II. Responses to Comments

II. Responses to Comments

A. Introduction

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

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

II. Responses to Comments

B. Matrix of Comments Received on the Draft EIR

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

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Aesthetics	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils (including Paleontological Resources)	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality—Hydrology	Hydrology and Water Quality—Water Quality	Land Use	Noise	Population and Housing	Public Services—Fire Protection	Public Services—Police Protection	Public Services—Schools	Public Services—Parks and Recreation	Public Services—Libraries	Transportation	Tribal Cultural Resources	Utilities and Service Systems—Water Supply and Infrastructure	Utilities and Service Systems—Wastewater	Utilities and Service Systems—Solid Waste	Utilities and Service Systems—Energy Infrastructure	Cumulative Impact	Alternatives	General/Other	CEQA	Mitigation Measures	Support
STATE AND REGIONAL																																		
1	Tamara Purvis Associate Environmental Planner CEQA Unit-Permitting/HWMP Department of Toxic Substances Control 800 Cal Center Dr. Sacramento, CA 95826-3200											X																			X			
2	Justin Klaparda Senior Transportation Planner Development Review Team—TOC Metro One Gateway Plaza, MS 99-22-1 Los Angeles, CA 90012-2952																						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
ORGANIZATIONS																																		
3	Azeen Khanmalek Executive Director Abundant Housing LA 515 S. Flower St., Fl. 18 Los Angeles, CA 90071-2231 Jaime Del Rio Director of Organizing Abundant Housing LA 515 S. Flower St., Fl. 18 Los Angeles, CA 90071-2231 Tami Kagan-Abrams Project Director Abundant Housing LA 515 S. Flower St., Fl. 18 Los Angeles, CA 90071-2231																																	X
4	Jacob Wessel Diana Corales Abundant Housing LA—Sunset Chapter 515 S. Flower St., Fl. 18 Los Angeles, CA 90071-2231																																	X

Table II-1 (Continued)
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5	Aidan P. Marshall obo CREED LA Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Ste. 1000 South San Francisco, CA 94080-7037 James J.J. Clark Clark & Associates 12405 Venice Blvd., PMB 331 Los Angeles, CA 90066-3803 Patrick Faner Wilson Ihrig 5900 Hollis St., Ste. T1 Emeryville, CA 94608-2008 Rafael Viramontes Water Distribution Engineering LADWP Room 1425 P.O. Box 511111 Los Angeles, CA 90051-5700					X			X	X	X						X								X				X		X			
6	Jim Henderson Amoeba Music 6200 Hollywood Blvd. Los Angeles, CA 90028-5689																																	X
7	Georgia Van Cuylenburg Arts Bridging the Gap 1433 N. Hayworth Ave., Apt. 5 West Hollywood, CA 90046-3831																																	X
INDIVIDUALS																																		
8	Harry Arends hdaprod@yahoo.com																						X											
9	Barbara Assadi 5947 Carlton Way, Apt. 6 Los Angeles, CA 90028-6690				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
10	Emily Boyle 2408 Wild Oak Dr. Los Angeles, CA 90068-2561				X																										X			
11	Alek Friedman urbanization.advocates@gmail.com																																	X
12	Casey Maddren										X	X													X		X		X					
13	Greg Pinkel 6001 Carlton Way, Apt. 405 Los Angeles, CA 90028-4540				X										X																X			
14	Shane Swerdlow shane.swerdlow@alumni.usc.edu																																	X

II. Responses to Comments
C. Comment Letters

Comment Letter No. 1

Tamara Purvis
Associate Environmental Planner
CEQA Unit-Permitting/HWMP
Department of Toxic Substances Control
800 Cal Center Dr.
Sacramento, CA 95826-3200

Comment No. 1-1

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Environmental Impact Report (DEIR) for 6000 Hollywood Boulevard project (project). The project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low-Income households), 136,000 square feet of office use, 18,004 square feet of retail use, and 4,038 square feet of restaurant use. The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures. Building A would be a 136,000 square foot 6-story office and retail building, Building B would be a 289,079 square foot 35-story residential tower, and Building C would be a 23,560 square foot 4-story residential building; 11 low-rise structures ranging from 2 to 4 stories would be interspersed throughout. One of the low-rise structures would be a 4,038 square foot 2-story restaurant and the remaining 10 structures would include 38 residential townhomes. Upon completion, the project would result in a total floor area of 501,185 square feet on the 3.7-acre site. All the existing improvements and uses on the project site would be demolished.

Response to Comment No. 1-1

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

Comment No. 1-2

In Section IV.F Hazards and Hazardous Materials, subsection(3)(b)(2) Mitigation Measures, Mitigation Measure HAZ-MM-1 states “The Applicant shall retain a qualified environmental consultant to prepare a Soil Management Plan which shall be submitted to the City of Los Angeles Department of Building and Safety for review and approval prior to the

commencement of soil disturbance activities. The SMP shall be implemented during soil disturbance activities on the Project Site to ensure that contaminated soils are properly identified, excavated, managed, transported, and disposed of off-site."

DTSC recommends the City of Los Angeles adhere to the following:

1. A Soil Management Plan (SMP) not be implemented as a primary cleanup plan as stated in the Phase I Environmental Site Assessment conducted by Citadel EHS." DTSC recommends that any potential contamination be fully characterized and then remediated under the oversight of a self-certified local agency, DTSC or Regional Water Quality Control Board. A SMP alone cannot sufficiently identify and document the potential contaminants that may pose a threat to human health and the environment. DTSC recommends that a cleanup plan, a Removal Action Workplan (RAW) or Remedial Action Plan (RAP), be prepared to adequately address all site impacts after complete characterization.

2. The City of Los Angeles Department of Building and Safety is not a self-certified local agency and the City of Los Angeles should enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a self-certified local agency, DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your Regional Brownfield Coordinator.

Response to Comment No. 1-2

The Department of Toxic Substances Control's (DTSC) general comment about regulatory oversight when cleanup is involved is acknowledged by the City. However, a cleanup plan is unnecessary for the Project, as implementation of the Project, in accordance with a Soil Management Plan required by Mitigation Measure HAZ-MM-1 and under the supervision of a qualified environmental professional, would necessarily result in removal of all hazardous material impacts posed by the removed soil. Further, additional investigation or characterization under agency oversight to further inform remediation is unnecessary as the Project already involves removal of all impacted soils. Accordingly, no remediation, or additional investigation concerning remediation, is required. Complete removal of any impacted soils, as contemplated by the Project, reduces potential impacts related to hazardous materials as compared to remediation of any impacted soils. DTSC's

recommendations are nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 1-3

3. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage.

Response to Comment No. 1-3

This comment, consisting of advisories to the Applicant should soil be imported, is noted for the record and will be made available to the decision-makers for their review and consideration. It is also noted that any imported fill/soil will be purchased from a certified supplier that can guarantee the soil is clean.

Comment No. 1-4

DTSC appreciates the opportunity to review and comment on the DEIR for 6000 Hollywood Boulevard Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or concerns, please contact me or a member of our CEQA Unit Team.

Response to Comment No. 1-4

This comment concluding the letter is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 2

Justin Klaparda
Senior Transportation Planner
Development Review Team—TOC
Metro
One Gateway Plaza, MS 99-22-1
Los Angeles, CA 90012-2952

Comment No. 2-1

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed 6000 Hollywood Boulevard (Blvd.) (Project) located in the City of Los Angeles (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(6) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA: Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with specific detail on the scope and content of environmental information that should be included in the Environmental Impact Report (EIR) for the Project. In particular, this letter outlines topics regarding the Project's potential impacts on the Metro B Line facilities and services which should be analyzed in the EIR, and provides recommendations for mitigation measures as appropriate. Effects of a project on transit systems and infrastructure are within the scope of transportation impacts to be evaluated under CEQA.[1]

Metro appreciates the coordination with City staff and 6000 Hollywood Boulevard Associates, LLC (Applicant) team to date. In addition to the specific comments outlined below, Metro is providing the City and Applicant with the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at https://www.metro.net/devreview.

Project Description

The Project includes 342,643 square feet of residential uses (350 units), 136,000 square feet of commercial office uses, and 22,542 square feet of commercial uses, including 18,004 square feet of retail, 4,038 square feet of restaurant uses, and 500 square feet of support

uses. The proposed uses will be provided in a 35-story residential building, a six-story office building, and 11 townhome style structures, all on top of a parking podium with frontage along Hollywood Blvd. Proposed is also a three subterranean parking with a max depth of 30 feet. Project construction is anticipated to begin in 2026 and be completed in 2029.

[1] See CEQA Guidelines section 15064.3 (a); Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts In CEQA, December 2018, p. 19.

Response to Comment No. 2-1

This introductory comment summarizing the Project Description and stating the purpose of the letter is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 2-2

Comments

Bus Service Adjacency

1. Service: Metro Bus Line 217 operates eastbound on Hollywood Blvd., adjacent to the Project. One Metro Bus Stop is directly adjacent to the Project at Hollywood Blvd. and Gower St.

2. Impact Analysis: The EIR should analyze potential effects on Metro Bus service and identify mitigation measures as appropriate. Potential impacts may include impacts to transportation services, stops, and temporary or permanent bus service rerouting. Specific types of impacts and recommended mitigation measures to address them include, without limitation, the following:

    a. Bus Stop Condition: The EIR should identify all bus stops on all streets adjacent to the Project site. During construction, the Applicant may either maintain the stop in its current condition and location, or temporarily relocate the stop consistent with the needs of Metro Bus operations. Temporary or permanent modifications to any bus stop as part of the Project, including any surrounding sidewalk area, must be Americans with Disabilities Act (ADA)-compliant and allow passengers with disabilities a clear path of travel between the bus stop and the Project. Once the Project is completed, the Applicant must ensure any existing Metro bus stop affected by the Project is returned to its pre-Project location and condition, unless otherwise directed by Metro.

    b. Driveways: Driveways accessing parking and loading at the Project site should be located away from transit stops, and be designed and configured to avoid potential conflicts with on-street transit services and pedestrian traffic to the

greatest degree possible. Vehicular driveways should not be located in or directly adjacent to areas that are likely to be used as waiting areas for transit.

c. Bus Stop Enhancements: Metro encourages the installation of enhancements and other amenities that improve safety and comfort for transit riders. These include benches, bus shelters, wayfinding signage, enhanced crosswalks and ADA-compliant ramps, pedestrian lighting, and shade trees in paths of travel to bus stops. The City should consider requesting the installation of such amenities as part of the Project.

d. Bus Operations Coordination: The Applicant shall coordinate with Metro Bus Operations Control Special Events Coordinator at 213-922-4632 and Metro's Stops and Zones Department at 213-922-5190 not later than 30 days before the start of Project construction. Other municipal bus services may also be impacted and shall be included in construction outreach efforts.

Response to Comment No. 2-2

These recommendations are noted for the record and will be made available to the decision-makers for their review and consideration.

Existing bus lines and stops adjacent to the Project Site are analyzed in the Draft EIR. Refer specifically to page IV.J-16 of Section IV.J, Transportation and Table 5 and Figure 4 of Appendix J.1, Transportation Assessment, of the Draft EIR.

As discussed in Table IV.J-1 of Section IV.J, Transportation, access to nearby bus stops would be maintained with safe and convenient paths of travel to and from the Project Site. As more fully described and discussed in the non-CEQA Pedestrian, Bicycle, and Transit Access assessment on page 40 of Appendix J.1, Transportation Assessment, of the Draft EIR, it was concluded that the Project would not remove or degrade any existing transit and/or local circulator facilities. The construction period evaluation criteria shown on page 61 of Appendix J.1 was reviewed as part of the Draft EIR, and it was concluded on page 63 that Project construction would likely cause the existing Hollywood/Gower eastbound bus stop along the Project frontage to be temporarily relocated. The southwest corner of Hollywood Boulevard and Gower Street is available for bus stop relocation, which is 200 feet away from the affected bus stop. Additionally, the Hollywood/Bronson stop serving the same route (Metro Bus Line 217) is approximately 0.2 miles east of the Hollywood/Gower eastbound bus stop. The Applicant will coordinate with Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department.

Project driveways comply with the location and number of driveways per the City of Los Angeles Manual of Policies and Procedures Section 321. As stated on page IV.J-44 of

Section IV.J, Transportation, and page 38 of Appendix J.1, Transportation Assessment, the pedestrian and bicycle access to the Project Site would be separated from vehicular driveways and provide access from the adjacent streets and transit stops.

Metro's suggestion that the City request bus stop amenities is acknowledged by the City. However, the comment does not raise any significant environmental impacts resulting from the Project, transit access is not considered by LADOT to be a CEQA issue in its Transportation Assessment Guidelines, and LADOT did not recommend bus stop improvements.

Nevertheless, coordination with Metro during construction will be incorporated into the Project's CTMP described in Project Design Feature TR-PDF-1 on page IV.J-26. The following measure has been added to Project Design Feature TR-PDF-1 IN Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR:

- Coordinate with Metro Bus Operations Control Special Events Coordinator and Metro's Stops and Zones Department not later than 30 days before the start of Project construction.

In response to the commenter's note that there is a possibility that other municipal bus services may also be impacted and that their services shall be included in construction outreach efforts, that suggestion is noted for the record. As discussed on page 18-19 of the Transportation Assessment, the LADOT DASH Hollywood route has its nearest stop approximately 0.25 miles away from the Project Site at the corner of Sunset Boulevard and Gower Street and the DASH Hollywood/Wilshire route has its nearest stop approximately 0.2 miles away from the Project Site at the corner of Hollywood Boulevard and Argyle Avenue. The Project's construction is not anticipated to affect these services. While not anticipated, should construction activities require the temporary interruption of these bus services, the Applicant would coordinate with LADOT.

Comment No. 2-3

Subway Adjacency

1. Operations: The Metro B Line currently operates peak service as often as every six minutes in both directions. Trains may operate 24 hours a day, seven days a week in the tunnels adjacent to the Project.

2. Impact Analysis: Due to the Project's proximity to the B Line tunnels, the EIR must analyze potential effects on subway operations and identify mitigation measures as appropriate. Critical impacts that should be studied include (without limitation): impacts of Project construction and operation on the structural and systems

integrity of subway tunnels; damage to subway infrastructure, including tracks; disruption to subway service; and temporary and/or permanent changes to customer access and circulation to the station.

The following provisions should be used to develop a mitigation measure that addresses these potential impacts:

a. Technical Review: The Applicant shall submit architectural plans, engineering drawings and calculations, and construction work plans and methods, including any crane placement and radius, to evaluate any impacts to the Metro B Line infrastructure in relationship to the Project. Before issuance of any building permit for the Project, the Applicant shall obtain Metro's approval of final construction plans.

b. Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro B Line or the structural and systems integrity of Metro's tunnels. Not later than two months before Project construction, the Applicant shall contact Metro to schedule a pre-construction meeting with all Project construction personnel and Metro Real Estate, Construction Management, and Construction Safety staff. During Project construction, the Applicant shall:

    i. Work in close coordination with Metro to ensure that Metro infrastructure access, visibility, and structural integrity are not compromised by construction activities or permanent build conditions;

    ii. Notify Metro of any changes to demolition and construction activities that may impact the use of the ROW;

    iii. Permit Metro staff to monitor demolition and/or construction activities to ascertain any impact to the B Line ROW.

Response to Comment No. 2-3

The Draft EIR included a comprehensive analysis of potential Project impacts under the thresholds established in the State CEQA Guidelines Appendix G. This analysis did not identify any significant impacts with respect to Metro subway tunnels pursuant to those thresholds. Metro's comments are recognized by both the City and Applicant. The Applicant has coordinated with Metro throughout the CEQA process, including a consultation meeting on October 19, 2022 and a subsequent meeting on January 21, 2025. The Applicant and the City will continue to coordinate with Metro during the CEQA process, as well as the Project's entitlement and Building and Safety review phases. This coordination will include the appropriate review and consultation as discussed in Zoning Information File No. 1117, which addresses construction within 100 feet of Metro-owned rail or bus rapid transit right-of-way.

As part of this process, the Applicant will, as requested by the commenter work in close coordination with Metro to ensure that Metro infrastructure access, visibility, and structural integrity are not compromised by construction activities or permanent build conditions; notify Metro of any changes to demolition and construction activities that may impact the use of the right-of-way; and permit Metro staff to monitor demolition and/or construction activities to ascertain any impact to the B Line right-of-way.

Although no significant impacts were identified, revisions to the Project have been made that increase the distance between the B Line subway tunnel and the Project. Specifically, Building B has been setback an additional 13.5 feet from Hollywood Boulevard and an additional 8 feet of excavation has been assumed for building foundations. This results in a corresponding increase in the amount of soil export from the Project Site. These revisions are reflected in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR and are predominantly related to minor changes to noise levels. As demonstrated therein, these changes do not result in a new or substantially more severe impact than those previously identified in the Draft EIR. The Geotechnical Response Memorandum included as Appendix FEIR-2 of this Final EIR further confirms the new location of Building B and the proposed mat foundation would avoid additional surcharge on Metro's B Line tunnel.

Comment No. 2-4

3. Advisories to Applicant: The Applicant is encouraged to contact the Metro Development Review Team early in the design process to address potential impacts. The Applicant should also be advised of the following:

    a. Occupational Safety and Health Administration (OSHA) Requirements: Demolition, construction and/or excavation work in proximity to Metro right-of-way (ROW) with potential to damage subway tracks and related infrastructure may be subject to additional OSHA safety requirements.

    b. Technical Review: Metro charges for staff time spent on engineering review and construction monitoring.

    c. Right of Way (ROW) Entry Permit: For temporary or ongoing access to Metro ROW for demolition, construction, and/or maintenance activities, the Applicant shall complete Metro's Track Allocation process with Metro Rail Operations and obtain a Right of Entry Permit from Metro Real Estate. Approval for single tracking or a power shutdown, while possible, is highly discouraged; if sought, the Applicant shall apply for and obtain such approval not later than two months before the start of Project construction. The Applicant shall apply for and obtain approval for any special operations, including the use of a pile driver or any other equipment that could come in close proximity or encroach on the tunnels

or related structures, not later than two months before the start of Project construction.

d. Cost of Impacts: The Applicant will be responsible for costs incurred by Metro resulting from Project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure, including single-tracking or bus bridging around closures. The Applicant will also bear all costs for any noise mitigation required for the Project.

Response to Comment No. 2-4

This comment, consisting of advisories to the Applicant is noted for the record and will be made available to the decision-makers for their review and consideration. As discussed above, the Applicant will continue to coordinate with Metro and acknowledges the advisories provided in this comment,

Comment No. 2-5

Transit Supportive Planning: Recommendations and Resources

Considering the Project's proximity to the Hollywood/Vine Station, Metro would like to identify and reinforce the potential synergies associated with transit-oriented development:

1. Land Use: Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments. Metro encourages the City and Applicant to be mindful of the Project's proximity to the Hollywood/Vine Station, including orienting pedestrian pathways towards the station.

2. Transit Connections and Access: Metro strongly encourages the Applicant to install Project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations. The City should consider requiring the installation of:

   a. Bicycle Use and Micromobility Devices: The provision of adequate short-term bicycle parking, such as ground-level bicycle racks, and secure, access-controlled, enclosed long-term bicycle parking for residents, employees, and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, ease to locate, and equipment installation with preferred spacing dimensions, so bicycle parking can be safely and conveniently accessed. Similar provisions for micro-mobility devices are also encouraged. The Applicant should also coordinate with the

Metro Bike Share program for a potential Bike Share station at this development.

b. First & Last Mile Access: The Project should address first-last mile connections to transit and is encouraged to support these connections with wayfinding signage inclusive of all modes of transportation. For reference, please review the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: http://media.metro.net/docs/sustainability_path_design_guidelines.pdf

3. Parking: Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements and the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile-orientation in design and travel demand.

4. City of Los Angeles project synergies: [sic] Metro encourages the Applicant to consider identifying synergies with LADOT-led active transportation projects proposed for the Hollywood Boulevard corridor, including the Walk of Fame area.

5. Wayfinding: Any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus or Rail pictograms) requires review and approval by Metro Signage and Environmental Graphic Design.

6. Transit Pass Programs: Metro would like to inform the Applicant of Metro's employer transit pass programs, including the Annual Transit Access Pass (A-TAP), the Employer Pass Program (E-Pass}, and Small Employer Pass (SEP) Program. These programs offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. The A-TAP can also be used for residential projects. For more information on these programs, please visit the programs' website at https://www.metro.net/riding/eapp/.

Response to Comment No. 2-5

This comment consisting of recommendations for transit oriented development is noted for the record and will be made available to the decision-makers for their review and consideration. It should be noted that the Project would encourage alternative modes of travel through its proximity to multiple transit services, including the Metro B Line Hollywood/Vine Station located approximately 0.25 miles west of the Project Site; The Project would include promotions and marketing to educate and inform employees and visitors to the Project Site of available mobility options and on-site bicycle parking and amenities as part of its TDM strategies to reduce the number of single occupancy vehicle trips to the Project Site; and the Project Site is fronting Hollywood Boulevard, which is Tier 1

Protected Bicycle Lane as designated by the Mobility Plan and would provide 63 short-term and 202 long-term bicycle parking spaces in accordance with the LAMC. Short-term bicycle parking spaces would be provided on the ground level on all frontages of the Site and long-term bicycle parking spaces as well as locker rooms and showers would be provided within the subterranean parking garage. As such, the Project would enhance access from the Site to the City's bicycle network.

Comment No. 2-6

If you have any questions regarding this letter, please contact me by phone at 213-922-5538, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza MS 99-22-1
Los Angeles, CA 90012-2952

Attachments and links:

Adjacent Development Handbook: https://www.metro.net/devreview

Response to Comment No. 2-6

This comment concluding the letter and providing a point of contact is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 3

Azeen Khanmalek
Executive Director
Abundant Housing LA
515 S. Flower St., Fl. 18
Los Angeles, CA 90071-2231

Jaime Del Rio
Director of Organizing
Abundant Housing LA
515 S. Flower St., Fl. 18
Los Angeles, CA 90071-2231

Tami Kagan-Abrams
Project Director
Abundant Housing LA
515 S. Flower St., Fl. 18
Los Angeles, CA 90071-2231

Comment No. 3-1

We are writing to you in support of the proposed 350-unit mixed use development, including 44 affordable units, at 6000 W. Hollywood Blvd, case number ENV-2022-6688-EIR. We urge the city to accept the Draft EIR and allow the project to proceed to its next step.

The greater Los Angeles region is facing a severe housing shortage, particularly affordable housing and creating new housing in Hollywood will help to reduce issues of gentrification and displacement. Abundant Housing LA believes that these housing challenges can only be addressed if everyone in the region does their part. This project will help provide that much needed housing by replacing a car dealership without the loss of any residential units.

This project is in a great location for housing, across the street from a bus stop and 2 blocks away from the Metro B Line Hollywood and Vine station. It is also close to shopping, restaurants and entertainment attractions. The new commercial spaces, which will include a restaurant, will benefit the surrounding neighborhood.

It is great to see the developer using the Density Bonus program to bring new homes, including badly needed affordable housing to the city. Affordable housing programs that depend on a percentage of new construction being affordable need a lot of new construction to have an impact, and the city should work to increase the number of developers using the

Density Bonus. This project is good for Los Angeles and for the region and we urge the city to approve the Draft EIR.

Response to Comment No. 3-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 4

Jacob Wessel
Diana Corales
Abundant Housing LA—Sunset Chapter
515 S. Flower St., Fl. 18
Los Angeles, CA 90071-2231

Comment No. 4-1

Abundant Housing LA—Sunset Chapter would like to express our support for the proposed 6000 Hollywood Blvd project. This project realizes the vision outlined in the Hollywood Community Plan Update 2.0 of a dense, walkable Hollywood with more housing opportunities for all.

Abundant Housing LA is a grassroots nonprofit organization working to solve Southern California's housing crisis by advocating for more housing at all levels of affordability. As a local chapter, Abundant Housing LA—Sunset advocates for more housing in the Hollywood, East Hollywood, Echo Park, Silver Lake, Atwater Village, and Los Feliz neighborhoods. We are a network of more than 25 residents from these neighborhoods who wish to see them become even more vibrant and dynamic communities with more housing opportunities for neighbors.

Replacing the Toyota of Hollywood dealership with housing and neighborhood-serving retail is the kind of infill, transit-oriented development that our membership wants to see built along major thoroughfares. Creating new housing within walking distance of Hollywood/Vine D Line station as well as along newly installed Hollywood Blvd protected bike lanes will provide opportunity for new residents to live car-lite lifestyles, thereby reducing their carbon footprint, while creating a more vibrant streetscape that will benefit residents, workers, and visitors alike.

Additionally, we are strongly supportive of new development that does not displace any existing residents. This project will result in a net increase of 350 residential units to the housing stock in Hollywood, including 44 Very Low-Income affordable units, on a site where no housing previously existed. Building new residential units on parcels like these is a key strategy towards alleviating the chronic housing shortage plaguing our city and allowing our neighborhoods to grow.

Amidst our housing, homelessness, and climate crises, 6000 Hollywood Blvd represents an opportunity to make meaningful progress. As local residents, we look forward to seeing this project realized and all the benefits it will generate for the Hollywood community.

Response to Comment No. 4-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 5

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Comment No. 5-1

Los Angeles ("CREED LA") regarding the Draft Environmental Impact Report ("DEIR") prepared by the City of Los Angeles ("City") for the 6000 Hollywood Boulevard Project (SCH No. 2023050659; Environmental Case No. ENV-2022-6688-EIR) ("Project"), proposed by 6000 Hollywood Blvd Associates LLC ("Applicant").

The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet (sf) of office uses, 18,004 sf of retail uses, 4,038 sf of restaurant uses, and 500 sf of storage space (total floor area of 501,185 sf). The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000 sf, six-story office and retail building; Building B would be a 289,079 SF, 35-story residential tower; Building C would be a 23,560 sf, four-story residential building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. The Project Site encompasses the following addresses: 5950, 5960, 5962, 6000, 6004, 6010, 6016, 6020, 6024, 6024½, 6030, 6038, 6044, and 6048 West Hollywood Boulevard and 6037 West Carlton Way, in the City of Los Angeles, California (Assessor's Parcel Numbers: 5545-006-029; 005-005; 005-022).

We reviewed the DEIR with the assistance of air quality expert Dr. James Clark[1] and noise expert Patrick Faner.[2]

[1] Dr. Clark's technical comments and curricula vitae are attached hereto as Exhibit A.

[2] Mr. Faner technical comments and curricula vitae are attached hereto as Exhibit B.

Response to Comment No. 5-1

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

Comment No. 5-2

Based upon our review of the DEIR and supporting documentation, we conclude that the DEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA").[3] In summary, the DEIR's project description is inadequate because the DEIR fails to analyze impacts from construction of a deep foundation, thus failing to analyze impacts from all reasonably foreseeable consequences of the Project. The DEIR's impacts analysis is inadequate because it fails to conduct a quantitative health risk analysis, despite the fact that the Project site is bordered by a preschool and numerous multifamily homes. Dr. Clark prepared a health risk analysis demonstrating that incremental cancer risk of these sensitive receptors would be 40.5 in one million, which exceeds the City's 10 in one million significance threshold. The DEIR also fails to adequately analyze the Project's cumulative health risk and air quality impacts in light of the community's existing pollution burden resulting from similar projects.

