction, with an emphasis on potential historical-period materials." (Emphasis added.) Thus, the measures both provides for timing—prior to the commencement of Project ground disturbance and the performance standards (the Secretary of the Interior's Standards for Archaeological Documentation). The measure includes additional site specific performance standards, such as qualification of the archaeologist (Secretary of the Interior's Professional Qualification Standards for Archaeology) and depth of excavation to be observed (1 to 16 feet, based on documented depth to bedrock).

Comment No. 5-13

- *GEO-MM-1*: Calls for a paleontologist to develop a site-specific Paleontological Resource Mitigation and Treatment Plan but fails to specify any details of that plan or any performance standard by which a future plan would be prepared.

Response to Comment No. 5-13

The Commenter claims Mitigation Measure GEO-MM-1 "fails to specify any of the details of" the Paleontological Resource Mitigation and Treatment Plan. Measure GEO-MM-1 contains the details: "The Paleontological Resource Mitigation and Treatment Plan shall specify the levels and types of mitigation efforts based on the types and depths of Ground Disturbance Activities and the geologic and paleontological sensitivity of the Project Site. The Paleontological Resource Mitigation and Treatment Plan shall also include a description of the professional qualifications required of key staff, communication protocols during construction, fossil recovery protocols, sampling protocols for microfossils (if required), laboratory procedures, reporting requirements, and curation provisions for any collected fossil specimens." Measure GEO-MM-1 provides the appropriate details and is not improper deferred mitigation.

Comment No. 5-14

Particularly problematic is the DEIR's analysis, findings and subsequent mitigation of the Project's hazards and hazardous materials impacts. As found by SWAPE in their April 23 letter regarding this Project[5], the DEIR and Phase I ESA describe six abandoned oil wells which were abandoned before modern standards were even published. (Ex. D, 1–2.) There are also onsite contaminations from oilfield operations with impacts to soil and vapor with methane present. Yet, MM-HAZ-1 calls for all wells to be abandoned in accordance with the California Geologic Energy Management Division standards—which will not be done until prior to the issuance of a building permit. (DEIR, I-24.)

Furthermore, HAZ-MM-3 calls for a soil and management plan to address on-site contaminated soil which will also be deferred until such time that a building permit will issue for the Project. (DEIR, I-25.) But any soil contamination plan should be included in the DEIR with a full site characterization and evaluation of the potential risks with a cleanup certified by DTSC.

As a result of the above deficiencies in the DEIR's analysis and mitigation efforts, the DEIR needs to be revised and recirculated with a full site characterization and cleanup plans that are subjected to public comment and an appropriate level of specificity to ensure adequacy and enforceability.

[5] April 23, 2021 SWAPE Letter to Greg Sonstein re Comments on 1111 Sunset Project. Attached hereto as Exhibit D.

Response to Comment No. 5-14

The Commenter appears to be asking that the six former oil wells identified in the California Geologic Energy Management Division (CalGEM) Well Finder database on or near the Project Site be located now and a determination of which the CalGEM abandonment protocols apply. As set forth in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, as well as in the Oil Wells Investigation Report (Draft EIR Appendix H.3), "a geophysical survey was conducted at the site on October 30, 2020, and consisted of magnetic and electromagnetic utility locator techniques. The geophysical survey was focused along the eastern and southern portions of the site in an attempt to locate abandoned steel-cased oil wells previously identified in the aerial photographs and reflected in CalGEM's database… [H]owever, magnetic data did not indicate the presence of steel-cased oil wells within the upper 10 feet." (Draft EIR page IV.F-27.) As such, the Applicant attempted to locate the oil wells. "Field explorations that include extensive excavation to locate the potential oil wells are not currently feasible and/or practical due to the existing structures and development, including adjacent public infrastructure. Where construction is proposed in the area of potentially existing oil wells, applicable CalGEM requirements would be followed." (Draft EIR page IV.F-38.) Mitigation Measures HAZ-MM-1 through HAZ-MM-3 provide appropriate details and performance standards for Project construction should any oil wells be discovered. Further site characterization for potentially contaminated soil cannot occur if and until the oil wells are discovered and/or during the excavation phase of the Project. Excavation work will be overseen by a professional environmental engineering consulting firm that will help characterize/identify potential impacted soil material, if any. No analysis or investigation was inappropriately deferred.

As to the specific CalGEM abandonment protocols, those will be the current abandonment protocols in place if and when any oil well is discovered. The Applicant has already submitted an application for well abandonment to CalGEM who responded that CalGEM was to be notified immediately should any oil wells be located as those wells will need to be reabandoned to current CalGEM standards and protocols. (See Attachment C to Oil Wells Investigation Report (Draft EIR Appendix H-3).)

As to the details of the soil management plan, measure HAZ-MM-3 provides: "A soil and site management plan will be developed and implemented to ensure all on-site contaminated soil is properly disposed of at an appropriate, permitted disposal or treatment facility and to address the potential identification and abandonment of oil wells if encountered during earthwork activities." Due to uncertainty in the location and depth of the oil wells, the volume and extent of excavated material and/or contaminated soil (if any) is not known at this time and has to be deferred to a later time, if ever. However, a Draft

Soil Management Plan has been prepared and is included in Appendix FEIR-3 of this Final EIR. The draft plan addresses the proper storage, handling, cleanup, transportation, and disposal of suspected or known contamination encountered during ground disturbance activities for the project. This plan also provides information on recommended sampling, analytical testing, and appropriate response measures for situations that may arise in association with management of environmental contamination during construction activities.

Comment No. 5-15

E. The DEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR but found to be insignificant with or without mitigation in the DEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be "based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

In addition, a determination 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. In *Californians for Alternatives to Toxics v. Department of Food & Agric*. (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. *See also Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

Response to Comment No. 5-15

The comment provides the Commenter's view on the substantial evidence standard, but does not address any specific Project findings. The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration. Responses to specific comments are set forth below.

Comment No. 5-16

1. *The DEIR Fails to Support its Findings on Greenhouse Gas Impacts with Substantial Evidence*.

CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project's GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency "should explain the limitations of the particular model or methodology selected for use." CEQA Guidelines § 15064.4(c).

CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

(1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);

(2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;

(3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence

demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

Here, the DEIR's analysis of greenhouse gas emissions impacts is not supported by substantial evidence for all of the reasons outlined in SWAPE's April 23, 2021 letter regarding their review of the DEIR:

- The DEIR utilized an incorrect and unsubstantiated quantitative analysis of emissions;
- The DEIR incorrect relied upon GHG reduction measures and project design features (PDFs);
- The DEIR failed to identify a potentially significant GHG impact when applying a 2.6 MT CO2e/SP/year threshold per AEP guidance[6]; and
- The DEIR incorrectly relied upon SCAG's Outdated RTP/SCS, and failed to consider performance-based standards under SCAG's latest RTP/SCS plan.

(Exhibit D, 30–36.)

[6] "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, available at: https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 40.

Response to Comment No. 5-16

This comment correctly cites language from CEQA Guidelines Section 15183.5. However, contrary to the statement in this comment, the GHG analysis does not rely solely on SCAG's RTP/SCS plan for a determination of significance. This comment also summarizes SWAPE's specific comments regarding the Draft EIR's analysis of greenhouse gas emissions. Please refer to the specific responses which are addressed in Response to Comment No. 5-54 through 5-57, below. As discussed therein, the Draft EIR's analysis of greenhouse gas impacts was supported by substantial evidence and no changes to the analysis are warranted.

Comment No. 5-17

2. *The DEIR Fails to Support its Findings on Air Quality Impacts with Substantial Evidence*.

Second, the DEIR's Air Quality analysis is fundamentally flawed and not supported by substantial evidence for all the reasons outlined in SWAPE's comments, including:

- Use of unsubstantiated input parameters to estimate project emissions,
  - Unsubstantiated reduction to default CO2 intensity factor;
  - Unsubstantiated changes to individual construction phase lengths;
  - Unsubstantiated changes to number of construction days per week;
  - Unsubstantiated changes to off-road construction equipment unit amounts;
  - Unsubstantiated changes to hauling, vendor, and worker trip lengths and numbers;
  - Unsubstantiated operational vehicle trip rates;
  - Unsubstantiated reduction to energy use value;
  - Unsubstantiated changes to stationary generator emissions factors;
  - Incorrect application of Tier 4 Final mitigation for construction, coating, and paving phases;
  - Incorrect application of operational mitigation measures; and
  - Failing to adequately analyze diesel particulate matter health risk emissions and identify a potentially significant health risk impact.

(Exhibit D, 1-30.)

Additionally, as noted above, the DEIR fails to consider or include many feasible mitigation measures proposed by SWAPE to reduce significant air quality impacts. (DEIR, 24–31.) The DEIR needs to be revised and recirculated with a substantiated air quality analysis that includes all feasible mitigation measures to reduce impacts.

Response to Comment No. 5-17

This comment is based on specific comments provided in the SWAPE letter (Attachment G of this comment letter), which begins with Comment No. 5-39 below. Refer

specifically to Comment Nos. 5-39 through 5-49. Also the CEQA standard for recirculating a Draft EIR has not been met. Refer to CEQA Guidelines Section 15088.5, a summary of which is included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 5-18

3. The DEIR Fails to Support its Findings on Transportation Impacts with Substantial Evidence.

CEQA Guidelines § 15064.3(b) requires analysis of a Project's vehicle miles traveled (VMT) impacts as part of the environmental document's transportation impacts analysis. The OPR technical guidance suggests that projects which have a VMT per capita of 15% or more below existing conditions may indicate a less than significant transportation impact relating to VMT.[7] Assuming then this is the proper methodology, the DEIR fails to demonstrate a less than significant impact with respect to VMT.

The DEIR utilizes the East LA APC impact thresholds for a significance determination which underestimates resident and worker trips for the Project site and is unsubstantiated. The proper Project baseline should be the existing conditions at the site and the DEIR needs to demonstrate a 15% or below reduction in VMT to demonstrate a less than significant impact.

77 [sic] OPR Technical Advisory, On Evaluating Transportation Impacts in CEQA (Dec. 2018), available at https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

Response to Comment No. 5-18

CEQA Guidelines § 15064.3(b)(1) recommends that lead agencies should generally presume that mixed-use projects proposed within 0.5 mile of a stop along a high-quality transit corridor[6] will have a less-than-significant impact on VMT, so long as certain provisions are met.[7] The Project meets those provisions and is located along Sunset Boulevard, which meets the criteria for a high-quality transit corridor. Therefore, based on the CEQA Guidelines, the Project should be presumed to have a less-than-significant impact on VMT. However, the City's implementation of the CEQA Guidelines does not

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[6] *According to Public Resources Code § 21155, a high-quality transit corridor is a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours.*

[7] *The Project meets the four provisions: (1) it has a floor area ratio of greater than 0.75; (2) it includes fewer parking spaces than required by the City; (3) it is consistent with the Sustainable Communities Strategy as described on page IV.H-32 in Section IV.H, Land Use, of the Draft EIR; and (4) it does not replace existing affordable residential units.*

include that provision, and thus conservatively requires that the Project conduct a detailed VMT analysis.

As noted in the comment, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research, December 2018) (OPR Technical Advisory) recommends that VMT thresholds of significance be set at 15 percent below the existing VMT per capita (VMT per resident for residential uses and VMT per employee for employment uses). The City of Los Angeles adopted the recommended threshold of 15 percent below existing VMT per capita.

The OPR Technical Advisory further states, on page 15, "Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita." Therefore, there is no requirement that the significance threshold should be based on "the existing conditions at the site" (emphasis added) as stated in the Comment. However, the City developed localized VMT significance thresholds for seven regions of the City based on the Area Planning Commission (APC) boundaries. In this manner, the City's significance thresholds are much more precise than required by the OPR Technical Advisory.

Please refer to Response to Comment No. 4-9 above for a detailed explanation of how the VMT analysis in the Draft EIR incorrectly compared the Project's VMT per capita to the significance thresholds for the East Los Angeles APC rather than the Central APC. As described therein, the VMT analysis was based on accurate, location-specific data for the Project Site. When applying the results to the more stringent Central APC significance thresholds, the Project would result in a significant impact with respect to work VMT per employee under both development scenarios (see Appendix FEIR-5.2 of this Final EIR). However, with the additional TDM measures already proposed for the Project as Project Design Feature TR-PDF-2 (now re-classified as Mitigation Measure TR-MM-1), the Project would result in a less-than-significant impact with mitigation.

Comment No. 5-19

F. The DEIR Improperly Labels Mitigation Measures as "Project Design Features"

The DEIR improperly labels mitigation measures for "Project Design Features" or "PDFs" which the DEIR purports will "reduce the potential for environmental effects." (DEIR, I-14-19.)

Relying on the PDFs, the DEIR concludes in many instances that the Project's impacts are less than significant and that no mitigation is required.

However, it is established that "'[a]voidance, minimization and / or mitigation measure'… are not 'part of the project.'… compressing the analysis of impacts and mitigation measures

into a single issue… disregards the requirements of CEQA." *Lotus v. Department of Transportation* (2014) 223 Cal. App. 4th 645, 656.

When "an agency decides to incorporate mitigation measures into its significance determination, and relies on those mitigation measures to determine that no significant effects will occur, that agency must treat those measures as though there were adopted following a finding of significance." *Lotus*, *supra*, 223 Cal. App. 4th at 652 [citing CEQA Guidelines § 15091(a)(1) and Cal. Public Resources Code § 21081(a)(1).

By labeling mitigation measures as project design features, the City violates CEQA by failing to disclose "the analytic route that the agency took from the evidence to its findings." Cal. Public Resources Code § 21081.5; CEQA Guidelines § 15093; *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal. App. 3d 1022, 1035 (quoting *Topanga Assn for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515).

The DEIR's use of "Project Design Features" further violates CEQA because such measures would not be included in the Project's Mitigation Monitoring and Reporting Program CEQA requires lead agencies to adopt mitigation measures that are fully enforceable and to adopt a monitoring and/or reporting program to ensure that the measures are implemented to reduce the Project's significant environmental effects to the extent feasible. PRC § 21081.6; CEQA Guidelines § 15091(d). Therefore, using Project Design Features in lieu of mitigation measures violates CEQA.

Response to Comment No. 5-19

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

To the extent a project design feature was considered in the impact analysis, the Draft EIR fully disclosed how that project design feature was taken into account. For example, with respect to the noise impact analysis, Project Design Feature NOI-PDF-2 provides that certain Project operational areas with noise generating uses are screened from sensitive receptors. Screening blocks line of sight and therefore achieves noise attenuation and thus was taken into account for the operation noise analysis demonstrating no operational noise impacts. (Draft EIR, page IV.I-33.)

With respect to the enforceability of project design features, project design features, like mitigation measures, are included in Project's Mitigation Monitoring Program (see Section IV, Mitigation Monitoring Program, of this Final EIR). As such, as with mitigation measures, project design features are fully enforceable. In addition, separate from the

CEQA requirement of enforceability of a Mitigation Monitoring Program, the City's standard project conditions include the enforcement of the entirety of the Mitigation Monitoring Program.

Comment No. 5-20

II. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY'S GENERAL PLAN

A. Background Regarding the State Planning and Zoning Law

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal. App.4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy (See *DeVita v. County of Napa* (1995) 9 Cal. App. 4th 763, 773), and serves as a "constitution" or "charter" for all future development. *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. App. 3d 531, 540.

General plan consistency is "the linchpin of California's land use and development laws; it is the principle which infused the concept of planned growth with the force of law." See *Debottari v. Norco City Council* (1985) 171 Cal. App. 3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or "horizontally" consistent: its elements must "comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." (See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal. App. 3d 698, 704.) A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal. App. 4th at 796 fn. 12.

Second, state law requires "vertical" consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. (See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be "compatible with the objectives, policies, general land uses, and programs specified in the [general] plan."]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal. App. 3d 1176, 1184.) A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal. App. 3d at 544.

State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal. App. 3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is "fundamental, mandatory, and clear," regardless of whether it is consistent with other general plan policies. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777, 782–83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal. App. 4th 1332, 1341–42 ("*FUTURE*").

Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan's policies and objectives. See *Napa Citizens*, 91 Cal. App. 4th at 378–79; see also *Lesher*, 52 Cal. App. 3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

Response to Comment No. 5-20

The comment provides the Commenter's view on the certain state planning and zoning law principles, but does not address any specific Project consistency determinations. The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration. Responses to specific comments are set forth below.

Comment No. 5-21

B. The DEIR is Required to Review the Project's Consistency with Regional Housing Plans, Sustainable Community Strategy and Regional Transportation Plans

CEQA Guidelines section 15125(d) requires that an environmental impact report "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

1. *The DEIR Fails to Demonstrate Consistency with SCAG's RTP/SCS Plan*.

Senate Bill No. 375 requires regional planning agencies to include a sustainable communities strategy in their regional transportation plans. Gov. Code § 65080, sub.(b)(2)(B).) CEQA Guidelines § 15125(d) provides that an EIR "shall discuss any inconsistencies between the proposed project and… regional plans. Such regional plans include…regional transportation plans." Thus, CEQA requires analysis of any inconsistencies between the Project and the relevant RTP/SCS plan.

In April 2012, SCAG adopted its 2012–2035 RTP/ SCS ("2012 RTP/SCS"), which proposed specific land use policies and transportation strategies for local governments to implement

that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035.

In April 2016, SCAG adopted the 2016–2040 RTP/SCS ("2016 RTP/SCS")[8], which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS[9], that will help the region achieve GHG emission reductions that would reduce the region's per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.[10] SCAG's RTP/SCS plan is based upon the same requirements outlined in CARB's 2017 Scoping Plan and SB 375.

On September 3, 2020, SCAG adopted the 2020–2045 RTP / SCS [sic] titled Connect SoCal ("2020 RTP/ SCS").[11] [sic] The 2020 RTP / SCS [sic] adopts policies and strategies aimed at reducing the region's per capita greenhouse gas emissions by 8% below 2005 per capita emissions levels by 2020 and 19% below 2005 per capita emissions levels by 2035.[12]

For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports ("PEIR") that include Mitigation Monitoring and Reporting Programs ("MMRP") that list project-level environmental mitigation measures that directly and/or indirectly relate to a project's GHG impacts and contribution to the region's GHG emissions.[13] These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.[14]

Here, the Original FEIR claims the Project is consistent with SCAG's 2016–2040 RTP/SCS Plan ("RTP/SCS Plan") through the analysis of nine general goals or policies of that plan. (FEIR, pp. 257–259.) However, the goals that the FEIR analyzes for Project consistency are not applicable at the project level, only at a plan level to inform implementation of the RTP/SCS Plan. Thus, the FEIR incorrectly relies upon plan level goals outlined in the RTP/SCS. In the 2016 RTP/SCS Plan, SCAG states that:

> The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. Ultimately, the Plan is intended to help guide transportation and land use decisions and public investments…This Plan's goals are intended to help carry out our vision for improved mobility, a strong economy and sustainability."[15]

The City's Responses to Comments merely dispute that Commenter has failed to present evidence to refute the conclusions of the Original FEIR. (Responses to Comments, p. 157.) As stated in our initial comment letter, which is reiterated here below, neither the

RFEIR nor the Original FEIR demonstrates that it is consistent with many of the RTP/SCS Plan's project-level goals, including:

Land Use and Transportation

- Providing transit fare discounts[16];
- Implementing transit integration strategies[17]; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.[18]

GHG Emissions Goals[19]

Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,[20] such as:

- Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
  - The potential siting, orientation, and design to minimize energy consumption, including transportation energy.
  - The potential for reducing peak energy demand.
  - Alternate fuels (particularly renewable ones) or energy systems.
  - Energy conservation which could result from recycling efforts.
- Off-site measures to mitigate a project's emissions.
- Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:
  - Use energy and fuel-efficient vehicles and equipment;
  - Deployment of zero- and/or near zero emission technologies;
  - Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
  - Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;

- Incorporate design measures to reduce energy consumption and increase use of renewable energy;
- Incorporate design measures to reduce water consumption;
- Use lighter-colored pavement where feasible;
- Recycle construction debris to maximum extent feasible;

- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.

- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;

- Land use siting and design measures that reduce GHG emissions, including:
  - Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and
  - Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

Hydrology & Water Quality Goals

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating water quality/supply requirements, such as:
  - Reduce exterior consumptive uses of water in public areas, and should promote reductions in private homes and businesses, by shifting to drought-tolerant native landscape plantings(xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.
  - Promote the availability of drought-resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.
  - Implement water conservation best practices such as low-flow toilets, water-efficient clothes washers, water system audits, and leak detection and repair.

- Ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Comply with appropriate building codes and standard practices including the Uniform Building Code.

- Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimized new impervious surfaces to the greatest extent possible, including the use of in-lieu fees and off-site mitigation.

- Avoid designs that require continual dewatering where feasible.

- Where feasible, do not site transportation facilities in groundwater recharge areas, to prevent conversion of those areas to impervious surface.

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating and enforcing water quality and waste discharge requirements, such as:

  - Complete, and have approved, a Stormwater Pollution Prevention Plan ("SWPPP") before initiation of construction.

  - Implement Best Management Practices to reduce the peak stormwater runoff from the project site to the maximum extent practicable.

  - Comply with the Caltrans stormwater discharge permit as applicable; and identify and implement Best Management Practices to manage site erosion, wash water runoff, and spill control.

  - Complete, and have approved, a Standard Urban Stormwater Management Plan, prior to occupancy of residential or commercial structures.

  - Ensure adequate capacity of the surrounding stormwater system to support stormwater runoff from new or rehabilitated structures or buildings.

  - Prior to construction within an area subject to Section 404 of the Clean Water Act, obtain all required permit approvals and certifications for construction within the vicinity of a watercourse (e.g., Army Corps § 404 permit, Regional Waterboard § 401 permit, Fish & Wildlife § 401 permit).

  - Where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project.

  - Install structural water quality control features, such as drainage channels, detention basins, oil and grease traps, filter systems, and vegetated buffers to

prevent pollution of adjacent water resources by polluted runoff where required by applicable urban stormwater runoff discharge permits, on new facilities.

- Provide structural stormwater runoff treatment consistent with the applicable urban stormwater runoff permit where Caltrans is the operator, the statewide permit applies.

- Provide operational best management practices for street cleaning, litter control, and catch basin cleaning are implemented to prevent water quality degradation in compliance with applicable stormwater runoff discharge permits; and ensure treatment controls are in place as early as possible, such as during the acquisition process for rights-of-way, not just later during the facilities design and construction phase.

- Comply with applicable municipal separate storm sewer system discharge permits as well as Caltrans' stormwater discharge permit including long-term sediment control and drainage of roadway runoff.

- Incorporate as appropriate treatment and control features such as detention basins, infiltration strips, and porous paving, other features to control surface runoff and facilitate groundwater recharge into the design of new transportation projects early on in the process to ensure that adequate acreage and elevation contours are provided during the right-of-way acquisition process.

- Design projects to maintain volume of runoff, where any downstream receiving water body has not been designed and maintained to accommodate the increase in flow velocity, rate, and volume without impacting the water's beneficial uses. Pre-project flow velocities, rates, volumes must not be exceeded. This applies not only to increases in stormwater runoff from the project site, but also to hydrologic changes induced by flood plain encroachment. Projects should not cause or contribute to conditions that degrade the physical integrity or ecological function of any downstream receiving waters.

- Provide culverts and facilities that do not increase the flow velocity, rate, or volume and/or acquiring sufficient storm drain easements that accommodate an appropriately vegetated earthen drainage channel.

- Upgrade stormwater drainage facilities to accommodate any increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce flow velocities, including expansion and restoration of wetlands and riparian buffer areas. System designs shall be completed to eliminate increases in peak flow rates from current levels.

  - Encourage Low Impact Development ("LID") and incorporation of natural spaces that reduce, treat, infiltrate and manage stormwater runoff flows in all new developments, where practical and feasible.

- Incorporate measures consistent with the provisions of the Groundwater Management Act and implementing regulations, such as:

  - For projects requiring continual dewatering facilities, implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project, Construction designs shall comply with appropriate building codes and standard practices including the Uniform Building Code.

  - Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize to the greatest extent possible, new impervious surfaces, including the use of in-lieu fees and off-site mitigation.

  - Avoid designs that require continual dewatering where feasible.

  - Avoid construction and siting on groundwater recharge areas, to prevent conversion of those areas to impervious surface.

  - Reduce hardscape to the extent feasible to facilitate groundwater recharge as appropriate.

- Incorporate mitigation measures to ensure compliance with all federal, state, and local floodplain regulations, consistent with the provisions of the National Flood Insurance Program, such as:

  - Comply with Executive Order 11988 on Floodplain Management, which requires avoidance of incompatible floodplain development, restoration and preservation of the natural and beneficial floodplain values, and maintenance of consistency with the standards and criteria of the National Flood Insurance Program.

  - Ensure that all roadbeds for new highway and rail facilities be elevated at least one foot above the 100-year base flood elevation. Since alluvial fan flooding is not often identified on FEMA flood maps, the risk of alluvial fan flooding should be evaluated and projects should be sited to avoid alluvial fan flooding. Delineation of floodplains and alluvial fan boundaries should attempt to account for future hydrologic changes caused by global climate change.

Transportation, Traffic, and Safety

- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.

- Create a ride-sharing program by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.

- Provide a vanpool for employees.

- Provide a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use, including:

  - Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement.

  - Direct transit sales or subsidized transit passes.

  - Guaranteed ride home program.

  - Pre-tax commuter benefits (checks).

  - On-site car-sharing program (such as City Car Share, Zip Car, etc.).

  - On-site carpooling program.

  - Distribution of information concerning alternative transportation options.

  - Parking spaces sold/leased separately.

  - Parking management strategies; including attendant/valet parking and shared parking spaces.

- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.

- Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations, providing shuttle service to public transit, offering public transit incentives and providing public education and publicity about public transportation services.

- Build or fund a major transit stop within or near transit development upon consultation with applicable CTCs.

- Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.

- Purchase, or create incentives for purchasing, low or zero-emission vehicles.

- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.

- Promote ride sharing programs, if determined feasible and applicable by the Lead Agency, including:

  - Designate a certain percentage of parking spaces for ride-sharing vehicles.

  - Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles.

  - Provide a web site or message board for coordinating shared rides.

  - Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit.

  - Hire or designate a rideshare coordinator to develop and implement ridesharing programs.

- Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency, including:

  - Provide assistance to regional and local ridesharing organizations.

  - Advocate for legislation to maintain and expand incentives for employer ridesharing programs.

  - Require the development of Transportation Management Associations for large employers and commercial/ industrial complexes.

  - Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.

- Implement a “guaranteed ride home” program for those who commute by public transit, ridesharing, or other modes of transportation, and encourage employers to subscribe to or support the program.

- Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.

- Create a free or low-cost local area shuttle system that includes a fixed route to popular tourist destinations or shopping and business centers.

- Work with existing shuttle service providers to coordinate their services.

- Facilitate employment opportunities that minimize the need for private vehicle trips, such as encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.

- Organize events and workshops to promote GHG-reducing activities.

- Implement a Parking Management Program to discourage private vehicle use, including:

  - Encouraging carpools and vanpools with preferential parking and a reduced parking fee.

  - Institute a parking cash-out program or establish a parking fee for all single-occupant vehicles.

Utilities & Service Systems

- Integrate green building measures consistent with CALGreen (Title 24, part 11), U.S. Green Building Council's Leadership in Energy and Environmental Design, energy Star Homes, Green Point Rated Homes, and the California Green Builder Program into project design including, but not limited to the following:

  - Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.

  - Inclusion of a waste management plan that promotes maximum C&D diversion.

  - Development of indoor recycling program and space.

  - Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with SCAQMD and 2016 RTP/SCS policies can and should be required.

  - Develop ordinances that promote waste prevention and recycling activities such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.

- Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
- Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
- Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Integrate reuse and recycling into residential industrial, institutional and commercial projects.
- Provide recycling opportunities for residents, the public, and tenant businesses.
- Provide education and publicity about reducing waste and available recycling services.
- Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

The RFEIR and the Original FEIR fail to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plan. The RFEIR should be revised to indicate what *specific project-level* mitigation measures that will be followed to demonstrate consistency with the RTP/SCS Plan.

[8] [footnote not included in comment letter]

[9] SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75–115 (attached as Exhibit D).

[10] *Id.*, p. 8, 15, 153, 166.

[11] SCAG (Sept 2020) Connect Socal: The 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments, *available at* https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176

[12] *Id.* At xiii.

[13] *Id.*, p. 116–124; see also SCAG (April 2012) Regional Transportation Plan 2012–20135, [sic] fn. 38, p. 77–86 (attached as Exhibit E).

[14] SCAG 2012 RTP/SCS (attached as Exhibit E), p. 77; see also SCAG 2016 RTP/SCS, fn. 41, p. 115.

[15] SCAG 2016–2040 RTP/SCS Plan, pp. 63, 65 (emphasis added)

[16] SCAG 2016 RTP/SCS, pp. 75–114

[17] *Id.*

[18] *Id.*

[19] SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2–6-14 (including mitigation measures ("MM") AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating "[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the

environmental] as applicable and feasible …[and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects." (Emphasis added)]),; see also id., Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62),; SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN-2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)).

[20] CEQA Guidelines, Appendix F-Energy Conservation, http://resources.ca.gov/ceqa/guidelines/Appendix_F.html.

Response to Comment No. 5-21

The comment refers to the "Original FEIR," "RFEIR," as well as certain City responses to comments. It is unclear to what project the Commenter is referring to. For the Project at issue, there is no Original FEIR, RFEIR, or already published responses to comments. As such, the Commenter appears to be providing comments applicable to a different project.

Nonetheless, regarding the general topic of the comment, the SCAG RTP/SCS, the Project analyzed consistency with the 2016 RTC/SCS as that was the operative RPT/SCS at the time of the Project's Notice of Preparation of an EIR as was fully disclosed:

> *Subsequent to the publication of the Project's Notice of Preparation (NOP) on September 1, 2020, SCAG's Regional Council adopted an updated RTP/SCS known as the 2020–2045 RTP/SCS or Connect SoCal. As with the 2016–2020 RTP/SCS, the purpose of the 2020–2045 RTP/SCS is to meet the mobility needs of the six-county SCAG region over the subject planning period through a roadmap identifying sensible ways to expand transportation options, improve air quality and bolster Southern California long-term economic viability. The goals and policies of the 2020–2045 RTP/SCS are similar to, and consistent with, those of the 2016–2040 RTP/SCS. Hence, because the Project would be consistent with the 2016–2020 RTP/SCS as discussed later in this section, the Project would also be consistent with the 2020–2045 RTP/SCS. As the 2020–2045 RTP/SCS was adopted by SCAG subsequent to circulation of the NOP for the Project on May 21, 2018, this section and the balance of this Draft EIR provide detailed analysis of Project consistency with the 2016–2020 RTP/SCS. A detailed list of the goals of the 2016–2040 RTP/SCS applicable to the Project Site is included in Table 4 of Appendix J.1 of this Draft EIR for the Mixed Use Development Scenario and in Table 4 of Appendix J.2 of this Draft EIR for the No-Hotel Development Scenario, along with a discussion of whether the Project conflicts or does not conflict with that particular goal.* (Draft EIR, pages IV.H-13–IV-H-14, footnotes omitted.)

Furthermore, where significant impacts are identified, the Draft EIR for the Project includes site-specific mitigation measures to address those impacts as required by CEQA. Several of these mitigation measures are similar to those included in SCAG's programmatic environmental documentation prepared for its RTP/SCS. In addition, the City's regulatory requirements that would be implemented by the Project (e.g., those related to water quality) would also be similar to many of the measures set forth in SCAG's programmatic environmental documentation for its RTP/SCS.

Comment No. 5-22

1) The City fails to review the Project's consistency with the 2020 RTP/SCS

CEQA Guidelines section 15125(d) requires that an environmental impact report "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. See also *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

The Project's environmental documents fail as an informational document since the Project' RFEIR fails to discuss consistency with the 2020 RTP / SCS.

Response to Comment No. 5-22

See Response to Comment No. 5-21 above.

Comment No. 5-23

2) The DEIR Fails to Demonstrate Consistency with the State Housing Law's Regional Housing Needs Assessment Requirements and the City's Obligations to Fulfill those Requirements in its Housing Element

State law requires that jurisdictions provide their fair share of regional housing needs and adopt a general plan for future growth (California Government Code Section 65300). The California Department of Housing and Community Development (HCD) is mandated to determine state-wide housing needs by income category for each Council of Governments (COG) throughout the state. The housing need is determined based on four broad household income categories: very low (households making less than 50 percent of median family income), low (50 to 80 percent of median family income), moderate (80 to 120 percent of median family income), and above moderate (more than 120 percent of median family income). The intent of the future needs allocation by income groups is to relieve the undue concentration of very low and low-income households in a single jurisdiction and to help allocate resources in a fair and equitable manner.

CEQA requires the DEIR analyze the Project's consistency with the State's housing goals. CEQA Guidelines section 15125(d) requires that an environmental impact report "discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. *See also Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543.

The City fails to conduct any consistency analysis with SCAG's 6th Cycle RHNA Allocation Plan.[21]

The DEIR should be revised and recirculated with an analysis of how the Project is consistent with the City of Los Angeles' 6th Cycle RHNA allocation.

[21] Available at https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1616462966.

Response to Comment No. 5-23

Section IV.I, Land Use, of the Draft EIR contains a consistency analysis with the City's Housing Element. The latest Housing Element Updated is based on the latest RHNA allocation plan issued by the Housing and Community Development Department (HCD). As set forth in Section IV.I, Land Use, of the Draft EIR, "[T]he Project would support Objective 2.2 to produce an adequate supply of housing as well as promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services, and transit." (Draft EIR, page IV.H-22.) Draft EIR Technical Appendices J-1 and J-2, Table 2 provides additional detailed consistency analysis with the Housing Element. The Housing and Community Development Department ("HCD") determined via the 6th Cycle Regional Housing Needs Assessment ("RHNA")[8] that 1,341,827 additional housing units are needed for the six-county region covered by the Southern California Association of Governments ("SCAG") COG. Of the SCAG region allocation, the total assigned to the City of Los Angeles is 456,643 units. Of these, 115,978 are for very low-income, 68,743 are for low-income, 75,091 are for moderate-income, and 196,831 are for above moderate-income households. The new RHNA numbers demonstrate that the construction of new housing has never been more important.

The Executive Summary of the Housing Element also notes that for the City of Los Angeles, over 10,250 residential units need to be built per year to address the RHNA numbers and keep pace with expected growth. The Housing Element estimates that the Central City North Community Plan area has the capacity to accommodate approximately 11,490+ of these dwelling units without consideration of this Project. (Footnotes omitted.)

[8] Approved by HCD on 3/22/21 and modified on 7/1/21.

Comment No. 5-24

III. CONCLUSION

Commenters request that the City revise and recirculate the Project's environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Response to Comment No. 5-24

As demonstrated in the responses to comments above, the Draft EIR is comprehensive and complies with CEQA requirements. The corrections and additions identified above do not change any of the significance conclusions of the Draft EIR, therefore recirculation is not necessary. The Commenter is also on the Project's mailing list and will receive future environmental and public hearing notices related to the Project. This closing comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-25

Attached:

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

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B);

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C);

SCAG (Apr. 2016) 2016 RTP/SCS (Exhibit D);

SCAG (April 2012) Regional Transportation Plan 2012–20135 [sic] (Exhibit E);

SCAG (Sept 2020) Connect Socal: [sic] The 2020–2045 Regional Transportation Plan/ Sustainable Communities Strategy of the Southern California Association of Governments (Exhibit F); and

April 23, 2021 letter from SWAPE to Greg Sonstein re 1111 Sunset Project (Exhibit G)

Response to Comment No. 5-25

This comment introduces Exhibits A through G of the comment letter. Specific issues raised by the Commenter are addressed below beginning with Response to Comment No. 5-26. This comment and attachments are noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-26

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, reduced or mitigate the potential GHG impacts.

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."[1] 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.[2]

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.[3]

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.[4]

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

"$VMTd = \Sigma(Average\ Daily\ Trip\ Rate_i * Average\ Overall\ Trip\ Length_i)_n$

Where:

n = Number of land uses being modeled."[5]

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

"$Emissions_{pollutant} = VMT * EF_{running,pollutant}$

Where:

$Emissions_{pollutant}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$EF_{running,pollutant}$ = emission factor for running emissions."[6]

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, 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, 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, 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, p. 15.

Response to Comment No. 5-26

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. 5-27

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.[7] 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.[8] The default number of construction-related worker trips is calculated by multiplying the number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[9] 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."[10] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[11] 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).[12]

7 "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

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

9 "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

10 "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, p. 15.

11 "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, p. 14.

12 "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, p. 21.

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).[13]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
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
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

[13] "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, p. D-84–D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, 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.

Response to Comment No. 5-27

As with Comment No. 5-26, 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 breakdown by county. In the case of the Project, Los Angeles County was selected as the Project Site is 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 doesn't 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. 5-28

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.[14] 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).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

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.

[14] "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, p. D-85.

Response to Comment No. 5-28

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 would not be warranted nor required. Furthermore, this comment references Attachments B and C for supporting calculations, which were not provided in the submittal of the comments. Thus, verification of the calculations is not feasible. It is assumed that SWAPE's analysis includes the same flawed assumptions (See Response to Comments Nos. 5-40 through 5-49 below) by using incorrect default CalEEMod parameters and discounting established emission reducing measures.

Comment No. 5-29

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.

Response to Comment No. 5-29

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 No. 5-30

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

Response to Comment No. 5-30

This attachment is the curriculum vitae for Exhibit B's preparers. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-31

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

Response to Comment No. 5-31

This attachment is the curriculum vitae for Exhibit C's preparers. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-32

Exhibit D: SCAG (Apr. 2016) 2016 RTP/SCS [217 pages]

Response to Comment No. 5-32

This attachment is SCAG's 2016 RTP/SCS included as Exhibit D. This attachment has been incorporated in various sections of the Draft EIR and is already included in the references for the Project. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-33

Exhibit E: SCAG (April 2012) Regional Transportation Plan 2012–20135 [sic] [257 pages]

Response to Comment No. 5-33

This attachment is SCAG's 2012–2035 RTP/SCS included as Exhibit E. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-34

Exhibit F: SCAG (Sept 2020) Connect Socal: The 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments [205 pages]

Response to Comment No. 5-34

This attachment is SCAG's 2020–2045 RTP/SCS included as Exhibit F. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-35

[Exhibit G: April 23, 2021, letter from SWAPE to Greg Sonstein re 1111 Sunset Project]

We have reviewed the March 2021 Draft Environmental Impact Report ("DEIR") for the 1111 Sunset Project ("Project") located in the City of Los Angeles ("City"). The Project proposes two development scenarios: the Mixed Use Development Scenario and the No-Hotel Development Scenario. The Mixed Use Development Scenario proposes to construct up to 737 residential units, 180 hotel rooms, 48,000-SF of office space, and 95,000-SF of commercial space, as well as 1,101 parking spaces, on the 6.27-acre site. The No Hotel Development Scenario proposes to construct up to 827 residential units, 48,000-SF of office space, and 95,000-SF of commercial space, as well as 1,075 parking spaces, on the 6.27-acre site.

Response to Comment No. 5-35

This introductory comment, which summarizes the Project Description, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-36

Our review concludes that the DEIR fails to adequately evaluate the Project's hazards and hazardous material, air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated EIR should

be prepared to adequately assess and mitigate the potential hazards and hazardous materials, air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Response to Comment No. 5-36

This comment is largely introductory in nature and makes the claim that the Draft EIR analyses related to hazards and hazardous material, air quality, health risk, and greenhouse gas impacts are inadequate. All analyses in the Draft EIR are comprehensive and have been prepared in accordance with CEQA and City requirements. An updated EIR is not required. For substantive responses to the specific allegations, see Response to Comment Nos. 5-37 through 5-60, below.

Comment No. 5-37

Hazards and Hazardous Materials

The DEIR and the accompanying Phase I ESA describe a site that has at least six abandoned oil wells, abandoned before modern standards were published (p. IV.F-37). There is also contaminated soil onsite from oilfield operations with impacts to soil and soil vapor. Methane is also present.

The DEIR provides only for deferred mitigation. Mitigation Measure HAZ-MM-1 calls for all wells to be properly abandoned in accordance with current California Geologic Energy Management Division; however, this will not be done until prior to the issuance of the building permit. Instead, the investigation of the location of the wells, their condition and a description of what will be required to meet modern abandonment standards should be included in a revised DEIR. This is necessary to ensure full disclosure of impacts associated with the project, including construction air emissions associate with the abandonment of the wells (which requires drilling, casing removal, grouting and the transportation of materials and waste). Without disclosure of these impacts, the full impact of the project's constriction air emissions and health impacts is not known.

Response to Comment No. 5-37

See Response to Comment No. 5-14 above, which provides that all appropriate oil well investigation has been conducted, and proposed Mitigation Measures HAZ-MM-1 through HAZ-MM-3 are appropriate CEQA mitigation measures that are not deferred and adequately address potential impacts of the Project.

Comment No. 5-38

Additionally, Mitigation Measure HAZ-MM-3 calls for a soil and site management plan to guide removal of on-site contaminated soil. This mitigation measure is also deferred. Instead, a revised DEIR should be prepared to include the results of a full site characterization of the degree of contamination on the Project site and an evaluation of the potential health risks to construction workers and future occupants and workers. If the site characterization indicates the need for contaminated soil removal, the revised DEIR should also estimate impacts to air quality and human health during the removal of the contaminated soils and the transportation of those soils for proper disposal. The site characterization should be performed prior to construction, with cleanup certified by the California Deportment of Toxics Substances Control under a voluntary agreement.

Response to Comment No. 5-38

See Response to Comment No. 5-14 above and Appendix FEIR-3 of this Final EIR for the Draft Soil and Site Management Plan). All appropriate site investigation has been conducted with respect to soil conditions, as well as oil wells. The Project Site was subject to a comprehensive Phase I Environmental Assessment (see Appendices H-1 and H-2 of the Draft EIR), as well as a comprehensive Oil Well and Methane investigations (see Appendices H-3 and H-4 of the Draft EIR).

Comment No. 5-39

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. IV.A-34).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the Air Quality and Greenhouse Gas Emissions ("AQ & GHG Analysis") as Appendix C to the DEIR, we found

that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions may be underestimated.