The DEIR fails to analyze impacts associated with the Project's provision of 894 parking spaces, which is in excess of the zero parking spaces required by law. These impacts include air quality, GHG, energy, and transportation. The DEIR fails to adequately analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. The DEIR fails to analyze all impacts associated with construction of infrastructure improvements. The DEIR also fails to adequately analyze noise and vibration impacts by failing to adequately characterize existing conditions, include all sensitive receptors in its analysis, and identify all feasible mitigation measures for impacts deemed significant and unavoidable.

As a result of its shortcomings, the DEIR lacks substantial evidence to support its conclusions, violates CEQA's disclosure and analytical requirements, and fails to properly mitigate the Project's significant environmental impacts. CREED LA urges the City to remedy the deficiencies in the DEIR by preparing a legally adequate revised DEIR and recirculating it for public review and comment. CREED LA reserves the right to provide supplemental comments at any and all later proceedings related to this Project.[4]

[3] PRC § 21100 et seq.

[4] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist*. (1997) 60 Cal. App. 4th 1109, 1121.

Response to Comment No. 5-2

This comment consisting of an overview of the commenter's critiques of the Draft EIR is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 5-5 through 5-61 below. As demonstrated therein, the Draft EIR meets the requirements of CEQA and recirculation is not required.

Comment No. 5-3

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes Los Angeles residents Thomas Brown, John Bustos, Gery Kennon, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles and Los Angeles County.

Individual members of CREED LA live in the City of Los Angeles, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

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

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation

to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

Response to Comment No. 5-3

This comment consisting of the commenter's statement of interest is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-4

II. LEGAL BACKGROUND

CEQA requires public agencies to analyze the potential environmental impacts of their proposed actions in an EIR.[5] "The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."[6]

CEQA has two primary purposes. First, CEQA is designed to inform decisionmakers and the public about the potential significant environmental effects of a project.[7] "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[8] The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."[9] As the CEQA Guidelines explain, "[t]he EIR serves not only to protect the environment but also to demonstrate to the public that it is being protected."[10]

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring consideration of environmentally superior alternatives and adoption of all feasible mitigation measures.[11] The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced."[12] If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[13]

While courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A clearly inadequate or unsupported study is entitled to no judicial deference."[14] As the courts have explained, a prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed

public participation, thereby thwarting the statutory goals of the EIR process."[15] "The ultimate inquiry, as case law and the CEQA guidelines make clear, is whether the EIR includes enough detail 'to enable who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.'"[16]

5 PRC § 21100.

6 *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal* ("*Laurel Heights I*") (1988) 47 Cal.3d 376, 390 (internal quotations omitted).

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

8 *Citizens of Goleta Valley*, 52 Cal.3d at p. 564 (quoting *Laurel Heights I*, 47 Cal.3d at 392).

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

10 CEQA Guidelines § 15003(b).

11 CEQA Guidelines § 15002(a)(2), (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at p. 564.

12 CEQA Guidelines § 15002(a)(2).

13 PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.

14 *Berkeley Jets*, 91 Cal.App.4th at p. 1355 (emphasis added) (quoting *Laurel Heights I*, 47 Cal.3d at 391, 409, fn. 12).

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

16 *Sierra Club*, 6 Cal.5th at p. 516 (quoting *Laurel Heights I*, 47 Cal.3d at 405).

Response to Comment No. 5-4

This comment consisting of the commenter's interpretation of the CEQA process is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-5

III. THE PROJECT DESCRIPTION IS INADEQUATE

The DEIR does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[17] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[18] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[19] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[20]

CEQA Guidelines section 15378 defines "project" to mean "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[21] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term project does not mean each separate governmental approval."[22] Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[23] "If a[n] … EIR … does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decisionmaking cannot occur under CEQA and the final EIR is inadequate as a matter of law."[24]

17 *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.

18 14 CCR § 15124; see, *Laurel Heights I*, *supra*, 47 Cal.3d 376, 192-193.

19 *Id.*

20 *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.

21 CEQA Guidelines § 15378.

22 *Id.*, § 15378(c).

23 *Laurel Heights I*, 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.

24 *Riverwatch v. Olivenhain Municipal Water Dist*. (2009) 170 Cal. App. 4th 1186, 1201.

Response to Comment No. 5-5

This comment makes a broad claim that the Project Description in the Draft EIR is inadequate. Refer to Response to Comment Nos. 5-6 through 5-8 below for specific issues raised by the commenter related to the Project Description.

Comment No. 5-6

A. The DEIR Fails to Describe Impacts Associated with Construction of a Deep Foundation

The DEIR assumes that the Project would rely on a mat foundation, but the Initial Study's Preliminary Geotechnical Report states that the 35-story residential tower may require a deep foundation.[25] A deep foundation is a type of foundation which is placed at a greater depth below the ground surface and transfers structure loads to the earth at depth. However, there is no evidence that the DEIR analyzed the impacts associated with construction of a deep foundation. The FEIR's failure to analyze impacts associated with construction of a deep foundation is a failure to analyze the whole of the action proposed by the Project. A deep foundation is reasonably foreseeable for this Project because the Preliminary Geotechnical Report identifies it as a potentially necessary design due to adjacent with the Metro B Line.

The failure to analyze impacts associated with a deep foundation undermines the assumptions in the DEIR. The DEIR assumes that the maximum depth of ground-disturbing activities for the Project is 40 feet below ground surface (bgs) due to construction of the 3-level subterranean garage.[26] The DEIR must be revised to evaluate the potential depth of ground-disturbing activities for the Project should a deep foundation be required. Because deep foundations require construction at a greater depth, more earth may be required to be excavated from the Project site than assumed in the DEIR (210,000 cubic yards).[27] A deep foundation may require different construction equipment than required for a mat foundation. Because deep foundations require construction at a deeper depth, deep foundations are more time-consuming to construct.[28] There is no evidence that the time to construct a deep foundation is incorporated in the DEIR's assumption that construction would require 44 months.[29]

[25] DEIR, Appendix A, PDF pg. 191, 193

[26] DEIR, pg. II-25, Appendix E, pg. i.

[27] DEIR, pg. II-25.

[28] https://www.geoengineer.org/education/foundation-design-construction/deep-foundations#:~:text=A%20deep%20foundation%20is%20a,greater%20than%204%20to%205; https://www.understandconstruction.com/types-of-foundations.html; https://www.bigrentz.com/blog/types-of-foundations.

Response to Comment No. 5-6

Refer to Appendix FEIR-2 of this Final EIR which provides a response letter (Geotechnical Response Memorandum) by Langan regarding construction of a deep foundation. As discussed therein, the proposed 6 story office building (Building A) and podium will not result in an increase on the load (i.e., additional surcharge) on the Metro B Line tunnel. In addition, as stated above in Response to Comment No. 2-3, although no significant impacts were identified, the residential tower (Building B), would be relocated approximately 13.5 feet further south from Hollywood Boulevard increasing the distance between the Metro B Line subway tunnel and the Project and the proposed mat foundation is being deepened so that the new building does not result in an increase on the load on the Metro B Line tunnel. These design choices eliminate the need for deep foundations and the associated ground disturbing activities and extended construction timeline referenced by the commenter would not occur. No additional analysis is warranted based on this comment.

Comment No. 5-7

Because the DEIR does not evaluate impacts associated with the whole of the Project, which includes potential construction of a deep foundation, the DEIR's environmental impacts analyses underestimate potentially significant environmental impacts. Project construction emissions are underestimated because the DEIR underestimates the equipment required for the foundation, underestimates the construction schedule, and underestimates the number of haul trips necessary to remove excavated earth. The Project's noise study analyzes impacts of a mat foundation—the analysis is not supported by substantial evidence because it does not clearly reflect impacts generated by construction of a deep foundation. The Project's Paleontological Resources Assessment must also be revised to analyze impacts associated with deeper ground-disturbing activities, as currently it assumes that the maximum depth would be 40 ft bgs for the subterranean garage. The Initial Study concluded that no dewatering would occur because construction activities would not occur deeper than 30-40 feet for the subterranean garage, and the historical high groundwater below the Project site is 80 feet bgs.[30] Ground-disturbing activities may occur at a greater depth should a deep foundation be required.

[29] DEIR, pg. II-25, IV.A-68.

[30] DEIR, Appendix A, PDF pg. 62.

Response to Comment No. 5-7

As discussed above in Response to Comment No. 5-6, the residential tower (Building B) would not require a deep foundation and the additional construction equipment and ground disturbing activities referenced by the commenter would not occur. No additional analysis is warrated based on this comment.

Comment No. 5-8

In sum, the DEIR's project description is inadequate because it fails to include the whole of the Project. As a result of the inadequate project description, the DEIR's impacts analyses that rely on a 44-month construction schedule or assume that 210,000 cubic yards of soil would be excavated are not supported by substantial evidence.

Response to Comment No. 5-8

Refer to Response to Comment Nos. 5-6 and 5-7 above. As discussed therein, a deep foundation would not be required. The Project Description and corresponding construction assumptions are accurate. No additional analysis is warranted.

Comment No. 5-9

IV. THE DEIR FAILS TO DISCLOSE, ANALYZE AND MITIGATE POTENTIALLY SIGNIFICANT IMPACTS

An EIR must fully disclose all potentially significant impacts of a Project and implement all feasible mitigation to reduce those impacts to less than significant levels. The lead agency's significance determination with regard to each impact must be supported by accurate scientific and factual data.[31] An agency cannot conclude that an impact is less than significant unless it produces rigorous analysis and concrete substantial evidence justifying the finding.[32]

Even when the substantial evidence standard is applicable to agency decisions to certify an EIR and approve a project, reviewing courts will not '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.'"[33]

Moreover, the failure to provide information required by CEQA is a failure to proceed in the manner required by CEQA.[34] Challenges to an agency's failure to proceed in the manner required by CEQA, such as the failure to address a subject required to be covered in an EIR or to disclose information about a project's environmental effects or alternatives, are subject to a less deferential standard than challenges to an agency's factual conclusions.[35] In reviewing challenges to an agency's approval of an EIR based on a lack of substantial evidence, the court will "determine de novo whether the agency has employed the correct procedures, scrupulously enforcing all legislatively mandated CEQA requirements."[36]

Additionally, CEQA requires agencies to commit to all feasible mitigation measures to reduce significant environmental impacts.[37] In particular, the lead agency may not make required CEQA findings, including finding that a project impact is significant and unavoidable, unless

the administrative record demonstrates that it has adopted all feasible mitigation to reduce significant environmental impacts to the greatest extent feasible.[38]

[31] CEQA Guidelines § 15064(b).

[32] *Kings Cty. Farm Bur. v. Hanford* (1990) 221 Cal.App.3d 692, 732.

[33] *Berkeley Jets*, 91 Cal.App.4th at 1355.

[34] *Sierra Club v. State Bd. Of Forestry* (1994) 7 Cal.4th 1215, 1236.

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

[36] *Id.*, *Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102.

[37] CEQA Guidelines § 15002(a)(2).

[38] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090, 15091; *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.

Response to Comment No. 5-9

This comment makes the general claim that the Draft EIR failed to identify and mitigate significant impacts. This is incorrect. As stated in Section I, Executive Summary, of the Draft EIR, based on the analysis in Section IV, Environmental Impact Analysis, of this Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with regard to on-site construction noise, off-site construction noise, on-site construction vibration with respect to human annoyance, and off-site vibration with respect to human annoyance. In addition, the Project would result in significant cumulative impacts that cannot be feasibly mitigated with regard to on-site and off-site construction noise and on-site and off-site construction vibration with respect to human annoyance. Additionally, impacts related to archaeological resources, paleontological resources, hazards and hazardous materials (construction), and on-site vibration (building damage, construction) would be less than significant with mitigation.

Refer to Response to Comment Nos. 5-10 through 5-43 below for a discussion of the specific issues raised by the commenter related to this claim.

Comment No. 5-10

A. The DEIR Fails to Disclose and Mitigate Significant Health Risk Impacts

1. The DEIR Fails to Quantify Health Risk Impacts

The DEIR fails to adequately analyze health risk impacts from Project emissions by failing to quantify health risk impacts. Project construction and operation would generate Diesel Particulate Matter ("DPM"), a type of toxic air contaminant ("TAC").[39] The DEIR acknowledges that DPM would be emitted during construction by heavy equipment and diesel trucks and during operations by delivery trucks and diesel backup generators.[40] DPM

has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. The Project's emissions of DPM would impact numerous sensitive receptors near the Project site. Sensitive receptors that would be directly affected by the Project's emissions include the Shir Hashirim Montessori School and multi-family apartment buildings, many of which abut the Project site.[41] Despite the Project's proximity to these receptors, the DEIR fails to quantify the health risk impacts from exposure to TACs.

[39] SCAQMD, Classification of Diesel PM as a Carcinogen, https://www.aqmd.gov/home/rules-compliance/compliance/toxic-hot-spots-ab-2588/iws-facilities/dice/dice-b2; OEHHA, Health Effects of Diesel Exhaust (May 21, 2001), https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf.

[40] *Id.*; DEIR, pg. IV.A-9, 70.

[41] DEIR, Figure IV.A-4.

Response to Comment No. 5-10

The Draft EIR correctly identified that proposed construction activities would be limited in duration and considered a short-term source of TAC emissions. SCAQMD's 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 quantitative health risk assessment (HRA) 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.

Because the construction schedule for the Project estimates that the overall construction schedule would be limited to approximately 44 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 as the Project does not include any substantial operational sources of TAC emissions (e.g., warehouse distribution facility). Because there is such a short-term exposure period (approximately four years out of a 70-year lifetime), further evaluation of construction TAC emissions within the Draft EIR was not warranted. This supporting information is consistent with the *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 delivery trucks. As discussed on page IV.A-45 of the Draft EIR, potential TAC impacts were evaluated by conducting a qualitative analysis consistent with CARB's *Air Quality and Land Use Handbook: A Community Health Perspective (CARB's Handbook)*, which provides recommendations (recommended siting distances) 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).[1] SCAQMD adopted similar recommendations in its *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*.[2] CARB and SCAQMD recommend a buffer of 1,000 feet from sensitive land uses (e.g., Shir Hashirim Montessori School and multi-family apartment buildings) for substantial sources of diesel particulate matter (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). While sensitive land uses would be located within 1,000 feet of the Project Site, the Project total truck deliveries, including both diesel and non-diesel, would be approximately seven net new daily truck deliveries (ten truck deliveries daily under existing condition and approximately 17 truck deliveries daily under buildout). Based on CARB and SCAQMD guidance, no quantitative analysis was 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's operation 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 a quantitative HRA was not warranted.

Nonetheless, although quantitative 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, a quantitative HRA has been prepared pursuant to the California Air Pollution Control Officers Association (CAPCOA) Guidance Document for Health Risk Assessments for Proposed Land Use Projects in response to this comment to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The quantitative HRA is provided as Appendix FEIR-3 of this Final EIR. The quantitative HRA demonstrates that carcinogenic risk from the Project (combined

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[1] *CARB, Air Quality and Land Use Handbook, a Community Health Perspective, April 2005.*

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

construction and operation) would be a maximum of 3.7 in one million for residences located directly south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million for carcinogenic exposure. For chronic non-carcinogenic exposures, the increase in the hazard index was estimated to be less than the applicable threshold of 1.0 for either chronic or acute effects at sensitive receptors in close proximity to the Project Site, resulting in a less than significant impact. 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. 5-11

CEQA requires analysis of human health impacts. CEQA Guidelines Section 15065(a)(4) provides that the City is required to find a project will have a significant impact on the environment and prepare an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.[42] The Supreme Court has also explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.[43] Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[44]

In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court found that the EIR's description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[45] Likewise, in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[46] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[47] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[48]

42 PRC § 21083(b)(3), (d).

43 *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.

44 *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

45 *Id.* at 1220.

46 *Sierra Club*, at 521.

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

[48] *Sierra Club*, 6 Cal.5th at 518–522.

Response to Comment No. 5-11

This comment cites case law and expresses the commenter's opinion on the cited case. While this comment correctly cites CEQA Guidelines Section 15065(a)(4) regarding identification of significant impacts where a project will cause substantial adverse effect on human beings, the commenter is referred to Response to Comment No. 5-10 in which the Project would result in less than significant air toxic impacts. Furthermore, Section IV.A, Air Quality, of the Draft EIR demonstrates that air pollutant emissions would be below SCAQMD regional and localized significance thresholds. SCAQMD localized impact thresholds are based on the most stringent ambient air quality standards for each pollutant and have been set at levels considered safe to protect public health, including the health of sensitive populations, such as asthmatics, children and the elderly.

This comment misconstrues a key point in the California Supreme Court decision, *Sierra Club v. County of Fresno* (Friant Ranch). The focus of the decision was regarding significant impacts identified in CEQA documents and the feasibility of directly relating any identified significant adverse air quality impact to likely health consequences. As discussed above, the Project would not result in any significant air quality impacts and, thus, no further analysis of directly relating likely health consequences was warranted.

Comment No. 5-12

For development projects like this one, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines also recommend a formal health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.[49] In an HRA, lead agencies must first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern.[50] Following that analysis, then the City can make a determination of the relative significance of the emissions. Here, the DEIR states that exposure to TACs would be significant if it would result in an incremental cancer risk of 10 in one million or greater.[51]

Here, the DEIR fails to quantify the magnitude of TACs that would be emitted by the Project's operations and construction. The DEIR also fails to quantify sensitive receptors' exposure to TACs and whether the 10 in one million significance threshold would be exceeded. As such, the DEIR fails to adequately connect the Project's emissions and their direct, adverse effects on human health.[52]

[49] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.

[50] *Id.*

[51] DEIR, pg. IV.A-36, Table IV.A-4.

[52] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

Response to Comment No. 5-12

The comment identifies that the Office of Environmental Health Hazard Assessment (OEHHA) adopted the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual) in March of 2015.[3] 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 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. Contrary to what is stated in this comment, the Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). As discussed above, this guidance is not applicable to the Project.

As noted above in Response to Comment No. 5-10, although an HRA was not required, a quantitative HRA has been prepared pursuant to the CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects in response to this comment to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The quantitative HRA is provided as Appendix FEIR-3 of this Final EIR. The quantitative HRA demonstrates that carcinogenic risk from the Project (combined

[3] *See OEHHA, Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015, https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0, accessed February 18, 2025.*

construction and operation) would be a maximum of 3.7 in one million for residences located directly south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million for carcinogenic exposure. For chronic non-carcinogenic exposures, the increase in the hazard index was estimated to be less than the applicable threshold of 1.0 for either chronic or acute effects at sensitive receptors in close proximity to the Project Site, resulting in a less than significant impact.

Comment No. 5-13

The DEIR reasons that Project emissions would not exceed applicable Localized Significance Thresholds ("LSTs").[53] But compliance with LSTs does not mean compliance with SCAQMD's 10 in one million cancer risk threshold. There are no LSTs for DPM and other TACs that would be emitted by the Project.[54] LSTs are based on the number of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts. But LSTs only apply to four criteria pollutants: NOx, CO, PM_{10}, and $PM_{2.5}$. LSTs do not apply to DPM and other TACs, which contain carcinogenic compounds not found in criteria pollutants, and thus do not disclose the magnitude of the Project's health impacts from exposure to the Project's air emissions. Thus, the DEIR's analysis of LSTs does not answer the question required by CEQA Appendix G as to whether the Project would "expose sensitive receptors to substantial pollutant concentrations"[55] and is no substitute for the DEIR's failure to analyze health risk impacts from exposure to TACs.

53 DEIR, pg. IV.A-67-68, 69.

54 SCAQMD, Localized Significance Thresholds, http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds; SCAQMD, Final Localized Significance Threshold Methodology (June 2003, revised June 2008), available at www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.

55 CEQA Appendix G, III(d).

Response to Comment No. 5-13

The localized effects from the on-site criteria pollutants were analyzed in the Draft EIR consistent with SCAQMD's LST methodology, which uses on-site mass emissions rate look-up tables and Project-specific modeling, where appropriate, to assess whether the Project's local emissions would exceed SCAQMD's significance thresholds.[4] SCAQMD provides LSTs applicable to the following criteria pollutants: NO_x; CO; PM_{10}; and $PM_{2.5}$.[5] The Draft EIR did not use LSTs in an attempt to address DPM as suggested in this comment as no

4 SCAQMD, LST Methodology Appendix C-Mass Rate LST Look-Up Table, October 2009.

5 SCAQMD, LST Methodology, p. 1-4.

LST has been set for DPM. However, a qualitative analysis of TACs and DPM was provided for construction and operations on page IV.A-68 through IV.A-71 of the Draft EIR.

Further, the City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site sources of TACs is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR.

No guidance for requiring HRAs for construction has been adopted by CARB, SCAQMD, or the City. Nonetheless, as previously noted in Response to Comment No. 5-10, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million.

Comment No. 5-14

The DEIR also reasons that health risks from exposure to TACs emitted from construction activities would be less than significant because construction activities would be of short duration.[56] Specifically, the DEIR argues that "health effects from carcinogen air toxics are usually described in terms of individual cancer risk, which is the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer … Given the short-term construction schedule of approximately 44 months, the Project would not result in a long-term (i.e. 70-year) source of TAC emissions."[57] The DEIR's reasoning is incorrect, as it assumes that exposure to TACs over a term shorter than 70 years cannot result in significant health effects. The DEIR itself acknowledges that "[l]ung impairment can persist for two to three weeks after exposure to high levels of particulate matter."[58] The Project's 44-month (3.6 year) construction schedule exceeds the two-month threshold recommended by OEHHA. OEHHA's guidance explains that exposure to TACs is a function of the breathing rate, the exposure frequency, and the concentration of a substance in the air.[59] The exposure frequency and concentration of TACs near sensitive receptors increase the closer construction activities occur to sensitive receptors.[60] Because emissions of TACs during construction would occur across the property line from residences, sensitive receptors' exposure to TACs is potentially significant.

[56] DEIR, pg. IV.A-68.

[57] DEIR, pg. IV.A-68-69.

[58] DEIR, pg. IV.A-6.

[59] OEHHA, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, pg. 5-23.

[60] *Id.* at 1-3 ("The process by which Districts identify priority facilities for risk assessment involves consideration of potency, toxicity, quantity of emissions, and proximity to sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences.").

Response to Comment No. 5-14

As discussed above in Response to Comment No. 5-10, a quantitative HRA to evaluate potential health risk impacts to nearby sensitive receptors is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site sources of TACs is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR.

As noted in Response to Comment No. 5-10, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million.

Comment No. 5-15

The City also reasons that a health risk analysis is not required for this Project because the South Coast Air Quality Management District ("SCAQMD") has not adopted a rule requiring health risk assessments for short-term construction emissions.[61] This reasoning ignores that SCAQMD has adopted significance thresholds for evaluating the health risk from exposure to project-related TAC emissions:

South Coast AQMD Air Quality Significance Thresholds[62]

TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index ≥ 1.0 (project increment)

[61] *Id.*

[62] See South Coast AQMD Air Quality Significance Thresholds (March 2023), available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjn5Mev_7qEAxVtFDQIHdCsAPcQFnoECBQQAQ&url=https%3A%2F%2Fwww.aqmd.gov%2Fdocs%2Fdefault-source%2Fceqa%2Fhandbook%2Fsouth-coast-aqmd-air-quality-significance-thresholds.pdf%3Fsfvrsn%3D25&usg=AOvVaw07n1OZu8NvvtfqOAnstLMG&opi=89978449 (last visited 2/20/24).

Response to Comment No. 5-15

As discussed above in Response to Comment No. 5-10, a quantitative HRA to evaluate potential health risk impacts to nearby sensitive receptors is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City. The referenced SCAQMD significance threshold is only applicable for projects that are required to conduct HRAs. Assembly Bill (AB) 2588, the Air Toxics "Hot Spots" Information and Assessment Act, requires facilities that are ranked as a high priority to submit an HRA to the air pollution control and air quality management district. As the Project is not a high priority facility, a HRA is not required. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site construction sources of TACs is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR.

As previously noted in Response to Comment No. 5-10, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million.

Comment No. 5-16

By failing to quantify the cancer risk, the DEIR lacks substantial evidence to conclude that the 10 in one million significance threshold would not be exceeded. The DEIR's reasoning

also ignores that that the City must comply with CEQA's analytical requirements even if the air district has not established a blanket requirement for quantitative analysis.

The DEIR thus fails to meet CEQA's information and analytical requirements, and the Project's health risk impacts remain potentially significant and unmitigated. These potentially significant impacts must be analyzed and mitigated in a revised EIR. The EIR must evaluate the combined lifetime risk of exposure to both the Project's construction and operational TAC emissions.

Response to Comment No. 5-16

As discussed above in Response to Comment No. 5-10, a quantitative HRA to evaluate potential health risk impacts to nearby sensitive receptors is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City. The referenced SCAQMD significance threshold is only applicable for projects that are required to conduct HRAs. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site construction sources of TACs is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR.

As previously noted in Response to Comment No. 5-10, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million.

Comment No. 5-17

2. Health Risks from Exposure to Project Emissions Would Be Significant

Substantial evidence shows that health risks from exposure to the Project's emissions of TACs would be significant.

Dr. Clark prepared a health risk analysis using AERMOD, the US EPA's preferred air dispersion model, in accordance with OEHHA guidance.[63] This quantitative analysis relied on data and assumptions in the DEIR's own air quality analysis.[64] The results of Dr. Clark's

air model and the health risk analysis are attached as an appendix to this letter. Dr. Clark found that the cancer risk to the most sensitive population, infants less than 3 years old, would be 40.5 in 1,000,000.[65] This health risk exceeds SCAQMD's 10 in 1,000,000 cancer risk threshold, resulting in a significant impact. The City must revise the EIR to include analysis and mitigation of the Project's significant health risk impacts.

[63] Clark Comments, pg. 5.

[64] Clark Comments, pg. 6.

[65] Clark Comments, pg. 12.

Response to Comment No. 5-17

As discussed above in Response to Comment No. 5-10, a quantitative HRA to evaluate potential health risk impacts to nearby sensitive receptors is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City.

Refer to Responses to Comments Nos. 5-47 through 5-50 below for a detailed discussion of Clark's analysis. As discussed therein, the HRA provided by Clark contains numerous errors. The model terrain within AERMOD was run with rural instead of urban as recommended in SCAQMD's LST guidance document. Construction emissions were also distributed evenly throughout the Project Site which would disproportionally move construction emissions to the south side of the property near residential uses even though the majority of massing by square footage, excavation/export, and mat foundation would be on the northern portion of the Project Site. Health risk calculations provided by Clark are erroneous and do not account for Project Site specific conditions. Clark's HRA should not be considered further.

While not required as mitigation since the Project would result in less than significant health risk impacts, the Applicant has committed that use of all off-road diesel-powered equipment greater than 50 hp during construction would meet USEPA Tier 4 Final emissions standards. As shown in Section III, Revisions, Clarifications, and Corrections to the Draft EIR and in Section IV, Mitigation Monitoring Program, of this Final EIR, this commitment has been incorporated into the Project as Project Design Feature AIR-PDF-1:

> **Project Design Feature AIR-PDF-1:** During construction, all offroad diesel-powered equipment greater than 50 horsepower will meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards.

Use of Tier 4 equipment would further reduce air quality emissions and associated exposure to health risk.

Comment No. 5-18

3. The Project Conflicts with Applicable Policies Regarding Air Quality and Health Risk

The CEQA Guidelines provide that a significant air quality impact would occur when a project "[c]onflict[s] with or obstruct implementation of the applicable air quality plan."[66] Further, the Guidelines provide that a significant impact would occur if a project conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.[67]

The Project is inconsistent with mitigation measures adopted in the Citywide Housing Element 2021-2029 and Safety Element Updates EIR.[68] The 2021-2029 Housing Element is applicable to this Project as it was adopted by the Los Angeles City Council on November 24, 2021, and will be in effect through 2029.[69] Mitigation Measure 4.2-3 ("Construction TAC Reduction Measures") of the EIR's Mitigation Monitoring Program requires projects to either quantify health risks or use Tier 4 Final equipment:

> For discretionary projects with an anticipated construction duration of greater than 18-months and located within 500 feet of a residence or other sensitive receptor, prior to issuance of a permit to construct, the applicant shall provide to the City an Air Quality Impact Analysis, prepared by a qualified air quality analyst, that includes a construction health risk assessment. If the analysis shows incremental cancer risk would exceed 10 persons in one million at a sensitive receptor or the calculated Hazard Index for chronic or acute risks would exceed a value of 1.0 at a sensitive receptor, the air quality analyst shall prepare a mitigation plan subject to City review and approval that reduce TACs to less than SCAQMD thresholds. The applicant shall comply with all mitigation measures in the mitigation plan. Alternatively, no Air Quality Impact Analysis, health risk assessment, and mitigation plan shall be required for discretionary projects conditioned to use construction equipment that meets the CARB Tier 4 Final or USEPA Tier 4 off-road emissions for all equipment rated 50 horsepower or greater. A copy of each unit's certified tier specification or model year specification and CARB or SCAQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment.[70]

The Project is inconsistent with this measure because the DEIR fails to either quantify incremental cancer risk or require Tier 4 Final equipment.

66 CEQA Guidelines, Appendix G, subd. III.

67 CEQA Guidelines, Appendix G, subd. X.

[68] SCH No. 2021010130.

[69] https://planning.lacity.gov/plans-policies/housing-element. This Project's planning application was filed on July 6, 2022.

[70] MMRP available at https://planning.lacity.gov/eir/HEU_2021-2029_SEU/Feir/files/5-Mitigation%20Monitoring%20Program.pdf.

Response to Comment No. 5-18

This comment infers that the Project would conflict with or obstruct implementation of the applicable air quality plan but provides no supporting evidence. The Citywide Housing Element 2021–2029 and Safety Element Updates EIR, Mitigation Measure 4.2-3 ("Construction TAC Reduction Measures") of the EIR's Mitigation Monitoring Program is applicable for discretionary projects considered under the Housing Checklist. Therefore, consideration of this mitigation measure is not applicable to the Project. As previously noted in Response to Comment No. 5-10, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR and is consistent with construction emissions as analyzed by Clark. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million.

Comment No. 5-19

Policy 1.3.1 of the City of Los Angeles' General Plan Air Quality Element provides: "[m]inimize particulate emissions from construction sites." And Policy 5.3.1 of the Air Quality Element provides: "Support the development and use of equipment powered by electric or low-emitting fuels." Here, the Project does not attempt to minimize DPM emissions from the Project's construction, or even set minimum emissions standards for construction equipment. Use of construction equipment that meets CARB Tier 4 standards can result in significant DPM emissions reductions over Tier 2 and 3 equipment.[71] The Project does not provide evidence that such particulate emissions controls are infeasible or ineffective. Thus, the Project fails to "minimize" PM emissions within the meaning of Policy 1.3.1 and fails to analyze the feasibility of using low-emitting fuels. And because the failure to require emissions controls contributes to the Project's significant health risk impacts, the Project is inconsistent with these general plan policies.

[71] San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, *available at*: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, pg. 6.

Response to Comment No. 5-19

Policy 1.3.1 of the City of Los Angeles' General Plan Air Quality Element provides: "[m]inimize particulate emissions from construction sites." As discussed on page IV.a-50 of Section IV.A, Air Quality, of the Draft EIR, the Project would comply with SCAQMD Rule 403, which requires projects to prevent, reduce or mitigate fugitive dust (particulate) emissions from a site. Rule 403 restricts visible fugitive dust to the project property line, restricts the net PM_{10} emissions to less than 50 micrograms per cubic meter ($\mu g/m^3$) and restricts the tracking out of bulk materials onto public roads. Additionally, projects must utilize one or more of the best available control measures (identified in the tables within the rule). Compliance with SCAQMD Rule 403 would support Policy 1.3.1. Furthermore, the Project would result in less than significant regional and localized air quality impacts (including particulate emissions). SCAQMD's localized significance thresholds represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard. The use of Tier 4 equipment to further reduce an already less than significant air quality impact is not applicable under CEQA.

Policy 5.3.1 of the City of Los Angeles' General Plan Air Quality Element provides: "Support the development and use of equipment powered by electric or low-emitting fuels." As a condition of approval from the City, the Project would use electricity from power poles rather than temporary diesel or gasoline generators during construction where power poles are available and would support Policy 5.3.1. As discussed above, the Project would result in less than significant regional and localized air quality impacts (including health risk impacts). No mitigation measures are warranted and are not considered further based on this comment.

Comment No. 5-20

4. The DEIR Fails to Adequately Analyze and Mitigate the Project's Significant Cumulative Health Risk Impacts

The DEIR concludes that the Project's cumulative health risk and air quality impacts would be less than significant.[72] The DEIR reasons that projects that do not exceed SCAQMD's significance thresholds for project-level impacts would not be cumulatively considerable.[73] The DEIR's conclusion is not supported by substantial evidence because the DEIR failed to quantify the project-level incremental cancer risk and compare it to the SCAQMD 10 in one million threshold. Because Dr. Clark's HRA demonstrates that the Project's health risk impact of 40.5 in one million exceeds the 10 in one million threshold, the Project's health risk impact is cumulatively considerable.

[72] DEIR, pg. IV.A-72.

[73] DEIR, pg. IV.A-72.

Response to Comment No. 5-20

As discussed above in Response to Comment No. 5-10, a quantitative HRA to evaluate potential health risk impacts to nearby sensitive receptors is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City. Refer to Responses to Comments Nos. 5-47 through 5-50 below for a detailed discussion of Clark's analysis. As discussed therein, the HRA provided by Clark contains numerous errors. The model terrain within AERMOD was run with rural instead of urban as recommended in SCAQMD's LST guidance document. Construction emissions were also distributed evenly throughout the Project site which would disproportionally move construction emissions to the south side of the property near residential uses even though the majority of massing by square footage, excavation/export, and mat foundation would be on the northern portion of the Project Site. Health risk calculations provided by Clark are erroneous and do not account for Project Site specific conditions. Clark's HRA should not be considered further.

As previously noted in Response to Comment No. 5-10, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million. This HRA confirms the conclusion in the Draft EIR that the Project's health risk impact is not cumulatively considerable.

Comment No. 5-21

The DEIR's analysis is also flawed because it improperly focuses upon the individual project's relative effects and omits facts relevant to an analysis of the collective effect this and other sources will have upon air quality.[74] CEQA requires an EIR to evaluate a cumulative impact if the project's incremental effect combined with the effects of other projects is cumulatively considerable.[75] This determination is based on an assessment of the project's incremental impacts "viewed in connection with the effects of past project, the effects of other current projects, and the effects of probable future projects."[76] Here, the effects of other projects are not considered in the DEIR's analysis of construction emissions. The DEIR's analysis ignores that that the Project's construction emissions could combine with construction of concurrent projects to result in heightened health risk impacts. Table III-1 of the DEIR identifies several projects with potentially concurrent construction schedules, such as 6400 Sunset Boulevard, but does not employ this information in its analysis of cumulative health impacts. The DEIR must be revised to reflect the cumulative health risk impact of this Project in combination with other nearby projects.

[74] *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 ("*Kings County*"); *see also*, *Friends of Oroville v. City of Oroville* (2013) 219 Cal. App. 4th 832, 841-42.

[75] CEQA Guidelines § 15130(a).

[76] *Id.*, §§ 15065(a)(3), 15355(b).

Response to Comment No. 5-21

The definition of a cumulative impact is included on pages III-5 and III-6 of Section III, Environmental Setting, of the Draft EIR. The Draft EIR appropriately uses specific analyses for each cumulative analysis impact category. The air quality cumulative impact methodology was provided on pages IV.A-38 through 39 of the Draft EIR and is explained below. SCAQMD shares responsibility with CARB for ensuring that all federal and state ambient air quality standards are achieved and maintained throughout all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. SCAQMD developed methodologies and thresholds of significance that are widely used by lead agencies throughout the air basin. As set forth in the *2006 LA CEQA Thresholds Guide,* the City adopted SCAQMD thresholds to assess the significance of a project's project-specific and cumulative air quality impacts. SCAQMD's White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution prepared in August 2003 specifically states:

> *As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR…. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.*[6]

The cumulative analysis of air quality impacts within the Draft EIR appropriately follows SCAQMD's specified methodology. Furthermore, air quality impacts are basin-wide, and air quality is affected by all pollutant sources in the basin. Therefore, the ambient air quality measurements provide a summary of basin-wide cumulative air quality impacts. As the individual project thresholds are designed to help achieve attainment with cumulative basin-wide standards, they are also appropriate for assessing the Project's contribution to cumulative impacts. The suggested methodology in this comment to evaluate cumulative air quality impacts is not consistent with SCAQMD's White Paper and further consideration is not warranted.

[6] *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. Appendix D, South Coast Air Quality Management District, August 2003.*

Comment No. 5-22

The DEIR's analysis of operational emissions is similarly inadequate. The DEIR reasons that operational TAC emissions would not be cumulatively considerable because "[n]either the Project nor any of the 44 related projects (which are largely residential, retail/commercial, and office in nature) would represent a substantial source of TAC emissions… Substantial TAC emissions are associated with large-scale industrial, manufacturing, and transportation hub facilities."[77] This discussion ignores that the purpose of a cumulative impacts analysis is to evaluate the impacts of "projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling."[78] The DEIR's discussion ignores that the Project census tract, which includes a preschool and multifamily homes, has an CalEnviroScreen score of 99.3.[79] A high score (greater than 50) reflects a higher pollution burden compared to other census tracts in the state, with a maximum score of 100.[80] Thus, sensitive receptors near the Project site have close to the highest pollution burden in the state. And contrary to the suggestion in the DEIR that substantial TAC emissions are only associated with large-scale industrial, manufacturing, and transportation hub facilities, this highly burdened census tract is primarily developed with residential, retail/commercial, and office uses.[81] Because the project-level threshold relied on by the DEIR fails to reflect the context in which this Project is proposed, the DEIR's cumulative impacts analysis violates CEQA.

In sum, the DEIR's cumulative air quality impacts analysis fails to comply with CEQA. The City must prepare a revised EIR that properly evaluates and mitigates such impacts.

77 DEIR, pg. IV.A-72-73.

78 *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721

79 DEIR, Appendix B, PDF pg. 54.

80 *Id.*

81 General Plan Land Use Map, https://planning.lacity.gov/odocument/17308382-2458-45c4-a327-54cd9593955a/hwdplanmap.pdf.

Response to Comment No. 5-22

Refer to Response to Comment No. 5-21 regarding SCAQMD's specified methodology for evaluating cumulative air quality impacts. The suggested methodology in this comment to evaluate cumulative air quality impacts is not consistent with SCAQMD's White Paper and further consideration is not warranted.

Comment No. 5-23

B. The DEIR Fails to Analyze Impacts Associated with the Project's Excess Parking

The Project would provide 894 vehicle parking spaces.[82] This parking is in excess of what is required by law. Assembly Bill (AB) 2097 provides that mixed-use projects located within 0.5 miles of a Major Transit Stop are not required to provide any parking. Impacts associated with induced VMT from the Project's parking facilities were identified in the California Department of Transportation's June 8, 2023, comment letter on the Project's Initial Study (which also stated the Project would provide 894 spaces):

> The Project was not required to provide parking due to AB 2097, but the resulting design suggests that the City should seriously consider adopting parking maximums. This project location is an excellent candidate for reduced car parking due to its infill location and proximity to high-quality transit infrastructure. Research looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation.[83]

The Los Angeles County Metropolitan Transportation Authority's ("Metro") comments also encourage the reduction or removal of minimum parking requirements.[84] Despite these recommendations, the DEIR fails to reduce parking or analyze the environmental impacts associated with the Project's increased provision of parking. As will discussed below, these impacts include inconsistency with GHG plans and unnecessary consumption of energy.

82 DEIR, pg. II-1.

83 DEIR, Appendix A, PDF pg. 345

84 *Id.* at 351.

Response to Comment No. 5-23

The Draft EIR analyzes the environmental impacts associated with Project, which includes parking. The impact analysis included in Section IV of the Draft EIR accounts for the Project Description provided in Section II of the Draft EIR, including the provision of 894 parking spaces and the associated impacts on Air Quality, Energy, Noise, Transportation, and other potential impacts from the Project, including the Project's provided parking. While it is acknowledged that the CAPCOA handbook and other relevant research show that limited residential parking supply or reduced off-street parking is associated with decreased automobile trips and VMT, providing parking is not, on its own, an inconsistency or an impact. The Draft EIR and the Transportation Assessment included as Appendix J of the Draft EIR

do not account for any parking reductions and the analyses included therein relating to impacts associated with parking and energy usage are therefore conservative.[7,8]

Comment No. 5-24

1. The Project Would Result in a Potentially Significant GHG Impacts

Appendix G of the CEQA Guidelines provides that an EIR must analyze whether a Project would "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases."[85] The DEIR does not adopt a quantitative GHG significance threshold, and concludes that the Project would result in a less than significant GHG impact because it would be consistent with applicable GHG reduction plans and policies.[86] The DEIR identifies the 2022 California Air Resources Board ("CARB") Scoping Plan, the 2020–2045 Regional Transportation Plan and Sustainable Communities Strategy ("RTP/SCS"), the 2024–2050 RTP/SCS, and the City's Green New Deal as applicable plans.

The 2022 Scoping Plan includes "Reduce or eliminate minimum parking standards" in Table 1—"Priority GHG Reduction Strategies."[87] The Plan identifies reduction of parking in Table 3—"Key Residential and Mixed-Use Project Attributes that Reduce GHGs."[88] The 2020–2045 RTP/SCS and the City's Green New Deal also call for reduced parking.[89] The Project's provision of 894 parking spaces in excess of what is required by law conflicts with each of these strategies. As explained in the Department of Transportation's comments, excess parking induces VMT and undermines a project's ability to encourage public transit and active modes of transportation. Analysis in the 2022 Scoping Plan, 2020–2045 RTP/SCS, and the City's Green New Deal demonstrates that excess parking spaces increase VMT.[90] It is well studied that increased provision of parking results in increased VMT.[91] The Los Angeles Department of Transportation's ("LADOT") Transportation Assessment Guidelines ("TAG") explains that projects that increase vehicular capacity can lead to additional travel on the roadway network.[92] The TAG further provides that a project with reduced parking is not likely to lead to substantial or measurable increase in vehicle travel.[93] The City of San Francisco's VMT Screening Criteria asks whether a project would result in an amount of parking that is less than or equal to that required or allowed by the Planning Code.[94] As a result, although the Project is a mixed-use development near a Major Transit Stop, the Project's design would result in GHG emissions that conflict with applicable GHG reduction plans.

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[7] *CAPCOA, Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, August 2021.*

[8] *Daniel G. Chatman, Does TOD Need the T? On the Importance of Factors Other Than Rail Access, Journal of the American Planning Association, May 9, 2013.*

This inconsistency is consequential because mobile sources are the major source of the Project's GHG emissions (2,000 net MTCO2e).[95] The DEIR must scrupulously analyze inconsistencies with GHG reduction plans, as the DEIR does not identify a quantitative GHG significance threshold. The DEIR must be revised to disclose this potentially significant impact.

85 CEQA Guidelines, Appendix G, Section VIII(b).

86 DEIR, pg. IV.E-56-57.

87 2022 Scoping Plan, Appendix D, pg. 11, available at https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf.

88 *Id.* at 22.

89 Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy, pg. 54 ("Parking Requirements Reform—Support local planning efforts to reduce or eliminate parking requirement to realize potential construction costs savings ranging from $20,000 for surface parking, $50,000 for garages and structures, and $80,000 per space for underground spaces."), available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176; Los Angeles Green New Deal, pg. 65 ("Remove parking minimums … Update parking regulations to allow for adaptive reuse of space, bike and car-sharing infrastructure, and reduced parking requirements"), available at https://plan.mayor.lacity.gov/sites/g/files/wph2176/files/2022-12/pLAn_2019_final.pdf.

90 CARB Scoping Plan, Appendix D, pg. 11; Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy, pg. 54; Los Angeles Green New Deal, pg. 65.

91 Caltrans Division of Research, Innovation and System Information, Pricing and Parking Management to Reduce Vehicle Miles Travelled (VMT), March 15, 2018, available at https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf; Currans et al, Households with constrained off-street parking drive fewer miles, July 22, 2022, https://link.springer.com/article/10.1007/s11116-022-10306-8 (vehicle ownership rates are 14 percent higher for households with more than one available parking space per unit, compared to those with constrained parking. Vehicle ownership translates into travel demand); City of Millbrae Vehicle Miles Traveled (VMT) Thresholds and Screening Policy ("Excess parking supply is associated with induced and higher levels of VMT and should be avoided to ensure low VMT of screened projects"), available at https://ci.millbrae.ca.us/DocumentCenter/View/1842/Millbrae-VMT-Policy.

92 Los Angeles Department of Transportation's Transportation Assessment Guidelines (August 2022), pg. 2-14, available at https://ladot.lacity.gov/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf

93 *Id.* at 2-16 ("Removal or relocation of off-street or on-street parking spaces").

94 City of San Francisco Planning Department, Transportation Impact Analysis Guidelines, Appendix L, Table 2, pg. L-14, available at https://default.sfplanning.org/publications_reports/TIA_Guidelines_VMT_Memo.pdf, https://default.sfplanning.org/publications_reports/TIA_Guidelines_Update_VMT_Memo.pdf.

95 DEIR, pg. IV.E-80.

Response to Comment No. 5-24

Under State Planning and Zoning law (Government Code Section 65000, et seq.) strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project should be considered consistent with a general plan or

elements of a general plan if it furthers one or more policies and does not obstruct other policies. Generally, given that land use plans reflect a range of competing interests, a project should be compatible with a plan's overall goals and objectives but need not be in perfect conformity with every plan policy. 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 land use plan to be consistent with that plan.[9]

The Project does not analyze the feasibility of reducing the proposed number of parking spaces but instead analyzes the number of parking spaces proposed. As noted above in Response to Comment No. 5-23, this is consistent with the analysis throughout the Draft EIR. Other measures are included as part of the Project that would serve as a means of reducing energy consumption, as well as VMT and mobile source air emissions. As discussed on Page IV.C-32 of the Draft EIR, the Project Site is located in an HQTA as designated by the 2020–2045 RTP/SCS and a Livable Corridor/HQTC as designated by the 2024–2050 RTP/SCS, which indicates that the Project Site is an appropriate site for increased density and employment opportunities from a "smart growth," regional planning perspective. The Project Site is approximately 0.25 miles from the Metro B Line Hollywood/Vine Station, which provides connection to the Metro D Line and Union Station, which serves as a regional hub. Additional transit options include LADOT DASH lines Hollywood Loop and Hollywood/Wilshire and Metro local lines 2, 180, 207, and 217. The Project would also provide short- and long-term bicycle parking spaces in compliance with the requirements of the LAMC. Incorporation of USEPA MXD VMT reduction features and City requirements applicable to the Project would result in a 34-percent reduction in overall VMT compared to the baseline ITE trip generation rates. With implementation of these strategies to reduce the Project's vehicle trips and net transportation-fuel usage, this comment does not provide substantial evidence that the Project would result in a significant GHG impact.

Comment No. 5-25

2. The Project Would Result in a Potentially Significant Energy Impact

Appendix F of the CEQA Guidelines provides that an EIR must analyze the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.[96] Appendix F identifies "[t]he project's projected transportation energy use requirements and its overall use of efficient transportation alternatives" as an example of an energy impact.[97] The DEIR's analysis of

[9] *Sequoyah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 719.*

this factor concludes that the Project would result in a less than significant energy impact due to the Project's "high density design," "proximity to retail and employment uses," and proximity to transit options, which would reduce VMT.[98] However, this discussion does not address that the Project's provision of parking in excess of State standards would undermine the Project's potential VMT reductions due to proximity to transit options. The DEIR must be revised to analyze the extent to the Project's excess provision of parking is an "inefficient, wasteful and unnecessary consumption of energy." The Department of Transportation's comments, as well as analysis in the 2022 Scoping Plan, 2020–2045 RTP/SCS, and the City's Green New Deal demonstrate that excess parking spaces increase VMT. These expert regulatory opinions constitute substantial evidence that the 894 excess parking spaces proposed by the Project potentially results in unnecessary energy consumption.

96 See Public Resources Code section 21100(b)(3).

97 CEQA Guidelines, Appendix F, Section II (C)(6).

98 DEIR, pg. IV.C-40.

Response to Comment No. 5-25

Refer to Response to Comment No. 5-23, above. As stated therein, the impact analysis included in Section IV of the Draft EIR accounts for the Project Description provided in Section II of the Draft EIR, including the provision of 894 parking spaces. Furthermore, the Project would implement a TDM program that includes promotions and marketing and providing bike parking to support alternative modes of transportation. The Project would also charge for parking. These measures would reduce the Project's less than significant VMT (which is below the Central Area Planning Commission's threshold of 6.0 for household VMT and 7.6 for employee VMT) and the associated energy demand.

Comment No. 5-26

The DEIR must also analyze reduction of parking as an energy conservation measure. The CEQA Guidelines require discussion of energy conservation measures when relevant, and provide examples in Appendix F:[99]

1) 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.

2) The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste.

3) The potential for reducing peak energy demand.

4) Alternate fuels (particularly renewable ones) or energy systems.

5) Energy conservation which could result from recycling efforts.

Courts have rejected CEQA documents that fail to include adequate analysis investigation into energy conservation measures that might be available or appropriate for a project—even when the environmental document identified a less-than-significant energy impact.[100] The unnecessary energy consumption induced by the Project's excess provision of parking would be mitigated by reducing parking supply.[101] The DEIR must be revised to analyze the feasibility of reducing the proposed number of parking spaces as a means of reducing energy consumption, as well as VMT and mobile source air emissions.

99 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").

100 *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 CA4th 256; *Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 CA4th 91; *California Clean Energy Commission v. City of Woodland* (2014) 225 CA4th 173; *League to Save Lake Tahoe Mtn. Area Preservation Found. v County of Placer* (2022) 75 CA5th 63, 167–68.

101 Los Angeles Department of Transportation's Transportation Assessment Guidelines (August 2022), pg. 2-13, available at https://ladot.lacity.gov/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf ("reduce parking supply" is identified as a VMT-reducing measure in Table 2.2-2: TDM Strategies).

Response to Comment No. 5-26

Refer to Response to Comment No. 5-24, above. Incorporation of USEPA MXD VMT reduction features and City requirements applicable to the Project would result in a 34-percent reduction in overall VMT compared to the baseline ITE trip generation rates. With implementation of these strategies to reduce the Project's vehicle trips and net transportation-fuel usage, this comment does not provide substantial evidence that the Project would result in wasteful, inefficient and unnecessary consumption of energy. The Project does not result in any significant Energy impacts. The commenter has not provided evidence to show a significant impact. As stated in the Draft EIR, mitigation is not required.

Comment No. 5-27

C. The DEIR Fails to Adequately Analyze the Project's Potentially Significant Geotechnical Impacts

The DEIR fails to adequately analyze geotechnical impacts on the Metro B (Red) Line tunnel near the Project site. The Initial Study's Preliminary Geotechnical Report identifies that the Project is located within the Metro right-of-way pursuant to ZI No. 1117. ZI No. 1117 requires that consultation with Metro is required prior to the issuance of any building permit for certain projects within 100 feet of Metro-owned Rail or Bus Rapid Transit right-of-way. The

Preliminary Geotechnical Report discloses potential surcharging impacts on the Metro B Line tunnel.[102] Surcharge refers to increasing the load on the soil over the tunnel walls, increasing pressure on the walls. The Report states that although the majority of the 35-story tower foundations are set far enough from the tunnel that surcharge is not anticipated, foundations on the northern side of the 35-story tower may need to be supported on deep foundations, depending on the final load and column grid conditions.[103] The Report explains that deep foundations may be required because mat foundations may not be feasible due to potentially surcharging the Metro B Line.[104]

Metro's comments on the NOP call for the Project's geotechnical impacts on the Metro B Line to be analyzed in the DEIR.[105] Metro's comments provide recommendations for the scope of the DEIR's analysis:

> Impact Analysis: Due to the Project's proximity to the B Line tunnels, the EIR must analyze potential effects on subway operations and identify mitigation measures as appropriate. Critical impacts that should be studied include (without limitation): impacts of Project construction and operation on the structural and systems integrity of subway tunnels; damage to subway infrastructure, including tracks; disruption to subway service; and temporary and/or permanent changes to customer access and circulation to the station.
>
> The following provisions should be used to develop a mitigation measure that addresses these potential impacts:
>
> > Technical Review: The Applicant shall submit architectural plans, engineering drawings and calculations, and construction work plans and methods, including any crane placement and radius, to evaluate any impacts to the Metro B Line infrastructure in relationship to the Project. Before issuance of any building permit for the Project, the Applicant shall obtain Metro's approval of final construction plans.
> >
> > Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro B Line or the structural and systems integrity of Metro's tunnels. Not later than two months before Project construction, the Applicant shall contact Metro to schedule a pre-construction meeting with all Project construction personnel and Metro Real Estate, Construction Management, and Construction Safety staff.[106]

In summary, Metro identifies a potentially significant impact due to surcharge on the Metro B Line, calls for additional analysis in the DEIR, and calls for formulation of a binding mitigation

measure. The DEIR fails to include any of the analysis identified in the Metro comment letter and fails to formulate a mitigation measure to reduce the potentially significant geotechnical impact to a less-than-significant level. The only discussion of this impact is found in the DEIR's analysis of "Effects to Be Found Not Significant."[107] This discussion merely states that "[f]urther coordination between Metro is expected during the Building and Safety review process for the Project."[108] As will be discussed below, the DEIR's omission of a detailed analysis of geotechnical impacts on the Metro B Line violates CEQA.

[102] DEIR, Appendix A, PDF pg. 191.

[103] *Id.*

[104] *Id.* at 193.

[105] DEIR, Appendix A, PDF pg. 350.

[106] DEIR, Appendix A, PDF pg. 350.

[107] DEIR, pg. VI-23.