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

Response to Comment No. 5-39

This comment generally summarizes the calculation procedure within CalEEMod. However, it is important to understand that some of the default parameters are not applicable to the Project (e.g., due to Project-specific factors and new relevant data). This is especially applicable to the utility intensity factor discussed in Response to Comment No. 5-40. Responses to specific comments regarding input parameters are included below. As demonstrated below, there are no new or increased impacts and all revisions to default values are supported by substantial evidence. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not warranted.

Comment No. 5-40

Unsubstantiated Reduction to Default CO_2 Intensity Factor

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout with PDFs," "1111 Sunset Buildout—Mixed Use Option (with PDFs)," "1111 Sunset Buildout—No Hotel Option (with PDFs)" "1111 Sunset Buildout—Mixed Use Option (Without PDFs, TDM, LADOT MXD Methodology)," and "1111 Sunset Buildout—No Hotel Option (without PDFs)" models include a manual reduction to the default CO_2 intensity factor (see excerpt below) (Appendix C, pp. 77, 85, 104, 125, 136, 147, 158).

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	CO2IntensityFactor	1227.89	524

As you can see in the excerpt above, the CO_2 intensity factor was reduced by approximately 57%, from the default value of 1,227.89-to 525-pounds per megawatt hour ("lbs/MWh"). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[2] According to the "User Entered Comments and Non-Default Data" table, the justification provided for this change is: "LADWP 2028 Carbon Intensity (SB 100 RPS)" (Appendix C, pp. 76, 84, 103, 124, 135, 146, 157). Furthermore, regarding the CO_2 intensity factor, the DEIR states:

> "The CalEEMod default carbon intensity for electricity generated by LADWP (pounds of CO_2e per MWh) is based on a year 2007 renewables portfolio of 8 percent and was therefore updated within CalEEMod to reflect the year 2028

> renewables portfolio. Please note that under recently passed SB 100, LADWP is required to generate electricity that would increase renewable energy resources to 50 percent by 2026 and, 60 percent by 2030, and 100 percent by 2045. The Project complies with these percentage renewable requirements inasmuch as the Project is served by LADWP, which is committed to achieving the increase in renewable energy resources by the required dates" (p. IV.E-48).

However, this change remains unsupported for three reasons. First, simply because the State has renewable energy ***goals*** does not ensure that these goals will be achieved locally on the Project site or by the Project's specific utility company. Second, the DEIR cannot simply interpolate its own CO_2 intensity factor based on ***estimates*** of future increases in renewable energy use. Third, the DEIR fails to provide a source for the revised CO_2 intensity factor. As a result, we cannot verify this change.

This unsubstantiated reduction presents an issue, as CalEEMod uses the CO_2 intensity factor to calculate the Project's greenhouse gas ("GHG") emissions associated with electricity use.[3] Thus, by including an unsubstantiated reduction to the default CO_2 intensity factor, the models may underestimate the Project's GHG emissions and should not be relied upon to determine Project significance.

[2] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

[3] "CalEEMod User's Guide." CAPCOA, November 2017, *available at*: http://www.caleemod.com/, p. 17.

Response to Comment No. 5-40

GHG emissions from electricity use are directly dependent on the electricity utility provider. The Los Angeles Department of Water and Power (LADWP) provides electric service to the Project Site. Thus, GHG intensity factors for LADWP were appropriately selected in CalEEMod.

It is important to understand the data source for the default CalEEMod intensity factor to provide context to the 57-percent reduction for 2028 in comparison to the default rate. The default CalEEMod electrical utility intensity factor is provided in Table 1.2 of the CalEEMod User's Guide (Appendix D).[9] As shown therein, the default value for LADWP is 1,227.89 lbs CO_2/MWh and based on reporting year 2007 with approximately 8 percent renewables. LADWP has made substantial progress since 2007 to reduce the utility intensity factor. LADWP's 2017 Power Strategic Long-Term Resource Plan (Table C-1)

[9] *CalEEMod website, http://caleemod.com/.*

shows that in 2016 the utility intensity factor had been reduced to 834 lbs CO_2/MWh (an approximately 32-percent reduction from Year 2007) and included approximately 23 percent renewables. Thus, by 2016, the intensity factor already decreased by 32 percent since 2007. The 2018 Power Content Label for LADWP shows approximately 32 percent renewables.[10] Thus, from 2016 to 2018 renewables had already increased from 23 to 32 percent. Based on this this information, the increase in renewables has surpassed expectations.

As set forth on Page 9 of Appendix C-1 (Air Quality and Greenhouse Gas Emissions Methodology) of the Draft EIR:

> *Senate Bill (SB) 100 requires by 2030, at least 60 percent of electricity shall be obtained from renewable sources. As year-by-year data is currently not available, the CO_2 intensity factor for the Project buildout was determined based on straight line extrapolation based on current and Year 2030 data points (801 pounds of CO_2 per MWh for Year 2019 and 403 pounds of CO_2 per MWh for Year 2030).*

As discussed above, the LADWP's increase in renewables has surpassed expectations and the 2028 intensity factor would be reduced to 524 lbs CO_2/MWh accounting for the rapid change to renewables. Thus, the use of 524 lbs CO_2/MWh for 2028 is consistent with requirements under SB 100 (60-percent renewables by 2030). The calculated 57-percent reduction in LADWP's 2028 utility intensity factor in comparison to the CalEEMod default value from LADWP's 2007 utility intensity factor is based on LADWP's established and projected increased renewables in future years.

Regarding the next point provided in this comment (use of the State goal for 2030 may not be achieved locally at the Project Site), it is important to note that LADWP would provide electricity service to the Project Site. LADWP would be required to generate electricity that would increase renewable energy resources to 60 percent by 2030 as prescribed by SB 100. Furthermore, the analysis conservatively does not account for the requirement under SB 100, which requires that eligible renewable energy resources and zero-carbon resources supply 100 percent of retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045.[11]

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[10] *LADWP, 2018 Power Content Label, www.energy.ca.gov/sites/default/files/2020-01/2018_PCL_LADWP.pdf.*

[11] *Senate Bill 100 (2017–2018 Reg. Session) Stats 2018, ch. 312.*

Finally, as discussed above, the changes to default CalEEmod CO_2 intensity factors are substantiated in Appendix C-1 of the Draft EIR and the above information. Furthermore, as shown above, the changes to the CO_2 intensity factors were conservative and did not result in an underestimation of the Project's GHG emissions. SWAPE has not provided any evidence that the CO_2 intensity factor is inaccurate.

Based on the above information, an electrical utility intensity factor of 524 lbs CO_2/MWh for 2028 was appropriately used in the Draft EIR. SWAPE has not provided any evidence to the contrary.

In response to this comment, an analysis of the Project's consistency with 2045 Carbon Neutrality goals has been included in this Final EIR, but only for informational purposes. Please refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR.

Comment No. 5-41

Unsubstantiated Changes to Individual Construction Phase Lengths

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout Construction-Regional," "1111 Sunset Buildout with PDFs (Construction On-Site)" and "1111 Sunset Buildout with PDFs" models include several changes to the default individual construction phase lengths (see excerpt below) (Appendix C, pp. 28–29, 50–51, 103).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	50.00	60.00
tblConstructionPhase	NumDays	75.00	72.00
tblConstructionPhase	NumDays	75.00	24.00
tblConstructionPhase	NumDays	75.00	60.00
tblConstructionPhase	NumDays	740.00	35.00
tblConstructionPhase	NumDays	740.00	225.00
tblConstructionPhase	NumDays	740.00	424.00
tblConstructionPhase	NumDays	55.00	248.00
tblConstructionPhase	NumDays	55.00	79.00

As a result, the models include a construction schedule as follows (see excerpt below) (Appendix C, pp. 31, 53, 106):

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Utility Work and Demolition	Demolition	1/6/2021	3/27/2021	5	60
2	Demolition and Excavation	Grading	3/28/2021	6/19/2021	6	72
3	Grading and Excavation	Grading	6/20/2021	7/17/2021	6	24
4	Concrete and Grading/Excavation	Grading	7/18/2021	9/25/2021	6	60
5	Concrete and Mat Foundation	Building Construction	9/28/2021	11/15/2021	5	35
6	Building Construction (Phase 0 and 1/2)	Building Construction	11/16/2021	9/24/2022	5	225
7	Building Construction (Phase 1/2)	Building Construction	9/28/2022	5/12/2024	5	424
8	Architectural Coating	Architectural Coating	6/1/2023	5/12/2024	5	248
9	Paving	Paving	5/13/2024	8/31/2024	5	79

As you can see in the excerpts above, the demolition phase was increased by approximately 20%, from the default value of 50 to 60 days; the grading phases were decreased by approximately 31%, from the cumulative default value of 225 to 156 days; the building construction phases were decreased by approximately 69%; from the cumulative default value of 2,220 to 684 days; the architectural coating phase was increased by approximately 351%, from the default value of 55 to 248 days; and the paving phase was increased by approximately 44%, from the default value of 55 to 79 days. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[4] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "see assumptions" (Appendix C, pp. 27, 49, 101). Furthermore, regarding the Project's anticipated construction schedule, the DEIR states:

> "Under either development scenario, the construction schedule would be the same. Construction of the Project would commence with demolition of the existing buildings. This phase would be followed by grading and excavation for the subterranean parking. Building foundations would then be laid, followed by building construction, paving/concrete installation, and landscape installation. Project construction is anticipated to be completed in 2028" (p. II-22).

Furthermore, the AQ & GHG Analysis provides the following construction assumptions (see excerpt below) (Appendix C, pp. 23):

Construction Details	Start Date	End Date	Days
Project	1/6/2021	8/31/2024	952
Utility Work (Phase 0) and Demolition (Phase 1)	1/6/2021	3/30/2021	60
Demolition (Phase 0) and Excavation (Phase 1)	4/1/2021	6/23/2021	72
Grading/Excavation (Phases 0 and 1)	6/24/2021	7/21/2021	24
Concrete (Phase 0) and Grading/Excavation (Phase 1)	7/22/2021	9/29/2021	60
Concrete (Phase 0 and Phase 1/2) Mat	9/30/2021	11/17/2021	35
Building Construction (Phase 0 and Phase 1/2)	11/18/2021	9/28/2022	225
Building Construction (Phase 1/2)	9/29/2022	5/14/2024	424
Bungalows/Paving/Landscape	5/13/2023	8/31/2024	340

Finally, regarding the construction schedule inputted into the models, the AQ & GHG Analysis states:

> "[T]he Project also assumes a 44-month construction duration. This construction schedule assumes overlapping phases which would identify the worst-case daily emissions. However, if the Project construction schedule were to be extended to take place over a longer duration (Year 2028 buildout), construction activities would be less intense on a daily basis as most phases would occur sequentially (non-overlapping)" (Appendix C, pp. [sic] 25).

However, these changes remain unsupported for three reasons.

First, while the DEIR indicates that construction will end by 2028, the DEIR fails to provide the *individual construction phase lengths*. As such, we cannot verify the changes.

Second, the construction assumptions fail to provide a source or explain how the revised phase lengths were derived. This is incorrect, as simply providing the individual construction phase lengths assumed to estimate the Project's emissions does not justify the revised phase lengths inputted into the model. Rather, according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site-or project-specific information, when available, *provided that the information is supported by substantial evidence as required by CEQA*."[5]

Here, as the AQ & GHG Analysis fail to provide substantial evidence to support the revised individual construction phase lengths, we cannot verify the changes.

Third, while the AQ & GHG Analysis claims that the modeled construction schedule represents the worst-case scenario, the AQ & GHG Analysis again cannot simply *assume* a 44-month construction period. Furthermore, while a 44-month overall construction duration may be a conservative analysis compared to a 2028 buildout year, the AQ & GHG Analysis fails to mention or justify why the individual construction phase lengths were *disproportionately* altered. As such, we cannot verify the revised individual construction phase lengths.

These unsubstantiated changes present an issue, as they disproportionately spread out construction emissions over a longer period of time for some phases, but not others. According to the CalEEMod User's Guide, each construction phase is associated with different emissions activities (see excerpt below).[6]

> *Demolition* involves removing buildings or structures.
>
> *Site Preparation* involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
>
> *Grading* involves the cut and fill of land to ensure that the proper base and slope is created for the foundation.
>
> *Building Construction* involves the construction of the foundation, structures and buildings.
>
> *Architectural Coating* involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.
>
> *Paving* involves the laying of concrete or asphalt such as in parking lots, roads, driveways, or sidewalks.

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

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

5 CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 12.

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

Response to Comment No. 5-41

As discussed in the CalEEMod User's Guide (Pages 30 through 31), the construction tab contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides a default construction equipment list and phase length data based on the total lot acreage of

a project. The Guide states: "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This is precisely what was done in the Draft EIR analysis, which cited "site specific" for the construction schedule and was based on the construction schedule provided by the Project Team. SWAPE seems to suggest that all construction projects of a specific acreage should all require the same individual construction phase lengths (e.g., demolition, grading, building construction) without any site-specific consideration of how much demolition might be required, depth of excavation, and building square footage constructed.

SCAQMD's *Sample Construction Scenarios for Projects Less than Five Acres in Size*, February 2005 provides a summary of what a CalEEMod default 5- acre construction site includes.[12] As discussed in the CalEEMod User's Guide (Page 6), CalEEMod conservatively uses the phase duration for the sample scenarios to calculate phase durations for a larger project. As an example, if the given project is 6 acres (similar in acreage to the Project analyzed in the Draft EIR), the program will use the phase duration for a 10-acre project by scaling up the sample scenario for a five acre site.

Scaling up (doubling) the information provided in Appendix E—Five Acre Site Example results in the following default CalEEMod assumptions. CalEEMod default would include 9.2 acres of surface refined grading (e.g., motor grader) with no excavation or export; building construction of 328,000 square feet; and paving of a parking lot. Therefore, CalEEMod's default construction assumptions in no way are representative of the Project analyzed in the Draft EIR (excavation and export of 472,000 cubic yards of material for subterranean parking and approximately one million square feet of floor area constructed in two towers). Further, if the analysis relied on CalEEMod's default construction emissions, the Project's emissions would have been underestimated. However, the analysis properly relied on Project specific construction phases which accurately reflect the required construction activities necessary for Project buildout. SWAPE has not provided any supporting documentation as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction. The construction schedule represents the time it requires to remove the existing structures and excavate 472,000 cubic yards of material. Therefore, the grading phase length in the Draft EIR analysis was appropriately adjusted to accommodate the amount of excavation necessary. It is not clear why SWAPE would suggest that the grading phase should be extended by 31 percent additional days which would reduce the number of haul trucks per day and daily pollutant emissions (less conservative). Regarding the number of days of building construction, SWAPE does not account for the type of

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

construction proposed under the Project scenario and fails to account for the concrete phases (not included in default CalEEMod construction scenario) which would be part of the building construction phase. Moreover, given the amount of building construction under the Project (approximately one million square feet) versus CalEEMod default (328,000 square feet), it should be obvious that the application of architectural coatings would take a longer duration and appropriate adjustments were made based on the site-specific construction schedule.

The comment also suggests that the site-specific individual construction phase lengths were not provided in the Draft EIR and, therefore, the results cannot be verified. The fact that this comment cites the individual construction phase lengths included in the analysis demonstrates that the phase lengths were included in the Draft EIR. Please refer to Page 23 of Appendix C of the Draft EIR, which this comment cites. As an example and shown above in this comment, building construction of Phase 0 and Phase 1/2 would overlap between 11/18/2021 and 9/28/2022. Thus, Phase 0 building construction would be completed and from 9/29/2022 to 5/14/2024 would only include Phase 1/2 building construction. Finally, by not including the conservative 44-month overall construction duration, the individual towers would be constructed concurrently instead of sequentially. Thus, more overlapping construction activities (haul trucks, deliveries, on-site equipment, and employees) would occur on a peak day of activity. These overlapping activities result in an increase in pollutant emissions. SWAPE has not provided any supporting documentation as to why elimination of overlapping activities would result in an increase in pollutant emissions and that the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction.

Comment No. 5-42

Unsubstantiated Changes to Number of Construction Days Per Week

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout Construction-Regional," "1111 Sunset Buildout with PDFs (Construction On-Site)" and "1111 Sunset Buildout with PDFs" models include several changes to the default number of construction days per week (see excerpt below) (Appendix C, pp. 28–29, 50–51, 103).

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDaysWeek	5.00	6.00
tblConstructionPhase	NumDaysWeek	5.00	6.00
tblConstructionPhase	NumDaysWeek	5.00	6.00

As you can see in the excerpt above, the models assume that construction activities would occur 6 days per week, rather than the default of 5 days per week. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be

justified.[7] According to the "User Entered Comments and Non-Default Data" table, the justification provided for this change is: "see assumptions" (Appendix C, pp. 27, 49, 101). However, review of the AQ & GHG Analysis demonstrates that the construction assumptions fail to mention or justify the number of construction days per week (Appendix C, pp. 23). Furthermore, the DEIR fails to mention or justify these changes whatsoever. As such, we cannot verify the revised number of construction days per week.

These unsubstantiated changes present an issue, as increasing the number of construction days per week spreads out construction emissions over a longer period of time than is anticipated for the Project. Thus, by including an unsubstantiated increase to the default number of construction days per week, the models may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

[7] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

Response to Comment No. 5-42

This comment correctly identifies that the grading/excavation phases were assumed to occur 6 days per week instead of 5. As discussed above in Response to Comment No. 5-41, the Project is not representative of the CalEEMod default project scenario and instead the analysis appropriately reflects project-specific assumptions. Grading activities would occur six days per week consistent with allowable operating hours included in LAMC Section 112.05. As discussed in CalEEMod Modeling Input Notes (Page 25 of Appendix C of the Draft EIR), "Total haul trips during the excavation phase of project construction was calculated by multiplying maximum daily trips and the total number of days of excavation. This was done to capture the wort-case daily emissions. However, this method would conservatively overestimate the total number of haul truck trip as under real world conditions, the maximum truck trips would not be occurring on a daily basis." SWAPE has not provided any supporting documentation as to why use of 6 days per week as permitted under the LAMC instead of 5 days a week for grading/excavation activities would result in an increase in pollutant emissions and that the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction. To provide further clarification, a reference to CalEEMod output file pages 27, 49, and 101 of Appendix C has been included on Page 25 of Appendix C of the Draft EIR. Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 5-43

Unsubstantiated Changes to Off-Road Construction Equipment Unit Amounts

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout Construction-Regional," "1111 Sunset Buildout with PDFs (Construction On-Site)" and

"1111 Sunset Buildout with PDFs" models include several changes to the default off-road construction equipment unit amounts (see excerpt below) (Appendix C, pp. 29–30, 51-52, 103–104).

Table Name	Column Name	Default Value	New Value
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	4.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	4.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	3.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	7.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	5.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	3.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	2.00

As you can see in the excerpt above, the off-road construction equipment unit amounts were altered in the models. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[8] According to the "User Entered Comments and Non-Default Data" table, the justifications provided for these changes are: "Site Specific" and "see assumptions" (Appendix C, pp. 27, 49, 101). Furthermore, the AQ & GHG Analysis provides the following construction assumptions (see excerpt below) (Appendix C, pp. [sic] 23):

Equipment (Worst Case Day)								
	Utility Work (Phase 0) and Demo (Phase 1)	Demolition (Phase 0) and Excavation (Phase 1)	Grading/ Excavation (Phases 0 and 1)	Concrete (Phase 0) and Grading/ Excavation (Phase 1)	Concrete (Phase 0 and Phase 1/2) Matt	Building Construction (Phase 0 and Phase 1/2)	Building Construction (Phase 1/2)	Bungalows/Paving /Landscape
Air Compressor	1	1	-	2	2	8	6	
Aerial Lift	-	-	-	-	-	12	10	
Bore/Drill Rig	-	3	3		-	-	-	-
Cement and Mortar Mixers	-	2	2	4			4	2
Concrete/Industrial Saws	1	1	-	-	-	-	-	1
Cranes (Tower) Electric	-			1	2	4	3	-
Cranes (Mobile)	-	-	-	1	2	2	2	1
Crawler Tractors	-	-	-	-	-	-	-	-
Crushing/Proc. Equipment	-	-	-	-	-	-	-	-
Excavators	2	4	4	3	-	-	-	1
Forklifts	-	-	-	-	2	7	5	2
Generator Sets	-	1	1	1	-	-	-	-
Graders	-			-	-	-	-	
Off-Highway Tractors	-	-	-	-	-	-	-	-
Pavers	-	-	-	-	-	-	-	2
Paving Equipment	-	-	-	-	-	-	-	2
Concrete Pumps	-	-	-	3	3	3	2	
Plate Compactors	-	-	-	-	-	-	-	-
Compactors	-	2	2	2	4	-	-	2
Rough Terrain Forklifts	1	1	1	1	1	2	1	1
Rubber Tired Dozers	-	-	-	-	-	-	-	-
Rubber Tired Loaders	-	4	4	3	-	-	-	1
Scrapers	-	-	-	-	-	-	-	-
Signal Boards	-	-	-	-	-	-	-	-
Skid Steer Loaders	2	2	2	2			2	2
Surfacing Equipment	-	-	-	-	-	-	-	-
Tractors/Loaders/Backhoes	2	2	2	2	2	2	1	2
Trenchers	2	-	-	-	-	-	-	1
Welders	-	3	3	3	2	3	2	1
Total Pieces	**11**	**26**	**24**	**28**	**20**	**43**	**38**	**21**

However, these changes remain unsupported for two reasons.

First, the DEIR fails to mention or justify the changes to the off-road construction equipment unit amounts whatsoever.

Second, the construction assumptions fail to provide a source or explain how the revised off-road construction equipment unit amounts were derived. As previously discussed, this is incorrect, as simply providing the number of equipment pieces assumed to estimate the Project's emissions does not justify the revised unit amounts inputted into the model. Rather, according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site-or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."[9]

Here, as the DEIR and AQ & GHG Analysis fail to provide substantial evidence to support the revised off-road construction equipment unit amounts, we cannot verify the changes.

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

[8] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

[9] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 12.

Response to Comment No. 5-43

As discussed above in Response to Comment No. 5-41, the CalEEMod construction tab contains default information obtained from a survey of a variety of construction sites conducted by SCAQMD and provides default construction equipment list and phase length data based on the total lot acreage of a project. "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This again is precisely what was done in the Draft EIR analysis, which cited "site specific" for the construction equipment mix and was based on the detailed equipment list provided by the Project Team. SWAPE seems to suggest that all construction projects of a specific acreage should all require the same construction equipment mix without any site-specific consideration of how much demolition might be required, depth of excavation, and type of building constructed. As an example, the CalEEMod default 10-acre construction site assumes refined grading with limited equipment (e.g., motor graders). The Project includes excavation of 472,000 cubic yards of soil. It would be a very difficult task to excavate a deep area with motor graders. So, SWAPE is correct that the modeling used site specific information, and it was assumed that a motor grader would not be included for Project construction. Equipment not needed for construction of the Project was set to zero. Since excavation for six levels of subterranean parking requires shoring and export of soil, this phase added the following: three bore/drill rigs and three welders for shoring and rebar; four excavators for excavation; four loaders and two backhoes for placing the export into haul trucks, and two skid loaders for deliveries. Another example is under the building construction phase. The Project includes two towers for which electric tower cranes (which as their name implies are appropriate for tower construction) are primarily used instead of diesel mobile cranes (which are not suitable for tower construction at greater heights). Therefore, a limited number of mobile cranes were included in the equipment mix and electric tower cranes were not included in the air quality analyses. These changes are consistent with the CalEEMod User's Guide, which states that if the user can provide more detailed site-specific information, the user should override the default values. All modifications of CalEEMod defaults were based on Project specific information provided by the Project Team. SWAPE has not provided any evidence as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction.

Comment No. 5-44

Unsubstantiated Changes to Hauling, Vendor, and Worker Trip Lengths and Numbers

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout with PDFs (Construction On-Site)" model includes several changes to the default hauling,

vendor, and worker trip lengths and numbers (see excerpt below) (Appendix C, pp. 30, 52, 104–105).

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	HaulingTripLength	20.00	876.00
tblTripsAndVMT	HaulingTripLength	20.00	3,672.00
tblTripsAndVMT	HaulingTripLength	20.00	1,334.40
tblTripsAndVMT	HaulingTripLength	20.00	2,623.00
tblTripsAndVMT	HaulingTripNumber	4,084.00	1.00
tblTripsAndVMT	HaulingTripNumber	27,090.00	1.00
tblTripsAndVMT	HaulingTripNumber	9,030.00	1.00
tblTripsAndVMT	HaulingTripNumber	22,951.00	1.00
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	17.00
tblTripsAndVMT	VendorTripLength	6.90	140.00
tblTripsAndVMT	VendorTripLength	6.90	19.00
tblTripsAndVMT	VendorTripLength	6.90	19.00
tblTripsAndVMT	VendorTripLength	6.90	0.10
tblTripsAndVMT	VendorTripLength	6.90	10.00
tblTripsAndVMT	VendorTripNumber	0.00	20.00
tblTripsAndVMT	VendorTripNumber	0.00	60.00
tblTripsAndVMT	VendorTripNumber	0.00	60.00
tblTripsAndVMT	VendorTripNumber	0.00	1.00
tblTripsAndVMT	VendorTripNumber	235.00	1.00
tblTripsAndVMT	VendorTripNumber	235.00	1.00
tblTripsAndVMT	VendorTripNumber	235.00	1.00
tblTripsAndVMT	VendorTripNumber	0.00	1.00

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripLength	14.70	0.10
tblTripsAndVMT	WorkerTripNumber	28.00	136.00
tblTripsAndVMT	WorkerTripNumber	65.00	206.00
tblTripsAndVMT	WorkerTripNumber	60.00	200.00
tblTripsAndVMT	WorkerTripNumber	68.00	256.00
tblTripsAndVMT	WorkerTripNumber	964.00	150.00
tblTripsAndVMT	WorkerTripNumber	964.00	550.00
tblTripsAndVMT	WorkerTripNumber	964.00	550.00
tblTripsAndVMT	WorkerTripNumber	193.00	0.00
tblTripsAndVMT	WorkerTripNumber	50.00	168.00

As you can see in the excerpt above, the default hauling, vendor, and worker trip lengths and numbers were significantly and randomly altered within the model. For example, the default hauling trip numbers were each reduced to 1 trip, while the default hauling trip lengths were increased; all of the vendor and some of the worker trip lengths were reduced to 0.10-miles; and some of the vendor trip numbers were reduced to 1 trip, among other changes. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[10] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "Soil Export—25 miles to Irwindale (one-way) Concrete—6.5 miles to Catalina Pacific (one-way)" (Appendix C, pp. [sic] 49). Furthermore, the AQ & GHG Analysis provides the following construction assumptions for hauling and vendor truck trips (see excerpt below) (Appendix C, pp. [sic] 71):

Hauling and Vendor Trips[1]

Year	PhaseName	VendorTripNumber	HaulingTripNumber	VendorTripLength	HaulingTripLength	NumDays	Haul Trips per Day
2021	Utility Work and Demolition	20	8760	6.9	25	60	146
	Demolition and Excavation	60	36720	6.9	25	72	510
	Grading and Excavation	60	13344	6.9	25	24	556
	Concrete and Grading/Excavation	170	26230	6.9	25	60	437
	Concrete and Mat Foundation	1400	0	6.5	20	35	0
	Building Construction (Phase 0 and 1/2)	190	0	6.9	20	225	0

However, these changes remain unsupported for four reasons.

First, the construction assumptions fail to mention or justify *worker* trip numbers or lengths.

Second, the DEIR fails to mention or justify any of these changes whatsoever.

Third, the construction assumptions fail to provide calculations or explain how the vendor and hauling trip lengths and numbers were derived. As previously discussed, this is incorrect, as simply providing the number of equipment pieces ***assumed*** to estimate the Project's emissions does not justify the revised unit amounts inputted into the model. Rather, according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site-or project-specific information, when available, ***provided that the information is supported by substantial evidence as required by CEQA***." [1]

Here, as the DEIR and AQ & GHG Analysis fail to provide substantial evidence to support the revised vendor and hauling trip lengths and numbers, we cannot verify the changes.

Fourth, regardless of whether the assumptions are substantiated, the changes to the default vendor and hauling trip lengths and numbers are inconsistent with the values provided by the construction assumptions.

These unsubstantiated changes present an issue, as CalEEMod uses the hauling, vendor, and worker trip lengths and numbers to estimate the construction-related emissions associated with on-road vehicles.[12] Thus, by including unsubstantiated changes to the default hauling, vendor, and worker trip lengths and numbers, the model may underestimate the Project's mobile-source construction-related emissions and should not be relied upon to determine Project significance.

[10] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

[11] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 12.

[12] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 34.

Response to Comment No. 5-44

This comment misconstrues information provided in one of the modeling scenarios (1111 Sunset Buildout with PDFs (Construction On-Site)) provided in Appendix C of the Draft EIR. For the Construction Onsite scenario, the purpose of including the haul/vendor/employee trips was to account for travel of these vehicles on the Project Site for purposes of evaluating on-site localized impacts. CalEEMod does not provide an input for on-site travel. As discussed in CalEEMod Modeling Input Notes (Page 25 of Appendix C of the Draft EIR), "On-site construction emissions calculations assume all trucks would be travelling on-site for a short distance (0.1 miles). Haul trucks were entered as one trip, but trip length was adjusted to account for total on-site VMT on a worst-case day." As an example, this comment shows that demolition/excavation would result in 36,720 regional haul trips. As such, the total travel distance for these trips on site would be 3,672 miles (0.1 miles per trip) on a peak demolition/excavation day. It would not be appropriate as

suggested in this comment to assume that the entire CalEEMod regional default value of 20 miles per haul trip be used to evaluate impacts from the portion of the trip exclusively on the Project Site.

The purpose of the Construction On-site scenario was to address potential localized impacts from on-site construction emissions. As shown in Table IV.A-8 of the Draft EIR, localized impacts at nearby off-site sensitive receptors were concluded to be less than significant.

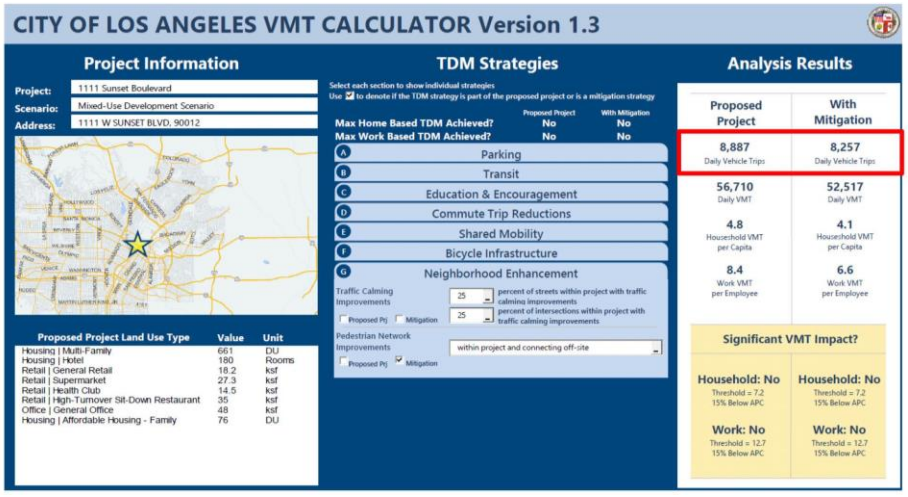
This comment correctly identifies that the haul trip length was increased from the default value of 20 miles to 25 miles to account for soil export to Irwindale. Likewise, the vendor trip length for concrete trip was reduced from the default trip length of 6.9 miles to 6.5 miles since concrete would be delivered from the Catalina Pacific facility. No changes to the default trip lengths for employees and other vendor trip were used in the analyses. As discussed in Response to Comment No. 5-41, the Project is not representative of the CalEEMod default project scenario and instead the analysis reflects project-specific assumptions. Thus, the number of trips for employees, vendor trips, and haul trips (e.g., based on the amount of soil export) are all based on the construction requirements for the Project. SWAPE has not provided any evidence as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction.

Comment No. 5-45

Unsubstantiated Operational Vehicle Trip Rates

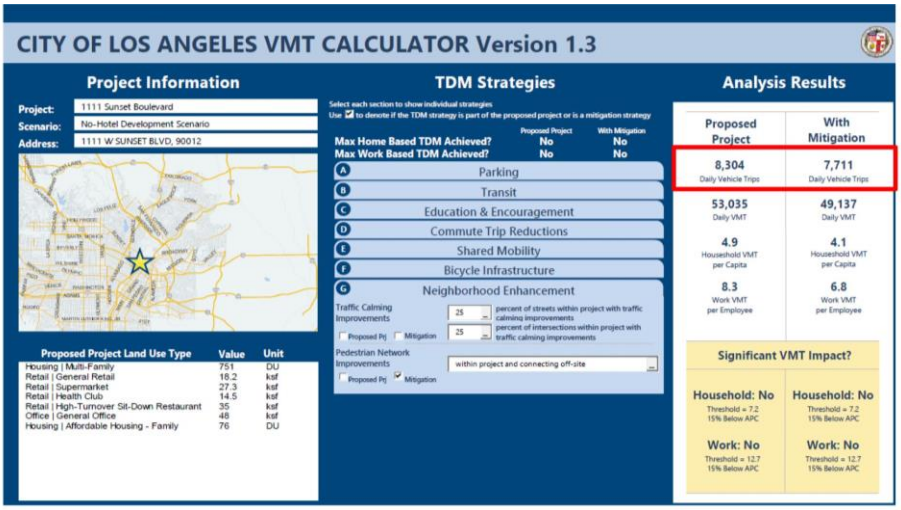
According to the City's LADOT VMT Calculator, the Mixed Use Scenario is expected to generate approximately 8,887- and 8,304-daily vehicle trips without and with mitigation, respectively (see excerpt below) (Appendix C, pp. 170).

Mixed Use Development Scenario:



Furthermore, the No Hotel Development Scenario is expected to generate approximately 8,257- and 7,711-daily vehicle trips without and with mitigation, respectively (see excerpt below) (Appendix C, pp. 180).

No Hotel Development Scenario:



As the DEIR does not include any mitigation measures that would reduce the Project's vehicle miles traveled ("VMT"), the models associated with the Mixed Use and No Hotel Development Scenarios should have included the ***unmitigated*** average daily vehicle trip estimates of 8,887- and 8,304-trips, respectively. However, review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout—Mixed Use Option (with PDFs)" model includes only 8,257, 8,810.22, and 8,810.22 weekday, Saturday, and Sunday vehicle trips, respectively (see excerpt below) (Appendix C, pp. [sic] 79).

	Average Daily Trip Rate		
Land Use	Weekday	Saturday	Sunday
Condo/Townhouse High Rise	0.00	0.00	0.00
Enclosed Parking with Elevator	0.00	0.00	0.00
General Office Building	0.00	0.00	0.00
Health Club	0.00	0.00	0.00
High Turnover (Sit Down Restaurant)	0.00	0.00	0.00
Hotel	0.00	0.00	0.00
Strip Mall	0.00	0.00	0.00
Supermarket	0.00	0.00	0.00
Unenclosed Parking with Elevator	0.00	0.00	0.00
User Defined Commercial	8,257.00	8,810.22	8810.22
Total	8,257.00	8,810.22	8,810.22

As you can see in the excerpt above, the weekday, Saturday, and Sunday trip numbers associated with the Mixed Use Development Scenario are underestimated by approximately 630-, 77-, and 77-trips, respectively.

Furthermore, review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout—No Hotel Option (with PDFs)" model includes only 7,711 weekday average daily vehicle trips (see excerpt below) (Appendix C, pp. [sic] 87).

	Average Daily Trip Rate		
Land Use	Weekday	Saturday	Sunday
Condo/Townhouse High Rise	0.00	0.00	0.00
Enclosed Parking with Elevator	0.00	0.00	0.00
General Office Building	0.00	0.00	0.00
Health Club	0.00	0.00	0.00
High Turnover (Sit Down Restaurant)	0.00	0.00	0.00
Strip Mall	0.00	0.00	0.00
Supermarket	0.00	0.00	0.00
Unenclosed Parking with Elevator	0.00	0.00	0.00
User Defined Commercial	7,711.00	8,358.72	8358.72
Total	7,711.00	8,358.72	8,358.72

As you can see in the excerpt above, the number of weekday trips associated with the No Hotel Development Scenario is underestimated by approximately 593 trips. As such, the trip rates inputted into the proposed land use models are underestimated and inconsistent with the information provided by the AQ & GHG Analysis.

These inconsistencies present an issue, as CalEEMod uses the operational vehicle trip rates to calculate the emissions associated with the Project's operational on-road vehicles.[13] Thus, by including underestimated operational vehicle trip rates, the models underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

[13] "CalEEMod User Guide." CAPCOA, November 2017, *available at*: http://www.caleemod.com/, p. 35.

Response to Comment No. 5-45

As a point of clarification, this comment misrepresents the LADOT VMT results for both Project scenarios. This comment states "the Mixed Use Scenario is expected to generate approximately 8,887- and 8,304-daily vehicle trips without and with mitigation, respectively (see excerpt below) (Appendix C, pp. 170)." However, as shown above in the LADOT VMT output provided in the comment, the Mixed Use Development Scenario is expected to generate approximately 8,887- and 8,257-daily vehicle trips without and with mitigation. This comment states "the No Hotel Development Scenario is expected to generate approximately 8,257- and 7,711-daily vehicle trips without and with mitigation, respectively (see excerpt below) (Appendix C, pp. 180)." However, as shown above in the LADOT VMT output provided in the comment, the No-Hotel Development Scenario is expected to generate approximately 8,304- and 7,711-daily vehicle trips without and with mitigation.

This comment correctly identifies that the Draft EIR does not include any mitigation measures that would reduce the Project's vehicle miles traveled ("VMT"). However, the Project does include Project Design Feature TR-PDF-2 which includes TDM measures to further reduce VMT. These measures were captured within the LADOT VMT calculator as mitigation measures since the model does not provide a project design feature tab. In addition, as discussed above, this project design feature has been converted to Mitigation Measure TR-MM-1 (see Response to Comment 4-9). Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. Thus, the AQ and GHG analyses correctly used the mitigated case cited in this comment to properly account for project design features. Furthermore, the LADOT VMT Calculator calculates VMT based on weekday rates. Thus, a correction factor was used to account for the changes in Saturday and Sunday trips consistent with the default factors provided in CalEEMod. A discussion of this methodology was provided on Page 9 of Appendix C-1 (Air Quality and Greenhouse Gas Emissions Methodology), of the Draft EIR. No changes to the AQ or GHG analyses provided in the Draft EIR are necessary based on this comment.

Comment No. 5-46

Unsubstantiated Reduction to Energy Use Value

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout—Mixed Use Option (with PDFs)," "1111 Sunset Buildout—No Hotel Option (with PDFs)" "1111 Sunset Buildout—Mixed Use Option (Without PDFs, TDM, LADOT MXD Methodology)," and "1111 Sunset Buildout—No Hotel Option (without PDFs)" models include a manual reduction to the default Title 24 energy use value (see excerpt below) (Appendix C, pp. 77, 85, 125, 136, 147, 158).

Table Name	Column Name	Default Value	New Value
tblEnergyUse	T24E	3.92	0.46

As you can see in the excerpt above, the Title 24 electricity energy intensity ("T24E") was reduced by approximately 88%, from the default value of 3.92-to 0.45-kilowatt hours ("kWh"). As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[14] According to the "User Entered Comments and Non-Default Data" table, the justification provided for this change is: "Adjustment for Parking Structure Energy Usage (See assumptions). Existing Uses usage rate increased by 10 percent as PDF would not apply to those uses" (Appendix C, pp. 77, 85, 125, 136, 147, 158). Furthermore, regarding the Project's energy-source emissions, the DEIR states:

> "Energy source emissions are based on CalEEMod default electricity and natural gas usage rates and reduction in GHG emissions account for compliance with 2019 Title 24 standard" (p. IV.E-67).

However, these justifications are insufficient for two reasons.

First, review of the assumptions demonstrates that these changes were not mentioned or justified.

Second, simply because the 2019 Title 24 standards *expect* a reduction in building energy consumption does not *guarantee* that these reductions would be implemented locally on the Project site. Absent additional information demonstrating that these reductions would be achieved through the implementation, monitoring, and enforcement of energy-related mitigation measures, we are unable to verify the revised energy use values inputted into the model.

This unsubstantiated reduction presents an issue, as CalEEMod uses energy use values to calculate the Project's emissions associated with building electricity and non-hearth natural gas usage.[15] By including an unsubstantiated change to the default Title 24 energy use value, the models may underestimate the Project's energy-source operational emissions and should not be relied upon to determine Project significance.

[14] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 2, 9

[15] CalEEMod User Guide, *available at*: http://www.caleemod.com/, p. 43

Response to Comment No. 5-46

As discussed on page E-25 of the User's Guide for CalEEMod Version 2016.3.2, default CalEEMod energy usage rates for parking structures were developed based on information included in the 2007 Energy Star Portfolio Manager—Parking and the Energy Star Score in the United States and Canada and 2008 Title 24 standards. Neither of these technical resources considered newer technical data. Page 96 of Appendix C-3 of the Draft EIR provided supporting documentation for the changes to default CalEEMod energy use associated with the parking garage. As discussed therein, the energy factors were updated to reflect consistency with Section 120.6(c) of the 2013 Building Energy Efficiency Standards (Mandatory Requirements for Enclosed Parking Garages). The calculated energy use rates presented in Appendix B-1 of the Draft EIR are also consistent with more recent parking garage energy use data provided in the updated 2013 Energy Star Portfolio Manager (www.energystar.gov/buildings/tools-and-resources/energy-star-score-parking). Thus, the calculated Title 24 energy usage rate for parking was reduced from the CalEEMod default rate of 3.92 kWh/sf to 0.46 kWh/sf.

As discussed on page 8 of Appendix C-1 (Air Quality and Greenhouse Gas Emissions Methodology) of the Draft EIR, CalEEMod energy demand default parameters only include compliance with 2016 Title 24 standards. Therefore, a conservative 10-percent reduction was applied within CalEEMod to account for the more stringent

mandatory 2019 Title 24 standards required of the Project. This conservative reduction is further supported on page 24 of Section IV.E of the Draft EIR, in which "As described in the 2019 Title 24 Standards represent 'challenging but achievable design and construction practices' that represent 'a major step towards meeting the Zero Net Energy (ZNE) goal.' Single-family homes built with the 2019 Title 24 Standards are projected to use approximately 7 percent less energy due to energy efficiency measures versus those built under the 2016 standards. Once the mandated rooftop solar electricity generation is factored in, homes built under the 2019 standards will use about 53 percent less energy than those under the 2016 standards. Nonresidential buildings are projected to use approximately 30 percent less energy due mainly to lighting upgrades.[13] Compliance with Title 24 is enforced through the building permit process."

Furthermore, an understanding of how reduction measures are incorporated into the CalEEMod model is required to properly implement project design features and mitigation measures. Compliance with an ordinance or rule is not considered mitigation. As an example, CalEEMod includes watering of a project site during construction as a mitigation measure. Since SCAQMD Rule 403 (Fugitive Dust) requires water application for dust control during construction, the output file shows the reduction in fugitive dust as mitigated. The CalEEMod user must report the reduction in emissions as unmitigated since the measure is simply compliance with applicable rules. The same approach applies for compliance with 2019 Title 24 standards or Section 120.6(c) of the 2013 Building Energy Efficiency Standards (Mandatory Requirements for Enclosed Parking Garages).

In the Draft EIR analysis, the "percent better than Title 24" mitigation measure was selected within CalEEMod, and it automatically applies to all land uses. A 10-percent reduction was input into CalEEMod to account for the more stringent 2019 Title 24 standards that the Project would be required to comply with. As discussed above, the proposed parking would meet Section 120.6(c) of the 2013 Building Energy Efficiency Standards (Mandatory Requirements for Enclosed Parking Garages). No further reductions in electricity use under 2019 Title 24 sources would occur for parking garages. Thus, an additional 10-percent reduction is not applicable to the parking garages. Since CalEEMod includes the 10-percent reduction to all land uses, an adjustment was incorporated into the Title 24 parking garage electricity usage factor from 0.41 kWh/sf/year to 0.46 kWh/sf/year.

Based on the information provided above, the changes to energy use values for the parking garage are supported in the Draft EIR, and no changes are necessary to the Draft

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

EIR based on this comment. SWAPE has not provided any evidence that these values are inaccurate.

Comment No. 5-47

Unsubstantiated Changes to Stationary Generator Emission Factors

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout—Mixed Use Option (with PDFs)," "1111 Sunset Buildout—No Hotel Option (with PDFs)" "1111 Sunset Buildout—Mixed Use Option (Without PDFs, TDM, LADOT MXD Methodology)," and "1111 Sunset Buildout—No Hotel Option (without PDFs)" models include several changes to the default stationary source emission factors (see excerpt below) (Appendix C, pp. 77, 85, 125, 136, 147, 158).

Table Name	Column Name	Default Value	New Value
tblStationaryGeneratorsPumpsEF	NOX_EF	2.85	0.50
tblStationaryGeneratorsPumpsEF	PM10_EF	0.15	0.02
tblStationaryGeneratorsPumpsEF	PM2_5_EF	0.15	0.02
tblStationaryGeneratorsPumpsEF	ROG_EF	2.2480e-003	3.1000e-004
tblStationaryGeneratorsPumpsEF	TOG_EF	2.4700e-003	2.4700e-004

As you can see in the excerpt above, the default NO_X, PM_{10}, $PM_{2.5}$, ROG, and TOG emission factors for the proposed emergency generator were each manually reduced. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[16] According to the "User Entered Comments and Non-Default Data" table, the justification provided for these changes is: "AQMD BACT" (Appendix C, pp. 77, 85, 102, 125, 136, 147, 158). Furthermore, regarding the use of best available control technology ("BACT"), the DEIR states:

> "SCAQMD Regulation XIII, New Source Review, requires new on-site facility nitrogen oxide emissions to be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers, emergency generators, and water heaters)" (p. IV.A-11).

However, these changes remain unsupported for two reasons. First, as demonstrated in the excerpt above, the DEIR indicates that SCAQMD Regulation XIII only requires the minimization of ***nitrogen oxide*** emissions. Second, the DEIR and associated documents fail to provide a source or explanation of how the revised stationary generator emission factors were calculated. As such, we cannot verify the changes.

These unsubstantiated reductions present an issue, as CalEEMod uses the emergency generator emission factors to calculate the Project's stationary-source emissions.[17] By including unsubstantiated reductions to the default stationary generator emission factors, the models may underestimate the Project's stationary-source operational emissions and should not be relied upon to determine Project significance.

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

17 "Appendix A Calculation Details for CalEEMod." *available at*: http://www.caleemod.com/, p. 53.

Response to Comment No. 5-47

Supporting documentation regarding emergency generators was provided in Appendix C-1 (Air Quality and Greenhouse Gas Emissions Methodology) of the Draft EIR. As discussed on page 11 of Appendix C-1, "emissions are based on the horsepower rating of the diesel generator and the number of hours operated per year for testing purposes." As shown in California Air Resources Board's Off-Road Compression-Ignition Diesel Engine Standards, beginning in Year 2015 generators must meet Tier 4 requirements (0.14 g/bhp-hr of ROG, 0.5 g/bhp-hr of NO_X, 2.6 g/bhp-hr of, CO, and 0.02 g/bhp-hr of PM_{10}) and is BACT for generators. [14] These emission factors were used correctly in the Draft EIR. Please note that all emission factors are in g/bhp-hr. However, CalEEMod includes ROG as lb/bhp-hr. Converting 0.14 g/bhp-hr to lbs/bhp-hr equals 3.1E-4 lb/bhp-hr, which is shown in the CalEEMod output file. The SO_2 emission factor was based on Table 3.4-1 (Gaseous Emission Factors for Large Stationary Diesel Engines) from EPA's AP-42: Compilation of Air Pollutant Emission Factors" (p. 12). To ensure that the most current BACT is being implemented, BACT determination sheets for each diesel emergency generator shall be reviewed through consultation with SCAQMD at the time of permitting.[15] In addition, no changes were made to the CalEEMod default GHG emission rates for diesel emergency generators since Tier 4 requirements do not affect GHG emission factors.

Comment No. 5-48

Incorrect Application of Tier 4 Final Mitigation for Construction, Coating, and Paving Phases

The DEIR implements Mitigation Measure ("MM") AIR-MM-1, which states:

14 *CARB, Non-Road Diesel Certification Tier Chart, ww2.arb.ca.gov/resources/documents/non-road-diesel-engine-certification-tier-chart.*

15 *SCAQMD, Best Available Control Technology Guidelines, www.aqmd.gov/HOME/permits/bact/guidelines.*

> "All off-road diesel-powered equipment greater than 50 hp used *during Project demolition, grading/excavation, and concrete foundation* activities shall meet USEPA Tier4 [sic] final emissions standards" (emphasis added) (p. I-19).

As such, the model should have only included Tier 4 Final mitigation for off-road construction equipment used during the demolition, grading/excavation, and concrete foundation phases of construction, resulting in the mitigation of only 106 pieces of off-road construction equipment (see excerpt below) (Appendix C, pp. 34, 56, 109).

Phase Name	Offroad Equipment Count
Utility Work and Demolition	11
Demolition and Excavation	26
Grading and Excavation	24
Concrete and Grading/Excavation	27
Concrete and Mat Foundation	18
Building Construction (Phase 0 and 1/2)	39
Building Construction (Phase 1/2)	35
Architectural Coating	0
Paving	20

However, review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout Construction—Regional," "1111 Sunset Buildout with PDFs (Construction On-Site)" and "1111 Sunset Buildout with PDFs" models assume that 200 pieces of off-road construction equipment would meet Tier 4 Final emissions standards (see excerpt below) (Appendix C, pp. 28, 50, 102–103).

Table Name	Column Name	Default Value	New Value
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	22.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	20.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	15.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	4.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	8.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	14.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	16.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	2.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	12.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	11.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	9.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	12.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	12.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	15.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	3.00
tblConstEquipMitigation	NumberOfEquipmentMitigated	0.00	17.00
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final
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tblConstEquipMitigation	Tier	No Change	Tier 4 Final
tblConstEquipMitigation	Tier	No Change	Tier 4 Final

As you can see in the excerpt above, the models assume that 200 pieces of off-road construction equipment would meet Tier 4 Final emission standards. Thus, the model assumes that the off-road equipment used for all phases of Project construction would meet Tier 4 Final standards. By incorrectly assuming that the off-road construction

equipment used for the *construction, coating, and paving* phases would also meet Tier 4 Final emission standards, the models are inconsistent with AIR-MM-1 and should not be relied upon to determine Project significance.

Response to Comment No. 5-48

An understanding of how mitigation measures are incorporated into the CalEEMod model is required to properly implement mitigation measures. SWAPE should note that the model does not allow the selection of specific equipment from specific phases for mitigation and instead applies mitigation to equipment in the order input. As an example, if a user wants to apply Tier 4 mitigation for a backhoe during building construction and there are five backhoes in subsequent phases (e.g., demolition or excavation), then the user would have to input six backhoes as mitigated. The user would then have to disregard the mitigated results from those previous phases and only report the results from the phase considered for mitigation. This is precisely the methodology used in the Draft EIR analysis. Consistent with AIR-MM-1, only demolition, grading/excavation, and concrete foundation phases were reported as mitigated. All other phases of construction were reported as unmitigated. This is clearly shown on Page 21 of Appendix C-2 in which subsequent phases of construction that occur within 2023-2024 are reported as unmitigated in both the Unmitigated and Mitigated tables.

Comment No. 5-49

Incorrect Application of Operational Mitigation Measures

Review of the CalEEMod output files demonstrates that the "1111 Sunset Buildout—Mixed Use Option (with PDFs)" and "1111 Sunset Buildout—No Hotel Option (with PDFs)" models include the following energy-, water-, and waste-related operational mitigation measures (see excerpts below) (Appendix C, pp. 80, 82, 88, 90):

Energy-Related Mitigation Measures

5.1 Mitigation Measures Energy

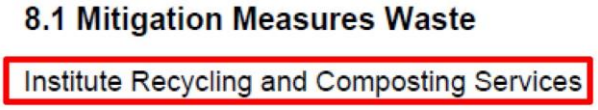
Exceed Title 24
Install High Efficiency Lighting

Water-Related Mitigation Measures

7.1 Mitigation Measures Water

Apply Water Conservation Strategy

Waste-Related Mitigation Measures



As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[18] According to the "User Entered Comments and Non-Default Data" table, the justification provided for the inclusion of the waste-related measure is: "City of LA Waste Diversion Rate (2013)" (Appendix C, pp. 77, 85). Furthermore, regarding greenhouse gas ("GHG") emissions reductions, the DEIR states:

> "The 2008 Climate Change Scoping Plan identified a number of specific issues relevant to the Project, including:
>
> - The potential of using the green building framework as a mechanism, which could enable GHG emissions reductions in other sectors (i.e., electricity, natural gas), noting that:
>
> > *A Green Building strategy will produce greenhouse gas savings through buildings that exceed minimum energy efficiency standards, decrease consumption of potable water, reduce solid waste during construction and operation, and incorporate sustainable materials. Combined, these measures can also contribute to healthy indoor air quality, protect human health, and minimize impacts to the environment"* (p. [sic] IV.E-12–IV.E-13).

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

First, the "User Entered Comments and Non-Default Data" table fail to provide justifications for the inclusion of the energy- or water-related measures.

Second, the inclusion of these operational mitigation measures, based on the Project's vague compliance with a Green Building strategy, is unsupported. According to the Association of Environmental Professionals ("AEP") *CEQA Portal Topic Paper* on mitigation measures:

> "By definition, *mitigation measures are not part of the original project design*. Rather, mitigation measures are actions taken by the lead agency to reduce impacts to the environment resulting from the original project design.

> Mitigation measures are identified by the lead agency after the project has undergone environmental review and are *above-and-beyond existing laws, regulations, and requirements* that would reduce environmental impacts" (emphasis added).[19]

As you can see in the excerpt above, mitigation measures "are not part of the original project design" and are intended to go "above-and-beyond" existing regulatory requirements. As such, the inclusion of these measures, based solely on the 2008 Climate Change Scoping Plan, is unsubstantiated.

Third, AEP guidance states:

> "While not "mitigation", a good practice is *to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP)*. Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, *it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact*" (emphasis added).[20]

As you can see in the excerpts above, design features that are not formally included as mitigation measures may be eliminated from the Project's design altogether. Thus, as the above-mentioned energy-, water-, and waste-related operational measures are not formally included as mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. As a result, the inclusion of the above-mentioned operational mitigation measures in the models is incorrect. By including several operational mitigation measures without properly committing to their implementation, the models may underestimate the Project's operational emissions and should not be relied upon to determine Project significance.

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

19 "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 5.

20 "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, *available at*: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

Response to Comment No. 5-49

Contrary to what is stated in this comment, compliance with an ordinance or rule is not considered mitigation. Nor can such compliance be "eliminated". As discussed above in Response to Comment No. 5-46, CalEEMod energy demand default parameters only include compliance with 2016 Title 24 standards. Therefore, a conservative 10 percent reduction was applied within CalEEMod to account for the more stringent mandatory 2019 Title 24 standards required of the Project. Furthermore, the California Energy Commission voted on November 13, 2019, to ban the sale of inefficient light bulbs starting January 1, 2020. The Energy Independence and Security Act of 2007 (EISA) requires approximately 25 percent greater efficiency for light bulbs by phasing out incandescent light bulbs between 2012 and 2014. Based on this information, it was appropriate to conservatively include a 25 percent reduction with installation of high efficiency lighting required by Title 24. Compliance with Title 24 is enforced through the building permit process and is therefore appropriate to include this reduction in the CalEEMod modeling.

As discussed on page IV.E-51 of the Draft EIR, the California Green Building Standards Code (Part 11, Title 24) includes water efficiency requirements for new residential and non-residential uses, under which buildings shall demonstrate a 20 percent overall water use reduction. The Project would comply with applicable provisions of the 2020 Los Angeles Green Building Code, which in turn requires compliance with mandatory standards included in the CalGreen Building Standards (20-percent overall water use reduction). Water usage rates were calculated consistent with the requirements under City of Los Angeles Ordinance No. 184,248, 2016 California Plumbing Code, 2019 CalGreen Code, 2017 Los Angeles Plumbing Code, and 2020 Los Angeles Green Building Code and reflects approximately a 20 percent reduction in water usage as compared to the base demand provided in CalEEMod.

The CalEEMod estimate of water consumption is considered conservative compared to more current water demand rates used by LADWP, which are reflected in Section IV.N.1, Utilities and Service Systems—Water Supply and Infrastructure, to the DEIR. Specifically, Table IV.N.1-4 (Mixed Use Development Scenario) shows that the Project's water demand is 307,237 gpd or 224,374 gpd with incorporation of required ordinances additional conservation (27 percent reduction in water usage) for an annual water usage of 81.9 million gallons per year. The Mixed Use CalEEMod modeling output provided in Appendix C-3 shows that the Project would result in an annual water usage of 92.36 million gallons of water with incorporation of the 20 percent reduction and based on CalEEMod default usage rates. Table IV.N.1-5 (No-Hotel Development Scenario) shows that the Project's water demand is 275,022 gpd or 192,330 gpd with incorporation of required ordinances additional conservation (30 percent reduction in water usage) for an annual water usage of 70.2 million gallons per year. The No Hotel CalEEMod modeling output provided in Appendix C-3 shows that the Project would result in an annual water usage of

96.0 million gallons of water with incorporation of the 20 percent reduction and based on CalEEMod default usage rates. Thus, the estimate of Project emissions from the usage of water and the percent reduction from compliance with ordinances are both conservative.

CalEEMod default solid waste generation factors were used in the Air Quality analyses and do not account for any diversion rate. CalEEMod allows for a diversion rate to be selected in the mitigation measure tab. Solid waste generated by the Project will be handled by the City of Los Angeles Sanitation Department, which has steadily improved their diversion rate from 20.6 percent in 1990 to 76.4 percent in 2011. Based on this information, a solid waste diversion rate of 76 percent was used in all CalEEMod modeling runs provided in Appendix C-3 of the DEIR. This reduction is not considered mitigation but is an accurate characterization of the diversion rate for the City of Los Angeles based on relevant data. Based on this information, use of a 76 percent diversion rate for the City of Los Angeles was appropriately used in the Draft EIR and no changes are necessary to the Draft EIR based on this comment.

SWAPE has not provided any evidence that the energy, water, and waste inputs are inaccurate. Based on the information provided above, incorporation of the energy, water, and waste rule and ordinance reduction measures is supported in the Draft EIR and no changes are necessary to the Draft EIR based on this comment.

Comment No. 5-50

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate Project's construction-related and operational emissions, we prepared updated CalEEMod models, using the Project-specific information provided by the DEIR. In our updated models, we omitted the unsubstantiated changes to the CO_2 intensity factor, number of construction days per week, off-road construction equipment unit amounts, construction trip numbers and lengths, energy use values, and stationary generator emission factors; proportionally decreased the individual construction phase lengths to reflect the buildout year indicated by the DEIR; corrected the operational vehicle trip rates; and excluded the unsubstantiated construction-related and operational mitigation measures.

Our updated analysis estimates that the Project's construction-related VOC and NO_X exceed the applicable SCAQMD thresholds of 75- and 100-pounds per day ("lbs/day"), respectively (see table below).[21]

Model	VOC	NO_X
DEIR Construction	33.14	18.77
SWAPE Construction	207.75	141.49
% Increase	527%	654%
SCAQMD Regional Threshold (lbs/day)	**75**	**100**
Threshold Exceeded?	***Yes***	***Yes***

As you can see in the excerpt above, the Project's construction-related VOC and NO_X emissions, as estimated by SWAPE, increase by approximately 527% and 654%, respectively, and exceed the applicable SCAQMD significance thresholds. Thus, our model demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed in the DEIR. As a result, an updated EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the surrounding environment.

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

Response to Comment No. 5-50

Please refer to Response to Comment Nos. 5-40 through 5-49 above for supporting evidence as to why SWAPE is incorrect to revert to default CalEEMod parameters and to discount the emission reducing measures. The most egregious error in SWAPE's analysis is reverting to a default construction schedule. As discussed above in Response to Comment No. 5-41, using a CalEEMod generic default 10-acre construction site which only accounts for fine grading and building construction of 328,000 square feet is in no way representative of the Project analyzed in the Draft EIR (excavation of six subterranean parking levels (472,000 cubic yards of export) and with approximately one million square feet of floor area constructed). It is not clear from SWAPE's analysis how a motor grader could be used to excavate the Project Site. Furthermore, SWAPE confuses regional versus localized impacts. The Draft EIR provides two separate analyses: (1) Regional construction emissions (i.e., on-site off-road equipment and off-site employee, vendor, and haul truck trips) for comparison to SCAQMD regional significance thresholds; and (2) Localized construction emissions (i.e., on-site activities and no off-site employee, vendor, and haul truck trips) for comparison to SCAQMD localized significance thresholds. A summary of these emission inventories is provided on pages 21 through 22 in Appendix C of the Draft EIR. SWAPE's purported 654-percent increase in regional NO_X emissions when comparing the Draft EIR analysis and SWAPE's analysis requires some context. SWAPE erroneously compared their emissions inventory to the Draft EIR emissions inventory that only included on-site sources (e.g., no off-site employee, vendor, or haul truck trips). It should come as no surprise that a comparison of SWAPE's regional construction emissions (141 lbs/day) would substantially increase if only compared to

on-site construction emissions. Even then, SWAPE disingenuously chose the most desirable year to compare their emissions to with an annual on-site emissions of 19 lbs/day even though the Draft EIR concluded that the peak annual on-site emissions would be 57 lbs/day. SWAPE should have instead compared their erroneous construction regional emission results (detailed above in Response to Comment Nos. 5-40 through 5-49 above) to construction emissions presented in Table IV.A-5 (Estimate of Maximum Regional Project Daily Construction Emissions) of the Draft EIR. It should be of note that the site-specific analysis provided in the Draft EIR resulted in 239 lbs/day of regional construction NOx emissions and nearly 60 percent more NOX emissions than SWAPE determined (141 lbs/day).

SWAPE's output file does not show which pieces of construction equipment were mitigated with Tier IV standards and, therefore, verification of those results is not feasible. Furthermore, SWAPE did not evaluate the reduction in emissions associated with Mitigation Measure AIR-MM-2, which requires the use of 2010 model year or newer engines for haul trucks associated with demolition and grading activities and concrete delivery trucks during concrete mat foundation pours. SWAPE's analysis shows that peak daily emissions would occur during demolition and excavation in Year 2021 and result in 5 lbs per day of NOx from on-site activities and 137 lbs per day of NOX from haul truck activity. Using the methodology and analysis provided on Page 71 of Appendix C-2 of the Draft EIR, haul truck emissions would be reduced to approximately 89 lbs/day of NO_X. Therefore, using SWAPE's own erroneous analysis and accounting for Mitigation Measure AIR-MM-2 would result in a conclusion of less than significant impacts with incorporation of mitigation measures. While this result would benefit the Project, the site-specific analysis presented in the Draft EIR concluded that even with mitigation regional NOX impacts would be significant and unavoidable.

SWAPE does not account for the type of construction proposed under the Project scenario (e.g., towers) and fails to account for the concrete phases (not included in default CalEEMod construction scenario) which would be part of the building construction phase. Moreover, given the amount of building construction under the Project (approximately one million square feet) versus CalEEMod default (328,000 square feet), it should be obvious that the application of architectural coatings (VOC emissions) would take a longer duration and appropriate adjustments were made based on the site-specific construction schedule. SWAPE has not provided any supporting documentation as to why the construction assumptions used in the Draft EIR analysis would not be representative of the Project's construction.

Comment No. 5-51

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would have a less-than-significant health risk impact, without conducting a quantified construction or operational health risk analysis ("HRA") (p. [sic] IV.A-59–IV.A-60, IV.A-62–IV.A-64). Specifically, regarding potential health risk impacts associated with Project construction, the DEIR states:

> "Given the short-term construction schedule of approximately four years, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a health risk assessment (HRA) for short-term construction emissions. It is, therefore, not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration. The Project construction activities, including generation of TACs, would not expose sensitive receptors to substantial pollutant concentrations. Therefore, Project-related TAC impacts during construction would be less than significant" (p. [sic] IV.A-59–IV.A-60).

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant construction-related health risk impact because construction is short-term and would not result in a long-term source of toxic air contaminant ("TAC") emissions. Furthermore, regarding potential health risk impacts associated with Project operation, the DEIR states:

> "As the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of 10 in one million or an acute or chronic hazard index of 1.0, and potential TAC impacts would be less than significant" (p. [sic] IV.A-63–IV.A-64).

As demonstrated above, the DEIR concludes that the Project would result in a less-than-significant operational health risk impact because the land uses associated with the Project are not considered to generate substantial TACs. Finally, regarding the health risk impacts posed by existing sources to people that would be housed on the Project site, the DEIR states:

> "CARB has published and adopted the Air Quality and Land Use Handbook: A Community Health Perspective, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air

> toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).76 The SCAQMD adopted similar recommendations in its Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. Together, the CARB and SCAQMD guidelines recommend siting distances for both the development of sensitive land uses in proximity to TAC sources and the addition of new TAC sources in proximity to existing sensitive land uses. The Project would be consistent with this siting guidance because the Project would not include any major sources of TACs or place sensitive uses near TACs consistent with CARB and SCAQMD guidelines" (p. [sic] IV.A-62–IV.A-63).

As demonstrated above, the DEIR claims the Project would not place new sensitive land uses near potential sources of TACs, such as roadways. However, the DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for four reasons.

First, the DEIR fails to quantitatively evaluate the Project's construction-related and operational TAC emissions or make a reasonable effort to connect these emissions to potential health risk impacts posed to nearby existing sensitive receptors. Despite the DEIR's qualitative claims that construction-related TAC emissions would be less-than-significant, construction of the proposed Project would produce diesel particulate matter ("DPM") emissions through the exhaust stacks of construction equipment over a potential construction period lasting through 2028 (p. II-22). Furthermore, despite the DEIR's qualitative claim that the proposed land uses would not generate TACs, the AQ & GHG Analysis indicates that the Mixed Use and No Hotel Development scenarios are expected to generate approximately 8,887- and 8,304-average daily vehicle trips, respectively, which would generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions (Appendix C, pp. 170, 180). However, the DEIR's vague discussion of potential Project-generated TACs fails to indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project's construction-related and operational TAC emissions to the potential health risks posed to nearby receptors, the DEIR is inconsistent with CEQA's requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

Second, the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015, as referenced by the Air Quality and Health Effects ("AQ & Health Risk Analysis"), provided as Appendix E to the DEIR (Appendix E, pp. 113).[22] This guidance document describes the types of projects that warrant the

preparation of an HRA. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. As the Project's construction duration vastly exceeds the 2-month requirement set forth by OEHHA, it is clear that the Project meets the threshold warranting a quantified HRA under OEHHA guidance. Furthermore, the OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident ("MEIR"). Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions be included in an updated EIR for the Project.

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the DEIR fails to compare the excess health risk impact to the applicable SCAQMD threshold of 10 in one million and lacks evidence to support its conclusion that the health risk would be under the threshold.[23] Thus, pursuant to CEQA, an analysis of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

Fourth, despite the DEIR's claim that the Project would not place new sensitive land uses near potential sources of TACs, the DEIR fails to address the non-cancer health risks posed to future, on-site receptors as a result of proximity to State Route 110 ("SR-110") and the Hollywood Freeway ("US-101"). Additional impacts related to non-cancer health risks have been documented for people living near congested roadways. Key findings from a 2005 California Air Resources Board ("CARB") report[24] on health risk impacts from nearby freeways include:

- Reduced lung function in children was associated with traffic density, especially trucks, within 1,000 feet and the association was strongest within 300 feet.
- Increased asthma hospitalizations were associated with living within 650 feet of heavy traffic and heavy truck volume (Lin, 2000).
- Asthma symptoms increased with proximity to roadways and the risk was greatest within 300 feet (Venn, 2001).
- A San Diego study found increased medical visits in children living within 550 feet of heavy traffic (English, 1999).

People housed by the proposed Project will be located directly north of the Four Level Interchange, which connects the SR-110 and US-101 Freeways. Therefore, many of the Project's residents will be subjected to additional non-cancer health risks as a result of close proximity to the SR-110 and US-101 Freeways. Regarding risks posed to people living nearby busy roadways, CARB concludes:

> "The combination of the children's health studies and the distance related findings suggests that it is important to avoid exposing children to elevated air pollution levels immediately downwind of freeways and high traffic roadways. These studies suggest a substantial benefit to a 500-foot separation."[25]

As a result, CARB recommends that projects:

> "[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day."[26]

Despite this recommendation, asthma and other non-cancer, freeway-related health risks are not mentioned or assessed by the DEIR. As such, an updated EIR should be prepared to include an assessment of all risks faced by residents at the Project not only cancer, especially to sensitive groups, such as newborns and the elderly. Because of the proximity to the SR-110 and US-101 Freeways, all feasible mitigation should be considered in the updated EIR to reduce health impacts to people living at the project. Feasible mitigation, implemented at other Southern California projects adjacent to freeways include:

- Disclose to residents the potential health impacts from living in proximity to the SR-110 and US-101 Freeways;
- Installation, use, and maintenance of filtration systems with at least a Minimum Efficiency Reporting Value (MERV) 15;
- Lead Agency verification and certification of the implementation the filtration systems;
- Lead Agency verification of maintenance to include manufacturer's recommended filter replacement schedule; and
- Disclosure to residents that opening windows will reduce the health-protectiveness of the filter systems.

[22] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: http://oehha.ca.gov/air/hot_spots/hotspots2015.html.

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

[24] "Air Quality and Land Use Handbook: A Community Health Perspective." CARB, April 2005, *available at*: https://ww3.arb.ca.gov/ch/handbook.pdf.

[25] "Air Quality and Land Use Handbook: A Community Health Perspective." CARB, April 2005, *available at*: https://ww3.arb.ca.gov/ch/handbook.pdf, p. 10.

[26] "Air Quality and Land Use Handbook: A Community Health Perspective." CARB, April 2005, *available at*: https://ww3.arb.ca.gov/ch/handbook.pdf, p. 15.

Response to Comment No. 5-51

Regarding potential health risk impacts related to construction activities, the Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. The SCAQMD CEQA Air Quality Handbook does not recommend analysis of TACs from short-term construction activities associated with land use development projects. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.[16] Because the construction schedule for the Project estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/ excavation, would last for a much shorter duration (e.g., approximately 7 months), and the overall construction schedule would be limited to approximately 44 months (3 years 8 months), construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (44 out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted. This supporting information is consistent with *L.A. City CEQA Thresholds Guide* in making a case-by-case basis determination of significance. As such, the Draft EIR correctly concluded that Project-related TAC emission impacts during construction would be less than significant and consequently not result in a potential health risk impact.

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. The Commenter is referred to SCAQMD guidance below that provides clarification as to when an HRA may be warranted:

[16] *South Coast Air Quality Management District (SCAQMD) CEQA Handbook, 1993. Chapters 5, 9 and 10.*

> *The SCAQMD published and adopted the* Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).*[17] *The SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).*

As discussed above, the Project includes the development of approximately one million square feet of development under both the Mixed Use and No Hotel scenarios. 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.[18]

- 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 30.8 truck trips per day for the Project's retail/restaurant uses under the Mixed Use and No Hotel scenarios. Once again, 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-2d of the NCHRP data (Trip Generation Summary—Daily Commercial Vehicle Trips per 1,000 sf of Building Space for Office and Services (Office and Hotel uses)) provides an average of 0.039 truck trips per 1,000 sf or approximately 5.2 and 1.9 truck trips per day for the Project's office and hotel uses under the Mixed Use and No Hotel scenarios, respectively. Once again, this assumes that all trucks would be diesel even though many office truck deliveries are from smaller gasoline trucks (e.g., UPS or FedEx).

- 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 11,000 sf or approximately 8.4 and 9.4 truck trips per day for the Project's residential uses under the Mixed Use and No Hotel scenarios, respectively. 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).

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[17] *SCAQMD, Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, May 6, 2005.*

[18] *National Cooperative Highway Research Program (NCHRP) Synthesis 298 Truck Trip Generation Data, 2001, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_syn_298.pdf.*

As shown above, the Project is conservatively estimated to generate approximately 44 and 42 trucks per day under the Mixed Use and No Hotel scenarios, respectively. Based on SCAQMD guidance, there was no quantitative analysis required for future cancer risk within the vicinity of the Project as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units.

Based on the above information, the Draft EIR correctly concluded that an operational HRA was not warranted.

The comment identifies that the Office of Environmental Health Hazard Assessment (OEHHA) adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (new Guidance Manual) in March of 2015.[19] The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et seq.). The Air Toxics "Hot Spots" Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics "Hot Spots" Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

The new Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects. As discussed in Section 8.2.10 of the Guidance Manual, "The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation." Short-term projects that would require a permitting decision by SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). This comment misrepresents OEHHA's guidance in Section 8.2.10 (page 8-18) that "the OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors." As discussed above, this guidance is not applicable to the Project.

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[19] *See OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015, www.oehha.ca.gov/air/hot_spots/hotspots2015.html.*

On behalf of the City, Eyestone Environmental (Eyestone) coordinated with SCAQMD to determine whether the SCAQMD had any available current guidance on use of the Guidance Manual. According to Lijin Sun, SCAQMD CEQA Program Supervisor, SCAQMD is currently evaluating the new Guidance Manual, but has not developed any recommendations on its use for CEQA analyses for potential construction impacts.[20] Moreover, the City, as lead agency, has not adopted the Guidance Manual as part of its CEQA methodology. Therefore, use of the *L.A. City CEQA Thresholds Guide* for determining impacts related to potential construction TAC impacts is appropriate.

A construction and operational HRA is not required by SCAQMD or the L.A. City CEQA Thresholds Guide, and no guidance for health risk assessments for construction has been adopted by SCAQMD or the City. Nonetheless, an HRA has been prepared in response to this comment to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from construction and operation of the Project. The HRA is provided as Appendix FEIR-4 of this Final EIR. The HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 7.7 in one million for residences located northeast of the Project Site, across Alpine Street (for combined construction and operational emissions) which is below the applicable SCAQMD significance threshold of 10 in one million.

Page IV.H-9 of the Draft EIR acknowledges that the Project Site is within an area subject to ZI File No. 2427, which addresses the siting of sensitive land uses within 1,000 feet of freeways. Specifically, ZI File No. 2427 states that recent studies have established strong links to negative health outcomes affecting sensitive populations as far out as 1,000 feet from freeways. Although ZI File No. 2427 is informational in nature and does not impose any additional land use or zoning regulations, it is intended to inform project applicants of the significance of this issue. In addition, the City adopted Ordinance No. 184,245 in 2016, which, among other things, requires the provision of air filtration media for regularly occupied areas of buildings located within 1,000 feet of a freeway that achieves a Minimum Efficiency Reporting Value (MERV) of 13.

As discussed further in Section IV.H, Land Use Planning, of the Draft EIR (page IV.H-26) and consistent with the recommendations of ZI No. 2427, the Project would incorporate project design features to minimize air pollution exposure to future on-site residents. Such measures include locating open space areas away from freeway sources and locating air intakes away from the freeway. In addition, the Project would comply with the City's adopted Ordinance No. 184,245, which, among other things, requires the provision of air filtration media that achieves a MERV of 13 for regularly occupied areas of

[20] *Lijin Sun, SCAQMD CEQA Program Supervisor. Personal communication via email, May 16, 2018.*

buildings located within 1,000 feet of a freeway. Furthermore, the Project would not include any residential uses within 500 feet of a freeway which is consistent with CARB's recommendation cited in this comment. Moreover, as discussed in *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." (*Id.* at 386.) As the Project is consistent with ZI No. 2427 and CARB's recommended siting distance, further evaluation is not required and consideration of suggested mitigation measures in this comment are not considered further.

Comment No. 5-52

Screening-Level Analysis Indicates a Potentially Significant Health Risk Impact

In order to conduct our screening-level risk analysis we relied upon AERSCREEN, which is a screening level air quality dispersion model.[27] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[28] and the California Air Pollution Control Officers Associated ("CAPCOA")[29] guidance as the appropriate air dispersion model for Level 2 health risk screening analyses ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

Response to Comment No. 5-52

This comment summarizes the findings of a screening level analysis prepared by SWAPE. Specific comments regarding this screening level analysis are provided below. The SWAPE analysis and related technical appendices were carefully reviewed for the purposes of considering the potential of the Project to result in health risk impacts. Based on this evaluation, multiple methodological flaws were identified that substantially undermine the accuracy and credibility of the SWAPE results as compared with the much more refined, site-specific HRA prepared in response to these comments. The most important of these issues are detailed here and then discussed as needed in other specific responses to comments.

A key error with the SWAPE analysis is that it relied solely on a "screening level" model to evaluate health risks. A screening level analysis can be appropriate to assess whether more detailed, refined modeling assessment is needed. Screening models typically rely on rough, very conservative assumptions to check if a project *could* cause a significant health impact. If, based on the screening, there is no potential for a significant impact, then no additional analysis is required. In this way, screening models can help

save time and money by eliminating the need for some projects to complete more expensive, time-consuming dispersion modeling.

This use of screening models is consistent with industry standard and agency guidance. As recommended by OEHHA, page 4-25 of *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* states "Screening models are normally used when no representative meteorological data are available and may be used as a preliminary estimate to determine if a more detailed assessment is warranted."[21]

As noted above, screening level results that show a potential significant impact are only relevant to the extent they demonstrate that SWAPE should have then conducted additional analysis using a refined model, which, notably, is provided in the HRA prepared in response to these comments, included as Appendix FEIR-4 of this Final EIR. As discussed therein, health risks were analyzed consistent with SCAQMD methodology and used AERMOD to complete refined dispersion modeling. AERMOD accounts for a variety of refined, site-specific conditions that facilitate a more accurate assessment of Project impacts compared to the less refined AERSCREEN screening model used in the SWAPE analysis. The most important differences between AERSCREEN and AERMOD are the following:

- Meteorological Data—The AERSCREEN model uses user-defined conditions, which assume worst-case meteorological conditions occurring 24 hours per day, 365 days per year for the entire construction and operation duration along with the maximum daily emissions occurring each of those days. The HRA prepared in response to these comments instead used AERMOD which allows for SCAQMD representative meteorological data (Central Los Angeles) to be used in calculation of annual concentrations. This SCAQMD meteorological data provides hourly conditions (e.g., wind speed, wind direction, and stability class) over a five-year period (43,800 hours). With these conditions, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

- Site-Specific Conditions—AERMOD allows for analysis of multiple volume sources which is required to adequately represent Project construction and operation. The use of a single rectangular source with a release height of 3 meters to represent construction and operational activities provided in the SWAPE analysis does not adequately represent the Project site, does not account for complex terrain conditions, and likely overstates emissions because of the plume interaction with terrain. In addition, a volume source and not an

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

area source is the type of source recommended by the SCAQMD for modeling construction equipment and diesel truck exhaust emissions (SCAQMD LST Guidelines). In addition, the SCAQMD LST Guidelines recommend a 5-meter release height instead of 3 meters, which would also overestimates potential concentrations. By accounting for site-specific conditions around the Project Site, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

- Source-to-Receptor Distance—The SWAPE analysis reported that the maximum impacts occurred 128 meters downwind. This is highly unusually for a screening model to provide a higher concentration further downwind for an area source as the pollutant travels further away from the source the plume becomes wider and pollutant concentrations decrease. An exception to this general rule is for a stack/chimney point source where the source is released high enough and with enough velocity/buoyancy that the ground concentrations closer to the source can result in lower pollutant concentrations. As a result, any findings from the SWAPE analyses based on modeling that shows higher concentrations from an area source further downwind are likely incorrect.

Consequently, the coarser AERSCREEN evaluation provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation. Moreover, as discussed in the specific comments below, the SWAPE screening level analysis was not performed in accordance with requirements included in SCAQMD's LST methodology and OEHHA's guidance. As explained above, the analysis did not account for the following: (1) site-specific conditions; (2) use of a refined dispersion model; (3) use of SCAQMD mandated meteorological data from the closest/most representative meteorological monitoring site within the Project area; and (4) higher pollutant concentrations at more distant receptors for an area source. If the SWAPE analysis accounted for the guidance and data discussed above, then the results would have been substantially less.

Accordingly, potential health risk impacts from the Project to nearby sensitive uses (e.g., nearby residences) as the result of proposed construction activities are more accurately identified by the AERMOD evaluation included in the HRA prepared in response to these comments. As shown in the HRA, pollutant concentrations are highest near the Project site and dissipate with distance. As demonstrated by the analysis therein, the Project would not result in a significant health risk impact during combined construction and operation. The HRA prepared in response to these comments demonstrates that health risks from the Project would be a maximum of 7.7 in one million for residences northeast of the Project Site, which is below the applicable SCAQMD significance threshold of 10 in one million.

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In order to estimate the health risk impacts posed to residential sensitive receptors as a result of the Project's construction-related and operational TAC emissions, we prepared a preliminary HRA using the annual PM_{10} exhaust estimates from SWAPE's updated CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. SWAPE's updated CalEEMod model indicates that construction activities will generate approximately 910 pounds of DPM over the 2,548-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{910.11\ lbs}{2{,}548\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00188\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.00188 grams per second ("g/s"). Subtracting the 2,548-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 23.02 years, approximately. SWAPE's operational CalEEMod emissions indicate that operational activities will generate approximately 344 pounds of DPM per year throughout operation under the Mixed Use Development Scenario. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for operation of the Mixed Use Development Scenario:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{344.0\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00495\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.00495 g/s for the Mixed Use Development Scenario. Furthermore, SWAPE's operational CalEEMod emissions indicate that operational activities will generate approximately 336 pounds of DPM per year throughout operation under the No Hotel Development Scenario. Applying the same equation used to estimate operation of the Mixed Use Development Scenario, we estimated the following emission rate for operation of the No Hotel Development Scenario:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{335.8\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00483\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.00483 g/s for the No Hotel Development Scenario.

Response to Comment No. 5-53

The SWAPE assessment substantially overestimated potential diesel exhaust emissions from construction and operation of the proposed Project. SWAPE incorrectly used the combination of both on-site and off-site emissions (regional emissions) to represent on-site emissions (localized emissions). This assumption is the equivalent of having all diesel delivery and haul trucks that would actually travel regionally to and from the Project site (up to 25 miles) exclusively on the Project site. This erroneous assumption grossly overestimates the annual average construction emissions that would occur over the duration of construction. Furthermore, as discussed above in Response to Comment No. 5-50, SWAPE's evaluation of construction pollutant emissions is also erroneous as it does not account for site specific factors and fails to account for mitigation that would further reduce DPM emissions.

The operational emission rates of diesel exhaust cited in this comment is similarly based on the unmitigated regional operational results and assumes that these emissions occur each year for 23.02 years. This assumption suffers from the problem identified above for construction (combination of both on-site and off-site emissions). This assumption is the equivalent of having all vehicular trips that would actually travel regionally to and from the Project Site exclusively on the Project Site. Compounding this mistake is SWAPE's erroneous assumption that all of these emissions would be diesel. Diesel emissions represent a small fraction of the overall fleet mix. Furthermore, the SWAPE analysis assumed 23.02 years of operation, but held the emission factors constant to the buildout year. Thus, potential impacts would be significantly overstated because it does not represent an average of emissions over the 23.02 years by excluding improvements in the vehicle fleet mix as a result of state mandates over time. As an example, the On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

Furthermore, SWAPE completely misrepresented pollutant emissions as DPM from energy, area, and landscaping sources (e.g., natural gas fireplaces and gasoline landscaping equipment) that represent approximately 65 to 70 percent of the total exhaust emissions in SWAPE's CalEEMod output sheet. Energy source emissions are from use of natural gas on-site or electricity produced off-site at power plants (largely using natural gas). Landscaping equipment almost exclusively use gasoline or electricity. SWAPE did not provide any supporting documentation as to why it would be appropriate to analyze the particulate matter from natural gas/gasoline combustion as DPM.