[108] *Id.*

Response to Comment No. 5-27

As is standard practice for Draft EIRs in the City, the analysis of geotechnical impacts was based on a preliminary geotechnical report. Refer to Appendix IS-3 of the Initial Study included as Appendix A of the Draft EIR for the Project's Preliminary Geotechnical Report. As analyzed in the Initial Study on pages 44 through 49, impacts related to geotechnical hazards would be less than significant without mitigation. This analysis did not identify any significant impacts with respect to Metro subway tunnels pursuant to those thresholds.

As it relates specifically to Metro's B Line tunnels, refer to Response to Comment Nos. 2-3 and 5-6 above. As stated therein, the Applicant and the City will continue to work in close coordination with Metro during the CEQA process, as well as the Project's entitlement and Building and Safety review phases. This coordination will include the appropriate review and consultation as required by Zoning Information File No. 1117 as discussed above in Response to Comment No. 2-3, regarding the modification to the location of building B. As discussed therein and in Geotechnical Response Memorandum included as Appendix FEIR-2 of this Final EIR the new location of Building B and the proposed mat foundation would avoid additional surcharge on Metro's B Line tunnel. Appendix FEIR-2 also describes the coordination of the Applicant and its geotechnical engineer with Metro to date. The Applicant will continue to coordinate with Metro and the City during the permit process and construction.

Comment No. 5-28

1. The DEIR Improperly Defers Analysis of Geotechnical Impacts

The DEIR violates CEQA by improperly deferring analysis of the Project's geotechnical impacts on the Metro B Line. CEQA requires that an environmental document disclose the severity of a project's impacts and the probability of their occurrence *before* a project can be approved.[109] In *Sundstrom v. County of Mendocino*,[110] the First District Court of Appeal rejected a mitigation measure that required the applicant to submit hydrological studies subject to review and approval by a planning commission and county environmental health department.[111] The Court explained that the deferred analysis of hydrological conditions fails to meet CEQA's requirement that an environmental impact should be assessed as early as possible in government planning:

> By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (See Pub. Resources Code, § 21003.1; *No Oil, Inc. v. City of Los Angeles*, *supra*, 13 Cal. 3d 68, 84.) In *Bozung v. Local Agency Formation Com*., *supra*, 13 Cal. 3d 263, 282, the Supreme Court approved "the principle that the environmental impact should be assessed as early as possible in government planning."
>
> Environmental problems should be considered at a point in the planning process "'where genuine flexibility remains.'" (*Mount Sutro Defense Committee v. Regents of University of California*, *supra*, 77 Cal. App. 3d 20, 34.) 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. (*Id.* at p. 35; *No Oil, Inc. v. City of Los Angeles*, *supra*, 13 Cal. 3d 68, 81; *Environmental Defense Fund, Inc. v. Coastside County Water Dist*. (1972) 27 Cal. App. 3d 695, 706 [104 Cal. Rptr. 197].)

Here, there is no evidence in the record showing that it would be infeasible to fully analyze the Project's geotechnical impacts at this time and include the results in the DEIR. The City's decision to defer analysis of the Project's geotechnical impacts until after Project approval violates CEQA's informational disclosure requirements.

In limited circumstances, a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions.[112] This principle does not authorize the City to avoid disclosing the Project's geotechnical impacts before Project approval.

Moreover, the DEIR's deferral of the Project's geotechnical impacts on the Metro B Line is not an example of "deferred mitigation" authorized by CEQA Guidelines Section 15126.4. Section 15126.4 may authorize deferred formulation of mitigation measures in limited circumstances, but it does not authorize deferral of the impacts analysis, as is the case here. Thus, the City's decision to defer analysis of the Project's geotechnical impacts until after Project approval violates CEQA.

[109] 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388–90 ("*CBIA v. BAAQMD*") (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* ("*Berkeley Jets*") (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.

[110] (1988) 202 Cal.App.3d 296.

[111] *Id.* at 306.

[112] *City of Hayward v Board of Trustees of Cal. State Univ*. (2015) 242 CA4th 833, 855 (upholding transportation demand management program that identified measures to be evaluated and included monitoring plan, performance goals, and schedule for implementation); *Save Panoche Valley v San Benito County* (2013) 217 CA4th 503, 524 (upholding mitigation measures, based on preconstruction surveys, requiring identified steps for avoiding impacts to biological resources to be implemented).

Response to Comment No. 5-28

Refer to Response to Comment Nos. 2-3 and 5-27 above. As designed, the Project would not result in any significant impacts to Metro's facilities. It should also be noted that it is standard practice for a Draft EIR's analysis of geotechnical impacts to be based upon a preliminary geotechnical report, which was done with the Project. As it is not possible for a Project's design to be finalized as such an early stage, the design-level geotechnical report inevitably follows later in the process. Furthermore, Appendix FEIR-2 confirms that the Project would not result in significant impacts related to surcharge of the Metro tunnel.

Comment No. 5-29

2. The DEIR Lacks Substantial Evidence to Conclude Impacts to the Metro B Line Would Not Be Significant

As demonstrated above, the DEIR improperly defers a full analysis of impacts on the Metro B Line. Per Metro's comments on the NOP, an adequate analysis of impacts on the Metro B Line would evaluate impacts of Project construction and operation on the structural and systems integrity of subway tunnels; damage to subway infrastructure, including tracks; disruption to subway service; and temporary and/or permanent changes to customer access and circulation to the station.[113] The Metro Adjacent Development Construction Design Manual calls for analysis demonstrating that the loading induced by the building foundation will not impose adverse effects the Metro facilities.[114] Because this analysis is not included

in the DEIR, the DEIR lacks substantial evidence to conclude that geotechnical impacts on the B Line would be less than significant.

Additionally, Appendix G of the CEQA Guidelines requires an EIR to analyze whether a project would "[c]ause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."[115] Metro developed the Metro Adjacent Development Handbook[116] and the Adjacent Design Construction Manual[117] for the purpose of avoiding impacts such as surcharge on Metro tunnels.[118] The DEIR fails to analyze consistency with these plans and is thus incomplete.

[113] DEIR, Appendix A, PDF pg. 349.

[114] Metro Adjacent Design Construction Manual, pg. 7, available at available at https://www.dropbox.com/scl/fi/l1ibxih7nhe4asfmqluev/2018-Adjacent-Construction-Design-Manual.pdf?rlkey=sntfnvj6lgd3be3jv64bsx65f&e=1&dl=0.

[115] CEQA Guidelines, Appendix G, Section XI (b).

[116] Metro Adjacent Development Handbook, available at https://www.dropbox.com/scl/fi/nvyd0zlie2xdk7f2vmswl/2021-Adjacent-Development-Review-Handbook.pdf?rlkey=7zg3e8lcl23lecc71dfi41mg3&e=1&dl=0;

[117] Metro Adjacent Design Construction Manual; Metro documents available at https://www.metro.net/about/adjacent-development-review/.

[118] Metro Adjacent Design Construction Manual, pg. 7.

Response to Comment No. 5-29

Refer to Response to Comment Nos. 2-3, 5-6, 5-27, and 5-28 above. As discussed therein, the Applicant and the City and will continue to coordinate with Metro during the CEQA process, as well as the Project's entitlement and Building and Safety review phases. This coordination will include the appropriate review and consultation as discussed in Zoning Information File No. 1117.

Comment No. 5-30

D. The DEIR Fails to Adequately Evaluate Potentially Significant Noise and Vibration Impacts

1. The DEIR Fails to Accurately Establish the Environmental Setting

The DEIR fails to accurately establish the environmental setting because the DEIR improperly relies on short-term ambient noise measurements. The DEIR also fails to conduct validation measurements for its traffic noise model.

CEQA requires that a lead agency include a description of the physical environmental conditions in the vicinity of the Project as they exist at the time environmental review

commences.[119] As numerous courts have held, the impacts of a project must be measured against the "real conditions on the ground."[120] The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.[121] Baseline information on which a lead agency relies must be supported by substantial evidence.[122]

Here, Mr. Faner explains that the DEIR improperly relies on short-term (15-minute) ambient noise measurements to establish baseline noise levels.[123] These short-term measurements may not be reflective of actual existing conditions because the DEIR fails to provide discussion of how typical/representative these data were of the rest of the day.[124] Mr. Faner explains that environmental noise can vary widely throughout the day (perhaps +/-10 dBA or more for areas with intermittent local traffic.[125] Thus, the DEIR fails to provide a description, supported by substantial evidence, of the "real conditions on the ground."[126]

[119] CEQA Guidelines, § 15125, subd. (a).

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

[121] CEQA Guidelines, § 15125, subd. (a).

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

[123] Faner Comments, pg. 3.

[124] *Id.*

[125] *Id.*

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

Response to Comment No. 5-30

As provided in Section IV.H, Noise, of the Draft EIR, a comprehensive site ambient noise measurement was conducted to document and establish the existing noise environment in the vicinity of the Project Site. Specifically, ten receptor locations were selected to represent the noise sensitive uses surrounding the Project Site. A 24-hour (long term) ambient noise measurement was conducted at one receptor location (R1) and two 15-minute measurements were conducted at the remaining nine receptor locations (R2 to R9) during the daytime and nighttime hours, consistent with LAMC procedural requirements. LAMC Sections 111.01(a) and 111.03 define the ambient noise as the actual measured ambient noise levels or the City's presumed ambient noise levels, whichever is greater. Therefore, the existing ambient noise levels of the Project were recorded in accordance with the City's standards, which require ambient noise to be measured over a period of at least 15 minutes.

Comment No. 5-31

The DEIR's description of existing traffic noise is also not supported by substantial evidence. Traffic noise levels were modeled using the Federal Highway Administration's Traffic Noise Model ("TNM").[127] Mr. Faner observes that the DEIR fails to provide validation measurements showing that the model is accurate within industry expectations.[128] Mr. Faner explains that a validated model may fall within +/-3 dBA of the measured result, which undermines attempts to use modeled-only results from TNM for absolute noise characterization of the ambient condition.[129] Mr. Faner demonstrates that the DEIR's unvalidated model is not supported by substantial evidence in this case because in the cases of urban environments, TNM does not take into account sound amplification from traffic noise reflecting off nearby buildings.[130]

The DEIR must be revised and recirculated to include an updated environmental setting that accurately reflects existing conditions.

[127] DEIR, pg. IV.H-23.

[128] Faner Comments, pg. 3.

[129] *Id.*

[130] *Id.*

Response to Comment No. 5-31

As indicated in the Draft EIR (Page IV.H-23), the traffic noise levels were calculated based on the FHWA TNM noise model using the existing traffic volumes and the estimated traffic mix. The calculated traffic noise levels are within 3 dBA of the measured ambient noise levels along the calculated roadway segments. Specifically, the calculated noise levels of 67.3 dBA CNEL along Gower Street (between Hollywood Boulevard and Selma Avenue) and 67.6 dBA CNEL along Hollywood Boulevard (between Gower Street and Bronson Avenue) are within 3 dBA of the measured ambient noise level of 68.6 dBA at receptor location R3 (located along Gower) and 69.5 dBA at receptor location R8 (located along Hollywood Boulevard), respectively. Therefore, the calculated traffic noise levels are within the +/- 3 dB and thus no additional calibration is required. With respect to sound amplification due to nearby buildings as set forth in the comment, there are currently no row(s) of continuous and parallel high-rise buildings along the analyzed roadway segments that could potentially result in measurable sound amplifications.

Comment No. 5-32

2. The DEIR Fails to Analyze Vibration Impacts on the Metro B Line

Table IV.H-1 of the DEIR identifies construction vibration damage criteria for different building categories.[131] Table IV.H-27 shows the Project's construction vibration impacts on nearby

sensitive receptors, applying the aforementioned significance criteria.[132] The DEIR fails to include the Metro B Line in this analysis or identify it as a sensitive receptor. The failure to identify the Metro B Line as a sensitive receptor in regard to vibration impacts is a failure to fully disclose the impacts of the Project. The DEIR's failure to evaluate whether the applicable vibration damage criterium for the B Line tunnel would be exceeded means that the DEIR's significance conclusions are not supported by substantial evidence.

Vibration impacts on the Metro B Line are potentially significant because the Project's construction would include significant sources of vibration. Vibration would be caused by caisson drilling, bulldozers, loaded trucks, and jackhammers.[133] The 0.30 PPV significance threshold for concrete structures may be exceeded due to the proximity of the Metro B Line tunnel.[134] According to the Initial Study, the sidewall of the Metro B Line is, at its closest, approximately 16 feet from the Project site.[135] The six-story office building proposed by the Project is approximately 22 feet from the Metro B Line sidewall and the 35-story tower is approximately 28 feet from the sidewall.[136] Further, the Project is within 100 feet of the Metro B Line, and thus subject to the Metro Adjacent Development Handbook, which states that vibration is a common adjacency concern for projects constructed near Metro facilities.[137]

In sum, the scope of the DEIR's vibration analysis is inadequate because it fails to address impacts on the Metro B Line. Vibration impacts are potentially significant due to the proximity of the B Line tunnels to construction activities. This potentially significant impact must be fully analyzed and mitigated in a revised and recirculated EIR.

131 DEIR, pg. IV.H-12.

132 *Id.* at IV.H-60.

133 *Id.*; Table IV.H-1.

134 DEIR, pg. IV.H-12., Table IV.H-1.

135 DEIR, Appendix A, pg. 191.

136 *Id.*

137 Metro Adjacent Development Handbook, pg. 5.

Response to Comment No. 5-32

As indicated in the Initial Study included as Appendix A of the Draft EIR, the Metro B Line sidewall, which is the closest Metro structure to the Project Site, is approximately 16 linear feet from the property line and approximately 72 feet below Hollywood Boulevard; therefore, the closest point from Project Site to the Metro B-line sidewall is approximately 73.7 feet (diagonal distance) and not 16 feet as indicated by the comment. The Project would include two subterranean parking levels approximately 30 feet below grade level, which is approximately 40 feet from the Metro B Line sidewall. As provided in Table IV.H-27 in Section IV.H, Noise, of the Draft EIR, the vibration generated by Project construction

equipment would be a maximum of 0.089 PPV at a distance of 25 feet from the equipment. The vibration level at a distance of 40 feet would be reduced to approximately 0.048 PPV, which would be well below the FTA 0.5 PPV significance criteria for reinforced concrete, steel, or timber buildings (applicable to the Metro subway tunnel). In addition, as provided in Response to Comment No. 2-3, the Project design team has been coordinating and will continue to coordinate with Metro staff regarding construction activities as related to impacts on the Metro subway. Therefore, no significant vibration impacts are anticipated for the Metro B Line, and the requested recirculation of the Draft EIR is not warranted.

Comment No. 5-33

3. The DEIR Fails to Analyze Construction Ground-borne Noise at Recording Studios

The DEIR's analysis fails to adequately address ground-borne noise impacts at two recording studios identified as receptors R3 and R10, located 5 feet and 10 feet, respectively, from construction activities. While the DEIR analyzes the significance of ground-borne vibration impacts,[138] the DEIR fails to analyze ground-borne noise impacts at the recording studios. Mr. Faner explains that recording studios are not typically designed to eliminate ground-borne vibration that can radiate sound into the interior, where the noise may interfere with the recording process.[139] The significance of ground-borne noise impacts at recording studios is subject to a 25 dBA significance threshold under the FTA guidance cited by the DEIR.[140]

Mr. Faner calculated the ground-borne noise impacts at receptors R3 and R10 and found that the 25 dBA threshold would be exceeded. These exceedances are reflected in the table below.[141]

Table 1 Construction Groundborne Noise Impacts

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

Mr. Faner explains these exceedances constitute significant impacts under FTA guidance cited by the DEIR.[142] Mr. Faner identifies feasible mitigation measures to reduce these impacts. The DEIR must be revised to disclose all potentially significant ground-borne noise impacts and identify feasible mitigation.

[138] DEIR, pg. IV.H-62.

[139] Faner Comments, pg. 5.

[140] *Id.*

[141] *Id.* at 6.

[142] *Id.*

Response to Comment No. 5-33

As indicated in the Draft EIR (Page IV.H-20), per the L.A. CEQA Thresholds Guide, recording studios are not considered to be noise sensitive receptors. Therefore, an interior groundborne noise analysis was not included. However, noise impacts were evaluated at the exterior of the recording studios (represented by receptor locations R3 and R10). Groundborne noise is dependent on groundborne vibration levels. As such, ground-borne vibration impacts were also evaluated for the recording studios in the Draft EIR. As provided in Table IV.H-28 in Section IV.H, Noise, of the Draft EIR, large construction equipment (i.e., large bulldozers, caisson drilling and loaded trucks) would generate vibration levels up to 102.7 VdB at nearest recording studio (represented by receptor location R3). The estimated vibration levels would exceed the 65 VdB significance criteria for recording studios (human annoyance). As set forth in the Draft EIR, there are no feasible mitigation measures to reduce the potential vibration impacts with respect to human annoyance and off-site construction vibration impacts related to human annoyance were found to be significant and unavoidable.

Comment No. 5-34

4. The DEIR's Analysis of Stationary Mechanical Noise Is Not Supported by Substantial Evidence

The DEIR analyzes estimated noise levels from stationary mechanical equipment (e.g. [sic] air ventilation equipment) in Table IV.H-16.[143] The DEIR finds that because noise levels would not exceed applicable thresholds, impacts would be less than significant.[144] Mr. Faner demonstrates that this analysis is not supported by substantial evidence. To begin with, the DEIR noise analysis does not provide sources for the rooftop mechanical equipment operational noise calculations.[145]

[143] DEIR, pg. IV.H-43.

[144] *Id.*

[145] Faner Comments, pg. 7.

Response to Comment No. 5-34

A detailed noise evaluation of the Project building mechanical design system is not available at this stage of the Project as there are no actual design drawings to be reviewed. Detailed individual building plans are prepared during the regulatory building permit phase after a project is approved. Therefore, a noise analysis for the building mechanical equipment is based on representative sound levels for typical HVAC equipment ranging from 80 dBA to 100 dBA sound power levels, with the assumption that mechanical equipment is planned to be located at every building. Furthermore, as indicated on Page IV.H-42, the Project would comply with LAMC Section 112.02, which prohibits noise from air conditioning, refrigerating, heating, pumping, and filtering equipment so as to not exceed ambient noise levels by more than 5 dBA. Therefore, as concluded in the Draft EIR, the noise impacts associated with building mechanical equipment would be less than significant.

Comment No. 5-35

Further, Mr. Faner shows that the DEIR likely underestimates the noise levels generated by HVAC units required for the Project. Whereas Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at receptor R2, a single 90 dBA PWL fan would generate a noise level of 69 dBA at receptor R2.[146]

[146] *Id.*

Response to Comment No. 5-35

The estimated noise level provided by the commenter is based on a number of assumptions. Specifically, the commenter makes premature assumptions about the type of HVAC equipment to be installed because the building's mechanical design has not been started at this stage of the Project; assumes that building mechanical HVAC equipment would be located at a distance of 15 feet from the Project Site property lines; and assumes that the mechanical equipment would likely have a direct line of sight to the receptor location. However, as indicated in the Draft EIR (Page IV.H-42), the Project would incorporate Project Design Feature NOI-PDF-3, which specifies that all outdoor mounted mechanical equipment will be enclosed or screened from off-site noise-sensitive receptors. This screening would effectively prevent the scenario suggested by the commenter.

Comment No. 5-36

Mr. Faner also shows that the DEIR underestimates the number of HVAC units required for the Project. Whereas the noise analysis assumes 33 HVAC units for the residential zones

of the project, Mr. Faner introduces substantial evidence showing that a project this size would need 49 to 72 twenty-five-ton units to properly ventilate the space.[147]

[147] *Id.*

Response to Comment No. 5-36

As indicated in Response to Comment No. 5-34, detailed engineering design of the building HVAC systems is not available at this stage of the Project. Therefore, the noise analysis for the building mechanical equipment is based on a representative HVAC equipment for each of the Project buildings. In addition, as indicated on Page IV.H-42 in Section IV.H, Noise, of the Draft EIR, the Project would comply with LAMC Section 112.02, which prohibits noise from air conditioning, refrigerating, heating, pumping, and filtering equipment so as to not exceed ambient noise levels by more than 5 dBA. Therefore, as concluded in the Draft EIR, the noise impacts associated with building mechanical equipment would be less than significant, and additional analysis is not required.

Comment No. 5-37

As a result, the DEIR underestimates noise levels from stationary mechanical equipment. Noise impacts from stationary equipment remains potentially significant. These impacts must be accurately analyzed in a revised and recirculated EIR.

Response to Comment No. 5-37

Refer to Response to Comment Nos. 5-34 through 5-36 above. As demonstrated therein, the Draft EIR's noise analysis meets the requirements of CEQA, operational impacts would remain less than significant, and recirculation is not required.

Comment No. 5-38

The DEIR concludes that on-site construction noise impacts will be significant and unavoidable at receptors R1, R2, R3, and R7.[148] The DEIR concludes that off-site construction noise impacts would be significant and unavoidable at receptors R2, R2, and R10.[149] The DEIR fails to identify all feasible mitigation measures to reduce these impacts to the greatest extent feasible.

Under CEQA, if the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment" to the greatest extent feasible and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns."[150]

[148] DEIR, pg. IV.H-55.

[149] *Id.* at IV.H-56.

[150] PRC § 21081(a)(3), (b); CEQA Guidelines §§ 15090(a), 15091(a), 15092(b)(2)(A), (B); *Covington v. Great Basin Unified Air Pollution Control Dist*. (2019) 43 Cal.App.5th 867, 883.

Response to Comment No. 5-38

This comment does not raise an environmental issue specific to CEQA or the Draft EIR and the environmental impacts addressed therein. However, as provided in the Draft EIR (Pages IV.H-51 and IV.H-52), Mitigation Measures NOI-MM-1 and NOI-MM-2 are included to reduce the potential significant noise impacts to the extent feasible. Specifically, Mitigation Measure NOI-MM-1 would provide temporary and impermeable sound barriers with the maximum noise reduction of 20 dBA at the adjacent residential receptors, and Mitigation Measure NOI-MM-2 would require locating construction equipment along the northern portion of the Project Site, as far from the residential uses on Carlton Way to the extent feasible during the nighttime mat pour. As indicated in the Draft EIR, there are no other feasible mitigation measures to further reduce the temporary construction noise impacts.

Comment No. 5-39

Mr. Faner identifies feasible mitigation measures that would reduce the severity of the Project's onsite construction noise impacts. Mr. Faner first recommends including NOI-PDF-1 (mufflers) and NOI-PDF-2 (no pile drivers) in the Mitigation Monitoring and Reporting Program (MMRP) to ensure that the measures are binding.[151]

[151] Faner Comments, pg. 4.

Response to Comment No. 5-39

All Project Design Features, including Project Design Features NOI-PDF-1 and NOI-PDF-2, are included in Section IV, Mitigation Monitoring Program, of this Final EIR.

Comment No. 5-40

Mr. Faner calls for a measure requiring for continuous noise monitoring during construction and to halt construction if noise levels exceed the estimated construction noise levels.[152] Continuous measurement would provide improved assurance that noise levels are minimized as estimated in the DEIR. It is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a low cost.

[152] [footnote contents missing]

Response to Comment No. 5-40

Continuous noise monitoring is not needed as the Draft EIR discloses the Project's potential noise impacts during construction and operational activities. Further, prior to the issuance of a demolition permit, the Applicant shall demonstrate compliance with Mitigation Measure NOI-MM-1, and provide documentation prepared by a noise consultant to verify compliance with mitigation measures (i.e., plans showing that the temporary and impermeable sound barriers would achieve the specified noise reduction). In addition, all mitigation measures, including Measure NOI-MM-1 is included in Section IV, Mitigation Monitoring Plan, of this Final EIR, to ensure compliance with the Mitigation Measure. As such, long-term noise monitoring as suggested in the comment is not warranted.

Comment No. 5-41

Mr. Faner identifies additional measures to reduce impacts at the upper levels of the receptors R1 and R7.[153] These include erecting scaffolding to support construction noise control blankets, installing heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site, and offering to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1.[154]

[153] Faner Comments, pg. 4.

[154] *Id.*

Response to Comment No. 5-41

The comment suggests erecting scaffolding to support construction noise control blanket, or use a heavy plexiglass or other clear panels around the edges of the balconies and/or breeze ways, or replacing windows/exterior doors at the residential buildings facing the Project Site. This would require physical construction activities to be implemented at the off-site buildings that are not owned by the Applicant. Specifically, heavy construction equipment (e.g., forklifts and aerial lifts) would be needed to attach the scaffolding, noise blankets, or plexiglass panels at the adjacent buildings. Noise levels associated with forklifts, aerial lifts, and tools to erect the scaffolding and attach the noise blankets/plexiglass would be approximately 82.0 dBA when operating adjacent to the building, which would exceed the ambient noise level of 59.1 dBA at the hotel (as measured at receptor R7) by up to 22.9 dBA and would also result in significant noise impacts. The scaffolding would have to be directly attached to the buildings for lateral support, a Plexiglass system would require that the panels would need to extend from the existing parapet to the balcony floor above, and the panels would need to be able to withstand wind loads, there may be other code requirements.

In summary, the suggested mitigation measures are not feasible because: they would require physical construction activities to be implemented at the adjacent residential buildings

that is not owned by the Applicant; the heavy construction equipment such as forklifts and aerial lifts as well as the tools that would be needed to attach the scaffolding, noise blankets, or plexiglass panels along the entire extent of the building façade, which are up to 4 stories, would result in significant noise impacts; daylight into these buildings would be severely impacted and the outdoor balconies would not be usable if scaffolding and a sound blanket were to be erected; and, these mitigation measures would require the approval of other property owners to implement and that approval cannot be guaranteed.

Comment No. 5-42

Mr. Faner also identifies mitigation for the Project's construction vibration impacts, which the DEIR concludes would result in a significant and unavoidable impact to human annoyance. Mr. Faner recommends offering to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives.[155]

In sum, the DEIR must be revised to identify all feasible mitigation measures to reduce the Project's significant impacts.

[155] *Id.* at 5.

Response to Comment No. 5-42

The City has not adopted a noise or vibration standard or significance threshold with respect to sleep disturbance. It should be noted that Project construction would be limited to the daytime hours, with the exception of the mat pour, which would extend into the nighttime hours, as required for a continuous pour (limited to few days). As provided by the Mitigation Measure NOI-MM-2, during the nighttime mat pour, locate construction along the north northern portion of the Project Site, as far from the residential uses on Carlton Way, to the extent feasible. In addition, mat pour activities would not generate excessive vibration levels and would not result in significant impacts to the residential uses along Carlton Way.

As provided in Table IV.H-28, of the Draft EIR, large construction equipment (i.e., large bulldozer, caisson drilling and loaded truck) would generate vibration levels up to 95.9 VdB at residences nearest to the Project Site (i.e., receptor locations R1 and R7). 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. As discussed in the Draft EIR, there are no feasible mitigation measures to reduce the potential vibration human annoyance impacts.

Comment No. 5-43

E. The Project May Result in Potentially Significant Public Utilities Impacts.

Under CEQA, a public utilities impact is considered significant if a project would "[r]equire or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects."[156] The DEIR states that the Project would not result in the construction of new or expanded water facilities, the construction of which would result in significant environmental effects.[157] In support of this conclusion, the DEIR refers to an Information of Fire Flow Availability Request ("IFFAR") showing that six existing hydrants could meet the Project's fire flow requirement of 9,000 gallons per minute.[158] The IFFAR is dated May 23, 2023. The DEIR does not discuss a subsequent analysis from the Department of Water and Power ("LADWP"), dated December 29, 2023, concluding that three new hydrants must be constructed as a condition of approval.[159] These improvements are not disclosed in the DEIR.