Comment No. 5-54

Construction and operational activity were simulated as a 6.27-acre rectangular area source in AERSCREEN with dimensions of 254 by 100 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

Response to Comment No. 5-54

As discussed above, the SWAPE analysis use of AERSCREEN provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation prepared in response to these comments. AERMOD allows for analysis of multiple volume sources and to account for elevation. The use of a single rectangular source with a release height of 3 meters to represent construction and operational activities provided in the SWAPE analysis does not adequately represent the Project Site or sources. In addition, a volume source and not an area source is the type of source recommended by the SCAQMD for modeling construction equipment and diesel truck exhaust emissions (SCAQMD LST Guidelines). An area source is two dimensional and meant to represent evaporative emissions from a flat surface, like a pond. A volume source is three dimensional and meant to represent sources like a cloud of dust or diesel exhaust. Thus, modeling the source as an area source only accounts for the vertical plume dimension. In addition, the SCAQMD LST Guidelines recommend a 5-meter release height instead of 3 meters, which would also overestimate potential concentrations. By accounting for these parameters, the AERMOD model is more representative of likely Project impacts compared to the AERSCREEN model.

Comment No. 5-55

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.[30] According to the DEIR, the nearest sensitive receptors are located directly north and east of the Project Site (p. IV.A-25, Figure IV.A-4). However, review of the AERSCREEN output files demonstrates that the maximally exposed individual resident ("MEIR") is located approximately 125 meters from the Project site. Thus, the single-hour concentration estimated by AERSCREEN for Project construction is approximately 2.317 µg/m^3 DPM at approximately 125 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.2317 µg/m^3 for Project construction at the MEIR. For operation of the Mixed Use Development Scenario, the single-hour concentration estimated by

AERSCREEN is 6.097 µg/m^3 DPM at approximately 125 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.6097 µg/m^3 for operation of the Mixed Use Development Scenario at the MEIR. Furthermore, for operation of the No Hotel Development Scenario, the single-hour concentration estimated by AERSCREEN is 5.953 µg/m^3 DPM at approximately 125 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.5953 µg/m^3 for operation of the No Hotel Development Scenario at the MEIR.

Response to Comment No. 5-55

As discussed above, the SWAPE analysis use of AERSCREEN provides a much less accurate assessment of Project health risks compared to the refined AERMOD evaluation used in the HRA prepared in response to these comments. The SWAPE analysis assumes worst-case conditions occur 24 hours per day, 365 days for 3 years (worst-case hourly wind speed, same direction, and stability condition) along with the maximum daily emissions occurring each of those days, assumptions that substantially overestimate actual Project emissions. SWAPE applied a correction factor in the SWAPE analysis to convert the maximum 1-hour concentration average to an annual concentration. However, even then the SWAPE screening analysis applied the maximum factor of 0.1 instead of an average of 0.08 recommended in OEHHA guidance (Table 4.3, Recommended Factors to Convert Maximum 1-Hour Concentration to Other Averaging Periods, *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*). Consequently, the already conservative screening analysis was made inaccurate (higher concentration) because SWAPE did not follow the OEHHA guidance.

SWAPE also reported that impacts increased further downwind with the maximum impact occurring at 125 meters. This is highly unusually for a screening model to provide a higher concentration further downwind for an area source as the pollutant travels further away from the source the plume becomes wider and pollutant concentrations decrease. An exception to this general rule is for a stack/chimney point source where the source is released high enough and with enough velocity/buoyancy that the ground concentrations closer to the source can result in lower pollutant concentrations. As a result, any findings from the SWAPE analyses based on modeling that shows higher concentrations from an area source further downwind are likely incorrect.

The HRA prepared in response to these comments instead used AERMOD, which allows representative meteorological data to be used in calculation of annual concentrations. The meteorological monitoring station most representative of the Project Site is the Central Los Angeles Station. This SCAQMD meteorological data provides hourly conditions (e.g., wind speed, wind direction, and stability class) over a five-year period (43,800 hours). The use of AERMOD, which is consistent with SCAQMD

recommended methodology for a detailed analysis, provides a more accurate assessment of potential concentrations in comparison to AERSCREEN, which was used in the SWAPE analysis. In summary, use of AERSCREEN in the SWAPE analysis does not adequately characterize potential impacts from the Project, and any conclusions made based on these screening results are flawed and inferior to the more refined dispersion modeling prepared in response to these comments.

Comment No. 5-56

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA. Consistent with the 2,548-day construction schedule, the annualized average concentration for Project construction was used for the entire third trimester of pregnancy (0.25 years), infantile stage of life (0–2 years), and the first 4.73 years of the child stage of life (2–16 years); and the annualized averaged concentration for operation was used for the remainder of the child stage of life and the entire the adult stage of life (16–30 years).

Consistent with OEHHA guidance and recommended by the SCAQMD, BAAQMD, and SJVAPCD guidance, we used Age Sensitivity Factors ("ASF") to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.[31,32,33] According to this guidance, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant), as well as multiplied by a factor of three during the child stage of life (2–16 years). We also included the quantified cancer risk without adjusting for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution in accordance with older OEHHA guidance from 2003. This guidance utilizes a less health protective scenario than what is currently recommended by SCAQMD, the air quality district with jurisdiction over the City, and several other air districts in the state. Furthermore, in accordance with the guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.[34] Finally, according to SCAQMD guidance, we used a Fraction of Time At Home ("FAH") Value of 1 for the 3rd trimester and infant receptors.[35] We used a cancer potency factor of 1.1 $(mg/kg\text{-}day)^{-1}$ and an averaging time of 25,550 days.

Response to Comment No. 5-56

This comment misconstrues guidance from the SCAQMD. As discussed above in Response to Comment No. 5-51, the SCAQMD is currently evaluating the new OEHHA Guidance Manual and has not developed any recommendations on its use for CEQA analyses for potential construction impacts. Moreover, the City, as lead agency, has not adopted the Guidance Manual as part of its CEQA methodology.

The comment identifies that the OEHHA's new Guidance Manual provides for the use of Age Sensitivity Factors (ASFs). Use of these factors would not be applicable to this Project, however, as neither the City nor SCAQMD has developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts, as discussed below. Furthermore, a review of relevant guidance was conducted to determine applicability of the use of early life exposure adjustments to identified carcinogens. The U.S. Environmental Protection Agency provides guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." The U.S. Environmental Protection Agency has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than 1 percent of the exhaust particulate mass. To date, the U.S. Environmental Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action.[22] Therefore, early life exposure adjustments are neither required nor appropriate, and were therefore not considered in the HRA provided in Appendix FEIR-4 of this Final EIR.

Comment No. 5-57

The results of our calculations are shown below.

Mixed Use Development Scenario						
The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)						
Activity	**Duration (years)**	**Concentration (ug/m3)**	**Breathing Rate (L/kg-day)**	**Cancer Risk without ASFs***	**ASF**	**Cancer Risk with ASFs***
Construction	0.25	0.2317	361	3.2E-07	10	3.2E-06
3rd Trimester Duration	***0.25***			***3.2E-07***	***3rd Trimester Exposure***	***3.2E-06***
Construction	2.00	0.2317	1090	7.6E-06	10	7.6E-05
Infant Exposure Duration	***2.00***			***7.6E-06***	***Infant Exposure***	***7.6E-05***
Construction	4.73	0.2317	572	9.4E-06	3	2.8E-05
Operation	9.27	0.6097	572	4.9E-05	3	1.5E-04
Child Exposure Duration	***14.00***			***4.9E-05***	***Child Exposure***	***1.5E-04***
Operation	14.00	0.6097	261	2.5E-05	1	2.5E-05
Adult Exposure Duration	***14.00***			***2.5E-05***	***Adult Exposure***	***2.5E-05***
Lifetime Exposure Duration	**30.00**			**8.1E-05**	**Lifetime Exposure**	**2.5E-04**

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

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

No Hotel Development Scenario
The Maximum Exposed Individual at an Existing Residential Receptor (MEIR)

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk without ASFs*	ASF	Cancer Risk with ASFs*
Construction	0.25	0.2317	361	3.2E-07	10	3.2E-06
3rd Trimester Duration	***0.25***			***3.2E-07***	***3rd Trimester Exposure***	***3.2E-06***
Construction	2.00	0.2317	1090	7.6E-06	10	7.6E-05
Infant Exposure Duration	***2.00***			***7.6E-06***	***Infant Exposure***	***7.6E-05***
Construction	4.73	0.2317	572	9.4E-06	3	2.8E-05
Operation	9.27	0.5953	572	4.8E-05	3	1.4E-04
Child Exposure Duration	***14.00***			***4.8E-05***	***Child Exposure***	***1.4E-04***
Operation	14.00	0.5953	261	2.4E-05	1	2.4E-05
Adult Exposure Duration	***14.00***			***2.4E-05***	***Adult Exposure***	***2.4E-05***
Lifetime Exposure Duration	**30.00**			**7.9E-05**	**Lifetime Exposure**	**2.5E-04**

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

As demonstrated in the first table above, the excess cancer risks associated with the Mixed Use Development Scenario to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 125 meters away, over the course of Project construction and operation, utilizing ASFs, are approximately 25, 150, 76, and 3.2 in one million, respectively. The excess cancer risk associated with the Mixed Use Development Scenario over the course of a residential lifetime (30 years), utilizing ASFs, is approximately 250 in one million. Furthermore, as demonstrated in the second table above, the excess cancer risks associated with the No Hotel Development Scenario to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 125 meters away, over the course of Project construction and operation, utilizing ASFs, are approximately 24, 140, 76, and 3.2 in one million, respectively. The excess cancer risk associated with the No Hotel Development Scenario over the course of a residential lifetime, utilizing ASFs, is also approximately 250 in one million. The infant, child, adult, and lifetime cancer risks associated with both the Mixed Use and No Hotel Development Scenarios exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

Utilizing ASFs is the most conservative, health-protective analysis according to the most recent guidance by OEHHA and reflects recommendations from the air district. Results without ASFs are presented in the table above, although we do not recommend utilizing these values for health risk analysis. Regardless, the excess cancer risks associated with the Mixed Use Development Scenario to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 125 meters away, over the course of Project construction and operation, without ASFs, are approximately 25, 49, 7.6, and 0.32 in one million, respectively. The excess cancer risk associated with the Mixed Use Development Scenario over the course of a residential lifetime, without ASFs, is approximately 81 in one million. Furthermore, the excess cancer risks associated with the

No Hotel Development Scenario to adults, children, infants, and during the 3rd trimester of pregnancy at the MEIR located approximately 125 meters away, over the course of Project construction and operation, without ASFs, are approximately 24, 48, 7.6, and 0.32 in one million, respectively. The excess cancer risk associated with the No Hotel Development Scenario over the course of a residential lifetime, without ASFs, is approximately 79 in one million. The child, adult, and lifetime cancer risks associated with both the Mixed Use and No Hotel Development Scenarios, without ASFs, exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR. While we recommend the use of ASFs, the Project's cancer risk without ASFs, as estimated by SWAPE, exceeds the SCAQMD threshold regardless.

An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection.[36] The purpose of the screening-level construction and operational HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level HRA indicates a potentially significant impact, the City should prepare an updated EIR with an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, the City should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk analysis which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

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

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

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

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

31 "Draft Environmental Impact Report (DEIR) for the Proposed The Exchange (SCH No. 2018071058)." SCAQMD, March 2019, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/march/RVC190115-03.pdf?sfvrsn=8, p. 4.

32 "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 56; see also "Recommended Methods for Screening and Modeling Local Risks and Hazards." BAAQMD, May 2011, *available at*: http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20Approach.ashx, p. [sic] 65, 86.

[33] "Update to District's Risk Management Policy to Address OEHHA's Revised Risk Assessment Guidance Document." SJVAPCD, May 2015, *available at*: https://www.valleyair.org/busind/pto/staff-report-5-28-15.pdf, p. [sic] 8, 20, 24.

[34] "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," July 2018, *available at*: http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588supplementalguidelines.pdf, p. 16.

"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

[35] "Risk Assessment Procedures for Rules 1401, 1401.1, and 212." SCAQMD, August 2017, *available at*: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

[36] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 1-5

Response to Comment No. 5-57

As discussed above in Response to Comment No. 5-51 and Response to Comment No. 5-57, the SWAPE assessment substantially overestimated potential diesel exhaust emissions from construction and operation of the proposed Project by misrepresenting regional emissions for localized emissions. The SWAPE analysis is completely inaccurate. In addition, the screening level analysis was not performed in accordance with requirements included in SCAQMD's LST methodology, which makes it substantially less accurate than the refined dispersion modeling completed in the HRA prepared in response to these comments. Moreover, the SWAPE analysis also did not account for the following: (1) site-specific conditions; (2) use of a refined dispersion model; (3) use of SCAQMD-mandated meteorological data from the closest/most representative meteorological monitoring site within the Project area; and (4) source-to-receptor distance consistent with SCAQMD LST Guidelines. If the SWAPE analysis properly accounted for the guidance and data discussed above, then the results would have been much less and below the significance threshold.

The HRA prepared in response to these comments demonstrates that health risks from the Project would be a maximum of 7.7 in one million for residences northeast of the Project site, which is below the applicable SCAQMD significance threshold of 10 in one million. It is noted that this risk assumes an outdoor exposure for the entire length of construction and does not account for any reductions from the time spent indoors, where air quality tends to be better.

Comment No. 5-58

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Emissions

The DEIR estimates that the Mixed-Use and No Hotel Development Scenarios would generate net annual greenhouse gas ("GHG") emissions of 10,968- and 10,419-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year"), respectively, including reduction measures (see excerpt below) (p. IV.E-67, Table IV.E-9).

Table IV.E-9
Annual GHG Emissions Summary (Buildout)
(metric tons of carbon dioxide equivalent [$MTCO_2e$])[a]

Scope	Project Without Reduction Features	Project with Reduction Features	Percent Reduction from Measures[b]
Mixed Use Development Scenario			
Area[c]	173	40	−77%
Energy[d]	3,213	3,041	−5%
Mobile	11,415	7,061	−38%
EV Chargers[e]	—	(76)	—
Stationary[f]	2	2	0%
Solid Waste[g]	581	137	−76%
Water/Wastewater[h]	447	357	−20%
Construction	406	406	0%
Total Emissions	**16,236**	**10,968**	**−32%**
No-Hotel Development Scenario			
Area[c]	184	14	−92%
Energy[d]	3,114	2,947	−5%
Mobile	10,678	6,637	−38%
EV Chargers[e]	—	(86)	—
Stationary[f]	2	2	0%
Solid Waste[g]	552	130	−76%
Water/Wastewater[h]	461	369	−20%
Construction	406	406	0%
Total Emissions	**15,396**	**10,419**	**−32%**

However, the DEIR elects not to apply a quantitative GHG threshold, stating:

> "The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions. Nor have the SCAQMD, OPR, CARB, CAPCOA, or any other state or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the Project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on its consistency

with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions consistent with CEQA Guidelines section 15064.4" (p. IV.E-38).

Instead, the DEIR relies upon the Project's consistency with CARB's 2017 *Climate Change Scoping Plan*, SCAG's 2016–2040 *RTP/SCS*, and the Sustainable City pLAn/L.A.'s Green New Deal in order to conclude that the Project would result in a less-than-significant GHG impact (p. IV.E-73). However, the DEIR's GHG analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for four reasons.

(1) The DEIR's quantitative GHG analysis relies upon an incorrect and unsubstantiated air model;

(2) The DEIR incorrectly relies upon unsubstantiated GHG reduction measures;

(3) The DEIR's unsubstantiated air model indicates a potentially significant impact; and

(4) The DEIR incorrectly relies upon SCAG's outdated *RTP/SCS*.

Response to Comment No. 5-58

This comment summarizes the plan consistency analysis used in the Draft EIR to determine the significance of the Project's GHG impact and introduces specific methodology comments which are addressed in Response to Comment Nos. 5-54 through 5-57.

Comment No. 5-59

1) Incorrect and Unsubstantiated Quantitative Analysis of Emissions

As previously stated, DEIR estimates that the Mixed-Use and No Hotel Development Scenarios would generate net annual GHG emissions of 10,968- and 10,419-MT CO_2e/year, respectively, including reduction measures (p. IV.E-67, Table IV.E-9). However, the DEIR's quantitative GHG analysis is unsubstantiated. As previously discussed, when we reviewed the Project's CalEEMod output files, provided in the AQ & GHG Analysis as Appendix C to the DEIR, we found that several of the values inputted into the model are not consistent with information disclosed in the DEIR. As a result, the model underestimates the Project's emissions, and the DEIR's quantitative GHG analysis should not be relied upon to determine Project significance. An updated EIR should be prepared that adequately assesses the potential GHG impacts that construction and operation of the proposed Project may have on the surrounding environment.

Response to Comment No. 5-59

Please refer to Response to Comment Nos. 5-40 through 5-50 above for supporting evidence as to why SWAPE is incorrect to revert to default CalEEMod parameters and to discount the emission reducing measures. The Draft EIR accurately calculates Project-related GHG emissions and this comment provides no further support regarding any inaccuracies in the Draft EIR.

Comment No. 5-60

2) Incorrect Reliance on GHG Reduction Measures

As previously stated, DEIR estimates that the Mixed-Use and No Hotel Development Scenarios would generate net annual GHG emissions of 10,968- and 10,419-MT CO_2e/year, respectively, including GHG reduction measures (p. IV.E-67, Table IV.E-9). Specifically, the DEIR estimates that the area-, energy-, mobile-, waste-, and water-related measures would result in GHG emissions reductions of 77%, 5%, 38%, 76% and 20%, respectively, in the Mixed-Use Development Scenario. Furthermore, the DEIR estimates that the area-, energy-, mobile-, waste-, and water-related measures would result in GHG emissions reductions of 92%, 5%, 38%, 76% and 20%, respectively, in the No Hotel Development Scenario (see excerpt below) (p. IV.E-67, Table IV.E-9).

Table IV.E-9
Annual GHG Emissions Summary (Buildout)
(metric tons of carbon dioxide equivalent [$MTCO_2e$])[a]

Scope	Project Without Reduction Features	Project with Reduction Features	Percent Reduction from Measures[b]
Mixed Use Development Scenario			
Area[c]	173	40	−77%
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Mobile	11,415	7,061	−38%
EV Chargers[e]	—	(76)	—
Stationary[f]	2	2	0%
Solid Waste[g]	581	137	−76%
Water/Wastewater[h]	447	357	−20%
Construction	406	406	0%
Total Emissions	**16,236**	**10,968**	**−32%**
No-Hotel Development Scenario			
Area[c]	184	14	−92%
Energy[d]	3,114	2,947	−5%
Mobile	10,678	6,637	−38%
EV Chargers[e]	—	(86)	—
Stationary[f]	2	2	0%
Solid Waste[g]	552	130	−76%
Water/Wastewater[h]	461	369	−20%
Construction	406	406	0%
Total Emissions	**15,396**	**10,419**	**−32%**

Furthermore, regarding the implementation of GHG emission reduction measures, the DEIR states:

> "In view of the above considerations, this EIR quantifies the Project's total annual GHG emissions for informational purposes, taking into account the GHG emission reduction features that would be incorporated into the Project's design.
>
> The EIR quantifies the Project's annual GHG emissions and compares them to a Project without Reduction Features scenario, as defined by CARB's most updated projections for AB/SB 32. This comparison is included herein for informational purposes only, including in order to disclose the relative carbon efficiency of the Project and to determine if there would be a reduction in the Project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions" (p. [sic] IV.E-39–IV.E-40).

However, as discussed above, the Project's compliance with various regulations, plans and policies does not justify the Project's reliance on these measures. As these reduction measures are not formally included as mitigation measures, we cannot verify that they would be implemented, monitored, and enforced on the Project site.

Furthermore, regarding the use of mitigation measures, the DEIR states:

> "Project-level impacts related to GHG emissions would be less than significant. Therefore, no mitigation measures are required" (p. IV.E-73).

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

Response to Comment No. 5-60

As discussed in Response to Comment Nos. 5-49, compliance with mandatory rules and ordinances is not considered mitigation and as such were appropriately included in the calculation of GHG impacts presented in the Draft EIR. SWAPE has not provided any evidence that the inputs are inaccurate. Based on the information provided above, incorporation of mobile, energy, water, and waste rule and ordinance reduction measures

is supported in the Draft EIR and no changes are necessary to the Draft EIR based on this comment.

Comment No. 5-61

3) Failure to Identify a Potentially Significant GHG Impact

The DEIR's incorrect and unsubstantiated air model indicates a potentially significant GHG impact when applying the California Association of Environmental Professionals' ("AEP's") "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year. In support of this threshold for projects with a horizon year beyond 2020, AEP's guidance states:

> "Once the state has a full plan for 2030 (which is expected in 2017), and then *a project with a horizon between 2021 and 2030 should be evaluated based on a threshold using the 2030 target*. A more conservative approach would be to apply a 2030 threshold based on SB 32 for any project with a horizon between 2021 and 2030 regardless of the status of the Scoping Plan Update" (emphasis added).[37]

As the California Air Resources Board ("CARB") adopted *California's 2017 Climate Change Scoping Plan* in November of 2017, the proposed Project "should be evaluated based on a threshold using the 2030 target," according to the relevant guidance referenced above. Thus, in an effort to evaluate the Project's GHG emissions quantitatively, we compared the Project's GHG emissions, as estimated by the DEIR, to the AEP's "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year.

As previously stated, the DEIR estimates that the Mixed-Use and No Hotel Development Scenarios would generate net annual GHG emissions of 10,968- and 10,419-MT CO_2e/year, respectively, including GHG reduction measures (p. IV.E-67, Table IV.E-9). Furthermore, according to CAPCOA's *CEQA & Climate Change* report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project."[38] The DEIR estimates that the Mixed-Use and No Hotel Development Scenarios would have service populations of approximately 2,310- and 2,423-people (p. IV.E-58, Table IV.E-6).[39] When dividing the Project's GHG emissions associated with the Mixed-Use Development Scenario, as estimated by the DEIR, by a service population of 2,310 people, we find that the Mixed-Use Development Scenario would emit approximately 4.7 MT CO_2e/SP/year.[40] Furthermore, when dividing the Project's GHG emissions associated with the No Hotel Development Scenario, as estimated by the DEIR, by a service population of 2,423 people, we find that the No Hotel Development Scenario would emit approximately 4.3 MT CO_2e/SP/year (see table below).[41]

DEIR Service Population Efficiency		
Project Phase	**Mixed Use Development Scenario (MT CO_2e/year)**	**No Hotel Development Scenario (MT CO_2e/year)**
Total	**10,968**	**10,419**
Service Population	2,310	2,423
Service Population Efficiency	**4.7**	**4.3**
Threshold	2.6	2.6
Exceed?	***Yes***	***Yes***

As demonstrated above, when we compare the Mixed-Use and No Hotel Development Scenarios per service population GHG emissions to the AEP's "2030 Land Use Efficiency Threshold" of 2.6 MT CO_2e/SP/year, we find that both scenarios would result in a potentially significant GHG impact not previously identified or addressed by the DEIR. Therefore, an updated EIR should be prepared and recirculated for the Project, and mitigation should be implemented where necessary.

37 "Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California." Association of Environmental Professionals (AEP), October 2016, *available at*: https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf, p. 40.

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

39 Calculated: 801 residents + 319 employees = 1,120 service population.

40 Calculated: (3,384 MT CO_2e/year) / (1,120 service population) = (3.0 MT CO_2e/SP/year).

41 Calculated: (3,384 MT CO_2e/year) / (1,120 service population) = (3.0 MT CO_2e/SP/year).

Response to Comment No. 5-61

The Commenter is incorrect in suggesting the significance threshold set forth in the Draft EIR does not comply with CEQA's requirements for a GHG analysis. CEQA Guidelines Sections 15064(a)(1) and (2) authorize the lead agency to use a model or methodology to quantify a project's GHG emissions as well as to rely on qualitative analyses. Further, CEQA Guidelines Section 15064.4 provides lead agencies the discretion to establish significance thresholds for their respective jurisdictions.[23] A detailed explanation on how the GHG significance threshold was determined is presented on pages IV.E-36 through IV.E-38 of the Draft EIR.

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

Page IV.E-37 in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR appropriately uses the following significance threshold:

> *In the absence of any applicable adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b) by considering whether the Project is consistent with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the AB 32 Climate Change Scoping Plan and the City of Los Angeles' Green New Deal.*

Please refer to Table IV.E-4, Table IV.E-5, and Table IV.E-7 on pages IV.E-48 through IV.E-49, IV.E-50 through IV.E-53, and IV.E-62 through IV.E.-64, respectively, for detailed evaluations of Project consistency or compliance with applicable plans, policies, and regulations with regard to GHG emissions.

SWAPE misconstrues AEP's guidance regarding the applicability of "2030 Land Use Efficiency Threshold" to the Project. As stated in this comment, it is "AEP's guidance" and is provided for consideration by Lead Agencies for adoption. SWAPE fails to disclose that the AEP's guidance provides a number of potential significance thresholds for consideration. Page 37 of the AEP guidance states the following "Potential thresholds for the evaluation of operational emissions from residential, commercial, and mixed-use projects are discussed below. A discussion of post-2020 and Newhall Ranch ruling considerations is provided for each threshold concept." The AEP guidance reviews potential thresholds including: (1) Consistency with Qualified GHG Reduction Plans; (2) Bright Line Thresholds; (3) Efficiency Thresholds; (4) Best Management Practice/Best Available Mitigation Approach; and (5) Compliance with Regulation. Consistent with AEP guidance, the City considered whether the Project is consistent with applicable regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Comment No. 5-62

4) Incorrect Reliance Upon SCAG's Outdated RTP/SCS

As previously discussed, the DEIR concludes that the Project would be consistent with SCAG's 2016–2040 *RTP/SCS* (p. IV.E-73). However, in September 2020 SCAG adopted

the more recent 2020–2045 *RTP/SCS*.[42] Thus, the DEIR should have relied upon the current 2020–2045 *RTP/SCS*, and the DEIR's less-than-significant impact conclusion regarding the outdated 2016–2040 *RTP/SCS* should not be relied upon.

42 "ADOPTED FINAL CONNECT SOCAL." SCAG, *available at*: https://scag.ca.gov/read-plan-adopted-final-plan.

Response to Comment No. 5-62

As discussed in Response to Comment No. 4-12, Page IV.E-30 of the Draft EIR provided the following analysis and discussion regarding the 2020–2045 RTP/SCS.

> *On September 3, 2020, SCAG's Regional Council adopted an updated RTP/SCS known as the 2020–2045 RTP/SCS or Connect SoCal.[24] As with the 2016–2020 RTP/SCS, the purpose of the 2020–2045 RTP/SCS is to meet the mobility needs of the six-county SCAG region over the subject planning period through a roadmap identifying sensible ways to expand transportation options, improve air quality and bolster Southern California long-term economic viability.[25] On October 30, 2020, the California Air Resources Board (CARB), accepted SCAG's determination that the SCS met the applicable state greenhouse gas emissions targets. The goals and policies of the 2020–2045 RTP/SCS are similar to, and consistent with, those of the 2016–2040 RTP/SCS. In addition, CARB's new target requiring a 19-percent reduction in per capita GHG emissions has been included in the 2020–2045 RTP/SCS to fulfill SB 375 compliance with respect to meeting the State's GHG emission reduction goals. Hence, because the Project would be consistent with the 2016–2020 RTP/SCS as discussed later in this section, the Project would also be consistent with the 2020–2045 RTP/SCS.[26] Because the 2020–2045 RTP/SCS was adopted by SCAG subsequent to both circulation of the Notice of Preparation (NOP) for the Project on May 21, 2018 and approval by LADOT of the Transportation Assessment for the Project on August 8, 2020, this section and the balance of this Draft EIR provided detailed analysis of Project consistency with the 2016–2020 RTP/SCS.*

24 SCAG, News Release: SCAG Regional Council Formally Adopts Connect SoCal, September 3, 2020.

25 SCAG, News Release: SCAG Regional Council Formally Adopts Connect SoCal, September 3, 2020.

26 For example, the Project would be consistent with both the 2016–2040 RTP/SCS and the 2020–2045 RTP/SCS because it would increase urban density within a High Quality Transit Area (HQTA) immediately adjacent to a Metro light rail station and in close proximity to more than a dozen bus routes, would include transit-oriented development, and would implement TDM, all of which would reduce the City's per capita VMT and associated air emissions. Another example is that because the Project would be consistent with the City's existing General Plan land use designation and zoning of the Project Site, it has been accounted for in the regional growth projections in both the 2016–2040 RTP/SCS and 2020–2045 RTP/SCS.

Based on the above information, no additional analysis was warranted regarding the 2020–2045 RTP/SCS. The Draft EIR correctly concluded that the Project would result in less than significant GHG impacts. No substantial evidence to the contrary has been provided by the Commenter. In response to this comment, an analysis of the 2020-2045 RTP/SCS policies has been included in this Final EIR, but only for informational purposes. Please refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR.

Comment No. 5-63

Design Features Should Be Included As Mitigation Measures

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

Response to Comment No. 5-63

As discussed in Response to Comments No. 5-36 through 5-57, SWAPE's analyses fail to demonstrate that the Project would result in any new or substantially worse air quality, health risk, and GHG impacts requiring further mitigation. Rather, SWAPE's analyses are flawed and are based on inaccurate assumptions.

With respect to the enforceability of project design features, project design features, like mitigation measures, are included in Project's Mitigation Monitoring Program (see Section IV, Mitigation Monitoring Program, of this Final EIR). As such, as with mitigation measures, project design features are fully enforceable. In addition, separate from the CEQA requirement of enforceability of a Mitigation Monitoring Program, the City's standard project conditions include the enforcement of the entirety of the Mitigation Monitoring Program.

Comment No. 5-64

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of

service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Response to Comment No. 5-64

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 No. 5-65

Exhibits to letter

[Note that the following represents the naming and content of the exhibits as they were sent by the Commentor. There are duplicates in the naming and with the attachments that were sent].

Exhibit A—SWAPE LETTER to Michell Tsai—March 8, 2021

Exhibit B—Paul Rosenfeld Resume

Exhibit C—Matthew Hagemann Resume

Exhibit D—SCAG 2016 RTP/SCS

Exhibit E—SCAG 2012 RTP/SCS

Exhibit E [duplicate name]—[referred to on cover page as Exhibit D]—SWAPE April 23, 2021 Comments on Draft EIR

Exhibit F—2020 RTP/SCS

Exhibit F—2020 RTP/SCS [duplicate]

Exhibit G—SWAPE April 23, 2021 Comments on 1111 Sunset Project

Response to Comment No. 5-65

Exhibits A, E (the second Exhibit E attached by the Commentor), and G have been reviewed and are specifically addressed in the response to comments above. The résumés included as Attachments B and C are noted for the record and will be forwarded to the decision-makers for their review and consideration. Copies of the SCAG 2012, 2016, and 2021 versions of the RTP included as Exhibits D, E (first Exhibit E) and F (submitted twice) are noted for the record and referred to and addressed in the response to comments above.

Comment Letter No. 6

Unite Here Local 11
c/o Jordan R. Sisson
Law Office of Gideon Kracov
801 S. Grand Ave., Fl. 11
Los Angeles, CA 90017-4613

Comment No. 6-1

Ms. King—apologies sent wrong version. Please use the correct version attached.

On behalf of UNITE HERE Local 11, please see attached DEIR comment letter regarding the above-referenced project. Do not hesitate to contact me if you have any questions. Lastly, please confirm receipt of this message—many thanks.

Thank you

Response to Comment No. 6-1

This introductory comment is noted for the administrative record. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. 6-2

On behalf of UNITE HERE Local 11 ("**Local 11**"), this Office respectfully provides the following comments[1] to the City of Los Angeles ("**City**") Department of City Planning ("**DCP**") regarding the Draft Environmental Impact Report ("**DEIR**")[2] for a proposed two-tower, 994,982 square feet ("**SF**") mixed-use development at the above-referenced 6.27-acre location ("**Site**") that can be either: (i) 737 residential units (76 of which affordable), 180-room hotel, 48,000-SF office; 95,0000-SF commercial ("**Mixed-Use Scenario**"); or (ii) the same development but replacing the 180-room hotel with 90 more residential units (totaling 827 units/ 76 still affordable) ("**No Hotel Scenario**") (collectively "**Project**").

The Project contemplates various land use approvals pursuant to the Los Angeles Municipal Code ("**LAMC**" or "**Code**"), including: (i) Major Development Conditional Use approval for a development project that creates more than 100,000 SF of non-residential floor area and potentially 180 guest rooms; (ii) removal of a variable width building line in conjunction with a subdivision; (iii) Density Bonus request with various incentives requested; (iv) Vesting Conditional Use Permit to locate a hotel use within 500 feet of an A or R zone; (v) Master Conditional Use Permit for sale of alcohol; (vi) Director of Planning

approval of a landscape plan with 262 trees planted on- site instead of the tree planting requirements defined by the Code; (vii) Vesting Tentative Airspace Tract Map; and (viii) Site Plan Review to allow the development of 50 or more net new guest rooms (collectively "**Entitlements**"). Additionally, pursuant to the California Environmental Quality Act, Pub. Res. Code § 21000 et seq., ("**CEQA**"),[3] the Project seeks approval of an EIR.

[1] Page citations contained herein are to the page's stated pagination (referenced herein as "p. #"), or to the page's location in the referenced PDF document (referenced herein as "PDF p. #").

[2] Inclusive of all Draft EIR documents retrieved from City website on the Project. See https://planning.lacity.org/development-services/eir/1111-sunset-project-0.

[3] Including "CEQA Guidelines" codified at 14 Cal. Code. Regs. § 15000 et seq.

Response to Comment No. 6-2

This comment generally summarizes the project description and entitlement requests. However, to clarify, as discussed in Section II, Project Description of the Draft EIR, in addition to the two residential towers, the Project would include a hotel/residential tower, and a commercial building. Separate from these four primary structures, three low-rise, non-residential structures would be oriented toward Sunset Boulevard and Beaudry Avenue, as well as other structures more fully described on the Project Description of the Draft EIR.

Comment No. 6-3

As discussed below, Local 11 is concerned about the Project's compliance with CEQA. In short, the DEIR fails to adequately assess the Project's vehicle miles traveled ("**VMT**") and greenhouse gas ("**GHG**") impacts—though the DEIR admits less VMT per employee and GHG emissions under the No Hotel Scenario. Failure to identify these impacts infects the DEIR's project alternative analysis.

Response to Comment No. 6-3

The comment references a more detailed comment about VMT. Please refer to Response to Comment No. 6-6 below for a detailed discussion of the adequacy of the Project's VMT analysis.

Comment No. 6-4

Before the City considers approving the DEIR or the Project, the City should factor the Project's ability to create good-paying jobs and maximize housing opportunities and whether those factors outweigh the admitted significant air quality and noise impacts of this Project, as well as the unidentified VMT and GHG impacts alleged herein.

Until the issues discussed herein are resolved, Local 11 respectfully urges the City to stay any actions on the Entitlements and DEIR (collectively "**Project Approvals**").

Response to Comment No. 6-4

This introductory comment summarizes specific comments on the Draft EIR that are stated and responded to in detail below. As demonstrated by the responses below, the Project would not result in significant VMT or GHG impacts, as alleged by the Commenter, and air quality is a temporary (construction) regional (not local) impact and noise is only a temporary (construction) impact. Moreover, as the Commenter appears to concede, the Project will provide good paying jobs and maximizes housing, which includes 76 Very Low Income units onsite, through the density bonus request.

Comment No. 6-5

I. LOCAL 11'S STANDING

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix—including *thousands of members* who live and/or work in the City. The union has a First Amendment right to lobby public officials in connection with matters of public concern, like compliance with applicable zoning rules and CEQA, just as developers, other community organizations, and individual residents do. Protecting its members' interest in the environment and the availability of housing is part of Local 11's core function. Recognizing unions' interest in these issues, California courts have consistently upheld unions' standing to litigate land use and environmental claims. (See *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.) Furthermore, Local 11 has public interest standing given the adoption/amendment of the STR Ordinance relates to the City's public duty to comply with applicable zoning and CEQA laws, and where Local 11 seeks to have that duty enforced. (See e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914–916, n6; *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158–1159; *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205–206; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, 169–170.)

Response to Comment No. 6-5

This comment, which introduces the Commenter, is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 6-6

II. DEIR MASKS VMT IMPACTS

Here, while the Mixed-Use Scenario would generate 4.8 VMT per capita (i.e., household production) and 8.4 VMT per employee (work attraction), and the No Hotel Scenario would generate 4.9 VMT per capita (i.e., household production) and 8.3 VMT per employee (work attraction). (DEIR, pp. IV.L-39–40.) The DEIR concludes that these VMTs levels are less than significant because they are below applicable thresholds. (Id.) However, the DEIR only analyzed 13,195 of the 56,710 VMTs generated by the Mixed-Use Scenario (i.e., 23.6 percent) and only analyzed 13,508 of the 53,035 VMTs generated by the No Hotel Scenario (i.e., 25.4 percent). (DEIR, APP-Q, PDF pp. 181, 192; see also figure following page [highlighted for your convenience]). This VMT analysis is incorrect for at least three reasons.

CITY OF LOS ANGELES VMT CALCULATOR
Report 4: MXD Methodology

Date: October 1, 2020
Project Name: 1111 Sunset Boulevard
Project Scenario: Mixed-Use Development Scenario
Project Address: 1111 W SUNSET BLVD, 90012
Version 1.3

MXD Methodology - Project Without TDM

	Unadjusted Trips	MXD Adjustment	MXD Trips	Average Trip Length	Unadjusted VMT	MXD VMT
Home Based Work Production	657	-29.4%	464	7.5	4,928	3,480
Home Based Other Production	1,819	-40.4%	1,085	5.6	10,186	6,076
Non-Home Based Other Production	2,582	-4.1%	2,477	6.8	17,558	16,844
Home-Based Work Attraction	844	-21.7%	661	8.5	7,174	5,619
Home-Based Other Attraction	5,590	-34.1%	3,682	5.9	32,981	21,724
Non-Home Based Other Attraction	1,939	-4.5%	1,851	6.2	12,022	11,476

MXD Methodology with TDM Measures

	Proposed Project			*Project with Mitigation Measures*		
	TDM Adjustment	Project Trips	Project VMT	TDM Adjustment	Mitigated Trips	Mitigated VMT
Home Based Work Production	-13.0%	403	3,026	-13.0%	403	3,026
Home Based Other Production	-13.0%	943	5,283	-13.0%	943	5,283
Non-Home Based Other Production	-13.0%	2,154	14,646	-13.0%	2,154	14,646
Home-Based Work Attraction	-13.0%	575	4,886	-13.0%	575	4,886
Home-Based Other Attraction	-13.0%	3,202	18,890	-13.0%	3,202	18,890
Non-Home Based Other Attraction	-13.0%	1,610	9,979	-13.0%	1,610	9,979

MXD VMT Methodology Per Capita & Per Employee

Total Population: 1,728
Total Employees: 582
APC: East Los Angeles

	Proposed Project	*Project with Mitigation Measures*
Total Home Based Production VMT	**8,309**	**8,309**
Total Home Based Work Attraction VMT	**4,886**	**4,886**
Total Home Based VMT Per Capita	**4.8**	**4.8**
Total Work Based VMT Per Employee	**8.4**	**8.4**

CITY OF LOS ANGELES VMT CALCULATOR

Report 4: MXD Methodology

Date: October 1, 2020
Project Name: 1111 Sunset Boulevard
Project Scenario: No-Hotel Development Scenario
Project Address: 1111 W SUNSET BLVD, 90012

Version 1.3

MXD Methodology - Project Without TDM

	Unadjusted Trips	MXD Adjustment	MXD Trips	Average Trip Length	Unadjusted VMT	MXD VMT
Home Based Work Production	737	-28.4%	528	7.5	5,528	3,960
Home Based Other Production	2,042	-40.0%	1,226	5.6	11,435	6,866
Non-Home Based Other Production	2,552	-4.0%	2,450	6.8	17,354	16,660
Home-Based Work Attraction	714	-22.4%	554	8.5	6,069	4,709
Home-Based Other Attraction	4,624	-34.2%	3,044	5.9	27,282	17,960
Non-Home Based Other Attraction	1,830	-4.5%	1,748	6.2	11,346	10,838

MXD Methodology with TDM Measures

	Proposed Project			*Project with Mitigation Measures*		
	TDM Adjustment	Project Trips	Project VMT	TDM Adjustment	Mitigated Trips	Mitigated VMT
Home Based Work Production	-13.0%	459	3,443	-13.0%	459	3,443
Home Based Other Production	-13.0%	1,066	5,970	-13.0%	1,066	5,970
Non-Home Based Other Production	-13.0%	2,130	14,486	-13.0%	2,130	14,486
Home-Based Work Attraction	-13.0%	482	4,095	-13.0%	482	4,095
Home-Based Other Attraction	-13.0%	2,647	15,617	-13.0%	2,647	15,617
Non-Home Based Other Attraction	-13.0%	1,520	9,424	-13.0%	1,520	9,424

MXD VMT Methodology Per Capita & Per Employee

Total Population: 1,931
Total Employees: 492
APC: East Los Angeles

	Proposed Project	*Project with Mitigation Measures*
Total Home Based Production VMT	**9,413**	**9,413**
Total Home Based Work Attraction VMT	**4,095**	**4,095**
Total Home Based VMT Per Capita	**4.9**	**4.9**
Total Work Based VMT Per Employee	**8.3**	**8.3**

First, the *City's VMT Calculator ignores hotel/retail patron VMTs*. The DEIR fails to apply any threshold to the 43,515 and 39,527 VMTs generated by the Mixed Project and No Hotel Scenarios (respectively), roughly 75 percent of the total VMTs generated by the Project. Notably missing is any application of a threshold to the hotel/retail patron VMTs. This amounts to omitting roughly 70% of the average daily trips ("ADT(s)") generated by the non-office and non-housing uses proposed. (DEIR, APP-Q, PDF pp. 140–141.)[4] Unlike office and housing projects where the vast majority of trips/VMTs are generated by employees and residents (respectively), the vast majority of trips/VMTs generated by hotel/retail projects are from patrons and, in this respect, are more akin to retail, entertainment, and/or regional serving projects. Under the City's approach, unlimited VMTs from hotel/retail patrons could be generated and found to be less than significant merely because the City has refused to apply any threshold. While the City has the discretion in selecting thresholds, supported by substantial evidence, it does not enjoy the discretion to ignore impacts by refusing to apply any threshold completely.

Second, *the DEIR ignores the significant portions of retail/regional serving uses in the Project*. The DEIR fails to acknowledge that the Project's 95,000-SF of retail/restaurant uses exceeds the 50,000-SF threshold applicable to the Project under local VMT guidelines.[5] Under the DEIR's logic every hotel/retail/restaurant project—regardless of size and VMTs generated—could be found less than significant VMT impact merely because

the development includes a residential/office or other use component. This would lead to absurd results of allowing extensive VMTs to be ignored. Additionally, as discussed above, hotels are more akin to regional retail whereby they generate a majority of non-residential/employee VMTs. The City admits that the area is a marquee destination of regional tourist significance.[6] As such, the hotel and retail/restaurant components do function as a regional-serving use that must be considered in the VMT analysis. Moreover, with numerous hotels in the area,[7] it does not appear that the area is underserved by hotels or locally-serving uses that would normally indicate a reduction in VMTs from the Project.[8]

Third, ***additional mitigation measures are required for the Project's hotel/retail component***. The DEIR has failed to calculate VMT by hiding behind speculation and ignoring the vast majority of the Project's VMTs by refusing to apply any threshold. Neither the DEIR nor the City can categorically ignore the significant VMTs generated by the Project's hotel/retail patrons. Mitigation measures are required to reduce these daily trips as Conditions of Approval.[9]

4 Sum of ADTs from Hotel, Hotel Retail, Hotel Restaurant, Retail, Health Club, Grocery, Restaurant; subtracted trip credits. Admittedly some of these ADTs are from employees captured by the VMT calculator, but provides context of how substantial these uses are for the Project.

5 See LADOT (Jul. 2020) Transportation Assessment Guidelines ("TAG"), p. 2-6–2-8 (fnn. 14 & 20) (retail projects "under 50,000 square feet" are considered local serving. For larger projects to be considered local serving, applicant must provide documentation that "most of the vehicle trips will be originating from the project area."), pp. 2-8–2-9 (suggesting several analysis and model types to demonstrate retail component is locally serving and/or reducing VMTs), https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf.

6 See also Central City Community Plan, pp. I-17, III-3–III-5, https://planning.lacity.org/odocument/2ddbdde0-a8fb-46e3-a151-f52fd09cc084/Central_City_Community_Plan.pdf.

7 See Google Maps, https://www.google.com/maps/search/hotel/@34.0666555,-118.3187832,12z/data=!4m7!2m6!3m5!1shotel!2s34.0661,+-118.2485!4m2!1d-118.2484869!2d34.0660841.

8 See LADOT, supra fn. 5.

9 Numerous VMT mitigation measures are available, such as those recommended by the California Air Pollution Control Officers Association ("CAPCOA") and Southern California Association of Governments ("SCAG"). (See e.g., CAPCOA (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 155–331, http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf; SCAG (Sep. 2020) 2020 RTP/SCS Connect SoCal Addendum, pp. 4.0-18–4.0-25, https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420.

Response to Comment No. 6-6

The Commenter's claim that the VMT analysis in the Draft EIR was not performed correctly is inaccurate.

While the comment claims that the Draft EIR failed to analyze 75 percent of the total Project VMT, the analysis was conducted in accordance with LADOT *Transportation Assessment Guidelines* (July 2020) (TAG), which conform to guidance provided in

Technical Advisory on Evaluating Transportation Impacts in CEQA (California Governor's Office of Planning and Research, December 2018) (OPR Technical Advisory). The Project includes four general classifications of land use based on the TAG: residential; office; retail; and hotel (for the Mixed Use Development Scenario only). VMT per capita analysis for the residential uses is conducted using the VMT Calculator based on the sum of Home-Based Work Production VMT (VMT from trips between residential uses at the Project Site and places of employment) and Home-Based Other Production VMT (VMT from trips between residential uses at the Project Site non-work locations), which is more simply all the VMT involving the residential uses. VMT per employee analysis for the office uses is conducted using the VMT Calculator based on the Home-Based Work Attraction VMT (VMT from trips between an employee's home and their jobs at the Project Site). Importantly, hotel and retail use employee VMT is also captured in this metric, and thus the VMT Calculator does account for the VMT per employee of *all* employment uses at the Project Site. Moreover, and critically, the City's established thresholds of significance were developed based on the same metrics as those analyzed in the VMT Calculator. That is, the residential thresholds were developed based specifically on Home-Based Work Production and Home-Based Other Production VMT data and the employee thresholds were developed based on Home-Based Work Attraction VMT data. Therefore, even though those metrics do not consider the totality of Project-generated VMT, they do satisfy the OPR Technical Advisory requirement "that the agency be consistent in its VMT measurement approach throughout the analysis to maintain an "apples-to-apples" comparison. For example, if the agency uses a home-based VMT for the threshold, it should [also use] home-based VMT for calculating project VMT and VMT reduction due to mitigation measures." (page 16).

Contrary to the claim in the comment, the City does apply a threshold to VMT generated by retail customers. Specifically, a retail use would result in a significant VMT impact if it would result in a net increase in VMT. The City does not apply a significance threshold to hotel guest VMT, consistent with the OPR Technical Advisory which on page 17 states, "residential, office, and retail projects tend to have the greatest influence on VMT." Lead agencies may, but are not required to, develop thresholds for other land use types.

The VMT Calculator is not designed to evaluate whether a project's retail uses could result in a net increase in total VMT, a process which requires detailed modeling regarding the proximity of competing retail development. While the VMT Calculator does estimate total daily VMT specifically associated with a project's customer trips (and hotel guest trips), it cannot estimate the associated reduction in VMT at competing retail locations and, therefore, cannot determine whether or not the retail uses could result in a net increase or decrease in total areawide VMT absent total daily VMT evaluation.

Regarding evaluating retail VMT, the TAG states on pages 2-5 through 2-6, "the portion of… a project that contains small-scale or local serving retail uses are assumed to have less than significant VMT impacts." It further defines local serving retail uses in Footnote 14 on page 2-6: "Retail projects that fall under 50,000 square feet are considered local serving. New retail uses that are above 50,000 square feet may also be considered locally serving, if an applicant provides documentation that most of the vehicle trips will be originating from the project area."

The Project, under both development scenarios, proposes up to 95,000 square feet of commercial retail uses, assumed to include 18,200 square feet of general retail space, 35,000 square feet of restaurant, a 27,300 square foot grocery store, and a 14,500-square-foot health club/gym/spa. While the Project's commercial land uses exceed 50,000 square feet, the Transportation Assessment (Appendix Q of the Draft EIR) on page 64 provides a detailed explanation of why this would serve a local population and, thus, would result in a net decrease in VMT. As stated therein, regional-serving retail draws customers from a wide geographic area because it concentrates many retail options in one place, such that visitors can park once and visit many stores. On the other hand, patrons for the grocery store and health club/gym/spa at the Project Site would typically choose them based on convenience, whether because they live nearby or because it is convenient to their commute. The Transportation Assessment also notes that there are no other full-inventory grocery stores within 1 mile of the Project Site and that, therefore, this would become the most convenient destination for residents in Victor Heights and Angelino Heights, many of whom could walk to and from the Project Site.

Additionally, the proposed 18,200 square feet of general retail space is not sufficiently concentrated to draw patrons from a regional geography. Because patrons are only drawn to a single restaurant at a sitting, the restaurant space would not generally be a regional attraction.

The comment also suggests that the Project would be a regional draw based on the Central City Community Plan's general acknowledgement about the importance of the Community Plan area to tourism. As an initial matter, the Project Site is not located within the Central City Community Plan area (it is located within the Central City North Community Plan area, which notes that Chinatown is a tourist destination, not the Project Site area). Regardless, this misinterprets how the Project's location near a major tourist area would affect Project-specific VMT. Mixed-use developments that provide services useful to tourists (such as hotels and restaurants) would generate less VMT by being located within or near major tourist areas, because their patrons would have less distance to travel to and from their tourist activities.

In order to further demonstrate that the Project's retail land uses would have a less than significant impact on VMT, a quantitative analysis was conducted as part of this Final

EIR. The analysis uses the City's travel demand forecasting model (City Model) to determine whether the Project's retail land uses would result in a net increase or decrease in overall VMT. In accordance with the TAG, the City Model was run first with all non-retail Project land uses and second with the full Project land use plan. The total Citywide and Countywide VMT was calculated from each City Model scenario and compared together. The analysis, which is provided as Appendix FEIR-5 of this Final EIR, concluded that the Project's retail land uses would result in a net decrease in both Citywide and Countywide VMT and, therefore, would not result in a significant VMT impact.

Response to Comment No. 4-9 above provides a detailed explanation of how the VMT analysis in the Draft EIR incorrectly compared the Project's VMT per capita to the significance thresholds for the East Los Angeles APC rather than the Central APC. As described therein, the VMT analysis was based on accurate, location-specific data for the Project Site. When applying the results to the more stringent Central APC significance thresholds, the Project would result in a significant impact with respect to work VMT per employee under both development scenarios (see Appendix FEIR-5.2 of this Final EIR). However, with the additional TDM measures already proposed for the Project as Project Design Feature TR-PDF-2 (now re classified as Mitigation Measure TR-MM-1), the Project would result in a less-than-significant impact with mitigation.

Therefore, per the entirety of the discussion above, the Draft EIR, as modified in Response to Comment No. 4-9 above, applied all applicable VMT thresholds of significance in accordance with the TAG and the OPR Technical Advisory and found the Project not to generate a significant VMT impact under either development scenario, after mitigation. The comment's final claim that additional mitigation measures are needed to reduce significant impacts generated by the Project's hotel and commercial components is therefore incorrect.

Comment No. 6-7

III. GHG IMPACTS ARE IGNORED

Here, citing CEQA Guidelines § 15064(h)(3), the DEIR's qualitative GHG analysis relies on the Project's consistency with CARB's 2017 Scoping Plan, SCAG's RTP/SCS, and the City's Green New Deal to determine less than significant GHG impacts. (DEIR, p. IV.E-37, 39.) This is incorrect for several reasons.

First, the *DEIR fails to recognize that plans must include specific, binding, and enforceable measures specific to local land-use projects* to be applicable under the CEQA Guidelines. Under subdivision (h)(3), lead agencies can find projects not cumulatively considerable for GHG when a project complies with an approved plan or mitigation program that "provides *specific requirements* that will avoided or substantially lessen the cumulative problems

within the geographic area in which the project is located… [and] the lead agency should *explain* how implementing the particular requirements in the plan, regulation or program ensure that the *project's incremental contribution* to the cumulative effect is not cumulatively considerable." (Emphasis added). When adopted, the Resources Agency explained that this subsection provides a "rebuttable presumption" for "certain" plans, such as local Climate Action Plans ("**CAP(s)**").[10] As further explained, "consistency with plans that are *purely aspirational* (i.e., those that include *only unenforceable goals without mandatory reduction measures*), and *provide no assurance that emissions within the area governed by the plan will actually address the cumulative problem*, may not achieve the level of protection necessary to give rise to this subdivision's presumption."[11] (Emphasis added.) Hence, lead agencies must "draw a link between the project and the *specific provisions of a binding plan or regulation*," before subdivision (h)(3) rebuttable presumption is to take effect.[12] Here, the DEIR fails to draw that link.

[10] Resources Agency (Dec. 2009) Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines, pp. 14–15, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf.

[11] Ibid., pp. 16, 65.

[12] Ibid., p. 16.

Response to Comment No. 6-7

Contrary to the statements in the comment, the regulatory criteria referenced do not only apply to a locally-adopted CAP. It is also critical to note that GHG emission impacts are not localized and are not tied to any specific geographic area, but disperse evenly throughout the atmosphere. This is why CEQA Guidelines Section 15064.4 allows determinations of significance to be based on compliance with statewide and regional plans as well as local plans—there is no localized impact whatsoever with GHG emissions but rather a global cumulative impact, making compliance with local, regional, or state regulations and plans for the reduction of GHG emissions effective and meaningful to reduce impacts.

The comment misreads the cited regulations and the relevant respective 2009 and 2019 statements of reasons for regulatory actions by the Natural Resources Agency. First, CEQA Guidelines Section 15064.4(a)(2) allows, in determining the significance of a project's impacts, a "qualitative" or "performance based" standard. Section 15064.4(b)(3) states that "[i]n determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable."

CEQA Guidelines Section 15064(h)(3) states, in relevant part, that a:

> *…lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program… that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.*

In the Draft EIR, the Project's GHG impacts are analyzed in Section IV.E and in Appendix C, the Project's Air Quality and GHG Emissions technical report. The analysis includes a quantified assessment of the Project's GHG emissions utilizing CalEEMod modeling software. As discussed therein, the Project includes characteristics that have been identified to reduce GHG emissions though reductions of VMT in accordance with the LADOT VMT Calculator, which include the densification, location, and measures incorporated into the Project that are demonstrated through quantitative analysis to result in a 38 percent reduction in mobile-source GHG emissions and a 32 percent reduction overall as compared to a project that would not include the same VMT/GHG reducing elements and measures. (See Draft EIR, at pp. IV.E-66–67.)

The Draft EIR includes a detailed point-by-point analysis of the Project's consistency with SCAG's 2016–2040 RTP/SCS, the *Climate Change Scoping Plan* and related regulations adopted to reduce GHG emissions and the City's Green New Deal. The analysis concludes that the Project is consistent with the plans' key GHG reducing goals and requirements. In particular, the Project represents an infill development within an existing urbanized area that would concentrate new residential, office, and commercial retail uses within a HQTA and 37 local bus routes within a quarter mile of the Project Site. Furthermore, the Project was designed to encourage walkability through a mix of uses combined with landscaped plazas and pedestrian paseos. Based on the Project's location, use, design feature, and regulatory compliance measures, the Project was determined to be overall consistent with key GHG reduction goals and requirements of the analyzed plans. The effectiveness of this compliance is further demonstrated through a quantitative analysis provided for informational and demonstrative purposes. Based on these factors, the Draft EIR concludes the Project would result in a less than significant impact with respect to GHG emissions. This determination is well supported by substantial evidence.

As discussed in Response to Comment No. 4-12, the GHG analysis complies with the requirements of CEQA relative to an impact analysis based on consistency with appropriate plans. First, under CEQA Guidelines Section 15064.4(a)(2), the robust consistency analysis of the Project with the Scoping Plan and its subsequent updates and key regulations meets the Guideline's allowance of an analysis of project consistency with the "State's long-term climate goals or strategies." (see also, *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229-230 [Agency "did not proceed in violation of CEQA by its choice of Assembly Bill 32 consistency as a significance criterion.']) Here, substantial evidence in terms of that consistency analysis itself and the demonstration of the effectiveness of that consistency through quantitative means provide ample substantial evidence to support the conclusion that the Project's incremental contribution to climate change is less than significant.

Second, the Draft EIR's robust analysis of the Project's consistency with the 2016–2040 RTP/SCS is consistent with the requirements of Section 15064(h)(3) because the plan "provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located," and is both "specified in law" and is "adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."[27] Namely, the 2016–2040 RTP/SCS was adopted by SCAG pursuant to a certified EIR that includes various requirements and control and mitigation measures that are demonstrated to achieve the quantified GHG reduction targets set in the plan. The Draft EIR for the Project further explains on pages IV.E-57 through IV.E-60 how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable. This analysis is thus consistent with the Guidelines and demonstrates with substantial evidence that the Project would result in less than significant GHG emissions impacts consistent with the requirements of CEQA. Contrary to various statements in the comment, an analysis of a project's impacts through consistency with the requirements of a local Climate Action Plan or other similar local plan that meets the requirements of Section 15183.5 is not the only means available under the Guidelines of using local and regional plans to assess the significance of a project's potential GHG emissions impacts through a qualitative consistency analysis. As stated in the 2009 AB 97 Statement of Reasons at page 27, cited partially by the Commenter, "Section 15064.4(b)(3) is intended to be read in conjunction with the section *15064(h)(3)*… *and* proposed section 15183.5. Those sections *each* indicate that local and regional plans may be developed to reduce GHG emissions*. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact*." (emphasis added.) Thus, it is not just local

[27] *CEQA Guidelines 15064(h)(3).*

plans adopted consistent with Section 15183.5 that can validly be analyzed to determine the significance of project impacts, but also plans consistent with Section 15064(h)(3), which the 2016–2040 RTP/SCS is, as set forth above. Furthermore, again, in addition, this consistency analysis is supported in the Draft EIR with a supplemental quantitative analysis demonstrating the Project would result in significant reductions in GHG emissions as compared to a project that does not include the Project's GHG emissions-reducing characteristics, features and measures that are consistent with plans including the 2016–2040 RTP/SCS, providing additional substantial evidence supporting the EIR's qualitative significance determination. (See Draft EIR, at pp. IV.C-57–60.) The analysis provided in the Draft EIR thus complies with CEQA.

Moreover, it is not reasonable to assert as the Commenter appears to that, in the absence of an entirely *voluntary* local CAP or other plan meeting the requirements of Section 15183.5, a local lead agency is unable to conduct a valid qualitative GHG impact analysis based on consistency with GHG-reduction plans and regulations, particularly valid statewide plans and regulations and a plan such as the 2016–2040 RTP/SCS which is determined in a certified EIR to result in substantial reductions of GHG emissions in the region if implemented by, among other things, projects consistent with its requirements such as the Project. In a circumstance where not only the City, but other agencies in the region including SCAQMD, have not adopted quantitative GHG emissions thresholds that could reasonably apply to the Project, such a requirement would be a functional moratorium on the approval of new urban development in the City until such a voluntary local plan is developed and implemented. However, as stated above, the CEQA Guidelines are not so restrictive. Moreover, as a matter of general policy, CEQA is only intended to provide decision-makers with sufficient information to make informed decisions: its sufficiency is reviewed in light of what is reasonably feasible. Courts look for adequacy and completeness, and not perfection, in an EIR. In addition, EIRs need not be delayed to include outside studies in progress that contain additional information (see CEQA Guidelines Sections 15144-15145, 15151; 2 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (March 2017 Update) Section 11.26, p. 11-18). The analysis in the Draft EIR meets all the substantive requirements of CEQA for the analysis of GHG impacts referenced herein and the comment fails to demonstrate otherwise.

Comment No. 6-8

Second, the *DEIR's Scoping Plan consistency analysis is lacking*. Here, the DEIR claims the Project is consistent with CARB's Scoping Plan by referencing "mandatory regulatory compliance measures" and compliance with Title 24 and meeting various building codes. (DEIR, Tbls. IV.E-4 & 5.) However, these measures are not specific to the City land-use projects and focus instead on other agencies' efforts at the state and regional levels (e.g., Cap-and-Trade, Renewables Portfolio Standard, Low Carbon Fuel Standards, etc.). CARB has stated it would be "misguided" to suggest Cap-and-Trade or other state regulations

covers mobile emissions from local land-use projects, and made it abundantly clear that its Scoping Plans are "non-binding" on local governments.[13]

[13] See e.g., CARB (12/5/18) RE Centennial Specific Plan Final EIR, p. 3-4, 6-7, 10-11, https://ww3.arb.ca.gov/toxics/ttdceqalist/centennialfeir.pdf.

Response to Comment No. 6-8

The administrative record for the CEQA Guidelines Amendments clarifies that "the effects of greenhouse gas emissions are cumulative, and should be analyzed in the context of California Environmental Quality Act's requirements for cumulative impact analysis."[28] As such, it is appropriate that the Draft EIR analysis evaluated consistency with the AB 32 Scoping Plan. Given that energy use and mobile source emissions are the two main sources of GHG emissions, consistency with Cap-and-Trade, Renewables Portfolio Standard, and Low Carbon Fuel Standards is related to the Project. These important regulations/standards serve to substantially reduce project-related emissions.

Regarding Cap-and-Trade, this comment misrepresents what is stated in the Draft EIR to suggest that the Draft EIR is inconsistent with CARB guidance. Specifically, page IV.E-48 states:

> *As required by AB 32 and the Climate Change Scoping Plan, the Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, this regulatory program applies to electric service providers and not directly to land use development. That being said, the Project would benefit from this regulatory program in that the GHG emissions associated with the Project's electricity usage per year presented in Table IV.E-9 on page IV.E-67 would indirectly be covered by the Cap-and-Trade Program. Furthermore, the Cap-and-Trade Program also covers the GHG emissions associated with the combustion of transportation fuels in California, whether refined in-state or imported.*

Contrary to what is suggested in this comment, nowhere in the cited language does it suggest that Cap-and-Trade covers mobile emissions from local land use projects. Regarding the Scoping Plan's appropriateness for a GHG emissions consistency analysis, see Response to Comment No. 6-7, above.

[28] *Letter from Cynthia Bryant, Director of the Governor's Office of Planning and Research to Mike Chrisman, California Secretary for Natural Resources, dated April 13, 2009.*

Comment No. 6-9

Third, the *DEIR's RTP/SCS and SB 375 consistency analysis is similarly lacking*. SCAG has also made it clear that the RTP/SCS is "non-binding" on local governments.[14] Here, the DEIR claims the Project is generally consistent with the RTP/SCS because it is mixed-use, infill development. (DEIR, p. IV-E-58.) However, more must be done beyond merely being an infill development near transit and relying on existing regulatory measures. According to CARB, the Sustainable Communities Strategy (like SCAG's RTP/SCS) is not enough, and California *"is not on track"* to meet GHG reductions expected under SB 375.[15] As warned by CARB, "with emissions from the transportation sector continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, *California will not achieve the necessary [GHG] emissions reductions to meet mandates for 2030* and beyond…" (emphasis added).[16] Here, the Project is failing to do its part to reduce mobile emissions, which is necessary if the State is going to reach its long-term GHG reduction goals.

[14] See e.g., SCAG (Apr. 2016) 2016 RTP/SCS, PDF p. 70, http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf; SCAG (Apr. 2016) 2016 RTP/SCS Program EIR Response to Comments, PDF p. 85, http://scagrtpscs.net/Documents/2016/peir/final/Final_RTC032816.pdf.

[15] CARB (Nov. 2018) 2018 Progress Report, p. 4-7 (emphasis added), https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf.

[16] Ibid.

Response to Comment No. 6-9

The planning strategies, requirements, design measures, regulatory compliance measures, and mitigation measures included in the 2016–2040 RTP/SCS are demonstrated in a certified EIR to result in significant GHG reductions in the region. This makes the plan appropriate for a GHG consistency analysis under CEQA Guidelines Section 15064(h)(3). The Project's consistency with the key GHG reduction requirements of this plan is fully analyzed and does not rely on the Project "merely being an infill development near transit and relying on existing regulatory measures." As discussed beginning on page IV.E-54 of the Draft EIR, a consistency analysis was conducted based on the strategies and policies set forth in the 2016–2040 RTP/SCS which can be grouped into the following three categories: (1) reduction of vehicle trips and VMT; (2) increased use of alternative fuel vehicles; and (3) improved energy efficiency.

As demonstrated in the Draft EIR, the Project's generation of residents and employees would be consistent with the population and employment projections contained in the 2016–2040 RTP/SCS. Furthermore, Table IV.E-6 of the Draft EIR shows that the Project results in a substantial reduction in daily per capita VMT in comparison to the East LA Area Planning Commission (APC). Please note that the analysis of daily per capita VMT was updated in this Final EIR to the Central LA APC in Response to Comment

No. 4-9. Refer to Section III, Revisions, Clarifications and Corrections to the Draft EIR of this Final EIR or Appendix FEIR-5.2 of this Final EIR. The daily per capita VMT analysis was updated in Table IV.E-6 for both development scenarios to include a comparison to the Central LA APC. As shown therein, the Project under the Mixed Use Development Scenario results in a 38-percent reduction for combined residents and employees in daily per capita VMT when compared to the Central LA Area Planning Commission (APC) area designated for the Project area and an overall reduction of 40 percent in comparison to a Project without applicable reduction features (e.g., transit). The No-Hotel Development Scenario results in a 37-percent reduction when compared to the Central LA APC area daily per capita VMT and an overall reduction of 38 percent in comparison to a Project without applicable reduction features. This reduction in VMT per capita is consistent with the reduction in VMT per capita to meet the State's GHG emission reduction goals (i.e., SB 375 requires a reduction in per capita transportation emissions by 19 percent). The Project would provide electric vehicle charging stations in accordance with City requirements, in addition to electric vehicle supply wiring. The Project would also allocate preferred parking for alternative-fueled vehicles, low-emitting, and ride-sharing vehicles. Furthermore, the Project would comply with 2019 Title 24 Standards which represent challenging but achievable design and construction practices and would implement measures to reduce overall energy usage compared to baseline conditions (e.g., the use of Energy Star–labeled appliances and use of LED lighting or other energy-efficient lighting technologies). Accordingly, the Project would be consistent with the 2016–2040 RTP/SCS strategies and policies.

The Draft EIR also provided a "Post-2030 Analysis" beginning on Page IV.E-71 of the Draft EIR in which it discusses studies that show that the State's existing and proposed regulatory framework will put the State on a pathway to reduce its GHG emissions level to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 if additional appropriate reduction measures are adopted.[29] Further, the Project's consistency with SCAG's RTP/SCS demonstrates that the Project will be consistent with post-2020 GHG reduction goals. The 2016–2040 RTP/SCS would result in an estimated 8-percent decrease in per capita GHG emissions by 2020, an 18-percent decrease in per capita GHG emissions from passenger vehicles by 2035, and a 21-percent decrease in per capita GHG emissions from passenger vehicles by 2040. It is recognized that the 2020–2045 RTP/SCS establishes a 19-percent decrease in per capita passenger vehicle GHG

[29] *CARB, 2017 Update, Appendix D. The California Air Resources Board developed scenarios to evaluate the feasibility and cost of a range of potential 2030 targets along the way to the state's goal of reducing GHG emissions to 80 percent below 1990 levels by 2050. With input from the agencies, Energy and Environmental Economics (E3) modeled these scenarios that explore the potential pace at which emission reductions can be achieved, as well as the mix of technologies and practices deployed. E3 conducted the analysis using its California PATHWAYS model. Enhanced specifically for this study, the model encompasses the entire California economy with detailed representations of the buildings, industry, transportation and electricity sectors.*

for the SCAG region by 2035. As discussed above, the Project would support this reduction in transportation emissions.

The Draft EIR analysis further discusses the emissions modeling in the 2017 Update projected 2030 statewide emissions which take into account known commitments (reduction measures) such as SB 375, SB 350 and other measures shown in Table IV.E-5 on page IV.E-50. The emissions inventory identified an emissions gap, meaning that emissions reductions due to known commitments do not decline fast enough to achieve the 2030 target. In order to fill this gap, the 2017 Update assumed a scenario in which the Cap-and-Trade Program would deliver the reductions necessary to achieve the 2030 emissions target. Although the Project is consistent with the 2017 Update, additional measures to achieve the 2030 targets and beyond are outside of the City or the Project's control. Therefore, any evaluation of post-2030 Project emissions would be speculative. In response to this comment, additional discussion of Executive Order S-3-05's goal to reduce GHG emissions to 80 percent below 1990 levels by 2050 has been included in this Final EIR. Please refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 6-10

Fourth, the *DEIR's reliance on the Project's VMT analysis is equally flawed given it ignores roughly 75 percent of the VMTs generated by the project* (discussed supra).

Response to Comment No. 6-10

Please refer to Response to Comment No. 6-6 above for a detailed discussion of the adequacy of the Project's VMT analysis. As discussed therein, the Project's VMT analysis methodology is fully consistent with State guidance, and, therefore, it is appropriate to base the GHG analysis on the results of the VMT analysis.

Comment No. 6-11

Fifth, *the DEIR fails to compare the Project against RTP/SCS performance goals*. While the DEIR notes RTP/SCS's GHG per capita reductions from auto/light-truck emissions (i.e., SB 375's goal) (DEIR, pp. IV.E-29–30, 54, 72), it does not show the Project is coming close to this figure. This goal is reflected in SCAG's 2016 RTP/SCS Program EIR ("PEIR")[17] that determined the per capita emissions were 23.8 pounds per day ("lbs/day") in 2005, and that SCAG's 2016 RTP/SCS plan would achieve per capita emissions of 21.4 lbs/day in 2020 and 19.5 lbs/day in 2035 (see table excerpted directly below).[18] These performance goals identified in the table below have been updated pursuant to SCAG's adoption of the 2020 RTP/SCS.[19] Here, however, the DEIR fails to conduct any analysis to show that the Project would come close to the per capita auto/light-truck GHG emissions levels under the 2016 RTP/SCS (i.e., 21.4 and 19.5 lbs/day/capita goal for 2020 and 2035 [respectively]) or

the 2020 RTP/SCS (i.e., 21.3 and 18.8 lbs/day/capita goal for 2020 and 2035 [respectively]).[20] This analysis must be done to show that the Project is genuinely consistent with SCAG's RTP/SCS and SB 375 by meeting these specific performance goals.

TABLE 3.8.4-3
SB 375 ANALYSIS

	2005 (Baseline)	2020 (Plan)	2035 (Plan)	2040 (Plan)
Resident population (per 1,000)	17,161	19,060	21,475	22,116
CO_2 emissions (per 1,000 tons)	204.0*	203.6**	206.0**	203.0**
Per capita emissions (pounds/day)	23.8	21.4	19.5	18.7
% difference from Plan (2020) to Baseline (2005)				–8%*
% difference from Plan (2035) to Baseline (2005)				–18%***
% difference from Plan (2040) to Baseline (2005)				–22%***

NOTE:
* Based on EMFAC2007
** Based on EMFAC2014
***Included off-model adjustments for 2035 and 2040
SOURCE:
SCAG modeling, 2015
Southern California Association of Governments. 5 November 2015. *Item No. 1 Staff Report: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS) – Proposed Major Components*. Available at: http://www.scag.ca.gov/committees/CommitteeDocLibrary/jointRCPC110515fullagn.pdf

17 SCAG (Apr. 2016) 2016 RTP/SCS, p. 8, 15, 153, 166, http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf.

18 SCAG (11/24/15) 2016 RTP/SCS Draft PEIR, p. 3.8-37–3.8-38, http://scagrtpscs.net/Documents/2016/peir/draft/2016dPEIR_Complete.pdf.

19 See e.g., SCAG (11/7/19) Draft 2020 RTP/SCS, p. 9, 48, 138, https://www.connectsocal.org/Documents/Draft/dConnectSoCal_Draft-Plan.pdf; SCAG (Nov. 2019) 2020 RTP/SCS Draft PEIR, p. 3.8-73–3.8-74, https://www.connectsocal.org/Documents/PEIR/draft/dPEIR_ConnectSoCal_Complete.pdf.

20 Ibid., 2020 RTP/SCS Draft PEIR, Tbl. 3.8-10.

Response to Comment No. 6-11

The per capita emissions related to SB 375 provided in this comment reflect the percent reductions for consistency with SB 375 discussed above in Response to Comment No. 6-10. As discussed above, the Project is consistent with the 2016–2040 RTP/SCS estimated 8-percent decrease in per capita GHG emissions by 2020, an 18-percent decrease in per capita GHG emissions from passenger vehicles by 2035, and a 21-percent decrease in per capita GHG emissions from passenger vehicles by 2040. It is recognized that the 2020–2045 RTP/SCS establishes a 19-percent decrease in per capita passenger vehicle GHG for the SCAG region by 2035. With that said, the per capita auto/light-truck GHG emissions levels from the Project would similarly be consistent with the pounds per capita emissions presented in the above table. Table IV.E-9 of the Draft EIR shows that the total mobile source emissions result in 7,061 MTCO2e under the Mixed Use Development Scenario. This is equivalent to 18.5 pounds/capita/day based on a service population of 2,310. The No-Hotel Development Scenario results in 6,637 MTCO2e which is equivalent to 16.5 pounds/capita/day based on a service population of 2,423. The per

capita emissions are less than the most stringent estimate of per capita emissions of 18.7 pounds/capita/day presented in this comment for Year 2040.

Comment No. 6-12

Sixth, the *City's Green New Deal is not a CEQA-compliant CAP*. Here, the Green New Deal is merely a "mayoral initiative" and not a qualified CAP. (DEIR, pp. IV.E-30–31.) However, like its consistency analysis of CARB's Scoping Plan (discussed supra), the DEIR routinely cites mandatory compliance with Title 24 and other building codes. (Id., at Tbl. IV.E-7.) Additionally, the Green New Deal has none of the hallmarks of a qualified CAP that ensures GHG reductions, such as: i) inventorying existing and future GHG emissions within the City; ii) establishing a numeric limit of total GHG emission for the City; iii) identifying specific mitigation measures with performance standards that can be implemented on a project-by-project basis that would achieve the City limit; iv) creating a monitoring program to ensure the CAP's efficacy for the City to reach its limit; and v) subject to CEQA review. (See CEQA Guidelines § 15183.5(b)(1).)

Response to Comment No. 6-12

As discussed on page IV.E-61 of the Draft EIR, the City acknowledges that the Sustainable City pLAn/L.A.'s Green New Deal is not an adopted plan or directly applicable to private development projects. Nonetheless, the Project would generally be consistent with the aspirations of the Sustainable City pLAn/L.A.'s Green New Deal as it is an infill development consisting of residential uses on a Project Site located near a total of 37 local bus routes, including 11 Metro and 26 bus routes from various agencies such as LADOT Commuter Express, DASH, and Foothill Transit. Furthermore, the Project would comply with 2019 Title 24 Standards which represent challenging but achievable design and construction practices and would implement measures to reduce overall energy usage compared to baseline conditions. Furthermore, the Project would comply with the City of Los Angeles Solid Waste Management Policy Plan, the RENEW LA Plan, and the Exclusive Franchise System Ordinance (Ordinance No. 182,986) in furtherance of the aspirations included in the Sustainable City pLAn with regard to energy-efficient buildings and waste and landfills. The Project would also provide secure short- and long-term bicycle storage areas for Project residents and guests.

Comment No. 6-13

Seventh, the *DEIR ignores SCAQMD thresholds routinely used by the City*. Here, the Mixed-Use Scenario and No Hotel Scenario would generate 10,562 and 10,013 MTCO2e/yr in GHG emissions, respectively. (DEIR, p. IV.E-71.) This exceeds all South Coast Air Quality Management District's ("**SCAQMD**") Tier 3 interim numeric thresholds.[21] Additionally, based on its GHG emissions and purported service population (DEIR, Tbl. IV.E-6), the Mixed-Use Scenario and No Hotel Scenario would achieve an efficiency level

of approximately 4.57 and 4.13 MTCO2e/yr/sp (respectively), which exceeds SCAQMD's Tier 4 target of 3.0 MTCO2e/yr/sp in year 2035.[22] This is substantial evidence of a significant GHG impact, particularly given the City has routinely used SCAQMD's Tier 3 and Tier 4 thresholds in the past—notwithstanding contrary arguments.[23] Additionally, similar numeric/efficiency thresholds have been adopted by numerous other air districts, such as Sacramento Metropolitan Air Quality Management District ("**SMAQMD**"),[24] Bay Area Air Quality Management District ("**BAAQMD**"),[25] Placer County Air Pollution Control District ("**PCAPCD**"),[26] and San Luis Obispo Air Pollution Control District ("**SLOAPCD**").[27] So too, the Project efficiency threshold exceeds the 2.6 MTCO2e/yr/sp threshold advanced by the Association of Environmental Professionals ("AEP") for projects with a horizon between 2021 and 2030.[28] In sum, the DEIR provides no explanation why the City has routinely used those thresholds in the recent past, but refuses to do so now. Nor does the DEIR explain how not using a numeric threshold comports with evolving science and trends, given numerous air districts have adopted them. To avoid ad hoc rationalization and threshold-shopping, the DEIR must explain with substantial evidence why these thresholds are no longer applicable when the evidence suggests otherwise.

21 SCAQMD interim thresholds for various projects include: 10,000 (industrial); 3,500 (residential), 3,000 (mixed-use or non-industrial); 1,400 (commercial) MTCO2e/yr. See SCAQMD (9/28/10) Minutes for the GHG CEQA Significance Working Group # 15, p. 2, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf); see also SCAQMD (12/5/08) Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans, p. 5, 6, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2; SCAQMD (Oct. 2008) Draft Guidance Document—Interim CEQA Greenhouse Gas (GHG) Significance Threshold, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf.

22 Ibid.

23 See e.g., Venice Blvd. Self-Storage project (DCP Case No. ENV-2017-3855) MND, PDF pp. 49-50 (applying 1,400 MTCO2e/yr threshold for commercial project), https://planning.lacity.org/staffrpt/mnd/Pub_101818/ENV-2017-3855.pdf; 5950 Jefferson Boulevard project (DCP Case No. ENV-2017-4170) MND, PDF pp. 112–114 (noting SCAQMD's 3,000 MTCO2e/yr threshold is "appropriate" and remains supported by SCAQMD's technical analysis as a useful indicator of significance), https://planning.lacity.org/staffrpt/mnd/Pub_122018/ENV-2017-4170.pdf; 333 La Cienega Blvd. project (DCP Case No. ENV-2015-897-EIR) Initial Study, PDF pp. 89–90 (applying the 3,000 MTCO2e/yr threshold for mixed-use project), http://planning.lacity.org/eir/nops/333LaCienega/is.pdf; 3063 W. Pico Blvd. project (DCP Case No. ENV-2016-1604) MND, PDF pp. 86–87 (referencing 3,000 MTCO2e/yr threshold for mixed-use projects), http://cityplanning.lacity.org/staffrpt/mnd/Pub_033017/ENV-2016-1604.pdf; 16966 Sunset Blvd. project (DCP Case No. ENV-2017-3896) MND, PDF pp. 41 (utilizing 3,000 MTCO2e/yr threshold), https://planning.lacity.org/staffrpt/mnd/Pub_122718/ENV-2017-3896.pdf; 756 N. Edinburgh Avenue project (DCP Case No. ENV-2016-1367-EIR) IS, PDF pp. 87–88 (applying 3,000 MTCO2e/yr threshold), http://planning.lacity.org/eir/EdinburghAve/DEIR/Appendix%20A%20-%20NOP%20IS%20and%20Comment%20Letters.pdf; 1209 6th Avenue project (DCP Case No. ENV-2014-1988-EIR) Initial Study, PDF pp. 85–86 (applying the 3,500 MTCO2e/yr threshold for residential project), https://planning.lacity.org/eir/nops/1209_6thAvenueInitialStudy/1209_InitialStudySigned_100716.pdf; 15116 S. Vermont Avenue Staff Report (DCP Case No. ENV-2017-1015-MND) PDF pp. 182, 220 (containing MND applying the 10,000 MTCO2e/yr threshold for industrial project), http://planning.lacity.org/StaffRpt/InitialRpts/CPC-2017-1014.PDF; Woodley Avenue Self-Storage project (DCP Case No. ENV- 2018-4247) MND, PDF pp. 89–91 (utilizing 10,000 MTCO2e/yr threshold for industrial project), https://planning.lacity.org/staffrpt/mnd/

Pub_012419/ENV-2018-4247.pdf; 7720 Lankershim Blvd. project (DCP Case No. ENV-2016-2384) MND, p. IV-33–IV-35 (utilizing 3,000 Tier 3 threshold for non-industrial project), http://clkrep.lacity.org/onlinedocs/2018/18-0827_misc_1_08-28-2018.0001.pdf; Lafayette Park Place Bridge Housing Facility project (3/13/19) CE, PDF p. 578, http://clkrep.lacity.org/onlinedocs/2018/18-0392_rpt_BOE_03-13-2019.pdf; 5750 Hollywood Blvd. project (DCP Case No. ENV-2014-4288) DEIR, PDF p. 31-32, http://planning.lacity.org/eir/5750HollywoodBlvd/DEIR/4.C_Greenhouse_Gas_Emissions.pdf; Providence Tarzana Medical Center project (DCP Case No. ENV-2016-1662) DEIR, PDF p. 50, https://planning.lacity.org/eir/ProvidenceTarzanaMedicalCtr/FEIR/files/D_IVD.pdf; Bermuda Apartments (DCP Case No. ENV-2017-628) MND, PDF p. 72-73, https://planning.lacity.org/odocument/64056bf9-e4b7-4085-b33f-89ced0b9dac5/ENV-2017-628.pdf; Bending the River Back into the City Project (Jan. 2014) IS/MND, PDF p. 34 (applying 900 MTCO2e/yr threshold for City project), http://clkrep.lacity.org/onlinedocs/2014/14-0254_misc_a_2-24-14.pdf; City (10/27/11) Inter-Departmental Correspondence, PDF p. 34 (applying 10,000 MTCO2e/yr threshold), http://clkrep.lacity.org/onlinedocs/2014/14-0106_misc_w_5-7-15.pdf; LAX Terminals 2 and 3 Modernization project (Feb. 2017) DEIR, PDF pp. 141 (applying 10,000 MTCO2e/yr threshold), http://clkrep.lacity.org/onlinedocs/2017/17-0836_misc_11_07-26-2017.pdf; Van Nuys Airport Propeller Park Development (Feb. 2011) Final Negative Declaration, PDF p. 87 (applying 10,000 MTCO2e/yr threshold), http://clkrep.lacity.org/onlinedocs/2011/11-1518_rpt_bac_8-30-2011.pdf; LAX Terminal 1.5 project (Nov. 2016) IS/MND, PDF p. 72 (applying 10,000 MTCO2e/yr threshold), http://clkrep.lacity.org/onlinedocs/2017/17-0017_misc_5_01-13-2017.pdf; Mariondale Avenue and Lillyvale Avenue Vacation District project (2/22/18) IS, PDF p. 18, http://clkrep.lacity.org/onlinedocs/2017/17-0504_misc_2_03-27-2018.pdf; 15116–15216 South Vermont Avenue project (11/22/17) IS, PDF p. 81, http://clkrep.lacity.org/onlinedocs/2018/18-0279_misc_5_04-04-2018.pdf; North Valley Fire Station No. 7 project (10/17/11) IS, PDF p. 31, http://clkrep.lacity.org/onlinedocs/2012/12-0114_misc.pdf; Burbank Blvd. Widening project (Jul. 2009) IS, PDF p. 45, http://clkrep.lacity.org/onlinedocs/2009/09-2458_misc_4-1-16.pdf.

[24] SMAQMD (May 2018) Guide to Air Quality Assessment in Sacramento County, pp. 6:1-3, 6:10-12 ("(GHG) emissions adversely affect the environment through contributing, on a cumulative basis, to global climate change… the District recommends that lead agencies address the impacts of climate change on a proposed project and its ability to adapt to these changes in CEQA documents… [thus urging] evaluating whether the GHG emissions associated with a proposed project will be responsible for making a cumulatively considerable contribution to global climate change."[emphasis original]), http://www.airquality.org/LandUseTransportation/Documents/Ch6GHGFinal5-2018.pdf; see also SMAQMD Thresholds of Significance Table, http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf.