As demonstrated in the DEIR, construction of utilities infrastructure results in environmental impacts such as air quality and noise. Because the DEIR fails to analyze impacts associated with all water infrastructure improvements required by the Project, the DEIR's analysis is not supported by substantial evidence.

[156] DEIR, pg. 4.14-12.

[157] DEIR, pg. IV.L1-35.

[158] DEIR, pg. IV.L1-34; Appendix M, PDF pg. 42.

[159] Letter from Rafael Viramontes, P.E., LADP, [sic] to Vincent Bertoni, Department of City Planning, re: Tract No. 83987—6000 Hollywood Boulevard—South of Hollywood Boulevard and East of Gower Street (December 29, 2023), attached as Exhibit C.

Response to Comment No. 5-43

The Information of Fire Flow Availability Report (IFFAR) dated May 23, 2023 and letter from LADWP cited by the commenter dated December 29, 2023 are addressing two different topics. As stated correctly in the Draft EIR, the IFFAR submitted to LADWP shows six nearby hydrants flowing simultaneously for a combined 9,000 gallons per minute, meeting the fire flow requirements set by LAFD. Therefore, as shown by the IFFAR, the Project would have adequate fire flow available from LADWP's broader water system to demonstrate compliance with LAMC Section 57.507.3 without major infrastructure improvements. The December 29, 2023 letter from LADWP provided by the commenter as Exhibit C is a comment on the tract map related to fire hydrant spacing. As part of this Final EIR, LADWP confirmed the installation of three new hydrants to meet spacing requirements would not require any major

improvements.[10] As such, these improvements would fall under the impact analysis for construction already included in the Draft EIR. Impacts would be less than significant.

Comment No. 5-44

F. The Statement of Overriding Consideration Must Consider Whether the Project Provides Employment Opportunities for Highly Trained Workers

The City concludes in the DEIR that the Project will have significant and unavoidable environmental impacts. Therefore, in order to approve the Project, CEQA requires the City to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its environmental harm.[160] An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."[161]

The City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.[162] This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.[163] Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.[164]

In this case, the City must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. CEQA specifically references employment opportunities for highly trained workers as a factor to be considered in making the determination of overriding benefits.[165] Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community. The Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or taken other steps to ensure employment of highly trained and skilled craft workers on Project construction. Therefore, the City would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the Project.

165 Pub. Resources Code, § 21081, subds. (a)(3) and (b).

160 CEQA Guidelines, § 15043.

161 *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

162 Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

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10 This email correspondence between the Project's civil engineer and LADWP is on file at the Department of City Planning.

[163] Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)

[164] *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

Response to Comment No. 5-44

The provision of employment opportunities for highly trained workers is *part of one* of the three findings, one of which must be made by a public agency for projects in which a Statement of Overriding Considerations is required; CEQA does not require that highly trained workers be employed for the construction of a project. This comment recommending the provision of employment opportunities for highly trained workers is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-45

We urge the City to prepare and circulate a revised EIR which identifies the Project's potentially significant impacts, requires all feasible mitigation measures and analyzes all feasible alternatives to reduce impacts to a less than significant level. If a Statement of Overriding Considerations is adopted for the Project, we urge the City to consider whether the Project will result in employment opportunities for highly trained workers.

Response to Comment No. 5-45

Refer to Response to Comment Nos. 5-5 through 5-43 above. As demonstrated therein, the Draft EIR meets the requirements of CEQA and recirculation is not required.

Refer to Response to Comment No. 5-43 with respect to the provision of employment opportunities for highly trained workers.

Comment No. 5-46

V. CONCLUSION

For the reasons discussed above, the DEIR for the Project is inadequate under CEQA. It must be revised to provide legally adequate analysis of, and mitigation for, all of the Project's potentially significant impacts. These revisions will necessarily require that the DEIR be recirculated for additional public review. Until the DEIR has been revised and recirculated, as described herein, the City may not lawfully approve the Project.

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

Response to Comment No. 5-46

This comment which concludes the letter is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to Comment Nos. 5-5 through 5-43 above regarding the adequacy of the Draft EIR. As demonstrated therein, the Draft EIR meets the requirements of CEQA and recirculation is not required.

Comment No. 5-47

Exhibit A—Clark & Associates letter dated December 19, 2024

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the City of Los Angeles' (the City) DEIR[1] for the above referenced project.

Clark's review does not constitute validation or endorsement of the conclusions or content presented in the IS/MND. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

Project Description:

According to the Project Description,[2] "The Project proposes a mixed-use development comprised of 350 residential units (of which 44 units will be reserved for Very Low Income households), 136,000 square feet of office uses, 18,004 square feet of retail uses, 4,038 square feet of restaurant uses, and 500 square feet of storage space. The proposed uses would be in three primary buildings, Buildings A, B, and C, and 11 low-rise structures dispersed throughout the Site. Building A would be a 136,000-square-foot, six-story office and retail building; Building B would be a 289,079-square-foot, 35-story residential tower; Building C would be a 23,560-square-foot, four-story residential building; and 11 low-rise structures ranging from two to four stories would be interspersed throughout the Site. One of the low-rise structures would be a 4,038-square-foot, two-story restaurant, and the remaining 10 structures would include 38 residential townhomes. Upon completion, the Project would result in a total floor area of 501,185 square feet on an 3.7-acre site, for a Floor Area Ratio (FAR) of 3.1:1 and a maximum building height of 419 feet. All of the existing improvements and uses on the Project Site would be demolished.

The Project Site is generally bounded by Hollywood Boulevard to the north, Bronson Avenue to the east, Carlton Way to the south, and Gower Street to the west. The Project Site encompasses the following addresses: 5950, 5960, 5962, 6000, 6004, 6010, 6016, 6020, 6024, 6024½, 6030, 6038, 6044, and 6048 West Hollywood Boulevard and 6037 West Carlton Way.[3]

Figure 1: Regional Location Map And Aerial Photograph of Project Site

The area surrounding the Project Site is highly urbanized and includes a mix of low- to mid-rise buildings containing a variety of commercial and residential uses. The surrounding properties are generally zoned for C4 commercial use or R4 multiple dwelling residential use, consistent with the zoning of the Project Site. South of the Hollywood Lot—and to the east of the Carlton Lot—are various primarily multi-family apartment buildings; to the west of the Carlton Lot are a multi-family apartment building, the Shir Hashirim Montessori School, and a two-story office building and associated surface parking. Multi-family apartment buildings are also located across the Carlton Lot on the south side of Carlton Way.

Construction of the Project would commence with demolition of the existing structures and surface parking areas. This phase would be followed by grading and excavation for the subterranean parking, which would extend to a depth of 40 feet below ground surface. The building foundations would then be laid, followed by building construction, paving/concrete installation, and landscape installation. Project construction is anticipated to commence in 2026 and be completed in 2029. Eyestone estimated that approximately 210,000 cubic yards of export would be hauled from the Project Site.[4] The properties to the southwest and southeast of the Project Site along Carlton Way are primarily residential and represent the most sensitive receptors to emissions from the Project Site.

The DEIR goes on to note that the Project would result in significant and unavoidable impacts related to: on-site construction noise, off-site construction noise, on-site construction vibration with respect to human annoyance, and off-site vibration with respect to human annoyance. In addition, the Project would result in significant cumulative impacts that cannot be feasibly mitigated with regard to on-site and off-site construction noise and on-site and off-site construction vibration with respect to human annoyance. All other potential impacts would be less than significant or mitigated to less-than-significant levels. It should be noted that no Program Design Features (PDF) or Mitigation Measures (MM) are included for air quality issues.

The DEIR determined that the Regional air quality thresholds would not be exceeded during the construction phase of the Project.

Table IV.A-6
Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)[a]

Construction Year	VOC[b]	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Regional Construction Emissions Winter						
Year 2026	5	58	64	<1	20	5
Year 2027	5	31	61	<1	9	3
Year 2028	5	30	59	<1	9	3
Year 2029	26	29	57	<1	9	2
Maximum Unmitigated Construction Emissions[c]	26	58	64	<1	20	5
SCAQMD Daily Significance Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Over/(Under)	**(49)**	**(42)**	**(486)**	**(150)**	**(130)**	**(50)**
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**
Regional Construction Emissions Summer						
Year 2026	4	80	57	<1	20	5
Year 2027	5	30	66	<1	9	3
Year 2028	5	29	64	<1	9	3
Year 2029	27	37	77	<1	10	3
Maximum Unmitigated Construction Emissions[c]	27	80	77	<1	20	5
SCAQMD Daily Significance Thresholds	**75**	**100**	**550**	**150**	**150**	**55**
Over/(Under)	**(48)**	**(20)**	**(473)**	**(150)**	**(130)**	**(50)**
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Numbers may not add up exactly due to rounding.

[a] *The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix B (CalEEMod Output) of this document.*

[b] *Please note that the SCAQMD significance threshold is in terms of VOC while CalEEMod calculates reactive organic compounds (ROG) emissions. For purposes of this analysis, VOC and ROG are used interchangeably since ROG represents approximately 99.9 percent of VOC emissions.*

[c] *Unmitigated scenario assumes compliance with SCAQMD Rule 403 requirements for fugitive dust. Dust control measures include watering three times daily and properly securing soil exporting loads prior to transport.*

Source: Eyestone Environmental, 2024.

Figure 2: Regional Air Quality Table From DEIR

After a careful review of the DEIR and supporting documents it is clear that the IS/MND's assertion that there are not significant air quality impacts from the Project is not supported by the data contained in the DEIR. There are clear flaws in the DEIR's analysis of air quality issues that must be corrected in a revised environmental impact report (REIR).

[1] Eyestone Environmental, LLC. 2024. 6000 Hollywood Boulevard Project, Draft Environmental Impact Report. Prepared by Eyestone Environmental, LLC for the City of Los Angeles Department of City Planning.

[2] Ibid. pg II-1

[3] Ibid. pg II-2

[4] Ibid. pg II-25

Response to Comment No. 5-47

The portion of this introductory comment summarizing the Project Description, environmental setting, and the Project's significant and unavoidable impacts is noted for the record and will be made available to the decision-makers for their review and consideration.

This comment also incorrectly claims that the Initial Study stated that there would be no significant impacts related to air quality. Only air quality threshold d related to odors was identified as having a less than significant impact in the Initial Study. Air quality thresholds a through c were identified as potentially significant in the Initial Study and evaluated in Section IV.A, Air Quality, of the Draft EIR. The comment also refers to a Mitigated Negative Declaration. No such document was prepared for the Project.

Lastly, this comment makes a broad claim that the Project's air quality analysis is inadequate. Refer to Response to Comment Nos. 5-48 and 5-49 below for specific issues raised by the commenter. As demonstrated therein, the Draft EIR's air quality analysis meets the requirements of CEQA and recirculation is not required.

Comment No. 5-48

Specific Comments

1. The City's Qualitative Analysis Of TAC Emissions From The Construction Phase Of The Project Is Insufficient.

According to the DEIR,[5] potential toxic air contaminant (TAC) impacts were evaluated by conducting a *qualitative* analysis consistent with CARB's Air *Quality and Land Use Handbook: A Community Health Perspective* (CARB's Handbook), 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). According to Eyestone, the

qualitative analysis consisted of reviewing the Project to identify any new or modified TAC emissions sources and evaluating the potential for such sources to cause significant TAC impacts. If the qualitative evaluation did not rule out significant impacts from a new TAC source, or modification of an existing TAC emissions source, a more detailed analysis would have been conducted. For the detailed analysis, downwind sensitive receptor locations would be identified, and site-specific dispersion modeling is conducted to estimate Project impacts.

The DEIR goes on to state that the greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations.[6] The DEIR assumes that given the short-term construction schedule of approximately 44 months, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. The Project's construction activities, including generation of TACs, would not expose sensitive receptors to substantial pollutant concentrations. Project related TAC impacts during construction would be less than significant. This conclusion from Eyestone is speculative at best and without merit.

[5] Ibid. pg IV.A-45

[6] Ibid pg IV.A-68

Response to Comment No. 5-48

This comment asserts that the Draft EIR failed to disclose and analyze the health risk posed by the Project's air emissions. The City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for evaluating a project's impacts, including potential impacts related to health risk. This comment does not provide substantial evidence to demonstrate that a quantified HRA related to any potential on-site sources of TACs is required under CEQA or that the City abused its discretion in not requiring one in the Draft EIR.

No guidance for requiring HRAs for construction has been adopted by CARB, SCAQMD, or the City. Nonetheless, a combined construction and operational HRA was prepared pursuant to CAPCOA Guidance Document for Health Risk Assessments for Proposed Land Use Projects to confirm, as the Draft EIR concludes, that no significant health risk impacts would occur from the Project. The HRA is provided as Appendix FEIR-3 of this Final EIR. As discussed on page 1 therein, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences located adjacent to the south of the Project Site (for combined construction and operational emissions), which is below the applicable SCAQMD significance threshold of 10 in one million.

Further, as a point of clarification, the Project's EIR has been prepared by an independent consultant under contract with the City of Los Angeles Department of City Planning, who is the lead agency for the Project. The EIR has been prepared in compliance with CEQA and the CEQA Guidelines, which expressly allow the lead agency to "[a]ccept a draft prepared by the applicant, a consultant retained by the applicant, or any other person."[11] Moreover, in compliance with CEQA and the CEQA Guidelines, the Department of City Planning subjected the EIR to its own review and analysis, and the Draft EIR published for review reflects the independent judgement of the City.[12] The City "is responsible for the adequacy and objectivity of the draft EIR."[13]

Comment No. 5-49

2. Using The City's Own Air Quality Analysis Of The Construction Phase Of The Project, It Is Evident That The Health Risk To Residents Adjacent To The Project Site Will Exceed The Significance Threshold For TACs.

Using the City's own air quality analysis I have performed a quantitative health risk analysis of the TAC emissions from the offroad equipment that will be used during the Construction Phase of the Project. Using the daily average emissions of PM_{10} emissions ($PM_{10}E$) from tables 3.1 through 3.19 of the CalEEMod analysis labeled 6000 Hollywood—Construction Onsite Detailed Report (dated 11/6/2023) from Appendix B to the DEIR, I have calculated the emissions of DPM as $PM_{10}E$ for each phase of the construction phase.

6000 Hollywood - Construction Onsite Detailed Report, 11/6/2023

3.1. Demolition (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	1.12	9.09	16.6	0.03	0.31	—	0.31	0.29	—	0.29	2,495
Demolition	—	—	—	—	—	2.32	2.32	—	0.35	0.35	—
Onsite truck	0.01	0.39	0.28	< 0.005	< 0.005	1.53	1.53	< 0.005	0.15	0.15	71.2
Average Daily	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.13	1.05	1.91	< 0.005	0.04	—	0.04	0.03	—	0.03	287

Figure 3: CalEEMod Output From Appendix B For Construction Phase

11 *CEQA Guidelines, Section 15084(d)(3).*

12 *CEQA Guidelines, Section 15084(e).*

13 *CEQA Guidelines, Section 15084(e).*

Using the construction schedule provided in the same CalEEMod analysis I have calculated the Project would last 921 days.

Using the emission rate calculated in the CalEEMOD [sic] model for each construction phase, the total amount of DPM emitted from off-road equipment would be equal to the number of work days multiplied by the emission rate calculated in the CalEEMOD [sic] model.

$$DPM\ (lbs) = \sum Emission\ Rate\ \left(\frac{lbs}{day}\right) * Number\ Of\ Work\ Days\ (days)$$

The total amount of emissions over the site was calculated to be 33.86 lbs of DPM in 2026, 130.38 lbs of DPM in 2027, 116.56 lbs of DPM in 2028, and 53.07 lbs of DPM in 2029.

To calculate the daily emission rate of DPM for each year of construction period, the total mass of DPM emitted was divided by the area of the construction site (18,200 square meters (m2) or 195903.2 ft^2) divided by the number of hours of construction (8 hours/day).

$$Emission\ Rate\ For\ Model\ \left(\frac{lbs}{hr * ft^2}\right) = \frac{Emission\ (lbs)}{Duration\ (hr) * Area\ (ft^2)}$$

Limiting the emissions to an 8-hour period during weekdays, the emission rate was calculated to be 1.90 x 10^{-7} lbs per hour of operation per square foot. The emission rates I have calculated ranged from 3.68 x 10^{-8} lbs-hour/ft^2 to 3.38 x 10-7 lbs-hour/ft^2.

Table 1: DPM Emission Calculations From On-Site Off-Road Equipment For Each Year

Phase	Year	Daily Emissions*	Duration	Total Emissions For Phase	Emissions Per Day	Emission Rate Per Hour	Site Wide Annual Emission Rate
		lbs/day	days	lbs	lbs/day	lbs-hour	lbs-hr/ft2
Demolition	2026	0.04	42	1.68			
Grading	2026	0.24	110	26.4			
Mat Foundation	2026	0.08	43	3.44			
Foundation	2026	0.03	43	1.29			
Building Construction	2026	0.05	21	1.05			
Total Emissions 2026			259	33.86	**1.31E-01**	1.63E-02	**8.34E-08**
Building Construction	2027	0.53	246	130.38	**5.30E-01**	6.63E-02	**3.38E-07**
Building Construction	2028	0.47	248	116.56	**4.70E-01**	5.88E-02	**3.00E-07**
Building Construction	2029	0.29	168	48.72	5.29E-02		
Paving	2029	0.05	87	4.35	4.72E-03		
Architectural Coating	2029		175	0	0.00E+00		
Total Emissions 2029				53.07	**5.76E-02**	7.20E-03	**3.68E-08**

Using AERMOD, the US EPA's preferred air dispersion model, it is possible to calculate the concentrations of DPM from the construction area at the closest receptors near the construction site. AERMOD is an acronym for the American Meteorological Society/ Environmental Protection Agency Regulatory Model Improvement Committee's Dispersion Model. AERMOD contains the necessary algorithms to model air concentrations from a wide range of emission source types, including stack-based point sources, fugitive area sources, and volume sources. The modeling domain with the building around the Project site are indicated in the figure below. The green area is the source area of DPM from construction of the Project.

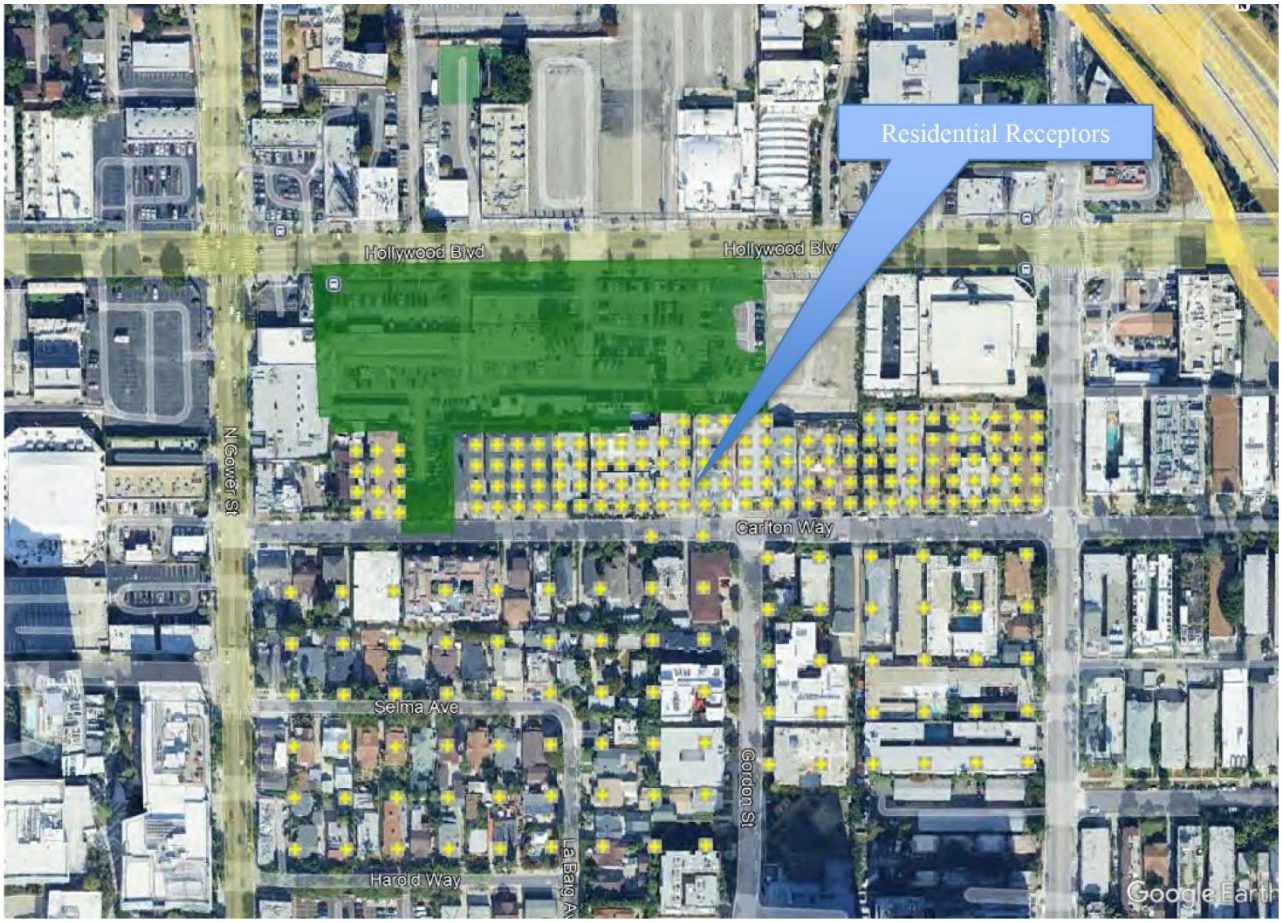

Figure 4: Receptors In Model

Using the SCAQMD's AERMOD Health Risk Assessment Tool and AERMOD-Ready Meteorological Data Files website[7] I have determined that the Project Site resides in the area designated by SCAQMD as SRA-1. The designated surface meteorological station for SRA-1 is KFUL. The data for the site cover the years 2018, 2019, 2020, 2022, and 2023.

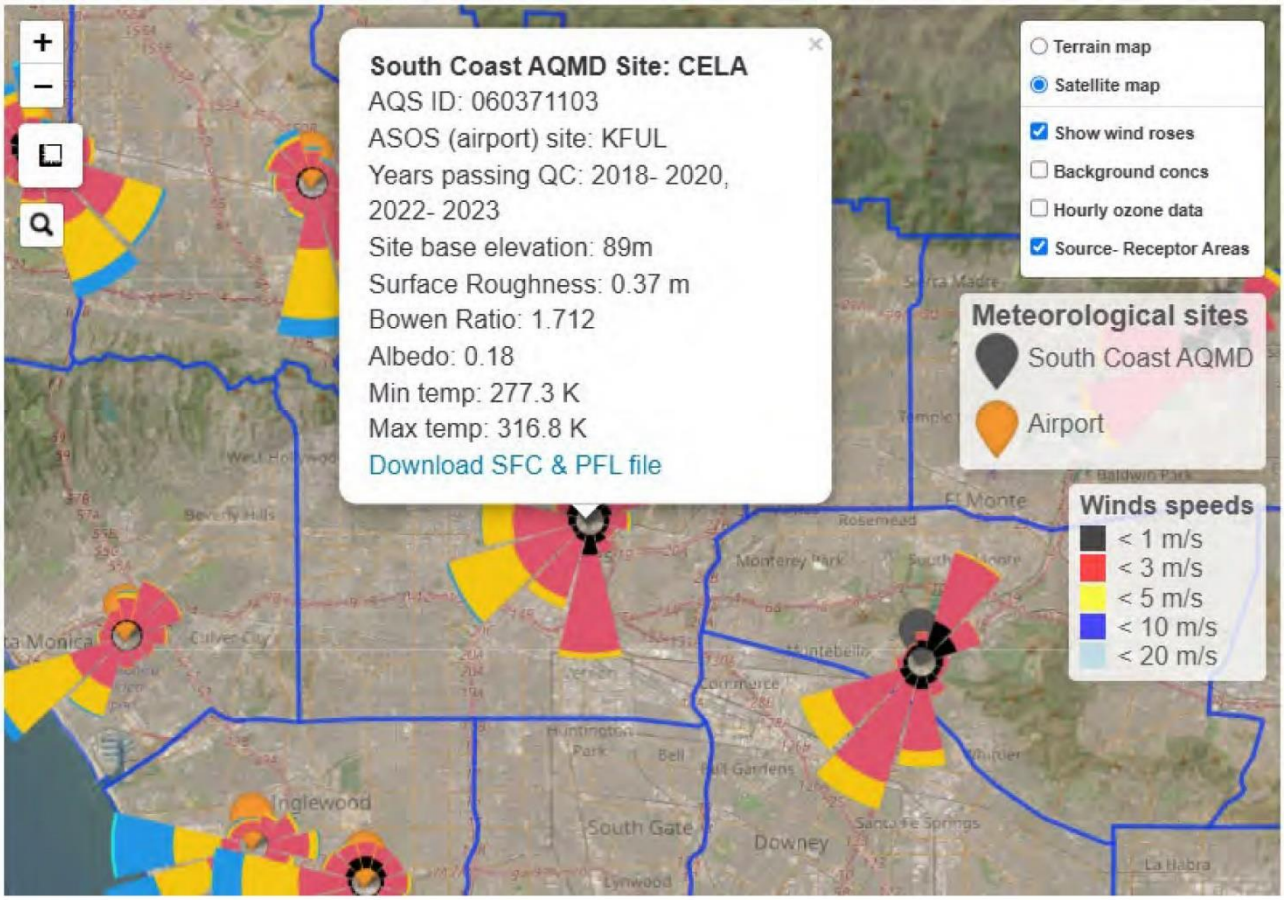

Figure 5: SCAQMD AERMOD Site Location Website

Using the California Air Resources Board's (CARB's) digital elevation model for the Hollywood region I have input the elevation for Project Site and the receptors nearby. Receptors next the Project Site were spaced 10 meters apart and receptors south of Carlton Way were spaced 25 meters apart.

The AERMOD model was run assuming that emissions occurred only during the weekdays during an 8-hour period. The results of the model are attached as an Exhibit to this letter. The DPM concentrations calculated for the period of the construction at the ten closest receptors ranged from 0.091 micrograms per cubic meter (µg/m^3) to 0.1308 µg/m^3.

Table 2: DPM Concentrations Modeled For Construction Phase

Model Receptor	X	Y	Value
	METER	METER	ug/m**3
97	378142.3	3774124	0.130813
12	378104.4	3774122	0.120039
98	378152.3	3774124	0.113586
9	378104.4	3774112	0.105126
69	378142.3	3774114	0.104966
99	378162.3	3774124	0.103515
100	378172.3	3774124	0.097304
11	378094.4	3774122	0.093272
101	378182.3	3774124	0.092129
6	378104.4	3774102	0.090603

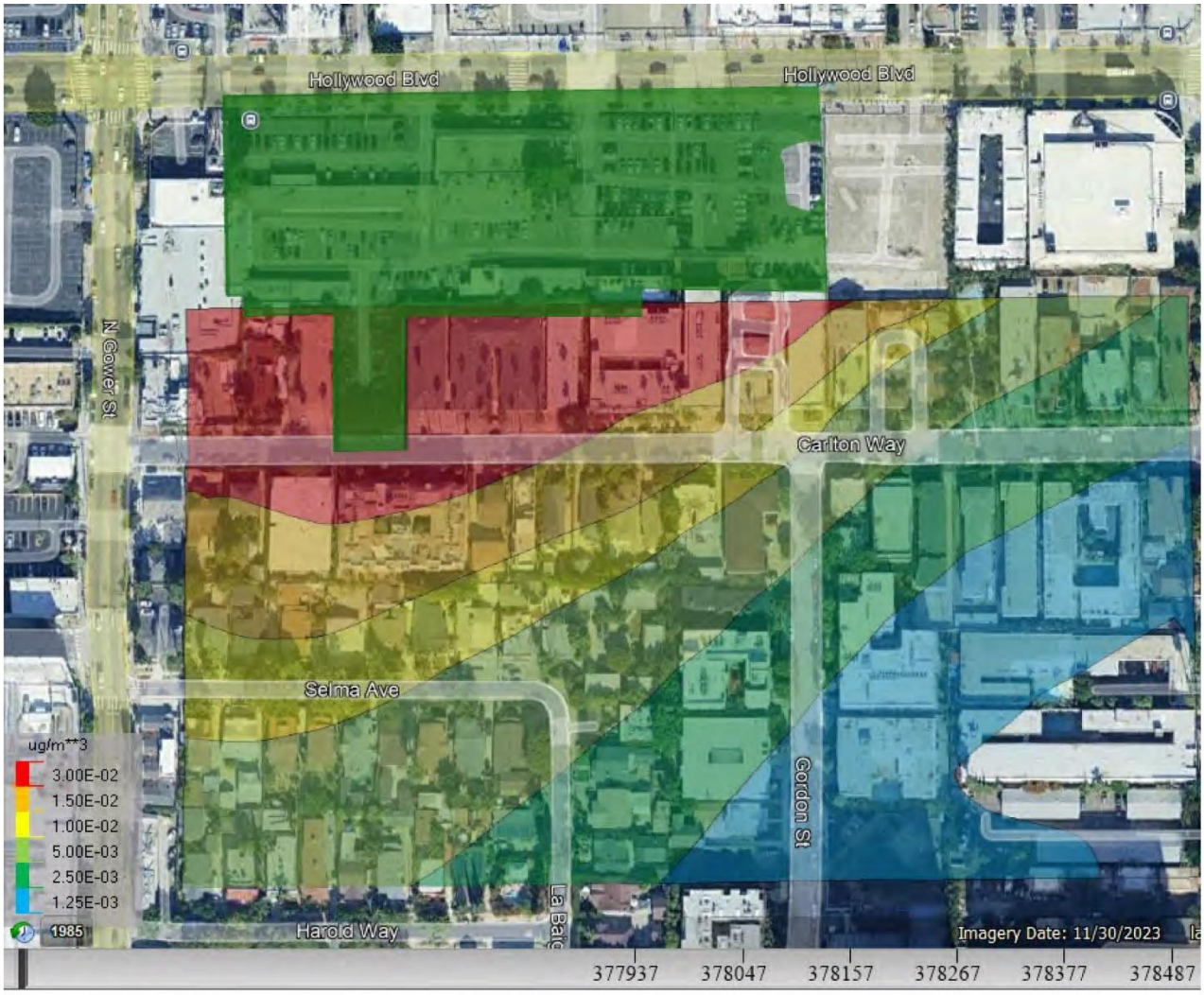

Figure 6: Model output showing DPM concentrations During Construction Phase

Using the algorithm outlined in OEHHA's HARP 2 Standalone Risk software, the cancer risk to the most sensitive population, infants less than 3 years old was calculated. To calculate the inhalation cancer risk for any receptor in the modeling domain dose of the chemical in air ($Dose_{air}$) is calculated from the annual concentration of the carcinogen (C_{air}). The exposure concentration is then multiplied by the breathing rate per body weight (BR/BW), inhalation absorption factor (A), the exposure frequency (days per 365 days) and a conversion factor of 10^{-6} (micrograms to milligrams, liters to cubic meters). This annual average concentration is multiplied by the cancer slope (CPF) for the chemical along with the appropriate age sensitivity factor (ASF) the exposure duration (ED) and then divided by the averaging time (AT)

3. $$Dose_{air} = C_{air} * \{BR/BW\} * A * EF * 10^{-6}$$

4. $$Risk_{inh} = Dose_{air} * CPF * ASF * ED/AT$$

Using the maximum concentration modeled, the cumulative risk for exposure of infants during the 3.67 years (44 months) of construction is 40.5 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact. The results of the air model and the health risk analysis are attached as an appendix to this letter. The City must quantify and disclose these significant impacts in a REIR for the Project

[7] https://www.aqmd.gov/assets/aermet/AERMET_files_And_HRA_Tool.html

Response to Comment No. 5-49

As discussed above in Response to Comment No. 5-10, a quantitative HRA to evaluate potential health risk impacts to nearby sensitive receptors is not required by SCAQMD or the City, and no guidance for HRAs for construction has been adopted by SCAQMD or the City. Refer to Responses to Comments Nos. 5-47 through 5-50 below for a detailed discussion of Clark's analysis. As discussed therein, the HRA provided by Clark contains numerous errors. The model terrain within AERMOD was run with rural instead of urban as recommended in SCAQMD's LST guidance document.

This comment also summarizes the findings of an HRA prepared by Clark. The Clark analysis and related technical appendices were carefully reviewed for purposes of considering the potential of the Project to result in health risk impacts. Based on this evaluation, multiple methodological flaws in the calculations and AERMOD modeling were identified that substantially undermine the accuracy of the Clark results. The most important of these issues are detailed here.

The AERMOD modeling performed by Clark did not follow SCAQMD's LST Guidelines. Clark used a single area source to evaluate the release of diesel exhaust from proposed construction activities. However, a volume source (in this case linear volume sources) is the type of source recommended by the SCAQMD for modeling construction equipment and diesel truck exhaust emissions. Furthermore, Clark selected rural instead of urban (incorporates the effects of increased surface heating from an urban area under stable atmospheric conditions) in AERMOD which is not consistent with SCAQMD LST Guidelines and results in overestimated DPM concentrations. As discussed in the Project Description, a portion of the proposed six-story office building and six of the townhome-style structures on the southern portion of the Hollywood Lot would be on a podium atop the ground level parking level, while the proposed 35-story residential building and four of the townhome-style

structures on the northern portion of the Hollywood Lot would be located at street level, directly above the subterranean parking garage. Thus, Clark's analysis disproportionally moves construction sources and related emissions to the south side of the property near residential uses even though the majority of massing by square footage, excavation/export, and mat foundation would be on the northern portion of the Project Site. If the Clark 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 the HRA prepared in response to these comments. As demonstrated by the analysis therein, the Project would not result in a significant health risk impact during combined construction and operation. As discussed on Page 1 of Appendix FEIR-3, the HRA demonstrates that health risks from the Project (combined construction and operation) would be a maximum of 3.7 in one million for residences directly south of the Project Site, which is below the applicable SCAQMD significance threshold of 10 in one million.

Comment No. 5-50

Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed based in the DEIR. A REIR is necessary to address these substantial concerns fully and transparently.

Response to Comment No. 5-50

As demonstrated in Response to Comment Nos. 5-48 and 5-49, no changes to the significance conclusions would occur based on the Clark comment letter. As no new significant and unavoidable impacts were identified, there is no need to recirculate the Draft EIR.

Comment No. 5-51

Attachment—Worksheets [28 pages]

Attachment—James J.J. Clark CV [18 pages]

Response to Comment No. 5-51

This comment concludes Exhibit A and provides the associated worksheets and Dr. Clark's resume.

A review of the dispersion model used indicates that the commenter failed to follow appropriate SCAQMD modeling guidance. For instance, the model was set to rural for this urban setting which is incorrect. In addition, the meteorological data set does not appear to be consistent with the SCAQMD meteorological data set for Central Los Angeles. Most significantly, the commenter provides no supporting background documentation for the identified emission rates for the area line sources. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Comment No. 5-52

Exhibit B—Wilson Ihrig letter dated December 20, 2024

Per your request, we have reviewed the noise and vibration impact analysis for the DEIR for the 6000 Hollywood Boulevard Project (Project) over nine lots along Hollywood Boulevard (Hollywood Lot) and one adjoining lot along Carlton Way (Carlton Lot). The proposed project involves the demolition of existing improvements and uses on the project site, which include an automotive dealership and surface parking. The Project proposes a 35-story residential building with 265 units, a six-story office building, 10 townhome-style buildings, and one low-rise commercial building on the Hollywood Lot, and an additional four-story residential building with 46 units on the Carlton Lot. Upon completion, the Project would comprise a total of 324,643 square feet (SF) of residential uses, 136,000 SF of office uses, 18,004 SF of retail uses, 4,038 SF of restaurant uses, and 500 SF of support uses, resulting in a total floor area of 501,185 SF. Surrounding sensitive receivers include a recording studio 95 feet to the north, a recording studio immediately to the west, multi-family apartments immediately to the south, and the Shir Hashirim Montessori School immediately to the south. Additionally, there are several other multi-family residential land uses within 500 feet of the Project Site.

Wilson Ihrig is an acoustical consulting firm that has practiced exclusively in the field of acoustics since 1966. During our almost 58 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Response to Comment No. 5-52

This introductory comment summarizing the Project Description and the commenter's firm is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-53

Adverse Effects of Noise[1]

The health effects of noise are real and, in many parts of the country, pervasive.

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

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

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

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

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

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

Response to Comment No. 5-53

This comment provides information related to potential adverse impacts that can be associated with exposure to noise. This comment does not raise any specific points related to the Project's noise analysis included in the Draft EIR. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-54

Baseline Conditions are Not Properly Established

The noise analysis of the DEIR relies on only one long-term measurement location and nine short-term measurement locations consisting of two 15-minute measurements per location. The long-term measurement was not used in conjunction with the short-term measurements to extrapolate long-term data. Instead, for a given location, the two short-term measurements were used by themselves to estimate the 24-hour baseline condition. The 30 total minutes comprises about 2% of a 24-hour period, so only 2% of the day is represented at the nine short-term only measurement locations.

The noise analysis refers to the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual[2] (FTA Manual) procedures for determining existing noise. However, Appendix E of the FTA Manual recommends a minimum of three one-hour Leq noise measurements to estimate the 24-hour Ldn/CNEL, rather than two 15-minute measurements. The three one-hour measurements are meant to include three distinct timeframes: peak-hour roadway traffic, midday, and nighttime.

Additionally, by using Type 2 sound level meters, which are accurate within +/- 1.5 dBA[3], relying on these limited time results to characterize the ambient noise within tenths of a decibel is misleading because it implies a level of precision that is not supported by the instrumentation. Since the DEIR relies on this data to determine the significance thresholds, it is imperative that the DEIR provide additional justification for using short-term measurement results.

Furthermore, the noise analysis relies on these short-term measurements without any discussion of how typical these data were for the rest of the daytime and nighttime conditions. There is no evidence provided that the time selected for noise measurements is representative of the rest of the day or even of worst case (quietest conditions). Environmental noise can vary widely throughout the day (perhaps +/-10 dBA or more for areas with intermittent local traffic).

[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manua1-fta-report-no-0123_0.pdf

[3] ANSI/ASA S1.43 Integrating Sound Level meters states that the tolerance limits for time averaging meters is +/- 1.5 dBA for Type 2 meters (Table 7) https://law.resource.org/pub/us/cfr/ibr/002/ansi.s1.43.1997.pdf

Response to Comment No. 5-54

Refer to Response to Comment No. 5-30 above.

Comment No. 5-55

No Validation Measurements Performed For Traffic Model

The DEIR uses the subsection header "Ambient Noise Levels" for the discussion of traffic noise that has been modeled using the Federal Highway (FHWA) Traffic Noise Model (TNM). There are no validation measurements provided in Appendix G that verify that the model is accurate within industry expectations. Caltrans acknowledges that a validated model may fall within +/- 3 dBA of the measured result[4], which undermines attempts to use modeled-only results from TNM for absolute noise characterization of the ambient condition. In the cases of urban environments, TNM does not take into account sound amplification from traffic noise reflecting off nearby buildings, which occurred here.

[4] Caltrans Technical Noise Supplement (2013). Page 4-8: "TNM cannot account for all the variables present in the real world. It uses relatively simple algorithms to approximate physical processes that are complex in nature. TNM for projects involving existing roadways should always be validated for accuracy by comparing measured sound levels to modeled sound levels using traffic data collected during the measurement. If modeled sound levels do not match measured sound levels within ±3 dB the model parameters should be reviewed and adjusted if necessary to ensure that they accurately represent actual site conditions. If the measurements and model results are still not in agreement, the model should be calibrated." https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-ally.pdf

Response to Comment No. 5-55

Refer to Response to Comment No. 5-31 above.

Comment No. 5-56

Additional Mitigation Measures Not Considered For Construction Noise

The DEIR foreshadows that on-site construction noise will cause a significant noise impact by including two provisions in the Project Design Features (PDFs) that are intended to reduce noise. These are:

1. Use mufflers and/or shielding in proper working condition

2. Prohibit the use of impact pile drivers
   [DEIR at p. IV.H-30 to IV.H-31]

Despite these provisions and the addition of temporary construction noise barriers that will purportedly provide up to 20 dBA of noise reduction (Mitigation Measure NOI-MM-1), the DEIR nonetheless concludes that on-site construction noise impacts will be significant and unavoidable [DEIR at p. IV.H-55] at Receptors R1, R2, R3, and R7. With this determination comes the obligation to incorporate all feasible mitigation measures, which should include the following:

- Make NOI-PDF-1 (mufflers) and NOI-PDF-2 (no pile drivers) bona fide mitigation measures so that they are included in the Mitigation Monitoring and Reporting Program (MMRP) and are, hence, legally enforceable.

- Include in NOI-MM-1 a commitment to monitor noise continuously during construction and to halt construction if noise levels exceed the estimated construction noise levels shown in Table IV.H-23 of the DEIR (Construction Noise Impacts-With Mitigation Measures). It is feasible to install noise monitors that provide 24/7 coverage for the duration of a project at a very low cost. Two such companies that provide equipment just for this purpose are Sigicom[5] and Sonitus.[6] The cost for a single monitoring system is less than $1,000 per month, which is similar to the fees that would be charged by an acoustical consultant for a single day of measurements.

As the DEIR states, noise barriers would not be effective in reducing the on-site construction noise at upper levels of the receptors R1 and R7. For noise receptors at these higher elevations, here are three other options not discussed in the DEIR which must be considered:

- Erect scaffolding to support construction noise control blankets (1–2 pounds per square foot, lb/sq ft, surface density and 25 STC or better) at the facades of impacted receptors (R1, R7). Because scaffolding attaches directly to the buildings for lateral support, it is reasonably economical to erect tall “sound barrier” walls. The light and aesthetic issues may be somewhat ameliorated by using clear vinyl (1 lb/sq ft surface density) for at least some of the “sound panels”.

- Install heavy Plexiglass or other clear panels around the edges of balconies and/or breezeways that face the Project site to act as sound barriers without much affecting the light or view. Plexiglass that is 1/4” thick has a surface density of 1.5 lb/sq ft, which is adequate. The Plexiglass would need to cover the full exposure areas, including over the railings. The panels would likely need to extend over the entirety of the breezeway for a given floor with only a small opening for ventilation. The panels would need to be able to withstand wind loads, and there may be other code requirements. Determining the exact number of balconies and breezeways that would require treatment would require a detailed noise analysis.

- Offer to upgrade windows and exterior doors of those upper floor residential units that would not be shielded by the sound barriers as defined in NOI-MM-1. This was done for an unrelated project where these building shell elements were updated on a property adjacent to a construction project where Wilson Ihrig provided input to assess construction noise impacts and control measures, so it is not an unprecedented noise mitigation option. The efficacy of this would depend to a large degree on the acoustical insulation provided by the existing windows and walls, which are not known at this time. If it is determined that the existing windows do not provide a significant amount of noise insulation, determining appropriate acoustical ratings for replacement window and door assemblies would require a detailed noise analysis.

[5] https://www.sigicom.com/.

[6] https://www.sonitussystems.com

Response to Comment No. 5-56

Refer to Response to Comment No. 5-39 above regarding the project design features and Response to Comment No. 5-41 regarding the requested additional mitigation measures.

Comment No. 5-57

Vibration Mitigation Option Not Considered For Construction

The DEIR considers a wave barrier as a possible mitigation measure for temporary vibration impacts from on-site and off-site construction associated with human annoyance, but ultimately deems it infeasible. We concur with this assessment. However, one option that the DEIR does not state for addressing vibration impacts associated with human annoyance is to offer to relocate persons who either work from home, have irregular sleep schedules due to night shift work, or are subject to other conditions where the vibration from construction would cause an unduly disruption to their lives. The relocation would be to temporary office spaces, hotel rooms, etc. and would be for the duration of heavy construction. This was done, pre-COVID-19, for work-from-home residents in a property adjacent to a construction project in Oakland where Wilson Ihrig advised on construction noise and vibration control, so it is not an unprecedented mitigation option. Determining the exact number of residential units that would require this treatment would require additional information.

Response to Comment No. 5-57

Refer to Response to Comment No. 5-42 above.

Comment No. 5-58

Construction Ground-borne Noise Not Evaluated At Recording Studios

The DEIR identifies two recording studios near the Project Site, Receptors R3 and R10. The DEIR concludes that vibration impacts during construction would be significant for human annoyance but lacks any analysis of potential ground borne noise impacts at the recording studios. It is customary for studios to use room-within-room configurations to isolate the recording sessions from ambient noise within the control room and other parts of the studio and from airborne noise at the exterior. However, many such facilities are not designed for groundborne vibration that can radiate sound into the interior, where the noise may interfere with the recording process and affect business for the studios.

The FTA guidance cited by the DEIR for groundborne vibration also includes a threshold of 25 dBA for recording studios (FTA Table 6-4). Based on the "General Vibration" assessment method outlined in the FTA guidance, the groundborne noise can be estimated from the ground vibration levels. In this case, an adjustment of -20 to -35 dBA to account for the type of soil and characteristics of the vibration source[7]. Thus, the vibration values shown in IV.H-10 of the DEIR would result in the groundborne noise levels shown in Table 1 at Receptors R3 and R10. Other recording studios that are further away could also be significantly impacted.

Table 6-4 Indoor Ground-Borne Vibration and Noise Impact Criteria for Special Buildings

Type of Building or Room	Ground-Borne Vibration Impact Levels (VdB re 1 micro-inch/sec)		Ground-Borne Noise Impact Levels (dBA re 20 micro-Pascals)	
	Frequent Events	Occasional or Infrequent Events	Frequent Events	Occasional or Infrequent Events
Concert halls	65 VdB	65 VdB	25 dBA	25 dBA
TV studios	65 VdB	65 VdB	25 dBA	25 dBA
Recording studios	65 VdB	65 VdB	25 dBA	25 dBA
Auditoriums	72 VdB	80 VdB	30 dBA	38 dBA
Theaters	72 VdB	80 VdB	35 dBA	43 dBA

Figure 1 FTA Guidance for Special Buildings, including recording studios (from FTA 2018)

[Figure not included.]

Table 1 Construction Groundborne Noise Impacts

Off-Site Receptor Location	Approx. Distance Between the Off-Site Buildings and the Construction Equipment (ft)	Estimated Groundborne Noise at the Off-Site Receptor (dBA)					Sig. Criteria (dBA)	Sig. Impact
		Large Bulldozer	Caisson Drilling	Loaded Trucks	Jack-hammer	Small Bulldozer		
R3	5	68-83	68-83	67-82	60-75	39-54	25	**Yes**
R10	95	34-50	34-50	34-49	27-42	6-21	25	**Yes**
Adapted from Table IV.H-28 of the DEIR								

As shown in Table 1, several construction activities would generate significant groundborne noise impact, requiring mitigation.

Mitigation Measure NOI-MM-3 identifies a vibration monitoring program to mitigate groundborne vibration impacts, but the following additional measures[8] are required to reduce the impacts to non-significant levels:

1. Prior to construction, measure the ambient noise environment on a 1/3 octave band basis within the recording studios under normal recording conditions. The measurement period shall correspond to the quietest time of day that recordings are done (during construction hours) and shall have a duration of not less than 60 minutes. Statistical metrics should be determined in additional to the Leq. Noise measurement equipment shall conform to Type 1 or Class 1 sound level meters with professional quality recording devices.

2. Characterize the project-vicinity vibration propagation to determine how on-site vibration will transmit to the recording studios. If it can be shown that all of the construction activities, would not exceed the background noise levels (L90) measured in the studios based on corresponding groundborne noise calculation to the interior of the studio spaces, then one construction-phase noise measurement will be required to confirm this result.

3. If any construction activities would exceed the existing ambient (e.g. Leq, and basic statistical metrics such as L90, L50, L10, and L1), then the contractor must provide a vibration control plan that demonstrates how they will use their vibration-generating equipment and/or schedule their activities in collaboration with the recording studios to avoid interfering with each studio's normal recording activities.

4. The analysis and the vibration control plan will be subject to review and approval by the City of Los Angeles, and the affected sound recording studio operators will also have ample opportunity to review and resolve comments.

[7] The LA Metro Regional Connector Final EIS-EIR analysis used a conversion factor of -35 dB; construction activity generally has higher frequency vibration than rail vehicles; thus, a range of -20 to -30 dB would be appropriate for this analysis.

[8] Jue, D. and Carman, R. (2015). "Considerations to establish Ground-Borne Noise Criteria to Define Mitigation for Noise-Sensitive Spaces." *Transportation Research Record: Journal of the Transportation Research Board*, No. 2502, Transportation Research Board, Washington D.C., 2015, pp 1-11. doi:10.3141/2502-01

Response to Comment No. 5-58

Refer to Response to Comment No. 5-33, above.

Comment No. 5-59

Noise Analysis Provides Little Information Regarding HVAC Model

The DEIR noise analysis does not provide sources for the rooftop mechanical equipment operational noise calculations. The noise reference levels are stated in the appendix but without a citation or reference, and the total number of HVAC units in the model is listed without any justification. Additional modeling parameters such as the location and height of the HVAC units, whether obstacles such as enclosures or parapets are present, etc. are not stated in either the noise analysis section or the DEIR. Because this information has not been provided, it is impossible to accurately confirm the validity of the calculations and the noise model.

The most common large HVAC unit size is 25 tons. Based on our experience a 25-ton unit typically has a sound power level (PWL) of 85 to 95 dBA, which is in agreement with the sound power levels for the HVAC units used in the DEIR noise analysis (80 to 100 dBA). However, a single 90 dBA PWL fan would generate a noise level of 69 dBA at a distance of 15 feet, such as the distance from the project site to Receptor R2. However, Table IV.H-16 of the DEIR estimates a noise level of 43 dBA at R2. It is unclear what propagation distance and shielding were used to obtain the 43 dBA mechanical equipment noise level at R2.

The noise analysis assumes 33 HVAC units for the residential zones of the project, totaling 342,632 SF, and 11 HVAC units for the office and commercial zones, totaling 158,542 SF. A simple calculation using a rule of thumb for residential and office building uses[9] (see Figure 1 below) shows that a project this size would need 49 to 72 twenty-five ton units (spread out across the project roof) to properly ventilate the space.

Residential: 342,643 SF+ 350-450 SF per ton= 761 to 979 ton load
761 to 979 ton load+ 25 tons per unit= 31 to 39 units

Office/Commercial: 158,542 SF+ 190-360 SF per ton= 440 to 834 ton load
440 to 834 ton load+ 25 tons per unit= 18 to 33 units

The 44 total HVAC units in the noise analysis is on the lower-end of the estimated total units required to ventilate the project. If 79 units are more conservatively assumed, then the estimated noise levels from the mechanical equipment could be higher by an additional 2 dB or more, depending on the location of the HVAC units on the project roof. A 2 dB increase in HVAC noise level by itself would not constitute a significant noise impact based on the documented ambient noise levels, but it may contribute to a significant noise impact when the uncertainty in the existing baseline condition is taken into consideration.

Figure 2 Building Cooling Loads, Engineering Rules of Thumb[10]

9 About 86% of the commercial surface area is dedicated to office use, so only the office building HVAC load was used to simplify the calculation

10 https://www.engproguides.com/hvac-rule-of-thumb-calculator.html

Response to Comment No. 5-59

Refer to Response to Comment Nos. 5-34 through 5-36, above.

Comment No. 5-60

Conclusions

The DEIR relies on an inadequate baseline ambient measurement that does not sufficiently characterize the existing baseline noise condition. It finds significant and unavoidable construction noise and vibration impacts, but it omits some potentially feasible mitigation measures that may reduce the number of significant and unavoidable construction impacts. The DEIR also provides very little information to explain its methodology regarding its HVAC

noise analysis. In doing so, it may underestimate operational noise impacts on the surrounding community.

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

Response to Comment No. 5-60

This comment, which concludes the letter, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-61

Attachment—Patrick Faner CV [5 pages]

Response to Comment No. 5-61

This comment consisting of Mr. Faner's resume is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 5-62

Exhibit C—LADWP letter dated December 29, 2024

This is in reply to your letter dated July 24, 2023. This tract can be supplied with water from the municipal system subject to the Los Angeles Department of Water and Power's (LADWP) Water System Rules and requirements set forth in the enclosed report.

Upon compliance with these conditions and requirements, LADWP's Water Services Organization (WSO) will forward the necessary clearances to the Bureau of Engineering (BOE) after we receive the final tract map.

Questions regarding WSO clearance should be directed to LADWP, Water Distribution Engineering, P.O. Box 51111, Room 1425, Los Angeles, California 90051-5700 or (213) 367-1225.