[25] BAAQMD (May 2017) CEQA Air Quality Guidelines, p. 2:1-4 ("No single project could generate enough GHG emissions to noticeably change the global average temperature [but rather] [t]he combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts."), http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

[26] PCAPCD (Oct. 2016) CEQA thresholds of Significance Justification Report, pp. E-2, 2, 17–22 ("CEQA requires that the lead agency review not only a project's direct effects on the environment, but also the cumulative impacts of a project and other projects causing related impacts. When the incremental effect of a project is cumulatively considerable, the lead agency must discuss the cumulative impacts in an EIR. [citing CEQA Guidelines § 15064]"), https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification- Report-PDF; see also PCAPCD (11/21/17) CEQA Thresholds And Review Principles, http://www.placerair.org/landuseandceqa/ceqathresholdsandreviewprinciples.

[27] SLOAPCD (Mar. 28, 2012) GHG Threshold and Supporting Evidence, p. 5, 25–30, 42 ("No single land use project could generate enough GHG emissions to noticeably change the global average temperature. Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts. Thus, the primary goal in adopting GHG significance thresholds, analytical methodologies, and mitigation measures is to ensure new land use development provides its fair share of the GHG reductions needed to address cumulative environmental impacts from those emissions.), https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf.

[28] AEP (Oct. 2016) Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California, p. 40 ("Once the state has a full plan for 2030 (which is expected in 2017), and then a project with a horizon between 2021 and 2030 should be evaluated based on a threshold using the 2030 target. A more conservative approach would be to apply a 2030 threshold based on SB 32 for any project with a horizon between 2021 and 2030 regardless of the status of the Scoping Plan Update."), https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.

Response to Comment No. 6-13

The Draft EIR did not use a numeric threshold, as neither the City nor SCAQMD has adopted a numeric threshold applicable to the Project. Instead, a significance determination was made based on consistency with applicable regulatory plans and policies to reduce GHG emissions, including SB 375, CARB's *Climate Change Scoping Plan*, SCAG's 2016–2040 RTP/SCS, and the City's Green New Deal, which is consistent with CEQA Guidelines Section 15604.4 and the Newhall Ranch Case (refer to Response to Comment No. 4-12, above).

On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim 10,000 $MTCO_2e$/yr GHG significance threshold only for projects where the SCAQMD is lead agency (e.g., stationary sources, rules, and plans). This comment references SCAQMD's previously proposed, but never adopted, 3,000-$MTCO_2e$/yr screening threshold for residential, commercial, and mixed-use developments, where a project would conduct a more detailed analysis using a per capita efficiency target if the project exceeded the 3,000-$MTCO_2e$/yr screening threshold. The Commenter's logic that the Draft EIR should have relied upon SCAQMD's draft threshold proposed nearly 10 years ago with no further substantial action by SCAQMD since is flawed. The Draft EIR did not use a numeric threshold, as neither the City nor SCAQMD has adopted a numeric threshold applicable to the Project. Instead, a significance determination was made based on the consistency with applicable regulatory plans and policies to reduce GHG emissions.

Statewide GHG reduction goals target multiple sources of emissions such as transportation, energy usage, water usage and solid waste, all of which have different reduction targets. The use of a single numeric threshold would not be able to demonstrate how the Project would comply with reduction measures for each of the sources of GHG emissions. Therefore, the use of a qualitative threshold would be more informative and serves to demonstrate Project consistency with GHG reduction targets.

Comment No. 6-14

IV. THE DEIR FAILS TO PROVIDE AN ADEQUATE ALTERNATIVE ANALYSIS

Under CEQA, the discussion of mitigation and alternatives is "the core of an EIR," requiring a lead agency to select a reasonable range of alternatives for evaluation guided by a clearly written statement of objectives. (*Citizens of Goleta Valley v. Board of Supervisors*

(1990) 52 Cal.3d 553, 564–65; see also CEQA Guidelines § 15124(b).) It is the lead agency's affirmative duty to approve a project only after "meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com*. (1997) 16 Cal.4th 105, 134.) This duty cannot be defeated by defining objectives too narrowly or too broadly or artificially limiting the agencies' ability to implement reasonable alternatives by prior contractual commitments. (See e.g. [sic] *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1447; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736.) Instead, a "reasonable range of alternatives" should be:

- "capable of being accomplished in a successful manner" (Pub. Res. Code § 21061.1);
- "attain most of the basic objectives of the project" (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1509 [citing CEQA Guidelines § 15126.6(a) and (f)]); and
- achieve the project's "underlying fundamental purpose" (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1164-1165 [citing CEQA Guidelines § 15124(b)]).

While alternatives must implement the most basic project objectives, they need not implement all of them. (*See California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991; see also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 488–489.) The discussion must "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be costlier." (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873; see also CEQA Guidelines § 15126.6(a); *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 436 [EIR discussion deficient where no alternative was considered that significantly reduced total vehicle miles traveled and where the alternatives labeled 'transit emphasis' was a "misnomer" given they only advanced certain rapid bus projects, left rail/trolley projects largely unchanged, and provided no increased transit projects/services].)

Here, as discussed above, the DEIR fails to adequately assess Project impacts relating to VMTs and GHG impacts. As a result, the DEIR's project alternative analysis is inadequate because it does not give due consideration to these impacts. Nevertheless, it is worth noting that the No Hotel Scenario, which serves all of the Project's base objectives consistent with CEQA,[29] would have fewer VMTs per employee and less GHG emissions than the Mixed-Use Scenario (discussed supra). So too, it would produce more housing, which is a rare opportunity to put an enormous dent into the City's desperately need affordable housing goals. According to the City's 2019 Annual Element Progress Report,

the City was approximately 78 percent short of the total 46,590 very-low, low-, and moderate-income units allocated under the City's then Regional Housing Assessment Allocation ("RHNA").[30] Under the draft updated RHNA allocation, that need has increased by a factor of more than five—to 259,206.[31] Failing to place as much housing as possible at the Site would be a missed opportunity.

Moreover, failing to recognize these significant Project VMT/GHG impacts, the DEIR's alternative analysis fails to (i) include alternatives that address these specific impacts or (ii) provide a fair comparison of the comparative advantages of the alternatives to the Project.

[29] See e.g., California Native Plant Soc'y v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 991; Mira Mar Mobile Community v. City of Oceanside (2004) 119 Cal.App.4th 477, 488-489; Friends of the Eel River v. Sonoma County Water Agency (2003) 108 Cal.App.4th 859, 873; Cleveland National Forest Foundation v. San Diego Assn. of Governments (2017) 17 Cal.App.5th 413, 436; CEQA Guidelines § 15126.6(a).

[30] City (Jan. 2020) Annual Progress Report, PDF p. 2, https://planning.lacity.org/odocument/8204713d-6574-46b6-b41c-6f6311c247f6/LosAngeles2019_Summary.pdf.

[31] City (Jan. 2021) Citywide Housing Element Initial Study, PDF p. 15 (Tbl. 1), https://planning.lacity.org/odocument/1a4e2cf4-7365-4fef-a45e-7f4631f2c132/Initial_Study.pdf.

Response to Comment No. 6-14

As set forth in Response to Comments Nos. 6-6 through 6-13, above, the Project will not result in a significant and unavoidable VMT or GHG impacts; rather these impacts, which were properly analyzed using the City adopted methodology and significance thresholds, are less than significant. (The VMT impact, for both scenarios is less than significant with mitigation). As such, the alternatives analysis did not need to specifically address reducing VMT and GHG emissions. Nonetheless, as discussed in Section V. Alternatives, of the Draft EIR, Alternatives 1 (No Project), 2 (Zoning Compliant), and 5 (Reduced Density) would result in less GHG emissions than the Project and Alternative 3 (Office Campus) would result in less VMT than the Project.

To the extent the Commenter is suggesting that the Draft EIR should have included an additional alternative that presented a design alternative to address the Project's less than significant VMT and GHG impacts, such an additional alternative is not required. CEQA Guidelines Section 15126.6(a) states that "an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparable merits of the alternatives." CEQA does not require the Draft EIR to consider every conceivable alternative to a project that would achieve the same purpose in order to provide the City's decision-makers with the information they need to compare the merits of the alternatives to the Project and allow for a reasoned choice. The Draft EIR need only to "consider a

reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation" as selected by the lead agency (CEQA Guidelines Section 15124 ["A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR"]). In conformance with CEQA Guidelines Section 15126.6(a), six alternatives were identified and analyzed in Section V, Alternatives, of the Draft EIR. These alternatives constitute a range of reasonable alternatives to the Project that would avoid or substantially lessen the Project's significant environmental effects.

Comment No. 6-15

V. STATEMENT OF OVERRIDING CONSIDERATIONS SHOULD FACTOR GOOD PAYING JOBS AND AFFORDABLE HOUSING AT A PREMIUM

The DEIR admits, at a minimum, that the Project will have significant, unmitigated regional air emission and construction noise impacts. (DEIR, pp. I-13–14.) So too, Local 11 is concerned about potentially significant VMT and GHG impacts discussed herein. Here, the Project fails to impose all feasible mitigation measures or identify a CEQA-compliant statement of overriding considerations. (See *Lawler v. City of Redding* (1992) 7 Cal.App.4th 778 [vacating city's approval of a sports facility on city-owned land in an unincorporated area until adopting measures to sufficient mitigate noise impacts].)

When approving a project that will have significant environmental impacts not fully mitigated, a lead agency must adopt a "statement of overriding considerations" finding that the project's benefits outweigh its environmental harm. (See CEQA Guidelines § 15043; see also Pub. Res. Code § 21081(b); *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222.) An overriding statement expresses the "larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes and the like." (*Concerned Citizens of S. Central LA v. Los Angeles Unif. Sch. Dist*. (1994) 24 Cal.App.4th 826, 847.) It must fully inform and disclose the specific benefits expected to outweigh environmental impacts, supported by substantial evidence. (See CEQA Guidelines §§ 15043(b), 15093(b); see also *Sierra Club*, 10 Cal.App.4th at 1223.) Furthermore, an agency may adopt a statement of overriding considerations only after it has imposed all feasible mitigation measures to reduce a project's impact to less than significant levels. (See CEQA Guidelines §§ 15091 & 15126.4.) Hence, decisionmakers may not approve a project when feasible mitigation measures can substantially lessen or avoid such impacts. (See Pub. Res. Code § 21002; see also CEQA Guidelines § 15092(b)(2).)

Moreover, in addition to imposing all feasible mitigation, to the extent that overriding considerations are needed, key among the findings that the lead agency must make is that:

> Specific economic, legal, social, technological, or other considerations, including the provision of *employment opportunities for highly trained workers*, make infeasible the mitigation measures or alternatives identified in the environmental impact report… [and that those] benefits of the project outweigh the significant effects on the environment. (Pub. Res. Code § 21081(a)(3) & (b), emphasis added.)

Here, the DEIR fails to identify significant impacts and/or incorporate feasible mitigation measures. Nor does the DEIR identify any overriding considerations. To the extent the City considers approving the Project with significant environmental impacts, the City should consider the number of construction/operational jobs that will be for "highly trained workers," and what the likely salary and wage ranges of these jobs will be. The City should also consider the number of affordable housing units (for sale or rental) feasible for the Site. These factors are critical for the City to consider whether the Project's purported benefits of the Project truly outweigh its environmental impacts.

Response to Comment No. 6-15

The Commenter asserts that the Draft EIR failed to identify a statement of overriding considerations with respect to the significant and unavoidable air quality and noise/vibration impacts. The Draft EIR is not required to include a statement of overriding considerations, same as for a Final EIR. A statement of overriding considerations is required pursuant to CEQA Guidelines section 15093 and is only required to be "included in the record of project approval." The Project has yet to complete its environmental review process, let alone begin project approval hearings; as such preparation of a statement of overriding considerations, which will be prepared, is not yet timely.

With respect to the comments that all feasible mitigation has not been adopted for the construction air quality and construction noise/vibration significant and unavoidable impacts, the Commenter fails to identify any additional feasible mitigation. The Draft EIR adopted all feasible mitigation and documented additional infeasible mitigation. No additional feasible mitigation was omitted. See Draft EIR pages IV.A-55–IV.A-56 (Air Quality construction mitigation assessment), IV.I-47–IV.I-49 (Noise construction mitigation assessment), IV.I-54–IV.I-55 (Vibration construction mitigation assessment), and V-5–V-8 (Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction).

Comments regarding benefits that should be considered as part of the statement of overriding considerations will be forward to the decision-makers for review.

Comment No. 6-16

VI. CONCLUSION

In sum, Local 11 is seriously concerned with the DEIR's failure to adequately assess the Project's impact on VMTs and GHGs. These flaws must be cured through a recirculated EIR, with adequate mitigation measures and project alternatives considered. Until these issues are addressed, Local 11 respectfully urges the City to stay any action on the Project Approvals.

Response to Comment No. 6-16

This comment states the Commenter's belief that the Project's VMT and greenhouse gas emissions analyses are inadequate and requests recirculation of the Draft EIR. Specific issues raised by the Commenter with respect to VMT and greenhouse gas emissions are addressed in Response to Comment Nos. 6-3 through 6-15 above. Based on the responses therein, the existing analysis is adequate and recirculation is not required.

Comment No. 6-17

Finally, on behalf of Local 11, this Office requests, to the extent not already on the notice list, all notices of CEQA actions and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (Pub. Res. Code §§, [sic] 21092.2, 21167(f) and Gov. Code § 65092 and Los Angeles Municipal Code § 197.01.F.) Please send notice by electronic and regular mail to Jordan R. Sisson, Esq., P.O. Box 569, Riverside, CA 92502 (jordan@jrsissonlaw.com).

Thank you for consideration of these comments. We ask that this letter is placed in the administrative record for the Project.

Response to Comment No. 6-17

The Commenter will be included on the public mailing list for the Project. This comment will be included in the administrative record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 7

Connie Acosta
coni.epnc@gmail.com

Comment No. 7-1

I'm submitting this letter of no support for the reasons stated in the attached document. Please add it to the Planning file for consideration.

Response to Comment No. 7-1

The comment transmits the comment letter prepared by Ms. Connie Acosta. The comment letter will be included as part of the administrative record and will be forwarded to the decision-makers for review and consideration.

Comment No. 7-2

Though the 1111 Sunset project is very beautiful, I find that the City of Los Angeles Planning Department has been shaping the City's land use with a clear vision as reflected in ZIMAS and the Commercial Citywide Design Guidelines. I find that the subject project does not support the City's vision per their existing plans and renderings shown to the community at the Historical Neighborhood Council meeting of April 15, 2021.

According to ZIMAS.LACity.org, the subject project violates the following vital provisions in land use and zoning among other hazardous factors. The Baseline Hillside Ordinance applicable to the Elysian Hills may also apply in this case.

- 1111 W. Sunset Blvd., Land Use is labeled Commercial General Use with corresponding zones: C1.5; C2; C4; RAS3 and RAS4
- Floor Area Ratio (FAR) is 3:1
- Residential is Medium to Medium-high corresponding to R4
- Methane Hazard Zone (see ZIMAS description)
- Nonresidential market area—Medium
- Hillside based on latest Grid Map is a Special Grading Area
- There exist three (3) buried oil wells left from the 1910's [sic] oil field industry in that area with numbers: 0403725954; 0403725955; 0403725959

- According to the ZIMAS's [sic] diagram there seems be 4 additional wells (red dots) on Beaudry Street from Sunset to 800 N. Beaudry Street.

Response to Comment No. 7-2

The Commenter is incorrect that the Project violates certain land use and zoning provisions.

The Project Site's C2-2D zoning is the City's commercial zoning with the widest array of uses permitted, including multi-family residential uses at the R4 density. The "D" limitation does reduce the Project Site's potential floor area to 3:1. As designed, the Project is consistent with the land use designation, the zoning, the base density, and floor area limitations applicable to the Project Site. Additionally, the Project is entitled to a 35-percent increase in development rights (density and floor area) in exchange for the Restricted Affordable units (76 Very-Low Income on-site affordable units). The proposed commercial, hotel, and residential uses are all permitted by the C2 zoning.

The notations in ZIMAS regarding the Special Grading Area and oil wells are notifications to property owners that certain items need to be studied in more detail if new development is to occur on the Project Site. Here, each of these issues were studied in detail with the Draft EIR. Specifically, Section IV.F, Hazards and Hazardous Materials of the Draft EIR provides a detailed analysis of potential impacts associated with methane and potential abandoned oil wells.

The Nonresidential Market Area notation relates to the Affordable Housing Linkage (AHLF) fee rules, which do not apply to this Project. According to LAMC 19.18 B 1.a, a project is exempt from the AHLF fee if a "complete zoning application" was submitted within the first 120 days of the effective date of the AHLF Ordinance. The AHLF Ordinance, No. 185,342, became effective on February 17, 2018. The 1111 Sunset Project filed its planning application on January 11, 2018, which was approximately 35 days prior to the effective date of the AHLF Ordinance. While not specifically required by the Ordinance a Deemed Compete letter was issued by the City of Los Angeles on February 22, 2018, confirming that a complete planning application was filed. Consequently, this fee is not applicable to the proposed Project.

The comment also suggests that the Project may violate the Baseline Hillside Ordinance (BHO) (Ordinance No. 181,624; Effective Date May 9, 2011). LAMC Section 12.21 C.10 states that:

> *Except as allowed by Section 12.24 F. and 14.00 A. of this Code,* ***for any Lot zoned R1, RS, RE or RA and designated Hillside Area*** *on the Department of City Planning Hillside Area Map, no Building or Structure nor the addition*

or Major Remodel-Hillside of any Building or Structure shall be erected or maintained unless the following development standards are provided and maintained in connection with the Building, Structure, addition or remodel.

Thus, as further clarified on page 2 of the Baseline Hillside Ordinance Comprehensive Guide, the BHO only applies to properties that are zoned Single-Family (R1, RS, RE9, RE 11, RE15, RE 20, and RE40, and RA). Since the Project Site is zoned C2, the BHO does not apply to the Project.

Comment No. 7-3

In addition, according to the 10 principles of Urban Design, the project fails short in the following 4 items:

They are:

(3) Nurture neighborhood character

(4) Bridge the past and the future

(7) Stimulate sustainability and innovation in our city.

(10) Ensure connections. There is no evidence that the building of this project will create connections with Angelino Heights HPOZ.

According to the LADCP Citywide Design Guidelines: "Relationship to adjacent buildings," P. 17. Does ***not recommend***, "high rise buildings adjacent to multi-family housing, insensitive to height transition and creates negative shade/shadow impacts."

Response to Comment No. 7-3

The Project has been designed with careful considerations of L.A.'s ten principles of urban design, including those summarized above. Rather than constructing an extensive podium, the Project includes an array of neighborhood-scaled building volumes at the ground level with publicly accessible stairs that recall the beloved "secret" stairs in the surrounding neighborhood. Retail frontages along Sunset have been designed to reference the scale, materials, and character of other small businesses nearby on Sunset Boulevard. The courtyard building from William Periera's MWD campus will be reconstructed as a central feature of the project with carefully considered architectural details. Urbanistically, the Project represents a highly innovative mix of neighborhood scale architecture, open space, and tower living that will foster unique relationships between the various programs on the site and in the surrounding community. Currently, the Project Site is completely private. The Project will provide new connections across the

Project Site through a network of pedestrian passageways and open spaces that will link Victor Heights to Sunset Boulevard. The Project Site does not fall within the boundaries of the Angelino Heights HPOZ.

The Project Site also falls within the Central City North Community Plan Area, which includes Downtown Los Angeles and allows for high-rise construction. The Project Site includes the ten-story Elysian Building and the existing C2-2D zoning for this and other sites along Sunset Boulevard corridor between the Project site and Downtown anticipate high-rise construction in the future along this critical transit corridor under existing and the proposed DTLA 2040 update. The Draft Downtown Community Plan Update designates the Project Site, as well as neighboring parcels along Sunset Boulevard, with a General Plan Land Use designation of Community Center and a Form District designation of DM1. The DM1 Form District has no height limit, a base FAR of 3:1 and a max FAR of 8:1 which would allow high-rise development along the Sunset Boulevard corridor.

In addition, the towers have been positioned and designed to maximize views through the Project Site and to minimize the impacts of shade and shadow. Tower B sits directly north of Tower A to minimize off-site shade and shadow impacts. The towers themselves are also slender, which further reduces the duration of off-site shade and shadow. However, as the Project Site is located in a Transit Priority Area, aesthetic impacts, including shade and shadow, are deemed less than significant as a matter of law. In any event, as demonstrated in updated Shade/Shadow analysis included as Appendix FEIR-6 of this Final EIR, under the City's 2006 shade/shadow significance thresholds, the Project would result in negligible shade/shadow impacts localized primarily on the alleyway between North Beaudry Avenue and White Knoll Drive north of Alpine Street (analysis provided in Appendix FEIR-6 of this Final EIR is for informational purposes only). In most areas surrounding the Project Site, new shadows cast by the Project will be less than 16 percent of daylight hours (2 hours), as measured at the equinox.

With regard to the Citywide Design Guidelines, Section IV.H. Land Use of the Draft EIR provides a detailed discussion of the Project's consistency with the Citywide Design Guidelines. As set forth therein, the Citywide Design Guidelines are intended as performance goals and not zoning regulations or development standards. Although each of the Citywide Design Guidelines should be considered in a project, not all objectives will be appropriate in every case. The Commenter appears to be referencing an outdated version of the Citywide Design Guidelines. As discussed on pages IV.H-16 through IV.H-20 of the Draft EIR, the design of the Project would be consistent with the Citywide Design Guidelines, including those related to maintaining a human scale and respecting the surrounding context.

Comment Letter No. 8

Phyllis Ling
451 Savoy St.
Los Angeles, CA 90012-1465

Bill Chin
836 N. Beaudry
Los Angeles, CA 90012-1317

Comment No. 8-1

Attached is a comment letter regarding the 1111 Sunset EIR from Mr. Bill Chin, resident and property owner in Victor Heights. He asked me to submit it for him because he doesn't have email.

Response to Comment No. 8-1

The comment transmits the comment letter submitted by Ms. Phyllis Ling on be half of Mr. Bill Chin.

Comment No. 8-2

Bill Chin also wanted to add that the S-shaped curve in Beaudry coming off of Sunset causes a bottleneck that needs to be mitigated.

Response to Comment No. 8-2

The comment refers to the existing configuration of Beaudry Avenue, a public street, which would not be changed by the Project. The road provides one lane in each direction of continuous unobstructed access and is easily navigable by drivers following the 25-mile-per-hour statutory speed limit. Potential congestion related to the existing and future configuration of the public street is not a CEQA issue with respect to the Draft EIR or any of the impact analyses therein. As discussed in *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." (*Id.* at 386.) The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 8-3

Here are my comments regarding the project and requested mitigation:

Scale and Compatibility

The project is wildly out of scale to its surrounding Victor Heights hillside neighborhood. LA City Planning has an Urban Design Studio to study the compatibility of new development with existing neighborhoods. This project clearly does not follow the city's own Urban Design Studio dictates. Once built, the 49-story tower will be among the 12 tallest buildings in LA. Neither the Historic Cultural North Neighborhood Council (HCNNC) board nor HCNNC's Planning and Land Use Committee voted to support this project.

Tower B at 30 levels/29 residential levels is the widest and deepest of all three towers. (Dimensions are 132' x 108' square). It is the largest footprint and is less than 70' from existing residences on Alpine. This larger footprint will block a significant amount of sun and shade on surrounding blocks. Urban planning articulates scaling and compatibility with the neighborhood. Tower B has neither.

Tower A at 572' high plus 382' above sea level would rise as high as the 12 tallest buildings in downtown Los Angeles. Once built, it will exceed the top of Victor Heights and Figureoa [sic] Terrace hill by more than 300'. Again, urban scaling and compatibility is ignored. The tower height should be reduced.

Just because the lot is zoned C2, doesn't mean that it is appropriate to put downtown skyscrapers in a residential setting, so close to residential zoning. Victor Heights is a low-scale residential neighborhood, not the urban core of Downtown LA.

Response to Comment No. 8-3

The proposed density and the height of the Project are allowed by right. Further, there is no height limit imposed by the current zoning. In addition, as discussed in Response to Comment No. 7-3, above, the Project is consistent with the City's urban design principles and Citywide Design Guidelines. The Project has been reviewed by the Urban Design Studio and the Professional Volunteers Program. The Project incorporated UDS design suggestions early in the process by providing additional diagrams (pedestrian, vehicle and service circulation) and vignettes (such as the Sunset Street-Level Retail, Tower A Lobby, Alpine Garage Entrance). The Project Team also responded in detail to the written comments received from the Professional Volunteers Program which are available in the Project file.

The Project is part of the Central City North Community Plan Area, and is less than 0.5 miles from downtown Los Angeles. The Central City North Community Plan characterizes the area bounded by Stadium Way, Lilac Terrace, Marview Avenue, Sunset Boulevard, and the Pasadena Freeway as being developed with high- to medium-density multi-family residential, especially along Figueroa Terrace. The Project design purposefully

locates its high medium density[30] residential uses to the eastern side of the Project Site fronting these medium- to high-density residential areas.

The design of the Project balances the site's ability to provide a significant amount of needed residential units that is respectful of the adjacent community, while also protecting views and providing a significant amount of open space on the site. The Project design includes approximately 35 low-rise residential units consistent with the surrounding medium- and high-density neighbors. Additionally, the Courtyard Building and the other standalone commercial structures have been designed to mimic the existing MWD structures and located on the western portion of the site fronting Sunset Boulevard.

In order to construct the Site's permitted density, the design balances various goals, including creation of substantial, publicly accessible open space. The design proposes three narrow towers that are located strategically within a site that already includes a multi-story tower exceeding 100 feet, in order to provide needed housing. The three towers are located specifically to maintain views of downtown Los Angeles from the public rights of way above the Project Site. This is consistent with Guideline 4 of the Urban Design Guidelines 360 Degree design criteria which discusses protecting "public views of important structures, places and landscape features."[31] Consistent with the 360 Degree Design criteria, the Project is also proposing tall, narrow towers which "minimizes" the amount of shading on surrounding buildings.

According to comments received from the City's Professional Volunteers who review projects for consistency with the Urban Design Guidelines, the contrasting building heights create a transition to the adjacent neighborhood. The Professional Volunteer's Program commented that although there is a large contrast between the scale of towers and the smaller buildings, the smaller buildings and the stepping down and staggering of the lower-scale housing helps to make a transition to the surrounding neighborhood. Overall, the design of the Project addresses needed housing, protects public view corridors, and minimizes shading, and provides a significant amount of open space that is available to the surrounding community.

With respect to shade/shadow impacts, see Response to Comment No. 7-3 above, demonstrating that not only is the Project exempt from such an analysis, but would result in negligible shade/shadow impacts (analysis provided in Appendix FEIR-6 of this Final EIR is for informational purposes only).

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[30] *As defined by the Community Plan Land Use map*, *https://planning.lacity.org/odocument/2c941d9c-7285-4268-8593-44b53dbd2995/ccnplanmap.pdf.*

[31] *Site Planning best practices found in Guideline 4 of the Urban Design Guidelines.*

Comment No. 8-4

Traffic Circulation

The driveway off of Alpine is currently used to feed less than 142 parking spaces for The Elysian. Under the proposal, the same driveway will provide all vehicular access for Tower A, Tower B, commercial, courtyard, and main loading dock. It would feed 900 parking spaces, six times the number of current parking spaces. It would also be the ingress/egress point for trucks to access the 255' long loading bays. All of this would happen 24/7, adjacent to the existing lower scale, residential neighborhood, and 500 feet away from Sunset Blvd.

It is completely inappropriate and disruptive to existing residents to direct this huge volume of residential AND commercial traffic into the residential neighborhood. The garage access should not be across the street from the residential zoning. There are current residents who use the local streets—Alpine, Beaudry, and White Knoll—to go to laundromats and to access public transportation. To share these streets with huge new influx of commercial and residential vehicles that are coming to the 1111 Sunset project is not appropriate because Beaudry is not a secondary highway. Alpine is not a secondary highway. Sunset Boulevard, however, is a secondary highway, which is meant for commercial vehicles to travel on, and for access to the property to load and offload merchandise.

The pattern of commercial traffic should be reconfigured to increase ingress/egress along Sunset Boulevard rather than directing all traffic to Alpine and the existing neighborhood. A 10 ft highway dedication is needed on Sunset, so that commercial vehicles can enter the loading dock from Sunset. The current proposal uses Alpine for their main access to a 255' long loading bay, and it is in a residential neighborhood. The optional loading area is only 8'2" high. The trucks entering from Alpine will need to back out and cause a lot of noise and obstruction as they back up into the street.

North of Sunset, Beaudry is currently one lane (plus one lane for parking) in each direction. Per the Central City West Specific Plan, Beaudry would have six lanes, which Beaudry does have south of Temple St to First St. To plan ahead, Sunset Boulevard should have an extra lane at the intersection of Beaudry, continuing to White Knoll Drive, to handle the increased traffic due to street parking. 1111 Sunset should dedicate an additional 10' on Sunset for additional drop off for commercial and hotel accessibility.

The Sunset Building abuts Sunset with no setbacks resulting in a wall of concrete up from the Beaudry comer. Again, a 10' setback should be mandated to promote traffic flow and ease of ingress/egress along Sunset.

Response to Comment No. 8-4

The comment incorrectly claims that the Project driveway on Alpine Street (Access Point #3) would provide all vehicular access to 900 parking spaces for the residential and commercial uses at the Project Site. Rather, as indicated on page II-18 in Section II, Project Description, of the Draft EIR, that driveway would provide *secondary* commercial and residential access. (It would also provide primary access to the Project Site loading areas for commercial vehicles.) Access Point #3 is one of six driveways proposed at the Project Site, four of which provide access into and out of the parking structure. Visitors to the Project's commercial and office uses could also use the driveway on Sunset Boulevard. Residents could also use the driveway on Beaudry Avenue. Drivers could enter via one driveway and depart via another. Project traffic would not be concentrated at any one driveway.

Importantly, the City's Driveway Design guidelines (*Manual of Policies and Procedures Section 321,* 2020) state on page 2, "the basic principle of driveway location planning is to minimize possible conflicts between users of the parking facility and users of the abutting street system…. This calls for the minimum number of driveways, consistent with street and lot capacity, located on streets with the least traffic volume, when there is a choice." It continues, "driveways should not be permitted along arterial highways where the proposed development is residential, commercial, mixed-use, or [a] public facility and access is possible using an alley or non-arterial street." Therefore, it is City policy to locate driveways *away* from the arterial streets when feasible. Given the Project's size and mix of uses, City staff allowed a moderate amount of access from Sunset Boulevard (Access Points #1 and #6), but the primary access is, appropriately, not on Sunset Boulevard.

Regarding truck access on Alpine Street, the same City guidelines apply, and under no circumstances would truck access be allowed on Sunset Boulevard for the Project Site. Response to Comment No. 5-51 above provides a detailed estimate of the number and types of trucks that would access the Project Site. It estimates that there would be approximately 44 daily trucks under the Mixed Use Development Scenario and 42 daily trucks under the No-Hotel Development Scenario. The majority of those trucks under either development scenario would be for the commercial uses, with lesser numbers for the office, hotel, and residential uses.

The comment references the current and planned width of Beaudry Avenue. While it correctly notes that Beaudry Avenue is currently one lane each way north of Sunset Boulevard, it incorrectly suggests that the Central City West Specific Plan calls for it to be widened to six lanes at that location. The Central City West Specific Plan, the northern boundary of which is the US-101 freeway (a block south of the Project Site), identifies Beaudry Avenue as a candidate to widen to six lanes *south of Sunset Boulevard*. Nonetheless, that Plan has since been superseded by the Mobility Plan, which designates

Beaudry Avenue as an Avenue II south of Sunset Boulevard, which if fully improved would provide four lanes (two in each direction). Since Beaudry Avenue currently provides four lanes (two in each direction), improvement to Mobility Plan standards (which would widen the road but would not add vehicular travel lanes) would not increase capacity.

Further, though the comment suggests that the Project should widen Sunset Boulevard by 10 feet adjacent to the Project Site, Sunset Boulevard is already dedicated to its full Mobility Plan standard (50-foot half-right-of-way), and the paved width is already wider than the Avenue I standard of 70 feet. As discussed on page IV.L-32 in Section IV.L, Transportation, of the Draft EIR, the Project is granting a 3-foot public sidewalk easement along Sunset Boulevard adjacent to the Project Site to widen the sidewalk to 15 feet, consistent with the Mobility Plan standard. No additional dedication or widening is required nor recommended by the City Bureau of Engineering.

Regarding Project setbacks along Sunset Boulevard, the Sunset Building is proposed to be set back approximately 8 feet from the public right-of-way along Sunset Boulevard. It is proposed to be located approximately 90 feet north of Beaudry Avenue. Additionally, the lower floors of the Sunset Building are designed with a minimum-area floorplate with larger-area upper levels; therefore, at street level, the setbacks are even greater. The comment's description of the Sunset Building as a wall of concrete with no setback Sunset Boulevard and Beaudry Avenue is incorrect. The corner of Beaudry Avenue & Sunset Boulevard is proposed to be a vehicle pick-up/drop-off area at the approximate grade of the adjacent streets. There is nothing about the Sunset Building's proximity to Sunset Boulevard that would affect traffic flow nor ease of ingress or egress.

Comment No. 8-5

Public Property for Private Use

1111 Sunset's proposed property line includes an annexation of the Beaudry Triangle (4,549 sqft) and an extension of the development's property line along the Beaudry frontage into the public right of way, for an additional 5,925 square feet of public property. Will the city be re-numerated for this annexation? Will citizens have access to the property? At the very least, the annexed Beaudry Triangle should be landscaped to serve as a public pocket park.

Response to Comment No. 8-5

The comments regarding the annexation of Beaudry Triangle do not raise CEQA issues, are noted for the record, and will be forwarded to the decision-makers for their review and consideration. The Project is designed with over 70,000 square feet of exterior open space. Many of these areas will be available to the community including a network of

walkways enhancing connectivity between Sunset Boulevard the residential community to the east of the site. The open space areas will be well landscaped, offer passive recreation areas and will include approximately 105 more trees on the site than exist today. Additionally, sidewalks surrounding the Project Site will be widened as part of this development which will further enhance connectivity.

The Project is requesting the ability to merge two areas into the Project Site. The first area is referred to as the Beaudry frontage. This land area was previously removed from the Project Site for public right-of-way purposes but never utilized and is no longer needed to meet the City's Mobility Plan and its street standards. Generally, this area is on the interior of the sidewalk behind a fence and maintained by the Property Owner. The second area is referred to as the Beaudry triangle area. The existing non-standard intersection includes an unmaintained triangle of landscape bound on all sides by heavily trafficked roads. Not only does this require pedestrians to cross multiple separate lanes of traffic, but it also decreases visibility at the intersection. The reconfigured intersection brings the right-turn adjacent to the through lanes which affords a more standard viewing angle. The new intersection will also provide new landscaping, improved sidewalks, and clear wayfinding for all south-bound traffic, along with dedicated vehicular drop-off areas to reduce traffic impacts and improve pedestrian safety. This area is designed to incorporate the Project's Transportation Center providing off-street access to pedestrians, and ride share/taxi, scooter and bike sharing services for residents, visitors and the community.

Comment No. 8-6

Land Use

The Sunset Building, which is the proposed hotel building, is less than 500' from residences, a clear violation of the municipal code. Sec. 3. Paragraph (d) of Subdivision 1 of Subsection A of Section 12.12.2 of the Los Angeles Municipal Code is amended to read as follows: Hotels (including motels), apartment hotels or hostels when no portion of a structure proposed to be used as a hotel (including a motel), apartment hotel or hostel is located within 500 ft from any A or R zone.

Response to Comment No. 8-6

The comment about the hotel building (only under the Mixed Use Development Scenario) does not raise CEQA issues, is noted for the record, and will be forwarded to the decisionmakers for their review and consideration.

The Commenter is correct, the hotel use is not a use permitted by-right within the Project Site's C2 zoning. However, according to LAMC Section 12.24 W.24, it is a conditionally permitted use in the C2 zone. Consistent with this regulation, the entitlement

application includes a request for the approval of hotel use within 500 feet of an A or R zone.

Comment No. 8-7

The top level of the Sunset Building is designated for hotel food and beverage. The City needs to add conditional use and limit hours of operation (no later than 10pm) to reduce sound impacts to the surrounding neighborhoods once the bar/restaurant opens. There shall be no live entertainment or amplified music permitted on the rooftop deck.

Response to Comment No. 8-7

Section IV.I, Noise, of the Draft EIR evaluated potential impacts associated with use of all of the Project's outdoor areas, including the roof level of the Sunset Building. The hours of operation for use of the outdoor areas were assumed to be from 7:00 A.M. to 2:00 A.M. The analysis concluded that with implementation of Project Design Feature NOI-PDF-5 limiting amplified sound, noise impacts from use of the roof level of the Sunset Building would be less than significant.

Comment No. 8-8

If the project will have liquor and wine licenses for over 20 venues including beer and wine bars, I would like to know if the development would also include laundromats where people can wash their clothes. If there will be mom and pop owned Chinese restaurants, tamale, taco, and soup restaurants. [sic] I would also like to know if there will be a public library drop off and annex in the neighborhood. I want to know that this will not be franchises coming in that will be corporate, when so many mom and pop businesses have suffered hardship during the pandemic and were forced to close down.

Response to Comment No. 8-8

The comments about alcohol licenses, laundromats, public library drop-off, and corporate franchises do not raise CEQA issues, are noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Consistent with LAMC Section 12.24 T and W.24 (a) the Project is seeking a Main Conditional Use Permit (Main CUB) for the sale and consumption of alcoholic beverages for 13 commercial tenant spaces and 7 locations within the proposed hotel (under the Mixed Use Development Scenario). A Main CUB is designed to facilitate the leasing of a commercial floor area without imposing any use restrictions on the Project. The Project Site's C2 zoning permits the widest array of commercial uses allowing the Project flexibility on the ultimate tenant mix.

The intent of the Project is to allow for the retailers and restaurateurs that will fill the commercial spaces to help boost Los Angeles' economy by creating jobs and contributing sales and business tax revenues. Activities such as dining with the availability of alcoholic beverages are essential to mixed-use projects. The success of sit-down restaurants depend on the ability to meet patron expectations, which typically includes the option for an alcoholic beverage with a meal. The Applicant also seeks to provide an opportunity for a specialty retail, grocery, and/or wine store that may offer tastings as singular events, as well as instructional tasting conducted by knowledgeable vendors.

The hotel, under the Mixed Use Development Scenario, will enhance the viability of the neighborhood by offering food and alcohol service that will serve as a benefit for local residents in the area. Additionally, the hotel's food and alcohol offerings will serve as an attraction and amenity for future hotel guests. The hotel guests of this Project will provide an immediate and steady consumer base for the Project's retail component as well as the local area.

At this time, it is not known who the Project tenants or the hotel operator (if the hotel is developed) will be. The MCUP approval is a valuable leasing tool. It demonstrates to a future tenant that the City will accept the use if certain pre-established conditions are met. Even though it requires a Plan Approval process once prior to operation, it removes a significant level of uncertainty. The ultimate goal of the Applicant is to fill the commercial space, and this approval facilitates that effort. With that said, if there is really demand for other uses, the site C2 zoning can accommodate that use.

Comment No. 8-9

And also, I want to know if Palisades will offer an air right parcel to the city of la housing to build affordable apartments on this site since they are building the site into multiple, over a dozen, air right parcels. And if they believe in affordable housing, why not offer one of the parcels to someone who believes in affordable housing to develop affordable housing, instead of offering only 10 percent according to TOC?

Response to Comment No. 8-9

The comment regarding an air "right" parcel for development of affordable housing does not raise CEQA issues, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

The Project, under either development scenario, is providing 76 very low-income on-site affordable units. Different projects use different aspects of state and local law to provide affordable housing (different percentages and different levels of affordability). This Project is in full compliance with the State Density Bonus law and all of the affordable units

are very low income. The state law provides that the affordable housing requirement is computed on the base density allowed by the site's zoning and not on the number of total units as such, 76 units is the correct number of units. The Project is not pursuing any TOC entitlements per se.

Comment No. 8-10

Oil Wells

There are six oil wells located at the 1111 Sunset property. Well number 3 (API # 03725954) at the edge of the property near the intersection of Beaudry and Alpine may not be properly capped off. Two nearby wells at the 800 N Beaudry (API # 0403706425 and# 0403706476) were high production wells, [sic] and have been properly abandonned. [sic]

It is essential that all of the oil wells at the 1111 Sunset property are properly plugged prior to any excavation or earthmoving work, or work that causes ground vibration. Methane is colorless and odorless, but highly flammable. Hydrosulfide is colorless, but highly toxic. If construction work compromises any one of these wells and causes a leak, it will be too late to mitigate for the damage, because there aren't funds in the U.S. for superfund or brownfield cleanup in case of emergency.

Response to Comment No. 8-10

The Applicant has already undertaken a geophysical investigation in an attempt to locate the oil well shown on California Geologic Energy Management Division's (CalGEM) Well Finder database; no oil wells were located at that time. (See Draft EIR pages IV.F-27–IV.F-28.) Thus, Mitigation Measure HAZ-MM-1 requires that all grading and construction activities in the vicinity of the oil wells as documented in the Well Finder database and as shown on Draft EIR Figure IV.F-1 (page IV.F-25) be monitored by a licensed Petroleum Engineer to visually inspect for signs of potential oil wells.

If oil wells are discovered, Mitigation Measure HAZ-MM-1–HAZ-MM-3 (Draft EIR pages IV.F-42–IV.F-43) require the abandonment of any encountered oil wells on-site as per current CalGEM regulatory standards. Furthermore, HAZ-PDF-1 (Draft EIR page IV.F-31) provides that Project buildings are to be placed in a manner so as to not significantly imped future access to the locations of the existing oil wells as depicted in CalGEM's maps to allow for further reabandonment, if necessary. The Draft EIR and supporting technical appendix fully disclose the potential existence of old oil wells on-site and how those wells will be dealt with should they be discovered on-site. (See Draft EIR pages IV.F-24–IV.F-28; IV.F-38–IV.F-39, IV.F-42–IV.F-43, and Draft EIR Appendix H.3 (Oil Well Report).)

With respect to hazardous gasses encountered during construction, Mitigation Measure HAZ-MM-4 provides for specific procedures to be employed to mitigate the effects of subsurface gases during construction activities. (See Draft EIR pages IV.F-43–IV.F-44.) In addition, the Project will implement a passive methane mitigation system pursuant to Mitigation Measure HAZ-MM-5. (See Draft EIR pages IV.F-44–IV.F-45.) As such, "with the implementation of Mitigation Measures HAZ-MM-1 through HAZ MM 5 provided above, Project-level impacts related to the release of hazardous materials into the environment would be reduced to a less-than-significant level." (Draft EIR page IV.F-45.)

Comment No. 8-11

History of Open Space

The site of the proposed 1111 Sunset development has a long history as an open space and a place for the public good and public health. In the 1800's [sic] Victor Beaudry deliberately made the site into a public park. Out of the goodness of his heart, he sold the property to the Sisters of Charity in 1883 for $10,000, so that they could build a TB hospital (https://www.kcet.org/shows/lost-la/bellevue-terrace-and-beaudry-park-l-a-s-two-lost-hilltop-gardens). The sisters placed their new infirmary there, but also repurposed Beaudry's fruit trees and cypresses into a soothing backdrop for their patients. The land that was originally intended for open space by Victor Beaudry has changed hands over the years, including through possible eminent domain prior to the building of the MWD campus in 1963. The open space that is proposed by the current owner is a small fraction of the open space, [sic] and does little to pay tribute to the history of this site. Alpine Gardens and The Hill, which make up the bulk of the open space are mostly fire access roads and parking access. The canery [sic] pine trees were planted by MWD; they should be replanted.

Response to Comment No. 8-11

The comments about the history of open space on the Project Site and the proposed open space configurations do not raise CEQA issues, are noted for the record, and will be forwarded to the decision-makers for their review and consideration. In any event, the history of the Project Site was carefully researched and documented in the Draft EIR and accompanying technical appendices. (See Appendix E.1, Cultural Resources Technical Report, and Appendix E.2, Cultural and Paleontological Resource Evaluation and Impact Assessment.)

Under either development scenario, the Mixed-Use and or No-Hotel Development, the Project is designed to meet the open space requirements of the LAMC. In the development scenario that maximizes the residential units, the No-Hotel Development Scenario, the Project is required to provide approximately 93,000 square feet of open space. The project design, which sets aside approximately 25 percent of the Project Site's land area as open space at grade, is well positioned to provide the required amount of

open space regardless of the development option. As illustrated by the Landscape Plan a variety of carefully designed passive and active open spaces are provided throughout the Project Site. The size of the site allows the Landscape Plan to include four separate plant zones: Alpine Gardens, Lush Interior, Mediterranean and Bioretention. From these zones the Alpine Gardens, Beaudry Gardens, the Hill, and terraces along Beaudry and Sunset were created. Roof decks allow for additional landscaping and open space opportunities. The Project will also provide at least 7,800 square feet of interior common space for resident amenities.

The Project provides a diverse range of open spaces with varied scales, characters, and uses. Hardscape areas provide places for congregation, transition, and play and are shaded by trees where possible to allow for comfortable use in all seasons. As a focal point of The Hill, a lawn provides space for passive recreation, such as picnicking and lounging. Richly planted gardens with locally adapted planting knit together architecture and open space across the Project Site and provide transitions between public, communal, and private open spaces. Finally, Trees are carefully located throughout to balance needs for shade, sun, activity, nature, intimacy and views. The result is a highly choreographed landscape of plantings, shade, circulation routes, activity spaces and vista points that provide high-quality, usable open spaces consistent with the objectives and requirements of the LAMC.

The open space areas are designed to support outdoor living, informal recreation, safe play areas, and open-air dining experiences for future residents, neighbors and visitors; these areas are not predominantly fire and parking access areas as the Commenter claims. Required fire-access through the Alpine Gardens and around The Hill is not included in calculations of required open space. However, the area will be paved and treated in a manner that promotes pedestrian use. The “Sunset Terrace” will offer space for outdoor, open-air dining and retail activities; the “Beaudry Gardens” offer families space for outdoor play, picnicking and barbeques; and “The Hill” offers spaces for informal play, recreation, picnicking, sunbathing and views of the City. The site and its open space elements are connected via a series of pedestrian walkways and staircases reminiscent of the iconic stairs found in the surrounding neighborhoods. These provide access for residents and the public from all sides, promoting pedestrian porosity and accessibility. As an added benefit, much of the Project’s open space is publicly accessible at grade and will provide the neighborhood with well-designed places for recreation and gathering.

There are one-hundred and four (104) existing non-protected and one protected tree on the Project Site. (Draft EIR Appendix B (Protected Tree Report).) Of the 104 existing non-protected trees, 43 are canary island pines. The Project is proposing to plant (262) more than twice as many trees as exist (105) on the Project Site today and maintain them for the life of the Project. As canary island pines are not protected trees, there is no requirement to replace them in kind. That said, a number of the replacement trees will

consist of canary island pines, the exact number has yet to be determined. See Response to Comment No. 11-13 regarding the pines.

Comment No. 8-12

The grade from Sunset Boulevard has an elevation gain from 18' to 51'. The elevator is a climb up toward the center of the property. How will the public easily access the property? An elevator open to the public at the Sunset Blvd side of the property will increase promised access to the project's open spaces. The proposed elevators, which are toward the center of Tower B for the convenience of the tenants coming up from the multiple subterranean parking levels, are insufficient.

Response to Comment No. 8-12

Ramps and public-access elevators provide an accessible path of travel independent from the towers from each of four project access points. For additional information, see the Pedestrian Access diagram in Appendix FEIR-2 of this Final EIR.

Comment No. 8-13

Bellevue Avenue is wider than Beaudry Avenue. This intersection needs to be well planned for future use.

Response to Comment No. 8-13

The comment refers to the existing configuration of Bellevue Avenue, a public residential street, which would not be changed by the Project. Bellevue Avenue is the fifth leg of the intersection of Sunset Boulevard & Beaudry Avenue. Turns to and from Bellevue Avenue from Sunset Boulevard are physically restricted to right-turns, and traffic volumes to and from Bellevue Avenue are low, based on data collected during development of the Project's transportation assessment. There is limited ability for Project traffic to access Bellevue Avenue, and in all cases it would provide a less direct route. Nonetheless, the disposition of Bellevue Avenue is not a CEQA issue with respect to the Draft EIR or any of the impact analyses therein. As discussed in *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." (*Id.* at 386.) The comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 8-14

Shadows

The buildings are too high. As a group, Towers A and Towers B and the Sunset building will cast shadows on a wide area of the neighborhood. At any given time there will be over 350 linear feet of shadow from these 3 buildings, casting shadow over Angelino Heights in the morning from the sun rising in the east, and on Alpine Hill (Victor Heights) in the afternoon as the sun sets to the west. During the day, Victor Heights and Figueroa Terrace will be in the shadow a majority of the time with over 350 linear feet of shadow from these 3 buildings. This will limit the ability of residents to use solar panels and grow vegetable gardens, fruit tress, and flower gardens. The buildings are simply too high, and these impacts need to be mitigated with reductions in height. In addition, the shadow studies only show what will happen at the equinox. Longer shadows will be cast during other times of year.

Response to Comment No. 8-14

As a Transit-Oriented Development, the Project is exempt from Shade/Shadow impacts as described by CEQA as a matter of law (SB 743, Department of City Planning Zoning Information File ZI No. 2452). In any event, the towers have been positioned and designed to maximize views through the Project Site and to minimize the impacts of shade and shadow. Tower B sits directly north of Tower A to minimize off-site shade and shadow impacts. The towers themselves are slender, which further reduces the duration of off-site shade and shadow. As noted in Response to Comment No. 7-3 above, an updated shade/shadow study has been conducted for informational purposes which demonstrates that the Project would result in negligible shade/shadow impacts under the City's 2006 shade/shadow significance thresholds. (See Appendix FEIR-6 of this Final EIR.)

Comment No. 8-15

There have been many meetings, but half of the time those meetings have been spent on the presentation, instead of the needed time on Q and A. There is not enough understanding because the maps and plans do not show the direction on the top of the pages.

Response to Comment No. 8-15

The comments about the community meetings that have taken place do not raise CEQA issues, are noted for the record, and will be forwarded to the decision-makers for their review and consideration. Subsequent to the publication of the Final EIR, there will be Project entitlement and approval hearings that will include additional Project presentations and opportunities for the public to submit written and oral comments.

Comment Letter No. 9

Matthew French
matt@mattfrench.com

Comment No. 9-1

I see that the public comment period for this EIR closes on Monday, April 26th. Can you help me to understand the significance of this deadline? For example, should I have certain concerns or opposition to aspects of the planned development, would they have to be submitted via public comment before that date to be considered by the City in its approval/permitting processes or would there be other opportunities or ways to engage in an interactive process after that date?

City email response: The April 26th deadline relates to the Draft Environmental Impact Report (EIR) comment period closing for the 1111 Sunset Project. If you would like to submit a comment regarding the Project's Draft EIR, the comment will need to be submitted by the April 26th deadline. A public hearing for this Project will not be scheduled until the Project's environmental review is complete. Individuals will have an opportunity at the public hearing to provide testimony/comments.

Response to Comment No. 9-1

April 26, 2021, was the close of the official comment period on the Draft EIR pursuant to CEQA Guidelines Section 15105 which prescribes a public comment period of between 45 and 60 days; here the public comment period was 46 days as the Draft EIR was published on March 11, 2021. CEQA does not provide a public comment period on the Final EIR; rather a Final EIR contains responses to the comments received on the Draft EIR.

Upon publication of the Final EIR, the Project will move into the public hearings for the entitlements. Each hearing will provide the public the opportunity to submit written and oral comments as prescribed by the City's administrative rules, which depend on the type of hearing and the specific administrative body that is conducting the hearing as the City's email response to the Commenter notes.

Comment Letter No. 10

Scott Hitchins
1115 W. Sunset Blvd., Apt. 710
Los Angeles, CA 90012-3979

Comment No. 10-1

This email is in response to the notice of Public Comments deadline by 4pm [sic] today for case number ENV-2018-177-EIR. A hard copy of this email was dropped off at your office and left with Susan earlier this afternoon, but it was not dated. I have also also [sic] attached a PDF to this email.

I am a resident of The Elysian at 1115 W. Sunset Blvd. Our building is the immediate/adjacent neighbor of the subject site/proposed development at 1111 W. Sunset Blvd.

Response to Comment No. 10-1

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

Comment No. 10-2

In the draft FIR, Appendix A (Initial Study), Attachment B (Environmental Checklist), Section VIII (Hazards and Hazardous Materials), potentially significant impacts are indicated, related to the presence and release of asbestos, PCB's, and lead based paint from the existing subject site into the environment.

In response, the applicant/development team stated on page B-43 of the draft EIR that additional evaluation and analysis of hazards and hazardous materials would be included in the EIR. During a community Zoom meeting last week (Tuesday 04/20) hosted by the applicant, I asked about the status/results of that evaluation and analysis. They could not fully answer, despite the question having been submitted in advance. They did respond that asbestos had already been removed from the buildings sometime within the last decade. But, continuing on, they also stated that there may still be asbestos present in existing building materials such as flooring. When further questioned about what other hazardous materials beyond asbestos had been evaluated, tested for, etc., they said they did not have that information and would get back to us. A written request the next day (Wed. 4/21) via The Elysian management for that promised follow up has not yet (as of this writing) received a response.

Response to Comment No. 10-2

The Commenter refers to the Project's Initial Study included as Appendix A to the Draft EIR with respect to comments regarding the potential presence of existing hazardous materials. Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, fully analyzed potential impacts from the potential presence of hazardous materials in the existing buildings, included asbestos containing materials (ACM), PCBs and lead based paint (LBP).

With respect to ACM, the Draft EIR concluded: "Project construction activities would not expose people to a substantial risk resulting from the release of asbestos fibers into the environment. As such, with compliance with applicable regulations and requirements [specifically South Coast Air Quality Management District (SCAQMD) Rule 1403], the Project would not exacerbate risk of upset and accident conditions associated with ACMs. Therefore, impacts related to the removal of ACMs during demolition would be less than significant." (Draft EIR page IV.F-37.) In addition to following appropriate regulatory protocols, the Applicant, as part of a routine maintenance program, surveyed the entire Project site for hazardous materials, including ACM, and engaged a qualified contractor to perform ACM removal. (See Appendix FEIR-3 of this Final EIR for survey and removal reports for existing hazardous materials.) Any remaining ACM that is present at the time of demolition will be subject to regulatory compliance for proper handling and abatement, specifically SCAQMD Rule 1403, which addresses ACM emissions from demolition and renovation activities.

With respect to PCBs, the Draft EIR provided the following: "no items containing PCBs were observed on-site. In the event that PCBs are found within areas proposed for demolition, suspect materials would be removed in accordance with all applicable federal, state, and local regulations. As such, with compliance with applicable regulations and requirements, the Project would not exacerbate risk of upset and accident conditions associated with PCBs. Therefore, impacts related to the removal of PCBs during demolition would be less than significant." (Draft EIR page IV.F-38.)

With respect to LBP, the Draft EIR concluded: "With compliance with relevant regulations and requirements, Project construction activities would not expose people to a substantial risk resulting from the release of LBP into the environment. As such, with compliance with applicable regulations and requirements, the Project would not exacerbate risk of upset and accident conditions associated with LBPs. Therefore, impacts related to the removal of LBP during demolition would be less than significant."

The Draft EIR also addresses hazardous material issues with respect to the potential on-site presence of old oil wells and methane, neither of which, with appropriate regulatory compliance and implementation of Project Design Feature HAZ-PDF-1 and

Mitigation Measures HAZ-MM-1 through HAZ-MM-5 would expose people to a substantial risk during construction or operation of the Project. (See Draft EIR pages IV.F-38–IV.F-39 and IV.F-41–IV.F-45.)

Comment No. 10-3

The Elysian is physically connected to one of the original 1961 structures to be demolished. While living here, I have observed red tailed hawks and other birds gliding on the updraft created by wind encountering the vertical plane of our building. It is clear that any release of the aforementioned hazardous substances (if they are present) into the air would be carried upward, into occupied public and dwelling spaces of The Elysian, via any opening in the exterior envelope because of its proximity to the demolition site.

Response to Comment No. 10-3

As discussed in Sections IV.A, Air Quality, and IV.F, Hazards and Hazardous Materials, of the Draft EIR, with implementation of mitigation measures and regulatory requirements, construction and operation of the Project would not result in significant impacts associated with localized emissions or the exposure of people to hazards and hazards substances. As such, the Project would not result in significant impacts associated with the exposure of The Elysian residents to significant impacts associated with localized air quality or hazardous substances.

Comment No. 10-4

It is understood CalOSHA, SoCal AQMD, and CEQA all play a role in how these situations are handled. Out of an abundance of caution, I submit this comment to emphasize how much we and the neighboring community will depend on vigorous oversight at the City, Regional, and/or State level to ensure that the removal of all hazardous substances is conducted properly and thoroughly. This issue goes beyond the usual nuisances and inconveniences attendant to large scale developments. It is a serious public health and safety concern.

Response to Comment No. 10-4

As noted in Response to Comment No. 10-2, all hazardous material abasement must follow all applicable regulatory requirements and protocols, including from CalOSHA and SCAQMD. The Project will not result in any significant impacts from the removal and abatement of any existing hazardous materials.

Comment No. 10-5

I am generally supportive of the development. It offers an opportunity revitalize a segment of the neighborhood and Sunset corridor that suffers from neglect and blight. It has the potential to increase economic activity. While it will increase density, it will also provide sorely needed housing.

Thank you for the opportunity to be heard regarding the proposed development, and for your consideration of our neighborhood public health and safety.

Response to Comment No. 10-5

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

Comment No. 10-6

Thank you for confirmation of receipt. I need to correct/clarify an assertion I made in my statement:

The question that I submitted regarding hazardous materials to The Elysian management to forward in advance of our meeting was *not* provided to the developer's team prior to the Zoom call. Posing the question to them during that call was the first time they heard it (from me).

I did not know this until management reached out to me yesterday to inform me of their error. At that point, I had already submitted the comment, after waiting as long as possible for someone to reply to me before the deadline. While this doesn't change any fact at the heart of the issue or my appeal for the need of adequate oversight, I thought it important to let you know this detail so it does not color your or anyone else's assessment of either party's credibility.

Response to Comment No. 10-6

This comment, which clarifies an assertion made in Comment No. 10-2 does not raise specific issues related to the environmental analysis 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 Letter No. 11

Jeff Kirshbaum
gtmgmt817@gmail.com

Comment No. 11-1

I am a stakeholder and property owner in Angelino Heights. Please add my comments to the project file. The proposed 1111 Sunset Blvd. project is completely out of scale to its surrounding Victor Heights hillside neighborhood and does not follow the city's own urban planning design guide.

Response to Comment No. 11-1

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

The Project is part of the Central City North Community Plan Area, and is located less than 0.5 mile from Downtown Los Angeles. The Project is also located in a transit priority area and is planned as a Transit-Oriented Development. Both the density and the height of the Project are allowed by right. The proposed towers take inspiration from the Elysian Building, an existing high-rise on the project site. Lastly, the street experience of the Project is defined by smaller scale residential and commercial buildings, in keeping with the scale and grain of the surrounding neighborhood. The Project is fully in compliance with the City of Los Angeles' urban design guidelines and has been reviewed by the Urban Design Studio and the Professional Volunteers Program. The Project incorporated Urban Design Studio suggestions early in the process by providing additional diagrams (pedestrian, vehicle and service circulation) and vignettes (such as the Sunset Street-Level Retail, Tower A Lobby, Alpine Garage Entrance). The Project Team also responded in detail to the written comments received from the Professional Volunteers Program which are available in the Project file. Also Refer to Response to Comment Nos. 7-3 and 8-3, above.

Comment No. 11-2

The HCNC planning and land use committee (or the HCNC board) did not vote to support the project.

Response to Comment No. 11-2

The Applicant presented the Project to the Neighborhood Council Land Use Committee on April 15, 2021. At this meeting, attendees were offered to ask questions to the speaker and team of experts. The Land Use Committee did not make any vote on the Project at that time.

Comment No. 11-3

Here are my comments regarding the project and requested accommodations:

Tower B at 30 levels/29 residential levels is the highest, widest and deepest of all three towers. [sic] (dimensions are 132'x108' square). It is the largest building and is closest to residences and is less than 70' from residences on Alpine. This larger footprint will block more sun and shade surrounding blocks. Urban planning articulates scaling and compatibility with the neighborhood. Tower B has neither.

Tower A at 572' high (and set 382' above Sunset) is among the top 10 tallest buildings in downtown Los Angeles. Once built it will exceed the top of the Victor Heights hill by more than 300'. Again, urban scaling and compatibility is ignored. The tower height should be reduced.

Response to Comment No. 11-3

See Response to Comment Nos. 7-3, 8-3, and 11-1 above.

Comment No. 11-4

Loading and service. The driveway off Alpine is currently used to feed less than 150 parking spaces for the Elysian. Under the proposal, the same driveway will provide all vehicular access for Tower A, Tower B main loading dock and feed 900 parking spaces, six times the number of current parking spaces, 24/7. It will feed all residential parking and some commercial as well as 255' long loading bays. The pattern of commercial traffic should be reconfigured to increase ingress/egress along Sunset rather than direct all traffic to Alpine. Trash collection should be directed to enter off Sunset rather than Alpine.

Response to Comment No. 11-4

This comment is substantially similar to a portion of Comment No. 8-4. Please refer to the first part of Response to Comment No. 8-4 above.

Comment No. 11-5

Palisades Development has not accounted for employee parking in the proposed 900+ parking spaces. Where is the designated employee parking?

Response to Comment No. 11-5

The comment incorrectly claims that the Project's parking supply does not provide for employees. Tables II-2 and II-3 in Section II, Project Description, of the Draft EIR present the parking requirements for the Mixed Use Development Scenario and the No-Hotel Development Scenario, respectively. The parking requirement ratios are dictated by the Los Angeles Municipal Code and Assembly Bill 744 and represent the entirety of the requirement for each use. No additional parking is required.

Comment No. 11-6

Beaudry is currently two lanes (with one lane for parking); per the Beaudry Central City West plan, Beaudry would have six lanes. To plan ahead, Sunset should have an extra lane at the intersection of Beaudry continuing from Beaudry to White Knoll Dr. to handle the increased traffic due to 1111 Sunset. The project should dedicate 10' from Sunset for additional drop off for commercial, hotel and accessibility.

Response to Comment No. 11-6

This comment is identical in content to a portion of Comment No. 8-4. Please refer to Response to Comment No. 8-4 above.

Comment No. 11-7

Per the EIR, The [sic] Site is located within the L.A. City Oil Field. Six to eight former oil and gas production wells are located onsite, with five along the Beaudry frontage and elevated methane concentrations in soil vapor, per the EIR appendix. Current best practices indicate that there NEVER should be construction above or upon capped wells. Currently the wells are located beneath unimproved dirt hillside; the current plan calls for TOWER A to be built on three of these wells.

Response to Comment No. 11-7

The Commenter is incorrect that the current Project plans call for Tower A to be built over three former oil wells. Draft EIR Figure IV.F-1 (page IV.F-25) overlays oil well locations from California Geologic Energy Management Division's (CalGEM) Well Finder database on top of the Project site plan. As can be seen, no oil wells are shown under any proposed buildings, including Tower A. Mitigation Measure HAZ-MM-1–HAZ-MM-3 (Draft

EIR pages IV.F-42–IV.F-43) require the abandonment of any discovery oil wells on-site as per current CalGEM regulatory standards. Furthermore, HAZ-PDF-1 (Draft EIR page IV.F-31) provides that Project buildings are to be placed in a manner so as to not significantly imped future access to the locations of the existing oil wells as depicted in CalGEM's maps to allow for further reabandonment, if necessary. The Draft EIR and supporting technical appendix fully disclose the potential existence of old oil wells on-site and how those wells will be dealt with should they be discovered on-site. (See Draft EIR pages IV.F-24–IV.F-28, IV.F-38–IV.F-39, and IV.F-42–IV.F-43, and Draft EIR Appendix H.3 (Oil Well Report).)

Comment No. 11-8

1111 Sunset's proposed property line includes an annexation of the Beaudry Triangle. [sic] (at 4,549') and an extension of the development's property line along the Beaudry frontage into the public right of way for an additional 5,925 square feet of public property. Will the city be re-numerated for this annexation? Will citizens have access to the property? At the very least, the annexed Beaudry Triangle should be landscaped to serve as a public pocket park. Dozens of jacaranda trees along the public way will be removed. Applicant should replace these trees.

Response to Comment No. 11-8

See Response to Comment No. 8-5 above regarding the merger of the Beaudry frontage and Beaudry Triangle into the Project Site and the future use of the Beaudry Triangle.

Nine non-protected street tress would be removed to accommodate development of the Project. As stated on page II-16, Project Description, of the Draft EIR, the City requires that non-protected street tress be replaced at a 2:1 ratio. The Project will provide a total of 18 new street trees and thus comply with this requirement.

Comment No. 11-9

The grade from Sunset has an elevation gain from 18' to 51'. The only elevator is at the rear of the property. How will the public easily access the property? An elevator open to the public at the Sunset Blvd. facing side of the property will increase promised access to the project's open spaces. There's not even one public restroom in the proposal! Currently the applicant's proposal is a walled-off city on a hill.

Response to Comment No. 11-9

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Ramps and public-access elevators provide an accessible path of travel across the Project Site from each of four access points. See the Pedestrian Access Diagram in Appendix FEIR-2 of this Final EIR for additional information. Publicly accessible restrooms are planned for the commercial areas surrounding the Sunset Terrace location. The provision of public restrooms is not a required CEQA issue.

Comment No. 11-10

The Sunset Building, which is the proposed hotel building, is less than 500' from residences, a clear violation of the municipal code. Sec. 3. Paragraph (d) of Subdivision 1 of Subsection A of Section 12.12.2 of the Los Angeles Municipal Code is amended to read as follows: Hotels (including motels), Apartment hotels or hostels when no portion of a structure proposed to be used as a hotel (including a motel), apartment hotel or hostel is located within 500 feet from any A or R zone.

Response to Comment No. 11-10

See Response to Comment No. 8-6 above. The Commenter is correct; the hotel use is not a use permitted by-right within the Project Site's C2 zoning. However, according to LAMC Section 12.24 W.24, it is a conditionally permitted use in the C2 zone. Consistent with this regulation, the entitlement application includes a request for the approval of hotel use within 500 feet of an A or R zone.

Comment No. 11-11

The top level is designated for hotel F&B—city needs to add conditional use and hours of operation imposed (no later than 10 pm) to reduce sound impacts once the bar/restaurant opens. There shall be no live entertainment or amplified music permitted on the rooftop deck. No digital signage should be permitted.

Response to Comment No. 11-11

Refer to Response to Comment No. 8-7 regarding the use of the upper level of the Sunset Building. No digital signage is proposed as part of the Project.

Comment No. 11-12

The Sunset Building abuts Sunset with no setbacks resulting in a wall of concrete up from the Beaudry corner. Again a 10' setback should be mandated to promote traffic flow and ease of ingress/egress along Sunset.

Response to Comment No. 11-12

This comment is identical in content to the final paragraph of Comment No. 8-4. Please refer to the final paragraph of Response to Comment No. 8-4 above.

Comment No. 11-13

The landscaping currently includes 50-year old Canary Island Pines. The pines should be preserved and re-used rather than replaced with low shrubbery.

Response to Comment No. 11-13

As designed, the Landscape Plan proposes the planting of 262 trees on a site that currently contains 105 trees. While the Landscape Plan will include low shrubs where appropriate, it is not proposing to replace the existing trees with shrubs. Canary Island Pines and/or the more climate-appropriate Eldarica Pines will be the primary evergreen tree used in the proposed design.

The design of the Project, which necessitates subterranean parking over much of the sloping site, makes it impossible to leave the trees in place, as the Project Arborist's understanding is that Pine trees, in general, are not good candidates to be boxed up and replanted, especially ones of this size. The Arborist also highlights the current environment the trees are in is less than ideal. The root zones are inadequate small planters that are adjacent to parking lots and a variety of on-site infrastructure. In many instances, the roots of these trees have been shaved to protect the infrastructure. The lack of regular watering has created long-term stress on the trees, and previous pruning has been less than optimal. Prior pruning resulted in "skirted-up" foliage, creating a Q-tip growth structure. When combined, these factors create a load canopy that is not fully supported by the optimal root plate.

In summary, as mentioned above, there are variety of reasons why the existing trees cannot be maintained. However, the Project is proposing to plant double the number of trees than exist on the Project Site, and many of these will be Pine trees that are planted in appropriate locations, with irrigation, and will be properly maintained.

While the trees cannot be maintained in place due to the subterranean parking and are not good candidates to box up due to the health of the trees, the Project design is developed around open space areas planted with a significant number of trees, in addition to low shrubbery.

Comment No. 11-14

Currently there are more than two-dozen street parking spaces for residents along the Beaudry frontage. The developers should not be allowed to reduce street parking. The [corner of Sunset Blvd and Beaudry is a bottleneck with an S-curve and elevation. DOT should study the S-curve and elevation gain and implement mitigation measures so emergency vehicles can access.

Response to Comment No. 11-14

As noted on page IV.L-32 of Section IV.L, Transportation, of the Draft EIR, the Project would retain existing on-street parking around Project frontage, other than where driveways or curb loading areas are proposed, where several on-street parking spaces would be lost. The comment also suggests that emergency vehicles may not be able to travel on Beaudry Avenue, a public street, due to its existing curvature and elevation changes. The Project would not alter the existing physical configuration of Beaudry Avenue and, thus, would have no impact on emergency vehicle accessibility. As discussed in *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." (*Id.* at 386.) The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 12

Phyllis Ling
451 Savoy St.
Los Angeles, CA 90012-1465

Comment No. 12-1

The following are my comments for the draft EIR for the proposed project at 1111 Sunset:

1. Impact of vibration to foundations of old historic homes and apartment buildings. Many of the nearby apartment buildings in Victor Heights are owned by mom and pop landlords who have been in the neighborhood for generations. They own older 2 to 3 story apartment buildings, sometimes referred to as "naturally occurring" affordable housing. Will the developer or the city be liable for damage caused to these surrounding properties? What measures will be in place to receive and investigate complaints? What metrics will be used to stop or pause construction on the project if damage occurs? Has a survey been conducted on the properties? I was hoping the EIR would provide more answers to these questions. The city needs to protect existing affordable housing.

Response to Comment No. 12-1

Vibration impacts with respect to building damage from the construction activities were evaluated for off-site buildings located nearest to the Project Site. As provided in Table IV.I-21 in Section IV.I, Noise, of the Draft EIR, the estimated ground-borne vibration levels (due to on-site construction activities) at the nearest buildings within the Victor Heights (i.e., single-story residential building at the northeast corner of Beaudry Avenue and Alpine Street) would be up to 0.019 inch/second (PPV). The estimated ground-borne vibration levels at other buildings in Victor Heights (on the east side of Alpine Street, across from the Project Site) would be up to 0.016 inch/second (PPV). The estimated ground-borne vibration levels due to Project construction activities at the nearest off-site buildings in the Victor Heights neighborhood would be well below the significance criteria of 0.2 inch/second (PPV).

In addition, as discussed on page IV.I-53 in Section IV.I, Noise, of the Draft EIR, the vibration generated by off-site construction trucks would be approximately 0.02 inch/second (PPV) at the buildings along Beaudry Avenue and Alpine Street. Furthermore, the estimated ground-borne vibration from the Project construction (on- and off-site sources) would also be well below the 0.12 inch/second (PPV) significance criteria for buildings extremely susceptible to vibration damage (typically applicable to historic structures). As discussed on Page IV.B-21 in Section IV.B, Cultural Resources, of the Draft EIR, there are no historic buildings along the Project's haul route within the Victor Heights neighborhood.

As such, construction of the Project would not result in significant impacts with respect to building damage for buildings in the Victor Heights neighborhood. Therefore, no damage to adjacent buildings is anticipated from Project construction.

With respect to construction complaint issues, the Applicant will provide a contact number, as well as an email, both of which can be accessed throughout the construction process for community members to provide feedback and complaints. This contact information has been added to the Construction Management Plan, Project Design Feature TR-PDF-1. See Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR.

Comment No. 12-2

2. The displacement of seniors and families. No one can say if COVID-19 pandemic is truly over. The pandemic certainly rages on in other parts of the world, and other states in the U.S. With many children continuing to receive schooling at home, the issue of the vibration and noise from construction needs even more attention. What are impacts to children's education if they have to deal with noise and vibration during the school day? Likewise, what about seniors who need to nap during the day? These are significant educational, physical, and mental health impacts that are not given enough attention in the EIR. Although mitigation may be difficult, the degree of impact is proportional to the size and scale of this project. Reducing the height of the buildings should reduce the duration of these noise impacts by reducing the amount of excavation required.

Response to Comment No. 12-2

The comment expresses concerns of children's schooling at home and seniors taking nap during day. However, the comment does not identify specific technical issues regarding the adequacy of the Draft EIR noise analysis. The City currently has not set specific noise limits with respect to schooling or sleep disturbance beyond the City's Noise Regulations (i.e., exterior noise limit). However, the Los Angeles Unified School District (LAUSD) has specified an interior noise limit of 45 dBA L_{eq} for a classroom building.[32] The nearest school to the Project Site is the Downtown Magnets High School located at 1081 Temple Street, approximately 890 feet south of the Project Site. The Downtown Magnets High School would be shielded to the Project Site by intervening building structures along Beaudry Avenue and the elevated US-101 Freeway. Based on distance attenuation and noise reduction provided by the intervening structures (buildings and elevated freeway), the Project construction-related noise at the exterior of the Downtown Magnets High School

[32] Los Angeles Unified School District, Standard Conditions of Approval for District Construction, Upgrade, and Improvement Projects, 2018.

would be approximately 50 dBA L_{eq}, which would be well below the existing ambient noise levels from adjacent roadways (i.e., US-101 Freeway noise). In addition, the estimated construction noise levels at the interior of the Downtown Magnets High School would be approximately 25 dBA L_{eq}, which would be well below the LAUSD interior noise standard of 45 dBA L_{eq}.[33] As such, noise impacts would be not expected from the Project construction at the nearest school.

As indicated above, the City has not adopted a noise standard or significance threshold with respect to sleep disturbance. In addition, the Project construction would be limited to the daytime hours, with no nighttime construction. However, as provided in Table IV.I-20 on in Section IV.I, Noise, of the Draft EIR, the estimated construction noise levels (with mitigation measures) at off-site residential receptors range from 53.7 dBA L_{eq} at receptor R3 to 68.2 dBA L_{eq} at receptor R2 and up to 83.2 dBA L_{eq} at the on-site Elysian Building. As concluded in the Draft EIR, the Project construction would result in significant noise impacts at receptors located near the Project Site and with direct line-of-sight to the construction site, including receptor R2, receptor R6, and the on-site Elysian Building. The construction noise levels would further be reduced to a less than significant level at residences located further from the Project Site due to distance attenuation and intervening structures.

As provided in Table IV.I-22 in Section IV.I, Noise, of the Draft EIR, large construction equipment (i.e., large bulldozer, caisson drilling and loaded truck) would generate vibration levels up to 74 VdB at residences nearest to the Project Site (i.e., receptor locations R1 and R2). The estimated vibration levels would exceed the 72 VdB significance criteria for residential uses (human annoyance). The vibration levels would be short-term and intermittent when heavy construction operating within 80 feet of the affected receptors (i.e., first row of homes across from the Project Site). The construction vibration levels at the second row of homes and further would be attenuated below the 72 VdB significance criteria. As discussed in the Draft EIR, there are no feasible mitigation measures to reduce the potential vibration human annoyance impacts.

Comment No. 12-3

This project is completely out of scale with the neighborhood as it is, and really only belongs in an urban core area, such as the center of Downtown LA or South Park.

[33] *Estimated minimum 25 dBA noise reduction provided by the masonry building, per Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013, Table 7-1.*

Response to Comment No. 12-3

See Response to Comment No. 11-1, above.

Comment No. 12-4

3. This project may add 70 affordable units, but end up driving out many more families and seniors who cannot cope with the health impacts of this project, especially during construction, but also afterwards, due to the round-the-clock vehicular traffic with the garage access at Alpine. Many of the buildings in the neighborhood are older apartment buildings without effective sound-proofing. Will tractor trailers need to turn on their rear backup beeping when they exit the garage at night? The location of the garage access at Alpine for the loading bays needs to be reconsidered because of the heavy impacts this would cause to the existing residents.

Response to Comment No. 12-4

The comment express concerns of health impacts during construction and vehicular traffic associated with the Project operation; however, it does not identify specific technical issues regarding the adequacy of the Draft EIR analyses.

With respect to potential noise impacts on human health, the City of Los Angeles (City) currently has not set specific noise limits beyond the City's Noise Regulations.

As provided in Table IV.I-20 of the Draft EIR (page IV.I-48), the estimated construction noise levels (with implementation of mitigation measures) at off-site receptors range from 53.7 dBA at receptor R3 to 74.7 dBA at receptor R7 and up to 83.2 dBA at the on-site Elysian Building. As concluded in the Draft EIR, the Project-related construction noise levels would exceed the 5-dBA significance criteria at off-site receptors R2 and R6, and at the on-site Elysian Building and result in a significant and unavoidable impact. However, the construction impact analysis was based on a worst-case scenario, which assumes all pieces of construction equipment would be operating simultaneously and located at the construction area nearest the affected receptors. Specifically, the analysis assumes that up to 43 pieces of construction equipment (during the building phase) would be operating simultaneously within 200 feet of the off-site sensitive receptors, which likely would not occur. In addition, construction noise is limited to daytime hours and is by its nature temporary (only during the construction period). Regarding tractor-trailer noise, tractor-trailers are associated with construction (not Project operations) and there would not be any backup noise at night. Therefore, the estimated construction noise levels are conservative, and actual noise levels would be lower. Moreover, these temporary exceedances of the City's noise significance threshold, are below the U.S. Occupational Safety and Health Administration (OSHA) and the State's Division of Occupational Safety

and Health (also known as Cal/OSHA) established the permissible noise exposure limits, primarily applicable to workers working in noisy environments. Per Cal/OSHA, the permissible noise exposure for 8 hours would be 90 dBA (L_{eq}). As such, the Project-related construction noise levels would be unlikely to negatively affect human health as they would be below the noise limits, pursuant to the Cal/OSHA noise exposure limit.

With respect to the Project operation traffic noise, Table IV.I-19 in Section IV.I, Noise, of the Draft EIR provides the estimated Project-related traffic noise levels, which ranged from 45.8 dBA at receptor R3 to 63.2 dBA at receptor R1. The estimated operational traffic noise levels would be consistent with the existing ambient and below the Project's significance criteria. As such, the Project-related operational traffic noise levels would be less than significant and not affect human health.

The Project loading docks, accessed from Access Point #3 on Alpine Street, would be fully enclosed within the parking structure, which would be effectively shielded to the off-site sensitive receptors. In addition, there would be enough space internal to the parking structure for trucks to turn around. Therefore, trucks would head in and out of Access Point #3 and would not need to use their back-up warning beep. As provided on page IV.I-37 in Section IV.I, Noise, of the Draft EIR, delivery trucks would generate noise level of approximately 71 dBA (L_{eq}) at a distance of 50 feet. The nearest off-site receptor R2 (residential use on Alpine Street) is approximately 160 feet from the loading dock. Based on distance attenuation (10 dBA) and noise reduction provided by the parking structure (20 dBA), the estimated noise from the loading dock at the nearest receptor would be 41 dBA (L_{eq}), which would be well below the existing ambient noise level of 54.2 dBA (L_{eq}). Therefore, noise impacts associated with the loading dock operation would be less than significant, as concluded in the Draft EIR.

In addition, as discussed in Section IV.A, Air Quality, of the Draft EIR, construction and operation of the Project would not result in any localized air quality impacts. As such, impacts would be less than significant and no human health impacts related to localized emissions would result from construction or operation of the Project.

Comment No. 12-5

4. If long-time residents are forced to leave, they lose their affordable housing and this brings units into market rate prices. But they don't get relocation fees. Will the developer mitigate for this and pay for relocation fees for those who need to relocate due to the severe health impacts. Will there be assistance to help people find new housing?

Response to Comment No. 12-5

The Project is not displacing any on-site residences and is providing 76 very low-income affordable units on-site. As such, the Applicant is not required to pay relocation fees or provide assistance to find new housing. Moreover, there is no basis to assume that the Project will cause indirect displacement of existing of-suite residential units (see Response to Comment No. 4-4 regarding lack of evidence of indirect residential displacement). With respect to the claim of the Project will cause "severe health impacts" see Response to Comment No. 12-4 and Sections IV.A, Air Quality, and IV.F, Hazards and Hazardous Materials, which demonstrate that there will not be severe health impacts on the local community.

Comment No. 12-6

5. This project is completely out of scale with the neighborhood. The shadow studies demonstrate the magnitude of the difference, with the immense shadows it would cast over Angelino Heights and Victor Heights. These shadows would prevent residents from being able to ever use solar panels and grow vegetables gardens. Not enough mitigation has been proposed to compensate or deal with these impacts.

Response to Comment No. 12-6

See Response to Comment Nos. 7-3 and 8-3 above.

Comment No. 12-7

6. The noise from the construction of this project is concerning also because of the topography. The neighborhood is very similar to an amphitheater or a lecture hall, with 1111 Sunset at the base, and the hillside of Victor Heights on rising above, like the audience. Because of the upward slope of Victor Heights to the north of this project, the noise from the construction of this project, as well as any outdoor roof decks, may be felt even more by hillside residents.

Response to Comment No. 12-7

Noise impacts associated with the Project construction and operation were evaluated at the residential uses in the Victor Heights. Noise impacts were analyzed at the residences nearest to the Project Site (represented by receptor locations R1, R2, and R4) and at residences located further in the Victor Heights neighborhood (represented by receptor location R3). The noise analysis takes into account the elevation changes of the receptors located further from the Project Site, as well as distance. As provided in Table IV.I-11 in Section IV.I, Noise, of the Draft EIR, the estimated noise levels associated with the Project construction would exceed the significance threshold by 8.6 dBA at receptor

location R3 (residence on White Knoll Drive, approximately 475 feet from the Project Site) and up to 22.3 dBA at receptor location R2 (on Alpine Street across from the Project Site). As indicated in Table IV.I-20 in Section IV.I, Noise, of the Draft EIR (page IV.I-48), noise mitigation (i.e., temporary noise barriers, NOI-MM-1) would be implemented, which would reduce the construction noise levels by up to 18 dBA at receptor R1, 15 dBA at receptor R2, and 9 dBA at receptor R3. Mitigation would reduce the impacts at receptor locations R1 and R3 to a less than significant level. However, construction impacts would still exceed the significance criteria and remain significant at the uses represented by R2.

Noise impacts associated with the Project operational noise sources (i.e., mechanical equipment, outdoor spaces (including roof decks), and parking facilities), were analyzed using the SoundPLAN computer noise model. A site-specific 3-dimensional acoustics model, including the land topography at the Project Site and surrounding neighborhood (including the Victor Heights), was created. In addition, the SoundPLAN acoustics model considers the potential reflection from the Project buildings to the off-site receptor locations. As provided in Table IV.I-19 in Section IV.I, Noise, of the Draft EIR, the estimated composite noise levels from all Project operational noise sources would be below the significance criteria at all off-site receptor locations.

Comment No. 12-8

7. A great deal of the “open space” that is proposed for this project are actually fire access roads and parking access, particularly at “The Hill” and “Alpine Gardens.” This is a shame considering the history of the site, having been set aside as a garden by Victor Beaudry, then sold to Sisters of Charity for their hospital. Even when the hospital was there, the sisters managed to maintain a lot of the existing gardens and trees. The proposed project does not offer much of any nod to that history.