WATER SYSTEM REQUIREMENTS FOR SUBDIVISION NO. **VTT 83987** PAGE 1 OF 2

ITEMS CHECKED APPLY TO THIS SUBDIVISION

DEVELOPER SHALL COMPLETE THE FOLLOWING FINANCIAL AND ENGINEERING ARRANGEMENTS AS **CONDITIONS OF MAP CLEARANCE**:

LAFD-related Requirements

1. New hydrants shall be installed. **X**
   PER LAFD INSPECTOR CONNEALLY REVIEW ON 11/25/23, 3 PUBLIC FIRE HYDRANT(S) ARE REQUIRED.
2. Existing hydrant tops shall be changed. _____
3. New water mains shall be installed to serve new hydrants. _____

DWP-WS Requirements

4. Acreage supply charges shall be paid. _____
5. Water main charges shall be paid. _____
6. Existing facilities shall be relocated or abandoned. _____
7. Street improvement/sewer/storm drain/water plans shall be submitted. _____
8. Covenant and Maintenance Agreement for Small Lot Subdivision Map or Map with Land Locked Lots (see Item 18 below) _____
9. Dedicate Water Easement to LADWP (see Item 19 below) _____

DEVELOPER SHALL COMPLETE THE FOLLOWING FINANCIAL AND ENGINEERING ARRANGEMENTS AS **CONDITIONS OF SERVICE** (BUT NOT CONDITIONS OF MAP CLEARANCE):

10. New water mains shall be installed. _____
11. New services & meters shall be installed. _____
12. Street/sewer/storm drain/water plans shall be submitted. _____
13. Pressure regulators will be required in accordance with the Los Angeles City. Plumbing Code for the following lot(s) where pressure exceeds 80 psi at the building pad elevation: _____
14. Water Service Elevation Agreements will be required, as the minimum pressure is less than 35 PSI. _____

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WATER SYSTEM REQUIREMENTS FOR SUBDIVISION NO. **VTT 83987** PAGE 2 OF 2

OTHER PERTINENT INFORMATION APPLICABLE TO THIS SUBDIVISION:

15. On January 1, 2018, LADWP implemented a new policy regarding water service for multi-unit residential structures. If a development allows LADWP to install an individual meter in front of each house and the water main serving that development fronts the property and is in a public right-of-way, then this is a conventional installation and LADWP will provide individual meters. However, if the small lot is completely and within private property and the request is for a manifold type installation of consecutive meters in a coffin-type configuration, LADWP can provide up to five meters in that manifold-setting. LADWP can provide a master meter if the number of meters required is greater than five. _____

16. The Bureau of Engineering (BOE) may not permit any new services to be installed in the public right of way. Please submit plans to the Water System that show adequate space on private property for new service installations, UNLESS BOE is making an exception for this project. If an exception has been made, please submit written proof to LADWP that the BOE will allow services within the right of way. The written documentation shall make clear that the BOE is aware of the specific sizes quantities, sizes, and locations of new services being requested for this project, rather than a general statement. Even with BOE's permission, LADWP will not install services within, or nearer than five (5) feet from the edge of, any travelled way subject to vehicle loading (streets, driveways, etc.). _____

17. Proposed equestrian trails shall be located so that the full alignment does not overlap or cross any existing or proposed LADWP water easement. Further review is required by LADWP Water Distribution Engineering if this condition cannot be met. _____

18. During the Preliminary or Tentative Map stage, the developer shall contact the appropriate LADWP Water Distribution Engineering District to coordinate the location of the proposed water service locations for their subdivision especially for small lot subdivisions or developments with land locked lots (lots with no frontage to the public right-of-way or public water main). _____
For these type of developments, LADWP will require a Covenant and Maintenance Agreement (CMA) to be recorded. The developer/engineer shall provide an exhibit with the proposed water service locations for review. Upon review and approval, the CMA must be recorded with the LA County Recorder's office and sent back to LADWP. The recorded CMA is required for LADWP to provide subdivision map clearance and water service.
If there is no space available for LADWP to install the proposed water services within the public right of way, the services may need to be installed in private property and LADWP will require an easement to be dedicated on the final, recorded map.

19. If an easement is required by LADWP, the final map must include the following information: _____
    - Standard Dedication Language on Title Sheet
    - Delineated and called out easement for each sheet affected
      (# FEET WIDE EASEMENT TO THE CITY OF LOS ANGELES FOR WATERLINE RIGHT-OF-WAY PURPOSES)

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Response to Comment No. 5-62

Refer to Response to Comment No. 5-43 above.

Comment Letter No. 6

Jim Henderson
Amoeba Music
6200 Hollywood Blvd.
Los Angeles, CA 90028-5689

Comment No. 6-1

My name is Jim Henderson, and I am the owner of Amoeba Music in Hollywood. Amoeba has been part of the Hollywood community since 2001, first opening on Sunset Boulevard. In 2020, we relocated to the corner of Hollywood & Argyle at 6200 Hollywood Blvd, just down the street from the Toyota of Hollywood dealership.

As a business owner on Hollywood Boulevard, I am deeply invested in the vibrancy and success of this crucial commercial corridor. The pandemic shuttered many local businesses, and the tourism impacts have certainly been felt. However, there are promising signs of recovery. The Hollywood Partnership reported that visitor levels have surpassed 80% of pre-Covid levels and, and we at Amoeba has seen increased foot traffic and tourist engagement. City initiatives like Access to Hollywood and the Hollywood Blvd Safety and Mobility project will help transform the streetscape into something safer and livelier.

One promising sign of this community's future is the proposed redevelopment of the Toyota of Hollywood dealership into a brand-new mixed-use campus. Large, underutilized properties along the boulevard like that site could be much better used for housing, neighborhood-serving shops, open space for the community, and new office space. Part of revitalizing the boulevard includes re-envisioning these spaces that could be contributing so much more to the vitality of the neighborhood.

This project's location will help create a new gateway to Hollywood and extend the liveliness of the boulevard eastward. I am eager to see more improvements to Hollywood like this one come online.

Response to Comment No. 6-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 7

Georgia Van Cuylenburg
Arts Bridging the Gap
1433 N. Hayworth Ave., Apt. 5
West Hollywood, CA 90046-3831

Comment No. 7-1

Arts Bridging the Gap is a Hollywood-based 501(c)3 social justice organization that uplifts the voices, experiences, and self-expression of youth from under-resourced communities through healing arts programs. We would like to take this opportunity to share our support to one of our invaluable community partners, the Sullivan family.

As a community-based organization, we rely heavily on our partners to make our work happen. Without their support, we would not have all the necessary resources to host art classes and community workshops, paint murals, and empower as many youths as we can through socio-emotional arts programs.

Our partnerships with the Sullivan family and Toyota of Hollywood have enabled us to host some of our marquee events, like the Hollywood Blvd Car Show we co-hosted with the Hollywood Police Activities League. As such, we would like to lend our support to an equally important endeavor that they are spearheading—building more housing in Hollywood.

The majority of the youth we serve come from families living below the poverty line. The high cost of housing continues to impact families and the ability of these children to thrive. It is refreshing to see community members like the Sullivans step up and build new housing on their property, especially 44 units of Very Low-Income housing. These affordable units are exactly the kind of housing that the families we work with need here in Hollywood.

Thank you for considering our comments! We are eager to see this project move forward and urge the City's approval to deliver much-needed housing to our Hollywood families.

Response to Comment No. 7-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 8

Harry Arends
hdaprod@yahoo.com

Comment No. 8-1

Where is the impact on traffic? On a stupidly-reduced to one lane Hollywood Boulevard that is already impassable, this will make travel in the neighborhood impossible.

Response to Comment No. 8-1

Section IV.J, Transportation, of the Draft EIR, includes a thorough analysis of the Project's transportation impacts. As indicated therein, transportation impacts would be less than significant. Additionally, although traffic congestion is no longer a consideration under CEQA, Section 4. Non-CEQA Transportation Assessment of Appendix J, Transportation, of the Draft EIR, includes both a level of service analysis and a residential street cut-through analysis.

The Transportation Assessment takes into consideration two projects that were built or are anticipated to be built prior to the Project's opening year 2029: the Hollywood Boulevard Safety and Mobility Project and the Access to Hollywood Project. Phase 1 of the Hollywood Boulevard Safety and Mobility Project was implemented in July 2024, which installed a protected bike lane in each direction, maintained two travel lanes in westbound direction, converted the eastbound direction to one travel lane and on-street parking. The Project proposes redesigning Hollywood Boulevard between Gower Street and Bronson Avenue with the following modifications to accommodate the protected bike lanes:

- Maintaining the City's proposed protected bike lanes in each direction.
- Moving the existing mid-block pedestrian crossing to the west side of the Project's West Driveway and providing a full signal for pedestrian crossing and vehicular traffic. Both of the existing curb bulb-outs would be removed.
- Adding a second mid-block pedestrian crossing with a signal at about 530 feet west of Bronson Avenue.
- Restriping Hollywood Boulevard to provide two left-turn pockets at both proposed Project driveways and short sections of a two-way left turn lane. Left-turn ingress would be permitted from left-turn pockets into the Project site at both the West Driveway and the Middle Driveway. Left turn egress from the Project site would be permitted at the signalized West Driveway only.

Figure 3 of Appendix J, Transportation, of the Draft EIR conceptually illustrates the proposed modifications to Hollywood Boulevard. The level of service analysis indicates that the Project is not anticipated to contribute to unacceptable or extended queueing, turn-pocket spillover, or intersection blockage at the study locations. Project traffic classified as cut-through trips would not adversely affect the character and function of the Local Streets analyzed in the residential street cut-through analysis.

Comment Letter No. 9

Barbara Assadi
5947 Carlton Way, Apt. 6
Los Angeles, CA 90028-6690

Comment No. 9-1

I responded June 26, 2023 to Mr. Babajian in city planning regarding the initial notification of this megaproject. I listed a number of concerns and questions I had after reading the communication, and after seeing an artistic rendering. I also communicated with Emma Howard, Alejandra Marroquin, and Anais Gonzalez via phone and in writing. The email I sent to Mr. Babajian was also addressed to Councilmember Hugo Soto-Martinez.

After the second notification dated November 7, 2024, "Notification of Completion and Availability of Draft Environmental Impact Report," I have more concerns than I first had. I also find it alarming that staff at the councilmember's office told me again last Friday, as they had in June 2023, that they know nothing about this project with 501,185 square feet of floor space, which is both alarming and impossible to believe.

Response to Comment No. 9-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 9-2 through 9-9, below.

Comment No. 9-2

First, let me clarify that everyone knows more housing is needed, but practical, affordable housing, which is environmentally responsible as much as is possible, not more "luxury" boxes with a few "ultra-low income" units (however that is defined), to gain permits.

Response to Comment No. 9-2

As stated in Section II, Project Description, of the Draft EIR, the Project would include 350 residential units, 44 of which would be reserved for Very Low Income households. The California Department of Housing and Community Development (HCD) defines Very Low Income as 30–50% of the local area median income. HCD publishes specific income limits annually. Refer to the HCD website at www.hcd.ca.gov/grants-and-funding/income-limits. The commenter's support for more affordable housing is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 9-3

Below is a list of questions and concerns, in no particular order after the first:

1. After construction: I live at 5947 Carlton Way in a two-story thirteen-unit apartment building, on the east end of the project, immediately behind the proposed residential tower, which has 35 stories. The tallest building on this north side of Carlton Way, immediately behind the Toyota dealer, is a four-story condo complex. The others are single or two-story structures. At this end of the proposed project, our ground level is about four feet below ground level on the Toyota side. I don't know of anything in Hollywood approaching 35 stories: The tallest I have seen are 20 or maybe 21 stories. Behind a tower of this magnitude, sunlight would be blocked in the day, and the light pollution and light disturbance (and likely noise) would be untenable. (And additionally, although it has fallen out of discussion, any building of several stories should be mandated to have bird-safe windows as is being required elsewhere.). There is already a dearth of greenery, especially trees due to construction in the area. What will be planted and maintained?

Response to Comment No. 9-3

The proposed building heights are permitted under the Project Site's existing zoning of C4-1-SN and [Q]R4-1VL. Specifically, within the C4-1-SN zone, Height District 1, in conjunction with the C4 Zone, does not impose a maximum building height limitation and permits a maximum FAR of 1.5:1. Additional FAR is permissible pursuant to state density bonus law. In the [Q]R4-1VL zone, Height District 1 Very Limited imposes a maximum building height of 45 feet, and a maximum FAR of 3:1. Additional height and FAR is permissible pursuant to state density bonus law.

With respect to aesthetics impacts such as light and glare, pursuant to PRC Section 21099, the Project is a mixed-use residential project that would be located on an infill site within a transit priority area (TPA). Therefore, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts shall not be considered significant impacts on the environment and therefore do not have to be evaluated under CEQA.

With respect to trees, as stated on page II-21 of Section II, Project Description, of the Draft EIR, the Project would include 88 on-site trees, in compliance with LAMC requirements. The Project would also include landscaped open space areas within the Project Site. Refer to Figure II-11 in Section II, Project Description, of the Draft EIR for a conceptual landscape plan.

Comment No. 9-4

2. What about parking for all of these residents, offices, retail, and restaurants? Street parking is already difficult on these blocks. I was happy to see the addition of, and continuing work on bike lanes, and I very much embrace the fact that I can walk to many places I use. But parking is still a necessity. I don't find the plan sufficient, and if customers will have to pay for parking, they will be looking for parking on the already-impacted neighboring streets.

Response to Comment No. 9-4

As previously discussed in Section II, Project Description, of the Draft EIR, the Project is not required to provide parking as it is a mixed-use project with residential and commercial uses and meets the requirements of AB 2097. Nonetheless, the Project would voluntarily provide 894 vehicle parking spaces. Vehicle parking would be provided in a three-level subterranean parking garage located entirely underneath the Hollywood Lot, which would be partially below grade and partially above grade within the proposed podium. Two levels of the subterranean parking garage would occupy the entirety of the Hollywood Lot while the third (deepest) level would occupy only the eastern half of the Hollywood Lot.

Comment No. 9-5

3. During construction: The second iteration is more vague about possible/probable negative impacts than did the first iteration. The May 30, 2023 letter mentioned air quality, archaeological resources, energy, geology, soils, greenhouse gas emissions, hazards and hazardous materials, noise, public services (fire and police), transportation, tribal resources, utilities and service systems (water supply and infrastructure, wastewater, etc. The November 7, 2024 letter notes that there would be "… significant and unavoidable impacts related to: on-site construction noise, off-site construction noise, on-site construction vibration with respect to human annoyance, and off-site vibration with respect to human annoyance. In addition, the Project would result in significant cumulative impacts that cannot be feasibly mitigated with regard to on- site and off-site construction noise and on-site and off-site construction vibration with respect to human annoyance. All other potential impacts would be less than significant or mitigated to less-significant levels."

Response to Comment No. 9-5

This comment appears to misunderstand the purpose of the two notices dated May 30, 2023 and November 7, 2024. The May 30, 2023 notice is the Notice of Preparation, which is intended to inform the public that an EIR is being prepared and which impact topics will be evaluated therein. The November 7, 2024 notice is the Notice of Completion and Availability, which is intended to inform the public that the EIR has been prepared and discloses impacts that were determined to be significant and unavoidable.

Comment No. 9-6

Questions/Concerns:

1. I see no mention of the earthquake fault, or concern about earthquakes./

Response to Comment No. 9-6

Impacts related to seismic hazards were evaluated in the Initial Study for the Project and determined to be less than significant. Refer to pages 45 through 47 of Appendix A of the Draft EIR which analyzes potential impacts relating to rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure, including liquefaction.

Comment No. 9-7

2. The vibrations to what degree? Will the depth of construction digging destabilize the buildings on the north side of Carlton Way? Will cottage cheese ceilings be shaken loose? Will valuables tumble? Aquariums, pet enclosures? Air quality to what degree of toxicity? I already run air purifiers because I have a number of birds. Birds are highly susceptible to toxins in the air. Will the developer be responsible for providing mitigation such as heavy-duty purifiers for people and pets who need them? Will the developers pay for resulting building damage such as cracked walls or loosened cottage cheese ceilings? Will they pay for negative health impacts on people and pets? Will our fruiting trees and other plants be killed or sickened?

Response to Comment No. 9-7

Refer to Section IV.H, Noise, of the Draft EIR for a detailed analysis of construction vibration. As discussed therein, impacts related to on-site construction vibration pursuant to the threshold for building damage would be less than significant with the incorporation of Mitigation Measure NOI-MM-3 and impacts related to off-site construction vibration pursuant to the threshold for building damage would be less than significant.

Refer to Section IV.A, Air Quality, of the Draft EIR for a detailed analysis of air quality impacts. As discussed therein, impacts related to air quality would be less than significant during both construction and operation. As it relates specifically to health impacts associated with air emissions, refer to Response to Comment No. 5-10 above. As demonstrated therein, health impacts associated with the Project would be less than significant.

Comment No. 9-8

3. There is no mention of dates or a time-line.

Response to Comment No. 9-8

As stated in Section II, Project Description, of the Draft EIR, Project construction is anticipated to commence in 2026 and be completed in 2029.

Comment No. 9-9

There is A LOT that goes far beyond “annoyance” both during construction and after as the project is currently planned, starting with the very idea of a 35-story residential tower.

The large majority of residents on this block are renters, many of us long-time renters of a certain age, and we consider these are our homes. I know that most people do not read city letters sent to “Occupant.” Most people I have spoken to are still completely unaware of this project, and are shocked to hear about it, but for various reasons, do not interact with city officials or staffers. I also know that especially these days there is a lot of cynicism regarding politics and politicians of all stripes. However, I am still hopeful that there can be more civic engagement regarding reformulating this project, principally the very concept of having a 35-story residential tower immediately behind a block of low-rise buildings that would be left resembling dumpsters in a dark alley. Nowhere in either the May 30, 2023 letter or the November 7, 2024 letter is there any consideration of the after-effects on livabilty [sic] for those of us on this block on Carlton Way, especially those of us on the north side.

Thank you for your attention to this matter. I anticipate any further updates or suggestions as to how my concerns would be addressed.

Response to Comment No. 9-9

This comment, which concludes the letter and expresses general opposition to the Project, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 10

Emily Boyle
2408 Wild Oak Dr.
Los Angeles, CA 90068-2561

Comment No. 10-1

As a long time resident of Hollywood (3rd generation and Hollywood High graduate) and now living in the Los Feliz area, I have watched decades of missed opportunity to reinvigorate Hollywood and millions of dollars wasted. The Hollywood Highland development is only one example.

Response to Comment No. 10-1

This introductory comment expressing general opposition to the Project is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 10-2

The plans for the Hollywood Toyota location are headed in the same direction. Although the bungalow/garden open air section looks interesting, and seems to integrate with the street to encourage pedestrians to enter the space, once again there is an oversized tower linked to the plan. The tower is way too high for the area and will create more dark corridors like the ones that are popping up all over the city in the name of creating more housing. Do we want to be another New York? We live here because of the open space and sunshine.

Response to Comment No. 10-2

As noted in Response to Comment No. 9-3 above, the proposed building heights are permitted under the Project Site's existing zoning of C4-1-SN and [Q]R4-1VL and in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts shall not be considered significant impacts on the environment and therefore do not have to be evaluated under CEQA.

This comment expressing opposition to the proposed building heights is nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 10-3

We now have bike lanes to encourage people to ride bikes and limit the use of cars. I guess the concept of high density in transit hubbs [sic] is the "planners idea" of what goes along with that. However, apparently this has been tried in many cities in europe [sic] (France for one) and has been abandoned due to the correlated increased depression and social problems of the residents. People warehoused like sardines into enclosed massive structures are not what our city is about.

Response to Comment No. 10-3

This comment expressing generalized opposition to increased density is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 10-4

Please … restrict the height, create open air corredors [sic] for the people in the towers (maybe balconies? or staggared [sic] floors with terraces instead of sheaths of flat glass—like they did across from the Emmerson [sic] college location?) and create a user friendly entrance to the high rise with more street/courtyard/landscaping integration in front of the tower to make it more inviting. These high walls of glass do nothing but reflect the sun. They are glaring, ugly, harsh and hot. So many of these towers in Hollywood have failed are [sic] are considered undesirable relics of another era (look at Sunset and Vine) and the horrible black tower near KTLA.

Response to Comment No. 10-4

Refer to Response to Comment No. 10-2 above. As stated therein, the proposed building heights are permitted under the Project Site's existing zoning of C4-1-SN and [Q]R4-1VL and in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts shall not be considered significant impacts on the environment and therefore do not have to be evaluated under CEQA.

The commenter's design preferences are nevertheless noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 10-5

Hollywood is not New York. Let's keep things small and inviting. Oriented toward people and the outdoors. There are plenty or areas in Los Angeles that can accommodate high rise buildings. Does it have to be Hollywood? It will change the special charm and magic of our town.

Thanks for listening.

Response to Comment No. 10-5

This comment expressing general opposition to the Project is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 11

Alek Friedman
urbanization.advocates@gmail.com

Comment No. 11-1

Thanks so much for the update, in regards to this much anticipated project.

Reference Project Info:

Environmental Case No..: **ENV-2022-6688-EIR**
State Clearinghouse No..: 2023050659
Project Name: **6000 Hollywood Boulevard**
Project Applicant: 6000 Hollywood Boulevard Associates, LLC
Project Address: 5950–6048 West Hollywood Blvd. and 6037 West Carlton Way, Los Angeles, CA 90028
Community Plan Area: Hollywood

I am a nearby resident, living just within walking distance from the proposed development. I've also been involved in advocacy for various development projects across L.A. County; and have been a member of the Beautification Committee, for the Central Hollywood Neighborhood Council (prior to the pandemic). As such, I would like issue a formal statement.

I, along with many of my neighbors, **FULLY SUPPORT** the proposed project! This major development will transform the existing car-centric area, along with the surrounding blighted spots,—into an upscale, world-class, walkable community. The height and density, I believe, is in conformance with the neighborhood—and the city overall. And the presence of numerous mass-transit options complies with the TOD requirements. I salute this ambitious plan proposed, and urge the City to approve this project.

However, I do have a comment/suggestion regarding Walkability and providing a proper Pedestrian-Oriented Streetscape. Please kindly share this suggestion with the Applicant. According to the EIR and the renderings, it appears the applicant, unfortunately, does not plan to install any type of enhanced sidewalks or pavers. Upon reviewing the documents, I did not find any (!) mentioning of "Decorative Sidewalks"/"Expanded Sidewalks"/"Pavers", etc. It only mentions about "*Expanding sidewalks*"—which does little to promote walkability, and does nothing to improve aesthetics. Remember, it's not the width that matters—but the quality of sidewalk material. **Lack of pavers is a big issue citywide!**

In order to promote walkability and improve the aesthetics of a new mixed-use development, a major improvement to sidewalks is needed. Therefore, I strongly urge the applicant to add at least some sort of decorative **pavers** for the development, as opposed to just plain concrete & cement. And, the pavers should be installed not only on pathways within the development itself (as shown on your pictures), but directly on Hollywood Blvd, as well. *Dear Developer: Please don't make the same mistake as other developers (who omitted the pavers!)—A sad example of *Omitted Sidewalk Pavers* includes the newly completed 1341 Vine Street/"The Academy" project,—where the developer has failed to install pavers on the sidewalks (pavers were built only within the property). As a result, there is barely any pedestrian activity on any of the adjacent streets, and very poor aesthetics; shameful!

As you know, Pavers are a major, fundamental urban component in creating a pedestrian-friendly environment. On the other hand, naked concrete (which are city, unfortunately, is full of) deters walkability and attracts dirt & blight. Lastly, pavers are more cost- effective, as they are incomparably more stain-resistant (than concrete)—and thus require less maintenance. All in all, Decorative Pavers would be a win-win situation!

Additionally, the EIR property renderings indicate just gloomy unfinished naked-concrete sidewalks. This is unacceptable. **Once again, I highly encourage the applicant to consider installing at least some (!) kind of enhanced/decorative** sidewalks on the ROW directly on Hollywood Blvd; this could include:

- Bluestone pavers
- Brick pavers
- Colored concrete
- Concrete with textured stamp
- Faux brick imprint pattern
- Granite pavers
- Limestone pavers
- Marble pavers
- Phoenix pavers
- Red integral colored concrete
- Stamped concrete
- Textured paving

- Travertine pavers
- At least: Scoring within the concrete slabs

Please note: I have been in-touch with the BOE, as well as the Urban Design Studio; and am well aware: despite some restrictions, there are plenty of opportunities and options of installing pavers on the public ROW. All in all, **Decorative pavers is a "Must"** for the new "6000 Hollywood Blvd" project. Remember, Walkability and Pedestrian-oriented Aesthetics is key to success, especially on the prominent, world-famous Hollywood Boulevard!

Thank you, in advance, for your consideration.

Best regards to you and your team!

Response to Comment No. 11-1

This comment expressing support for the Project and recommendation that decorative pavers be incorporated is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 12

Casey Maddren

Comment No. 12-1

I'd like to submit the following comments on the Draft EIR for the 6000 Hollywood Blvd. Project. Please see below for detailed comments.

Response to Comment No. 12-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 12-2 through 12-13, below.

Comment No. 12-2

Comments on 6000 Hollywood Blvd. Project DEIR

E. Greenhouse Gas Emissions

While the EIR claims that this project will help reduce greenhouse gas emissions (GHGs) because of its proximity to transit, in reality, the City of LA has utterly failed to show any results from its efforts at Transit-Oriented Development (TOD). The City of LA has built thousands of new units near transit hubs over the past decade, but even before the pandemic, Metro transit ridership had fallen by about 20% from 2014 to 2019, with a similar decline on the DASH system. Over 2,000 new units have been built in Central Hollywood since 2010, but ridership in the Hollywood area has continued to decline to the point where Metro has chosen to reduce service on some lines and eliminate others.

Response to Comment No. 12-2

This comment states that Metro and DASH ridership has recently declined. The commenter's opinion regarding transit-oriented development does not address the content of the Draft EIR. While this comment does not cite a study to support this claim, this information does not invalidate the fact that the Project Site is located within a TPA pursuant to SB 743. The Project Site is also located within an High-Quality Transit Area (HQTA) as designated by the 2020–2045 RTP/SCS and a Livable Corridor/High Quality Transit Corridor (HQTC) as designated by the 2024–2050 RTP/SCS. Any adjustments to these designations based on transit ridership would be the responsibility of the City or SCAG and not individual projects. Nevertheless, this comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment No. 12-3

The EIR discusses compliance with SB 375 and the SCAG RTP/SCS, but in fact, the RTP/SCS has failed to deliver any meaningful reductions in GHGs. Allow me to cite an excerpt from the 2020 RTP/SCS, from the section entitled Our Plan beginning on page 2.

However, despite our progress, we only narrowly achieve our 2020 target for greenhouse gas emission reductions, the core metric by which our region's sustainability is judged. Transit ridership is falling, despite billions of dollars in investment and increased development in station areas. Deaths from traffic collisions are rising. Housing costs are increasing, along with homelessness. We must do better.

Here SCAG acknowledges that, in spite of the billions spent on transit, ridership is falling. And despite the claim that the agency was able to "narrowly achieve our 2020 target for greenhouse gas emission reductions", [sic] their methodology is flawed and their conclusions questionable. Here I quote from the October 30, 2020 sent to SCAG by the California Air Resources Board providing comments on the RTP/SCS.

While SCAG appropriately provided a determination to CARB as to whether its 2020 SCS meets the 2020 target, its reliance on modeled evidence without consideration of observed data and the performance indicators, as called for in CARB's SCS evaluation guidelines, was inappropriate. As a result, CARB staff could not evaluate the adequacy for the 2020 determination and therefore does not include a conclusion on the 2020 determination. Furthermore, observed data regarding housing development and transit ridership show that SCAG may not in fact be achieving the target.

All this to say that the EIR's claims that the project will reduce GHGs are based on assumptions rather than evidence. The evidence shows that the City of LA has failed to achieve reductions in GHGs through its TOD program, and this project will only add to that record of failure. Using compliance with the RTP/SCS as a way to justify dense new development has simply become a way for the City to reward real estate investors with increased density while failing to make progress on GHGs.