The Annex fire, 22 January 1927.
Courtesy St. Vincent Medical Center Historical Conservancy, Los Angeles

https://via.library.depaul.edu/cgi/viewcontent.cgi?article=1045&context=vincentian_ebooks

(ca. 1890s)*—View of Sisters Hospital (aka St. Vincent's Hospital) as seen from behind a cluster of banana trees located on the grounds; a nun can be seen standing in the foreground. More trees hide the rest of the grand hospital, which boasts of numerous windows, dormers, an irregular roof, a cupola or tower, and several chimneys.

https://waterandpower.org/museum/Early_LA_Buildings%20(1800s)_3_of_6.html

Response to Comment No. 12-8

The fire access lanes were not counted towards the Project's required open space which the Project more than meets. In any event, access for fire service apparatus are critical for the safety of residents and firefighters alike. The Project is designed to integrate required access into landscaped areas with artful paving and perimeter planting. Landscaped spaces are richly planted and include 262 new trees. Open Space is a significant consideration of the design and nearly one third of the project is dedicated to Open Space, much of which is publicly accessible.

Comment Letter No. 13

Ofer Lion
oferlion@hotmail.com

Comment No. 13-1

I got this email as a former Angeleno Heights homeowner (lived there 14 years). I'm now in Los Feliz. Just wanted to let you know that I fully SUPPORT this project. It's on a major thoroughfare with bus lines and bike lanes. It adds a good number of affordable units. It is not in a historic district.

Perhaps more importantly, these days we just need many, many more units overall throughout the city. While trickle-down economics is a joke, trickle-down housing isn't. Those many market-rate units are needed to increase supply and, ipso facto, begin to lower the cost not of these units, but of other older housing in the area. Demand is sky high. Prices are sky high. This is a smart, sharp way to increase supply.

Response to Comment No. 13-1

This comment, which supports the Project and summarizes project elements that the Commenter considers positive, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 14

Kathy A. McDonald
writerkathymcd@gmail.com

Comment No. 14-1

The proposed 1111 Sunset Blvd. project is completely out of scale to its surrounding Victor Heights hillside neighborhood and does not follow the city's own urban planning design guide. Once built, the 49-story tower will be among the 10 tallest buildings in downtown LA due to its location 382' above Sunset.

Response to Comment No. 14-1

See Response to Comment Nos. 7-3, 8-3, and 11-1, above.

Comment No. 14-2

The HCNC planning and land use committee (or the HCNC board) did not vote to support the project. Commentators were preselected and community members could not comment on the impacts of traffic and parking. There are zero accommodations for the community and the construction is deemed significant per EIR.

Response to Comment No. 14-2

See Response to Comment No. 11-2, above.

Comment No. 14-3

Here are my comments regarding the project and requested accommodations:

Tower B at 30 levels/29 residential levels is the highest, widest and deepest of all three towers. (dimensions are 132'x108' square). It is the largest building and is closest to residences and is less than 70' from residences on Alpine. This larger footprint will block more sun and shade surrounding blocks. Urban planning articulates scaling and compatibility with the neighborhood. Tower B has neither.

Tower A at 572' high (and set 382' above Sunset) is among the top 10 tallest buildings in downtown Los Angeles. Once built it will exceed the top of the Victor Heights hill by more than 300'. Again, urban scaling and compatibility is ignored. The tower height should be reduced. The tower height should be reduced. Additionally the proposed tower heights will shade solar panels on housing in Victor Heights and Figueroa Terrace.

Response to Comment No. 14-3

See Response to Comment Nos. 7-3,8-3 and 11-1, above.

Comment No. 14-4

Loading and service. The driveway off Alpine is currently used to feed less than 150 parking spaces for the Elysian. Under the proposal, the same driveway will provide all vehicular access for Tower A, Tower B main loading dock and feed 900 parking spaces, six times the number of current parking spaces, 24/7. It will feed all residential parking and some commercial as well as 255' long loading bays. The pattern of commercial traffic should be reconfigured to increase ingress/egress along Sunset rather than direct all traffic to Alpine. Trash collection should be directed to enter off Sunset rather than Alpine.

Response to Comment No. 14-4

This comment is identical in content in Comment Nos. 8-4 and 11-4 above. Please refer to Response to Comment Nos. 8-4 and 11-4 above.

Comment No. 14-5

Palisades Development has not accounted for employee parking in the proposed 900+ parking spaces. Where is the designated employee parking?

Response to Comment No. 14-5

This comment is identical in content to Comment No. 11-5. Please refer to Response to Comment No. 11-5 above.

Comment No. 14-6

Beaudry is currently two lanes (with one lane for parking); per the Beaudry Central City West plan, Beaudry would have six lanes. To plan ahead, Sunset should have an extra lane at the intersection of Beaudry continuing from Beaudry to White Knoll Dr. to handle the increased traffic due to 1111 Sunset. The project should dedicate 10' from Sunset for additional drop off for commercial, hotel and accessibility.

Response to Comment No. 14-6

This comment is identical in content to Comment Nos. 8-4 and 11-6. Please refer to Response to Comment Nos. 8-4 and 11-6 above.

Comment No. 14-7

Per the EIR, The [sic] Site is located within the L.A. City Oil Field. Six to eight former oil and gas production wells are located onsite, with five along the Beaudry frontage and elevated methane concentrations in soil vapor, per the EIR appendix. Current best practices indicate that there NEVER should be construction above or upon capped wells. Currently the wells are located beneath unimproved dirt hillside; the current plan calls for TOWER A to be built on three of these wells.

Response to Comment No. 14-7

This comment is identical to Comment No. 11-7. See Response to Comment No. 11-7.

Comment No. 14-8

1111 Sunset's proposed property line includes an annexation of the Beaudry Triangle. [sic] (at 4,549') and an extension of the development's property line along the Beaudry frontage into the public right of way for an additional 5,925 square feet of public property. Will the city be re-numerated for this annexation? Will citizens have access to the property? At the very least, the annexed Beaudry Triangle should be landscaped to serve as a public pocket park. Dozens of jacaranda trees along the public way will be removed. Applicant should replace these trees.

Response to Comment No. 14-8

This comment is identical to Comment Nos. 8-5 and 11-8 above. See Response to Comment No. 8-5 above.

Comment No. 14-9

The grade from Sunset has an elevation gain from 18' to 51'. The only elevator is at the rear of the property. How will the public easily access the property? An elevator open to the public at the Sunset Blvd. facing side of the property will increase promised access to the project's open spaces. There's not even one public restroom in the proposal! Currently the applicant's proposal is a walled-off city on a hill.

Response to Comment No. 14-9

See Response to Comment No. 11-9 above.

Comment No. 14-10

The Sunset Building, which is the proposed hotel building, is less than 500' from residences, a clear violation of the municipal code. Sec. 3. Paragraph (d) of Subdivision 1 of Subsection A of Section 12.12.2 of the Los Angeles Municipal Code is amended to read as follows: Hotels (including motels), Apartment hotels or hostels when no portion of a structure proposed to be used as a hotel (including a motel), apartment hotel or hostel is located within 500 feet from any A or R zone.

Response to Comment No. 14-10

See Response to Comment Nos 8-6 and 11-10 above.

Comment No. 14-11

The top level is designated for hotel F&B—city needs to add conditional use and hours of operation imposed (no later than 10 pm) to reduce sound impacts once the bar/restaurant opens. There shall be no live entertainment or amplified music permitted on the rooftop deck.

Response to Comment No. 14-11

Refer to Response to Comment No. 8-7 regarding the use of the upper level of the Sunset Building. No digital signage is proposed as part of the Project.

Comment No. 14-12

The Sunset Building abuts Sunset with no setbacks resulting in a wall of concrete up from the Beaudry corner. Again a 10' setback should be mandated to promote traffic flow and ease of ingress/egress along Sunset.

Response to Comment No. 14-12

This comment is identical in content to Comment Nos. 8-4 and 11-12 above. Please refer to the final paragraph in Response to Comment No. 8-4 above.

Comment No. 14-13

Planning also needs to take into consideration and coordinate the construction timeline of the future projects planned on this corridor including the Do-It Center project (224 units) + two additional developments along Sunset Blvd. + a future project at the Bahia Nightclub site.

Response to Comment No. 14-13

The Draft EIR evaluates the cumulative impacts of future related projects in the vicinity and the Project throughout the various analyses in the Draft EIR. These related Projects are based on data from LADOT and the Department of City Planning as of May 21, 2018 (release of the Project's Notice of Preparation). As discussed in Section III, Environmental Setting, of the Draft EIR, some of the related projects may not be built out by 2028 (i.e., the Project buildout year), may never be built, or may be approved and built at reduced densities. To provide a conservative forecast, the analyses provided in the Draft EIR assumed that the related projects are fully built out by 2028, unless otherwise noted.

Comment No. 14-14

The landscaping currently includes 50-year old Canary Island Pines. The pines should be preserved and re-used rather than replaced with low shrubbery.

Response to Comment No. 14-14

See Response to Comment No. 11-13 above.

Comment No. 14-15

Currently there are more than two-dozen street parking spaces for residents along the Beaudry frontage. The developers should not be allowed to reduce street parking.

The corner of Sunset Blvd and Beaudry is a bottleneck with an S-curve and elevation. The bureau of engineering should study the S-curve and elevation gain and implement mitigation measures so emergency vehicles can access.

Response to Comment No. 14-15

This comment is identical in content to Comment No. 11-14. Please refer to Response to Comment No. 11-14 above.

Comment No. 14-16

Other considerations: **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, such that the light sources cannot be seen from adjacent residential properties, and adjacent hillsides. No digital billboards should be permitted.

Response to Comment No. 14-16

As discussed in the Initial Study included as Appendix A of the Draft EIR, proposed lighting sources would be similar to other lighting sources in the vicinity of the Project Site and would not generate artificial light levels that are out of character with the surrounding area. All exterior lighting would be shielded and/or directed toward the areas to be lit within the Project Site to avoid light spillover onto adjacent sensitive uses, and would be dark-sky compliant. Project lighting would also comply with regulatory requirements, including the requirements that are set forth by CALGreen and Title 24 that stipulate the use of high performance light with appropriate light and glare control according to Backlight, Uplight, and Glare standards. Pursuant to Section 93.0117(b) of the LAMC, exterior light sources other than signage lighting would be designed so that lighting levels produced do not exceed two foot-candles above ambient lighting at the property line of the nearest residential property or light-sensitive receptor. Exterior lighting to highlight the Project's signage and artwork would be shielded or directed toward the areas to be lit to avoid creating off-site glare. In accordance with Section 14.4.4E of the LAMC, lighting used to illuminate Project signage would be limited to a light intensity of three foot-candles above ambient lighting, as measured at the property line of the nearest residentially zoned property. No digital billboards are proposed as part of the Project. Furthermore, as concluded in the Initial Study included as Appendix A of the Draft EIR, the Project Site is located within a Transit Priority Area; therefore, aesthetic impacts, including lighting impacts associated with the Project, are deemed less than significant as a matter of law.

Comment No. 14-17

Aesthetics (Glare). The exterior of the proposed structures shall be constructed of materials such as, but not limited to, [sic] high- performance [sic] and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

Response to Comment No. 14-17

As discussed in the Initial Study included in Appendix A of the Draft EIR, as part of the Project, glass used in building façades would have high-performance coatings that would not be highly reflective, thereby minimizing glare from reflected sunlight. In addition, windows on the upper levels of the mid-rise and high-rise buildings would include exterior shading elements including overhangs and architectural screens to further reduce glare. Furthermore, as concluded in the Initial Study included as Appendix A of the Draft EIR, the Project Site is located within a Transit Priority Area; therefore, aesthetic impacts are deemed less than significant as a matter of law.

Comment Letter No. 15

Michele McKinley
michelemck99@gmail.com

Comment No. 15-1

I am a homeowner within 2 blocks of this planned complex of skyscrapers in Echo Park at 1111 Sunset Blvd. I live on Boylston Street. Most of the residents in Angelino Heights, my neighbors, are shocked at the size, height and scale of this property. 49 stories (and 30 and 17 stories) is outrageous in this historic residential neighborhood of Echo Park. Most of the residential houses in this neighborhood are 100 years old and have brick foundations. There will be many houses getting cracks in their foundations from the rattling of the neighborhood during years of demolition and construction. i [sic] would guess this will bring lawsuits.

Response to Comment No. 15-1

Section IV.I, Noise, of the Draft EIR provides a detailed analysis of potential vibration impacts associated with construction of the Project. As indicated therein and summarized in Response to Comment No. 12-1 above, the Project will not result in significant vibration impacts associated with building damage.

Comment No. 15-2

Please don't approve this design—it is 4x too tall, too large, too congested for Echo Park. Any building built there should not be any taller than the Elysian apartment building. (10 stories I believe) These proposed buildings do not serve this residential neighborhood at all with 737 luxury units, expensive not needed luxury hotel, and hundreds of office space rentals, when there is already a glut of office space downtown not rented. There is also a glut of luxury apt towers downtown that sit vacant as well.

Response to Comment No. 15-2

See Response to Comment Nos. 7-3 and 8-3 above.

Comment No. 15-3

The traffic is already very difficult on Sunset Blvd., Traffic [sic] is insane during Dodger games and events.

Response to Comment No. 15-3

The Project's Transportation Assessment, included as Appendix Q of the Draft EIR, includes analysis of traffic conditions during a Dodger gameday for supplemental informational purposes only. Transportation impacts under CEQA are based on VMT, and the Project was found to have a less-than-significant impact after implementation of Mitigation Measure TR-MM-1 with respect to VMT. The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Comment No. 15-4

This part of Echo Park is not very walkable, most consider it not safe at night to walk, crime is rampant and homeless and mentally ill people roam at all hours.

Response to Comment No. 15-4

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein. The Project would be designed to provide a highly active and open ground level where visibility is maximized. In addition, the Project would incorporate elements that promote individual and community safety. Specifically, as provided in Section IV.K.2, Public Services—Police Protection, of this Draft EIR, the Project would provide for the installation of a 24 hour security camera network throughout the Project Site; provide controlled access to all building elevators, hotel rooms, residences, and resident-only common areas; train staff on security policies for the Project's buildings; provide proper lighting of building entries and walkways to facilitate pedestrian orientation and clearly identify secure pedestrian travel routes between the parking areas and points of entry into the buildings; provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment; and design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites. By implementing these design strategies, the Project would help increase personal safety. This comment is noted for the record and will be forwarded to the decisionmakers for their review and consideration.

Comment No. 15-5

These new residents or workers of these new skyscrapers will drive everywhere, not walk. This area is not a good choice for this size project, please require it to be smaller, much smaller.

Response to Comment No. 15-5

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein. With implementation of Mitigation Measure TR-MM-1, the Project will not result in significant impacts associated with VMT. In addition, the Project Site is served by a variety of nearby mass transit options, including a number of bus lines. Specifically, Metro provides a bus stop adjacent to the Project Site at Sunset Boulevard and Beaudry Avenue for Metro Bus Line 2/302 and Metro Bus Line 4, which run east/west along Sunset Boulevard. Metro Bus Line 2/302 and Metro Bus Line 4 connect Downtown Los Angeles with Pacific Palisades and West Los Angeles, respectively. Metro Rapid 704, which also runs along Sunset Boulevard, has a stop at Sunset Boulevard and Figueroa Street. This line connects Downtown Los Angeles with the City of Santa Monica. The Project Site is also located one block from a Metro Bus Line 10 stop that runs east/west along Temple Street. In addition, the Project Site is near the LADOT Dash Lincoln Heights/Chinatown bus line that connects with the Chinatown Gold Line Station which has connections to Union Station and Downtown Los Angeles. The availability and accessibility of public transit in the Project area is documented by the Project Site's location within a designated SCAG High-Quality Transit Area and City of Los Angeles Transit Priority Area, as defined in the City's Zoning Information File No. 2452. In addition, the Project would provide bicycle parking spaces for the proposed uses that would serve to promote walking and use of bicycles. Additionally, the Project would include a Transportation Center that would support multi-modal mobility options such as bicycle and scooter sharing services. As such, the Project would maximize mobility and accessibility by providing opportunities for the use of several modes of transportation, including convenient access to public transit and opportunities for walking and biking. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 15-6

Also recent news articles reported Los Angeles has had a .01 population decrease since 2019. Housing that is needed is not luxury apartments, and more office space is not needed, neither is hotel space.

I have been in these new apartment buildings (link below) recently near Staples Center, most apartments remain ready but vacant for the last 2 years.

https://circala.com/?modalWidget=sg&utm_source=imps.conversionlogix.com&utm_medium=GMB-sg&utm_content= Google_appt&utm_campaign=TCC

Response to Comment No. 15-6

The comments about the type of housing that is needed along with office and hotel space do not raise CEQA issues, are noted for the record, and will be forwarded to the decision-makers for their review and consideration. As to housing it should be noted that 76 of the units provided are affordable on-site units for very low-income residents; not all the units are "luxury" as claimed.

Comment No. 15-7

Please serve us residents, taxpayers, ….stakeholders, and don't allow a huge wasteful massive multi skyscraper complex to be built in this historic residential neighborhood.

Please don't force this monstrosity on our beloved Echo Park neighborhood. If this project is approved at all, it should be reduced to 1/4 its height and square footage.

Response to Comment No. 15-7

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

Comment Letter No. 16

Reseda Mickey
resedamickey@sbcglobal.net

Comment No. 16-1

Yes I know it's past the deadline, but I just read the discussion of this on nextdoor.com. There were pros and cons, but the comment below was particularly concerining [sic]. I've lived here 20+ years, and have always wondered about that part of Sunset. Thought you should see these comments in case you can't log in: https://nextdoor.com/news_feed/?post=183506152&comment=575001047&ct=_StAOrbzRJEVcjln8fM8XfjMn2cH6einoFZpZ3oH0pVciKkgvV1qj1W4yO4HafGg&ec=OsTQaK5EfsnyavzwbSdG6xCsaFBVDChIdtlFdebAXMw%3D&lc=127

Response to Comment No. 16-1

This introductory comment, which provides a link to Nextdoor (a hyperlocal social networking service for neighborhoods) and states the purpose of the letter, is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 16-2

The 1111 Sunset buildings are only empty because the City cited the previous owner (The Korean Church) with never-ending "Orders To Comply" and then stonewalled the Church's good-faith efforts to Comply with these City of Los Angeles BAD-FAITH ORDERS; it's THE CITY's [sic] SUBJECTIVE AND UNEQUAL ENFORCEMENT ACTIONS ON THE PROPERTY—ENFORCEMENT ACTIONS THAT ARE SUPPOSE TO BE ENFORCED EQUALLY ON ANY OWNER—BUT HAVEN'T BEEN—THAT caused the property to be sold at a substantially reduced rate—according to the City's intent to cause a change of ownership and to use the property as it wanted—not as the Church Owners wanted…… The City has forced it's [sic] vision onto the property, for it to be an INTERNATIONALLY ARCHITECTURALLY CELEBRATED 49 STORY, 38 STORY AND 17 STORY SKYSCRAPER CLUSTER WITH A WHOPPING ONE MILLION SQUARE FOOT [sic] OF TAX-GENERATING SPACE (COMPARED TO EFFECTIVELY ZERO TAX INCOME FROM THE CHURCH!) AND A JEWEL OF A DEVELOPMENT TO SHOW THE WORLD AT THE 2028 SUMMER OLYMPICS HERE.

The new owner of the jewel of a site has been allowed to let the property disintegrate; They haven't been held by the city to the standard of structural integrity nor maintenance the city aggressively held the korean [sic] church to.

The city planning department has been awaiting the extensive preliminary documentation/ plans for this mega- development and has allowed the parcel structures to be vacant and to deteriorate—unlike the church who were present and used the historic structures but were compelled by city of l.A. [sic] Department of building and safety to do unending, unnecessary work.

The current developer-owners aren't present/the buildings are vacant and the city planning department are allowing the historic buildings to decay fabricating your narrative of decay, jason. [sic]

This wasn't a foregone conclusion but rather a government regulatory outcome!

the [sic] city has allowed the campus to sit vacant and even allowed damage (work?) to occur on the pereira [sic] buildings without permits—nor issuing orders to comply to reverse the destruction at the hands of current ownership of the historically designated and supposedly protected existing buildings.

The city therefore bears responsibility for current vacant status of the site and for deterioration—that's occurred while the city has awaited the new owners/developers' international architectural teams to present their overzoned designs to: City politicos, to planning department employees and department of building and safety employees—for official approval of the extensively over-zoned mega-development.

On-site damage of the campus by known vacancy and neglect of the new owner was predictable and allowed by the city.

Response to Comment No. 16-2

The Commenter's various assertions regarding Project Site vacancy, City enforcement or lack of enforcement etc. do not raise CEQA issues, are noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Regarding the comments about historic designation, although the existing buildings were subject to a nomination application, the City's Cultural Heritage Commission did not vote to designate the buildings. The Draft EIR's historic analysis and determination (Section IV.B, Cultural Resources, of the Draft EIR, pages IV.B-25–IV.B-31) is based on an expert historic report by Jenna Snow that concludes that due to the many significant alterations to all the buildings over the years and the addition of the Church sanctuary, the site is not a historic resource. As such the Draft EIR concluded that the existing buildings are not historical resources. (Draft EIR, Appendix E.1.)

Comment No. 16-3

Maybe the proposed scale of this development could be appropriate?, [sic] but not according to established planning guidelines for the site.

The city should follow it's [sic] own zoning and long-term plans without different treatment to separate owners, period and especially two successive owners of the same parcel should not have different treatment from the city.

Further it's not appropriate for the city to even accept proposed projects that are substantially over-zoned—according to the city's own plan for a parcel.

Of note this site is a block away from I.A.'S [sic] first "Historic preservation overlay zone" (hpoz) [sic]—where every detail of construction and renovation—even exterior paint color changes—has to be approved by the hpoz [sic] board.

Response to Comment No. 16-3

Regarding scale and compatibility, the Project would not be out of character with the surrounding area, which is an urbanized neighborhood that is characterized by a mix of land uses, including residential and commercial uses at various densities, heights, and scales of development. Specifically, the Project would create an integrated site with a mix of residential, hospitality, office, and commercial uses within several new structures that would extend above and around a six-level parking podium that is partially below and partially above grade and be dispersed across the Project Site. While the Project would increase the height, density, and mass of on-site structures as compared to existing conditions, the Project would incorporate variations in building planes and other architectural features to reduce the effect of massing and provide a pedestrian scale adjacent to public streets. The Project would also incorporate numerous on-site common and private open space and recreational amenities. The Project would provide common open space that would be generally publicly accessible during daytime hours in the form of gardens, courtyards, and terraces. The primary open space amenity would be a 20,925-square-foot courtyard (referred to as The Hill) that would be located at the center of the Project Site. The Hill would include active and passive recreation spaces such as family play features and a lawn with lounge furniture and views to the Downtown Los Angeles skyline. Additional common and private open space areas, such as gardens and terraces, would be provided throughout the Project Site.

Regarding the comment about "over-zoned," it is unclear to what the Commenter refers. The Project, as proposed, is consistent with the site zoning and is not seeking a General Plan Amendment or Zone change. Specifically, the Project Site is located within the planning boundary of the Central City North Community Plan area. The Project Site is

designated as General Commercial and zoned C2-2D (Commercial Zone, Height District 2 with Development Limitation). Height District 2 imposes no height limit and typically permits a floor area ratio of 6:1. However, the Project Site's floor area ratio is further restricted to 3:1 by a site-specific "D" limitation established by Ordinance 174,327 (effective January 5, 2002). It is also noted that Footnote No. 4 of the Community Plan limits the Project Site's FAR to 3:1. The permitted density within the Project Site, regardless of the development scenario pursued, is one dwelling unit per 400 square feet of lot area or one guest room per 200 square feet of lot area for which the Project complies.

Regarding the comment regarding proximity to a Historic Preservation Overlay Zone (HPOZ), the Project Site is not part of an HPOZ therefore the HPOZ has no approval authority over the Project in any respect. Furthermore, impacts to the Angelino Heights HPOZ were specifically analyzed and the Draft EIR concluded that the Project "does not impact the integrity of the residential buildings within the HPOZ nor does it impair in any way the features that convey the historic district's significance." (Draft EIR IV.B-30.) The Commenter presented no substantial evidence to the contrary.

Also, see Response to Comment Nos. 7-3 and 8-3 above.

Comment No. 16-4

Presumably approving the 1111 development three skyscrapers all to reach hundreds of feet height—each—where a block away owners are restricted to board approval in addition to building and safety permits to alter their investment buildings and are limited to approx 40 feet typical height per planning for their area's [sic] an unfair system that serves the interests of the existing developer robber barons of the area including the mccourt [sic] family, the dodger [sic] organization as well as the 1111 sunset [sic] developers plus the city's tax base and agenda to be "A world class city" while having substantial negative impacts on the neighborhood surrounding the 1111 site and most residents.

If the city eventually permits the 1111 mega-development option proposed, then it also should be planning simultaneously for providing the permanent public housing that'll be needed for the many current residents that will predictably be displaced by this unfair process if it results in approving the 1111 mega-gigantic skyscraper cluster.

Response to Comment No. 16-4

As noted in Response to Comment No. 16-3, the Project is located in Height District 2 which imposes no height limit. The height limit set forth in the Angelino Heights HPOZ is not applicable to the Project as the Project is outside the boundaries of the HPOZ. With respect to the comment about potential residential displacement, no housing would be removed as part of the Project. Housing within the existing Elysian apartments would

remain on site and would not be removed as part of the Project. Therefore, the Project would not displace any existing housing located on the Project Site. Refer to Response to Comment No. 4-4 (no evidence of indirect displacement.)

Comment No. 16-5

Elysian was retrofitted for solar power; I think that's a point to raise and ask if this project will have solar power. (I know they mention lo-flow [sic] plumbing in the 767+ units). They are also cutting down all the mature palms and pines on the site; doubt this project helps lessen climate change in any way.

Response to Comment No. 16-5

As discussed in Table IV.E-5 of the Draft EIR, the Project would comply with Title 24 which requires that rooftop areas on high-rise multi-family buildings and non-residential buildings to set aside a minimum area for potential installation of solar panels at a later date. Thus, the Project would be considered "solar-ready."

Comment No. 16-6

at [sic] least 80:1 Floor Area Ratio density comprised of luxury residential units, luxury hotel rooms and high end office/commercial space INCLUDING MORE THAN TWENTY LIQUOR ESTABLISHMENTS!

Response to Comment No. 16-6

This comment is not clear. Nonetheless, as discussed in the Draft EIR, the FAR for the Project would be 4.05:1. In addition, the Project does include a request for a Main CUP to permit the sale of a full line of alcoholic beverages or beer and wine, for on-site consumption and off-site sales in conjunction with the commercial and hotel uses, including thirteen (13) commercial tenant spaces and up to seven (7) locations within the hotel.

Comment No. 16-7

The proposal offers 900 parking spaces for 767 units + 180 hotel rooms and whatever retail/restaurant/office spaces are built + employees for said businesses. I believe the 900 spaces also includes a new parking garage + roof deck for The Elysian residents. I don't think that adds up.

Response to Comment No. 16-7

The comment expresses concerns that the Project's parking requirement was incorrectly calculated. Tables II-2 and II-3 in Section II, Project Description, of the Draft

EIR present the parking requirements for the Mixed Use Development Scenario and the No-Hotel Development Scenario, respectively. The parking requirement ratios are set by the Los Angeles Municipal Code and Assembly Bill 744 and represent the entirety of the requirement for each use. No additional parking is required. The 168-space parking garage for The Elysian residents is separate from the Project parking supply and is not included in the 933 and 907 spaces required and provided for the Mixed Use Development Scenario and the No-Hotel Development Scenario, respectively.

Comment Letter No. 17

Olivia Robinson
Background Intelligence, Inc.
P.O. Box 1457
South Pasadena, CA 91031-1457

Comment No. 17-1

I have been a resident at 1115 Sunset Boulevard for approximately 6-years. [sic] This means that my home is adjacent to the proposed project. Last night a number of us attended a Zoom Community meeting, sponsored by the project proponents. I hope that you were able to participate. I was really touched by the thoughtful comments made by community members. This was a really good forum.

Response to Comment No. 17-1

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

Comment No. 17-2

I am *extremely* concerned about TRAFFIC.

Since I have lived here:

- I've had an accident with a motorcycle, as I was pulling into my parking area behind the iron gates (when the motorcycle shot out of an alley way and hit my car).
- I have called 911 at least two dozen times to report street racing (attached #7155).
- I have developed a quasi "street racing" consortium of local community leaders (CVS, Jack-in-the-Box, Elysian residents, and designated police).
- I have had near-misses with cars as they streak in and out of streets/alley without looking in the multi-block area around the Elysian.
- Commercial delivery vehicles (FedEx, couriers, USPS) double and triple park in front of the Elysian, which means that cars have a limited path and virtually no visibility.

- People trying to cross the street anywhere along the frontage to the Elysian do so at their own peril.

Of all places on the planet that I would not want to add additional traffic…the Alpine/White Knoll loop north of Sunset would top my list. Second would be the Beaudry/Sunset intersection…and from that point, heading west for two blocks.

Ms. King: we have an existing hugely dangerous traffic situation. Any potential additional development will only exacerbate this.

Certainly, the response to my traffic concerns during the Community Meeting last night only heightened my anxiety. I suggested to the "traffic expert" that he actually spend some time here. I'm willing to show him around, if that would help.

As proposed…this is a traffic disaster, and people will be killed.

Response to Comment No. 17-2

The comment describes a series of assertions relating to existing traffic conditions in the Study Area. The Draft EIR included an extensive safety analysis beginning on page IV.L-41 in Section IV.L, Transportation, and concluded that the Project would not result in significant impacts with respect to geometric design. Nonetheless, the Project proposes several off-site improvements that would help to address the concerns identified in the comment.

The Project proposes to install new traffic controls at multiple locations adjacent to the Project Site. These include signalization of the intersection of Sunset Boulevard and White Knoll Avenue and all-way stop-control at the intersection of Alpine Street and Beaudry Avenue. With these new traffic controls in place, a traffic calming effect would be in place enhancing safety for all roadway users.

Each of the new traffic controls identified above would install controlled continental crosswalks (i.e., ladder-style high visibility crosswalks), including across Sunset Boulevard at White Knoll Avenue, across White Knoll Avenue at Sunset Boulevard, across White Knoll Avenue at Alpine Street, and across Beaudry Avenue at Alpine Street. The Project would also widen the sidewalks to Mobility Plan standards (15 feet on Sunset Boulevard and 13 feet on the other roads) adjacent to the Project Site. These improvements would make provide pedestrians with safer and more comfortable infrastructure.

In addition, the Project provides internal, on-site loading and delivery infrastructure and will not contribute to the problem of parcel delivery trucks parking outside of The

Elysian (which is not a part of the Project Site). However, the traffic calming due to the traffic controls described above would help to slow travel speeds and thus increase safety in that condition.

Any existing street racing activity in the Project vicinity is not specific to the Project. Those actions are subject to enforcement by the Los Angeles Police Department. The Project Applicant supports enforcement of these activities to provide a safe and welcoming street for all users and is willing to work with the community outside of the CEQA process to help address these issues.

Comment No. 17-3

Attachment: IMG_7155.mov (video file)

Response to Comment No. 17-3

The video depicts street racing activity in the Project vicinity. However, such street racing is an existing condition is not specific to the Project, nor has any evidence been submitted that would indicate that the Project would contribute in any way to street racing. Further, any illegal use of streets are subject to enforcement by the Los Angeles Police Department. The Project Applicant supports enforcement of these activities to provide a safe and welcoming street for all users and is willing to work with the community outside of the CEQA process to help address these issues.

Comment Letter No. 18

Karen Stasevich
karenstasevich@gmail.com

Comment No. 18-1

Hi, I'm writing to give comments about the planned development at 1111 Sunset Blvd, Environmental Case No. ENV-2018- 177-EIR

I've reviewed this presentation that was brought to the neighborhood council and would like to give a short list of my thoughts given the information presented. I'm largely in favor of this development, however as a member of the community I have some suggestions that I think would aid in gaining community support and ensure the long term success of the development.

Response to Comment No. 18-1

This introductory comment, which expresses support for the Project, is noted for the record and will be forwarded to the decision-makers for review and consideration.

Comment No. 18-2

I would like to see:

- double the amount of affordable housing
- no hotel
- public restrooms
- a public composting station (given the proposed housing and retail, this could be well-used green infrastructure)
- DASH bus to the Red and Gold line Metro stations (traffic from this development has been a major cause for concern related to this development)
- micro transit (bike, scooter, walking, etc) [sic] infrastructure
- prioritize leases in the retail/business spaces to small local businesses (unique business are what makes our neighborhood such an up and coming place to be, however increased development has resulted in pushing out longtime residents and businesses alike)

- not much shown in those slides about the landscaping (although James Corner is well-known), but we need to demand that it's sustainable and improves local ecology—more big shade trees (not palms), native and pollinator friendly shrubs, less turf.

Response to Comment No. 18-2

The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

The project currently explores two development scenarios—with and without a hotel. A hotel would provide amenities and programming that would benefit the Project and the neighborhood. At this time, it is not clear as to which scenario will be developed, but the impacts from each are fully analyzed in the Draft EIR.

Publicly accessible restrooms are planned for the commercial areas surrounding the Sunset Terrace.

Green infrastructure and communal amenities are a priority for the design.

Bus Lines 2 and 4 currently service the Project Site and provide access to downtown. Additionally, the Applicant is exploring opportunities for DASH or other shuttle services with public access.

Exhibit A includes summaries of the pedestrian and bicycle facilities provided by the project. A "Scooter Coral" will also be included near the corner of Sunset and Beaudry.

A landscape and planting plan is available on pages 26–28 of Exhibit A.

Comment No. 18-3

I'm looking forward to seeing more of these plans and community engagement about this site. Thanks for your time.

Response to Comment No. 18-3

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

Comment No. 18-4

Attachment: 1111 Sunset Blvd. presentation by Skidmore, Owings & Merrill LLP (20 pages)

Response to Comment No. 18-4

This attachment is a presentation prepared for the Project by Skidmore, Owings & Merrill LLP. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 19

Chris Wabich
nocheeto@yahoo.com

Comment No. 19-1

Please include my comment in the report

I'm Chris Wabich, a 22 year resident of Angeleno Heights and board member of the Angeleno Heights HPOZ. The first takeaway from the proposed project is the mass and scaling are out of balance with the surrounding neighborhood. I'm confused as to how such zoning would even be allowed given that every adjacent property is R1, R2.

The main concern is that allowance of this project also allows more of Sunset Blvd to be developed similarly throughout Echo Park, Silverlake, ChinaTown [sic] and Hollywood. It would completely destroy the character of Los Angeles.

Response to Comment No. 19-1

See Response to Comment Nos. 7-3 and 8-3.

Comment No. 19-2

The gridlock and density of the Sunset corridor has already been reached. It's a cluttered, dangerous mess of constant cars. Will there be a DOT study in parallel with this project? It is appropriate given that additional gridlock would make normal activity and dodger Stadium related events impossible.

Response to Comment No. 19-2

The Project's Transportation Assessment, included as Appendix Q of the Draft EIR, includes analysis of traffic conditions on the Sunset Boulevard corridor, including, for informational purposes, analysis during a Dodger gameday. Transportation impacts under CEQA are based on VMT, and the Project was found to have a less-than-significant impact with respect to VMT. The comment does not raise CEQA issues with respect to the Draft EIR or any of the impact analyses therein, is noted for the record, and will be forwarded to the decision-makers for their review and consideration.

Comment No. 19-3

This kind of structure would further stress services that barely exist. There is no reliable mass transit and ample adjacent parking.

Response to Comment No. 19-3

The Project is located along a high-quality transit corridor,[34] with four bus routes providing local, limited stop, and Rapid bus service on Sunset Boulevard past the Project Site. Several of these lines connect to Union Station, which provides various modes of transit service throughout the region. Additionally, three local bus routes travel on Temple Street, less than 0.25-mile southwest of the Project Site, and the DASH Lincoln Heights/ Chinatown circulator stops approximately 300 feet southeast of the Project Site. Therefore, there is ample public transit in the vicinity of the Project Site.

Additionally, Tables II-2 and II-3 in Section II, Project Description, of the Draft EIR present the parking requirements for the Mixed Use Development Scenario and the No-Hotel Development Scenario, respectively. The Project would provide all required parking for both development scenarios in the on-site parking structure. No additional parking is required.

Comment No. 19-4

Just a few blocks down Sunset, is a property that has remained a series of short lived restaurant and retail failures, including a Walmart. Nearly all of Orsini's retail space remains empty after decades of being available. Even further down Sunset, s [sic] similar development in ChinaTown has the same vacancy issue. That is the reality of this projects' fate. Empty, vandalized units. There is nothing about this description that would warrant a project of this density nor result in a coexistence for business or residential compatibility.

Response to Comment No. 19-4

With respect to the Commenter's suggestion that the Project's commercial uses would remain vacant, generally, under CEQA, economic impacts are not required to be analyzed unless such economic impacts can be shown with substantial evidence to have a reasonably foreseeable physical impact to the environment. (See PRC Section 21065 [CEQA looks at project activities that can produce a direct or indirect change in the physical

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[34] *According to Public Resources Code § 21155, a high-quality transit corridor is a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours.*

environment]). Under existing CEQA case law, such physical impacts directly resulting from economic effects are termed "urban decay," which is typically characterized by visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long-term vacancies (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 123 Cal.App.4th 1184). However, unless substantial evidence is provided from which a fair argument can be made that a project's economic effects will result in significant effects of the environment, no analysis of such effects are required under CEQA (*Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal.App.5th 1). Here, the Commenter offers speculative opinions, but no supportive evidence. Therefore, consistent with current CEQA case law, due to a lack of evidence indicating reasonably foreseeable physical impacts to the environment related to the Project's economic impacts, the Draft EIR properly did not include analysis regarding the Project's potential to contribute to or cause urban decay.

To the extent the Commenter suggests that if built the Project would remain vacant, again the Commenter provides no substantial evidence indicating such would be the result. Moreover, CEQA does not address the economic viability of a project. In any event, given the significant need for housing, as well as neighborhood serving retail for that housing, Project vacancy is not an issue.

Comment No. 19-5

I am reachable via this email should any items need clarification.

Response to Comment No. 19-5

This comment concludes the letter and provides a point of contact. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment Letter No. 20

Chinatown Community for Equitable Development
ccedchinatown@gmail.com

Comment No. 20-1

We reach out and respond with this public comment on behalf of Chinatown Community for Equitable Development (CCED), which builds grassroots power by organizing, educating, and mutual help.

Specifically, we are responding to the CEQA scoping period for 1111 Sunset Drive. Noting that the EIR will entail analysis on the aesthetics, cultural and historic resources, land use and planning, and population and housing, CCED has a number of concerns related to these themes.

With regard to the technical elements of the project, we wanted to name these specific issues we take with the project.

Response to Comment No. 20-1

Note that this comment letter was received on May 18, 2021, after the close of the Draft EIR comment period that occurred on April 26, 2021. Also note that this letter is responding to the Draft EIR comment period and not the scoping period referred to in this comment, which occurred as part of the 30-day NOP comment period that commenced back in May 2018.

This comment raises issues with aesthetics, cultural resources, land use and population/housing. An analysis of aesthetics is not included in the Draft EIR since per SB 743, aesthetics impacts of the Project are determined to be less than significant. A summary analysis of aesthetics is included in the Initial Study included as Appendix A of the Draft EIR for informational purposes only. The Draft EIR provides a detailed analysis of cultural resources, land use, and population/housing in Sections IV.B. Cultural Resources, IV.H, Land Use, and IV.J, Population, Housing, and Employment, of the Draft EIR, respectively. As demonstrated therein, the Project would have less than significant impacts with regard to these environmental topics.

Comment No. 20-2

Most specifically, we take grave issue with only 10% of the units being made affordable housing. Already, large developments like College Station threaten to enter Chinatown with 0 or the absolute minimum of affordable housing units. The median income of the 6

Census Tracts making up Chinatown is only $41,000, while the HCD state income limits designate median income in Los Angeles County as $80,000. This means that, by HCD's standards, a 1-person low income household should be making $66,250, which is almost a $20,000 difference between the two. This indicates that even if there will be affordable housing added to this project, these units will still not be affordable to many of the residents who currently live in Chinatown and will only further the process of gentrification and displacement.

Response to Comment No. 20-2

See Response to Comment Nos. 4-4 and 4-5 regarding how the Project will help to alleviate demand for housing and the provision of affordable housing provided on-site as part of the Project is in compliance with the density bonus requirements providing onsite Very Low Income housing.

Comment No. 20-3

We believe that multiple qualities of this development will make life extremely difficult for current residents: the quality of life for existing community members could be greatly decreased because it will put parts of the neighborhood in shadows for at least four hours a day. With so many seniors and families living in Chinatown, having a loss of sunlight during the day would greatly influence much of their ability to stay physically and mentally healthy.

Response to Comment No. 20-3

Quality of life is not an environmental topic addressed under CEQA. Thus, no response is required. With regard to shading, refer to Response to Comment No. 7-3.

Comment No. 20-4

In addition, the EIR has already made mention of the impacts of the project's construction to regional air quality; [sic] and on-site and off-site noise sources during construction and vibrations.

Response to Comment No. 20-4

The Commenter is correct that the Draft EIR addresses air quality and noise. As discussed in Sections IV.A, Air Quality, and IV.I, Noise, of the Draft EIR, the Project will result in short-term regional air quality and construction noise and vibration impacts. The Project will not result in any long-term operational impacts.

Comment No. 20-5

Caltrans has submitted public comment asking to reduce the parking as this is a low income neighborhood and rates of car ownership and Vehicle Miles Traveled (VMT) is significantly lower for low-income households than for high-income households.

Response to Comment No. 20-5

Refer to Response to Comment No. 1-4 regarding Caltrans' comment about parking and how the parking structure would be designed in such a manner as to be adaptable to other uses in the future, with flat floors, higher floor-to-floor heights, and dedicated (unparked) speed ramps for vertical circulation.

Comment No. 20-6

With all of the points considered above, CCED has grave concerns about the 1111 Sunset project, both with how it affects the community and contributes to historic disinvestment, and in its technical implementation. We will continue to be engaged in this process.

Response to Comment No. 20-6

This comment does not raise any environmental issues addressed under CEQA. This comment is noted for the record and will be forwarded to the decision-makers for review and consideration.