Response to Comment No. 12-3

First, it is noted that the commenter contradicts the claim that the RTP/SCS "has failed to deliver any meaningful reductions in GHGs" with a quote from the RTP/SCS acknowledging that its 2020 reduction targets have been achieved. Further, the commenter's claim that the EIR's GHG analysis is based on assumptions rather than evidence is incorrect. As demonstrated in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR, the analysis of GHG emissions and consistency with plans is based on current guidance from state and local agencies. The commenter has not provided any evidence that this analysis was faulty.

With respect to specific issues raised by the commenter, as discussed on page IV.E-47, CEQA Guidelines Section 15064.4 allows the City to determine a threshold of significance that applies to the Project, and, accordingly, the threshold of significance applied within the Draft EIR is whether the Project is consistent with applicable plans, policies, regulations or 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 SCAG's 2020–2045 RTP/SCS and 2024-2050 RTP/SCS, which are 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. The Project's consistency with provisions of the 2020–2045 RTP/SCS and 2024–2050 RTP/SCS related to GHG emissions are discussed in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR. As discussed therein, the Project would support the RTP/SCS policy to encourage residential and employment development in areas surrounding existing and planned transit/rail stations. The Project would develop a new mixed-use Project comprised of residential and commercial uses. The Project Site is located within a designated TPA and is well-served by a variety of public transit options along Hollywood Boulevard. Specifically, transit options include the Metro B Line Hollywood/Vine Station, located approximately 0.25 miles west of the Project Site, several Metro bus lines along Hollywood Boulevard, and the LADOT DASH Hollywood route.

It is also noted that consistency with applicable plans was not solely based on the RTP/SCS. The Draft EIR analysis considered qualitative consistency with regulations or requirements adopted by the AB 32's 2022 Scoping Plan and the City of Los Angeles' Green New Deal.

Comment No. 12-4

The use of the California Emissions Estimator Model (CalEEMod) has become one more way for developers to claim progress on GHGs while delivering no meaningful results. CalEEMod allows the consultants preparing EIRs to enter whatever numbers they believe will make the project look environmentally friendly, and the City never makes any effort to determine whether the numbers accurately reflect the facts. In the case of 6000 Hollywood, the inputs used to determine GHG emissions from trips generated and waste generated by the project are not realistic, and do not accurately reflect the project's likely impacts.

Response to Comment No. 12-4

This comment does not provide any support for the claim in the comment that CalEEMod inputs are not realistic. The trip and waste inputs used in the Project's CalEEMod files reflect the Project components. As discussed on Page IV.E-52 of the Draft EIR, 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 GHG emissions associated with both construction and operations from a variety of land use projects.[14] CalEEMod was developed in collaboration with the air districts of California, who provided data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) to account for local requirements and conditions. The model is considered by the SCAQMD to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California. The commenter's opinion regarding CalEEMod is noted for the record and will be forwarded to the decision makers for their review and consideration.

Comment No. 12-5

F. Hazards and Hazardous Materials

This chapter does a thorough job of documenting the project site's history, and it's good to know that Phase I and Phase II PSAs were conducted. The authors appropriately acknowledge the possible presence of USTs and that in some cases toxic chemicals exceed acceptable thresholds.

Unfortunately, the EIR does not comply with CEQA when it comes to activities during the construction phase of the project. On page 35 of the chapter devoted to Hazards and Hazardous Materials, the EIR says:

However, these activities would comply with all state and local regulatory requirements governing the removal of ASTs. Similarly, in the event that previously unidentified USTs are uncovered or disturbed during construction, the Project would comply with existing regulatory requirements pertaining to their removal, including obtaining applicable permits from the LAFD prior to their removal. If USTs are uncovered and require removal, during tank removal, excavations would be monitored for the potential for impacted soils. Soils that exhibit odors or visual evidence of contamination would be managed as required by the appropriate regulatory agencies. Depending on the extent of contamination, these agencies could require that the soils be sampled for laboratory analysis, segregated, stored, and disposed of in accordance with applicable regulations. Hence, in the event that contaminated soils are unexpectedly encountered during construction, the nature and extent of the contamination would be determined and appropriate handling, disposal, and/or treatment would be implemented in accordance with applicable federal, state, and local regulatory requirements. Compliance with applicable permitting, notification, and worker safety regulations and programs would also ensure construction worker safety at and near sites with potential contamination.

[14] *SCAQMD, CEQA Air Quality Modeling, www.aqmd.gov/home/rules-compliance/ceqa/air-quality-modeling, accessed February 21, 2025.*

The EIR then reaches the following conclusion:

Therefore, Project construction activities would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the removal of ASTs or USTs during construction, and impacts would be less than significant.

The EIR can't simply assume compliance with unspecified State and local regulations. Since the EIR acknowledges the presence of some hazardous materials, and the potential presence of USTs, CEQA requires that the EIR list specific mitigation measures and to include a mitigation monitoring program.

Response to Comment No. 12-5

Section IV.F, Hazards and Hazardous Materials, of the Draft EIR, includes an extensive regulatory framework section listing federal, state, regional, and local regulations related to hazards and hazardous materials that apply to the Project. Refer to pages IV.F-1 through IV.F-18 of the Draft EIR. As it relates to underground storage tanks (USTs) specifically, refer to Section 2.(2)(f) of Section IV.F, Hazards and Hazardous Materials, of the Draft EIR on page IV.F-10:

> *The State regulates USTs through a program pursuant to HSC, Division 20, Chapter 6.7, and CCR Title 23, Division 3, Chapter 16 and Chapter 18. The State's UST program regulations include among others, permitting USTs, installation of leak detection systems and/or monitoring of USTs for leakage, UST closure requirements, release reporting/corrective action, and enforcement. Oversight of the statewide UST program is assigned to the SWRCB which has delegated authority to the RWQCB and typically on the local level, to the fire department. LAFD administers and enforces federal and state laws and local ordinances for USTs at the Project Site. Plans for the construction/installation, modification, upgrade, and removal of USTs are reviewed by LAFD Inspectors. If a release affecting groundwater is documented, the project file is transferred to the appropriate RWQCB for oversight.*

Because the closure and removal of USTs is a matter of regulatory compliance, mitigation measures are not warranted. Additionally, although not required for USTs, Mitigation Measure HAZ-MM-1 requiring preparation of a soil management plan would provide additional protection to workers and members of the public in exceedance of the applicable regulations related to UST removal.

Comment No. 12-6

L.1 Utilities and Service Systems—Water Supply and Infrastructure

The EIR's assessment of water supply for the project is inadequate. The WSA's reliance on the 2020 UWMP calls its credibility into question. While the 2020 UWMP concluded that there would be adequate water supply for foreseeable development "during average, single-dry, and multiple dry years", [sic] its projections were overly optimistic and based more on wishful thinking than actual data. The 2020 UWMP completely failed to foresee the water crisis that developed in late 2021 and early 2022. While an unusually wet spring enabled LA to avoid a devastating crisis, the potential for another such crisis still exists. Scientists have been very clear in their warnings about the decline of water resources in the LA area and in the Southwest US.

The 2021/2022 crisis saw reductions in deliveries from both the State Water Project and the Colorado River, as discussed in these stories from the LA Times:

California considers $500 fines for water wasters as drought worsens, conservation lags, Dec. 8, 2021 5 AM PT
https://www.latimes.com/california/story/2021-12-08/500-fines-proposed-for-water-wasters-amid-deepening-drought

As California descends deeper into drought, officials are growing increasingly troubled by dwindling water supplies and the public's lackluster response to calls for conservation, with residents in recent months falling short of Gov. Gavin Newsom's request for a voluntary 15% reduction in usage.

Now, as the West tips toward crisis, state water regulators are considering adopting emergency regulations that will prohibit certain actions in an attempt to curtail water waste and help conserve supplies.

If approved, the proposal could usher in a wave of water regulations that hearken back to previous droughts while underscoring the seriousness of the current one.

On Tuesday, Lake Mead—the nation's largest reservoir and a lifeline for water in Los Angeles and the West—was at 1,065 feet, or about 34% of its capacity, a near-historic low. Much of California on the U.S. Drought Monitor map was painted in worrisome shades of red.

California slashes State Water Project allocation as year begins with record dryness, MARCH 18, 2022
https://www.latimes.com/california/story/2022-03-18/california-cuts-state-water-project-allocation-to-5-percent

After a record dry start to 2022, California water officials announced Friday that they were cutting State Water Project allocations from 15% to 5%, and warned residents to brace for a third year of drought.

The news came only months after a rainy December offered temporary drought relief and prompted officials to announce a modest increase in previously allocated supplies. But after the driest January and February on record—and a March on track to follow suit—officials said they had to make reductions.

"We are experiencing climate change whiplash in real time with extreme swings between wet and dry conditions," read a statement from Department of Water Resources Director Karla Nemeth. "That means adjusting quickly based on the data and science."

Other water sources for the region, such as the Colorado River, are also suffering from drought, which experts say has been intensified by climate change. The American Southwest has experienced its driest 22-year period in 1,200 years, research shows.

None of this was foreseen by the 2020 UWMP, which came to reassuring conclusion that LA had enough water to grow indefinitely. The 2020 UWMP failed to acknowledge the possibility of a crisis like the one that LA faced in 2021/2022, even though, as the article above states, the region had been experiencing its driest period in 1,200 years. The 2020 UWMP lacks credibility, and the WSA's reliance on its conclusions also call into question the reliability of the WSA.

The risk of another water crisis is still very real, as demonstrated by these two more recent stories:

California sets initial State Water Project allocation at 5% following hot, dry stretch, Dec. 2, 2024
https://www.latimes.com/environment/story/2024-12-02/california-sets-initial-state-water-project- allocation-at-5

California water managers have announced their preliminary forecast of supplies that will be available next year from the State Water Project, telling 29 public agencies to plan for as little as 5% of requested allotments.

The state Department of Water Resources said Monday that the initial allocation is based on current reservoir levels and conservative assumptions about how much water the state may be able to deliver in 2025.

"We need to prepare for any scenario, and this early in the season we need to take a conservative approach to managing our water supply," DWR Director Karla Nemeth said.

'Zero progress': Western states at impasse in talks on Colorado River water shortages, Dec. 10, 2024
https://www.latimes.com/environment/story/2024-12-10/colorado-river-divisions

Negotiations over the last year have brought "zero progress," said JB Hamby, California's Colorado River commissioner. He blamed the upper basin states for an entrenched position resisting participation in the cutbacks, which he said is untenable.

It's worrying that there is a "widening chasm" between the sides, Hamby said. "We are running out of time, and we're no closer to much of anything at this point than at the beginning."

Response to Comment No. 12-6

As the water supplier to the Project Site, the Los Angeles Department of Water and Power is responsible for making the determination with respect to its ability to serve the Project. Based on the proposed land uses and the Project's resulting estimated water demand, the Project was subject to the requirements of SB 610 (preparation of a water supply assessment [WSA], as described in Subsection 2.a.(1)(c) of Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR.). Therefore, in accordance with SB 610, LADWP prepared a WSA for the Project, which is provided in Appendix L of the Draft EIR. Consistent with LADWP's methodology, the analysis of the Project's impacts relative to water supply was generally based on a calculation of the Project's water demand by applying the sewage generation rates established by LA Sanitation (LASAN), which also serve to estimate water demand, to the proposed uses. The Project's water demand estimate was compared to LADWP's existing and forecasted future water supplies and demand over the next 25-year period during average, single-dry, and multiple dry years as set forth in LADWP's 2020 UWMP. As part of the WSA process, the Project is also required to commit to water conservation measures beyond those required by code. These water conservation measures are included in the WSA itself and included in the Draft EIR as Project Design Feature WAT-PDF-1, which is fully enforceable as part of the Project's Mitigation Monitoring Program set forth in Section IV, Mitigation Monitoring Program of this Final EIR. As stated in the WSA, LADWP concluded that the projected water supplies for average, single-dry, and multiple-dry years reported in LADWP's 2020 UWMP would be sufficient to meet the Project's estimated water demand, in addition to the existing

and anticipated future water demands within LADWP's service area through the year 2045.[15] The commenter has provided no evidence that the methodology used by LADWP in either it's 2020 UWMP or the Project's WSA is flawed.

Comment No. 12-7

The EIR also fails to include a meaningful discussion of cumulative impacts with regard to water resources. There are a number of other approved projects that will add over 1,000 new units in Central Hollywood. With an average household size of 2.8 in the LA area, these projects could bring close to 3,000 new people to the community.

1715–1739 N. Bronson
DIR-2021-6886-DB-SPR-WDI-HCA
June 23, 2022
128 DWELLING UNIT RESIDENTIAL BUILDING

Hollywood Wilcox Project
CPC-2016-3176-VZC-HD-VCU-MCUP-SPR
APPROVED: August 14, 2020
260 residential apartment units,

Hollywood Center Project, Hollywood & Las Palmas
CPC-2022-3867-DB-MCUP-SPR-WDI-HCA
Approved: OCTOBER 16, 2024
240 dwelling units

Artisan Hollywood Project, Cahuenga & Selma
ZA-2019-5590-ZV-TOC-SPR
Approved: September 26, 2023
260 residential units

6611–6637 Hollywood Blvd.
DIR-2022-4914-TOC-SPR-VHCA
Approved: December 5, 2022
146 dwelling units

Beyond these projects in the Hollywood area, there are a number of other large-scale projects which either have been approved or are in the approval pipeline. The recently

[15] *Los Angeles Department of Water and Power, Water Supply Assessment for the 6000 Hollywood Boulevard Project, adopted November 14, 2023, p. 24.*

approved Downtown Community Plan incentives new development by granting generous density bonusses. The Warner Center Specific Plan also creates a framework for significant growth in that area. In spite of the decline of the water resources that the City of LA relies on, the EIR makes no meaningful effort to assess cumulative impacts.

Response to Comment No. 12-7

As stated in Section III, Environmental Setting, of the Draft EIR, a list of proposed development projects within an approximately 0.5-mile radius of the Project Site (e.g., by generating construction noise and/or generating population increases) was prepared based on information obtained primarily from LADOT and the Department of City Planning. Based on consultation with LADOT, a total of 15 potential related development projects were identified in the vicinity of the Project Site for inclusion in the cumulative impact analysis for this EIR. These related projects are in varying stages of the approval/entitlement/ development process and consist of a variety of land uses reflecting the diverse range of land uses in the vicinity of the Project Site. The related projects comprise a variety of uses, including apartments, condominiums, restaurants, hotels, and retail uses, as well as mixed-use developments incorporating some or all of these elements. As also stated in Section III, Environmental Setting:

> *It is noted that some of the related projects may not be built out by 2029, (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 future baseline forecast assumes that Related Project Nos. 1 through 15 are fully built out by 2029.*

All of the Projects listed by the commenter are outside of the 0.5-mile radius and were therefore not included in the cumulative analysis.

Comment No. 12-8

The EIR's reliance on the LADWP's Water Infrastructure Plan is insufficient. While LADWP will certainly continue to invest in water infrastructure, it can't deliver water that isn't there. According to climate scientists and hydrologists, supplies from all of LA's water resources, the LA Aqueduct, State Water Project and Colorado River, will likely decline due to the aridification of the Southwest. While the City has talked about transforming the Hyperion Sewage Treatment Facility to recycle the majority of LA's wastewater, there is no plan in place, and no guarantee that the billions of dollars required for such a project can be obtained.

Response to Comment No. 12-8

This comment claims that LADWP's Water Infrastructure Plan is insufficient, but provides no specifics beyond noting climate change is affecting water supplies. LADWP's projections of future supply and demand account for climate change. Refer to Subsection 2.b(e), Global Warming and Climate Change beginning on page IV.L.1-26 of Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR for a discussion of how climate change is factored into LADWP's ongoing water supply planning.

Comment No. 12-9

Other CEQA Considerations—Solid Waste

The EIR's analysis of impacts related to solid waste is pathetically inadequate and fails to acknowledge the serious challenges the City of LA faces in dealing with this issue. Did the authors deliberately relegate this section to the chapter entitled Other CEQA Considerations because they didn't want to talk about the project's true impacts? The "analysis" in Other CEQA gives short shrift to this issue, basically saying it's been dealt with in the Initial Study.

Response to Comment No. 12-9

The purpose of an Initial Study is to determine the scope of an EIR. Because the Initial Study determined impacts related to solid waste would be less than significant, a detailed analysis was not provided in the EIR itself and instead, the findings were summarized in Section VI, Other CEQA Considerations, of the Draft EIR, as has been standard City practice. In this case, the level of detail provided in the Initial Study is identical to that which would have been provided in the EIR. With respect to the claim that this analysis is inadequate, specific issues raised by the commenter as it relates to the solid waste analysis are discussed below in Response to Comment Nos. 12-10 through 12-12.

Comment No. 12-10

The Initial Study asks two questions:

Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

In both cases, the IS says that the project will have a "Less than significant impact." In both cases this response is inaccurate. The project will produce solid waste in excess of the

capacity of local infrastructure and will impair attainment of solid waste reduction goals. Also, the project will not comply with State statutes and regulations related to solid waste.

Response to Comment No. 12-10

This comment states the Project would produce solid waste in excess of the capacity of local infrastructure and would not comply with applicable laws and regulations related to solid waste. Both of these claims are incorrect. As stated in the Initial Study, the Project's estimated solid waste disposal of 1,001 net tons per year represents approximately 0.0008 percent of the remaining capacity (132.58 million tons) at the County's Class III landfills that were identified as serving the City.[16] Following publication of the Draft EIR, on January 1, 2025, the Chiquita Canyon Landfill stopped accepting solid waste. As such, the total remaining capacity at the County's Class III landfills currently serving the City is 75.81 million tons, and the Project's net increase of 1,001 tons of solid waste disposal would represent 0.001 percent of the remaining landfill capacity open to the City.[17] Revisions related to the closure of Chiquita Canyon Landfill are provided in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. Regardless, the Project's estimated solid waste generation would represent only a nominal percentage of the remaining daily disposal capacity of the County's Class III landfills open to the City. This estimate is also conservative in that it assumes no reductions for waste diversion.

With respect to the claim that the Project would not comply with state statutes and regulations related to solid waste, this is untrue and the commenter provides no evidence to support their claim. Refer to pages 82 through 84 of the Initial Study which provides a detailed discussion of the relevant laws and regulations that apply to the Project, all of which it would be in full compliance with.

Comment No. 12-11

Page 82 of the IS tells us the following:

> Operation
>
> As shown in Table 3 on page 83, based on solid waste generation factors from LASAN, the Project would generate approximately 1,001 net tons of solid waste per year. The estimated amount of solid waste is conservative because the waste generation factors do not account for recycling or other waste diversion

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[16] *(1,001 tons per year ÷ 132.58 million tons) * 100 = 0.0008 percent. Note that the text on page 82 of the Initial Study incorrectly states that the Project's annual disposal would represent 0.008 percent of the remaining capacity. Footnote 81 on that same page correctly states 0.0008 percent.*

[17] *(1,001 tons per year ÷ 75.81 million tons) * 100 = 0.001 percent*

> measures. For example, the estimate does not account for AB 939, which requires California cities, counties, and approved regional solid waste management agencies responsible for enacting plans and implementing programs to divert 50 percent of their solid waste away from landfills. The estimate also does not account for compliance with AB 341, which requires California commercial enterprises and public entities that generate four or more cubic yards per week of waste, and multi-family housing with five or more units, to adopt recycling practices. Likewise, the analysis does not include implementation of the City's recycLA franchising system, which is expected to result in a reduction of landfill disposal Citywide with a goal of reaching a Citywide recycling rate of 90 percent by the year 2025.

First, it discloses that the project will produce 1,001 net tons of solid waste per year, which is a massive amount of waste. Next, it claims that this estimate is "conservative" because it doesn't take into account recycling and diversion measures. Here the authors demonstrate their failure to understand the waste/disposal/diversion context. They seem to think that the amount of waste produced will be reduced because of State law that mandates diversion and recycling. They also seem to think that because the State has passed a law, the City of LA must automatically be in compliance.

The project will produce 1,001 tons of solid waste per year. While the project proponents will be required to provide recycling bins on-site, and tenants will sort their waste before putting it in bins, that does not reduce the amount of solid waste that will be produced. The project will still produce 1,001 tons of solid waste per year.

Also, the authors assume the City of LA's compliance with AB 939, which is a major mistake. AB 939 requires local jurisdictions to recycle 50% of their solid waste, but the City has been out of compliance with this law for years. The project will be served by the RecycLA program, which has never achieved the 50% waste reduction target.

Response to Comment No. 12-11

The commenter appears to misunderstand the analysis presented in the Initial Study. As stated therein, and reiterated in Response to Comment No. 12-10 above, the estimate of 1,001 net tons of solid waste per year is conservative in that it assumes no reductions for waste diversion. This is to provide the reader the "worst case scenario" in terms of solid waste disposal. As an example, if the analysis included waste diversion as required by AB 939, the net increase in annual solid waste disposal would be approximately 500 tons.

Comment No. 12-12

The September 21, 2023 memo from LASAN regarding RecycLA contracts contains the June 2023 RecycLA Update, which outlines the program's progress.

https://clkrep.lacity.org/onlinedocs/2023/23-1032_misc_9-21-23.pdf

On page 32 of the RecycLA Update, Table 7, Landfill Reduction Liquidated Damages shows, that most RecycLA contractors failed by a wide margin to reach their targets for diversion to recycling, even though in most cases those targets are well below 50% of total estimated waste.

In the past, the City of LA has asserted that it doesn't matter if the City isn't meeting State-mandated recycling targets, arguing that ample space exists in landfills to deal with the waste generated. However, it's become clear that the two landfills that the City primarily relies on, Chiquita Canyon and Sunshine Canyon, are no longer able to meet air quality standards. Residents near Chiquita Canyon have been especially impacted, reporting headaches, nausea, dizziness and respiratory issues due to the stench emanating from that landfill. Because operator Waste Connections has been unable to resolved the ongoing air quality problems, LA County has filed a lawsuit to force compliance.

Los Angeles County files suit 'to stop the awful stench' at Chiquita Canyon landfill, Dec. 17, 2024 3 AM PT
https://www.latimes.com/environment/story/2024-12-17/los-angeles-county-sues-chiquita-canyon-landfill

> For nearly two years, trash has been smoldering in a long-dormant portion of Chiquita Canyon due to the rare chemical reaction. The broiling temperatures have affected a roughly 30-acre area, where putrid gases and hazardous liquids have burst through the surface of the landfill.
>
> Although regulators have ordered Chiquita Canyon staff to take steps to contain the reaction, many of their efforts have been delayed or have failed to stop the stench from drifting into the nearby communities of Castaic and Val Verde.
>
> On Monday, Los Angeles County filed a lawsuit against Chiquita Canyon's owner, Waste Connections, claiming that its efforts have not been sufficient to extinguish the smoldering reaction and end the ongoing public nuisance, which the landfill's staff acknowledges could persist for years.

Complaint, LA County v. Chiquita Canyon LLC & Waste Connections

INTRODUCTION

1. *For almost two years, a smoldering, smelly, chemical brew has been festering underground at the Chiquita Canyon Landfill (the "Landfill") in Castaic, California, releasing noxious odors into the air and severely impacting the quiet enjoyment of neighboring homes and businesses. This Class III Landfill occupies 639 acres and is a mere 500 feet from the Val Verde residential community. The area generating these odors and chemicals occupies more than 30 acres in the Landfill's northwest corner nearest this community. But the reach of the noxious brew is broader, impacting the quiet enjoyment of numerous adjacent neighborhoods. As this brew smolders, landfill gas temperatures and subsurface temperatures rise, releasing odors that severely and persistently impact the nearby neighborhoods of Val Verde, Hasley Canyon, Hasley Hills, North Bluffs, Hillcrest, Live Oak, Williams Ranch, Santa Clarita, Stevenson Ranch, and Valencia.*

2. *Among other noxious odors and gases, the brew releases hydrogen sulfide and dimethyl sulfide into the air. And when rain falls on the Landfill, water filters through the waste and the brew, drawing out chemicals to form enormous amounts of liquid leachate. The increased pooled and flowing leachate resulting from the brew creates additional fumes and foul-smelling odors.*

3. *As residents in the area began feeling the impacts of this brew, they reported effects such as headaches and nausea; eye, nose, throat, and skin irritations; dizziness; difficulty breathing; and even cardiac problems. Residents have also reported being forced to remain indoors, keeping their doors and windows closed. They have had to avoid using their yards or taking part in the outdoor activities that are a key feature of life in this scenic part of the County of Los Angeles. Children are unable to play outside and residents cannot even indulge in the simple pleasures of an outdoor barbeque or playing ball with their children in their own backyards.*

Air quality issues at Sunshine Canyon Landfill have also been a consistent problem, with Supervisor Lindsey Horvath requesting an audit this year in an attempt to find a solution.

Board Approves Audit of Sunshine Canyon Landfill, Supervisor Lindsey Horvath, April 9, 2024
https://lindseyhorvath.lacounty.gov/board-approves-audit-of-sunshine-canyon-landfill/

Los Angeles, CA—The Board of Supervisors today directed an audit of Sunshine Canyon Landfill through a motion authored by Board Chair Lindsey P. Horvath and Supervisor Kathryn Barger. The audit will study odor mitigation measures following historic rains that

have increased odor issues, impacting the neighboring communities of Sylmar and Granada Hills.

"Odor issues at Sunshine Canyon have persisted for too long with too little improvement," said Board Chair Lindsey P. Horvath. "Los Angeles County is calling for an independent study to hold the operator accountable for making the changes the residents deserve, and that make this site resilient to the new normal of intense storms made worse by climate change."

Response to Comment No. 12-12

The provision of adequate landfill space is the responsibility of the County of Los Angeles, and compliance with jurisdictional level diversion requirements is the responsibility of the City of Los Angeles, not individual persons or projects. Nevertheless, as stated in the Initial Study, the Project would be consistent with the applicable regulations associated with solid waste. Specifically, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an on-site recycling area or room of specified size.[18] The Project would also comply with AB 939, AB 341, AB 1826, and City waste diversion goals, as applicable, by providing clearly marked, source-sorted receptacles to facilitate recycling. It is also once again noted that the analysis of solid waste impacts is conservative and does not account for mandatory waste reduction measures.

Comment No. 12-13

And, as with the EIR's analysis on Water Supply and Infrastructure, the authors make no meaningful effort to assess cumulative impacts. Please see my comments on water supply in the section above, which includes a list of other approved projects in the Hollywood area, as well as planned growth under the Downtown Community Plan and the Warner Center Specific Plan.

Response to Comment No. 12-13

Section IV.L.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR includes a robust analysis of cumulative impacts beginning on page IV.L.1-40. Refer to Response to Comment No. 12-7 above regarding the specific projects referenced by the commenter. As stated therein, all of them are outside the 0.5-mile cumulative analysis radius.

[18] *Ordinance No. 171,687, adopted by the Los Angeles City Council on August 6, 1997.*

Comment Letter No. 13

Greg Pinkel
6001 Carlton Way, Apt. 405
Los Angeles, CA 90028-4540

Comment No. 13-1

I am writing to express my concerns regarding the proposed development at 5950–6048 Hollywood Boulevard. As a resident of 6001 Carlton Way, my building—along with many others to the east, west, and south- enjoys an unobstructed view of the iconic Hollywood Hills, Capitol Records Building, Hollywood Sign, among many. This proposed project would block this view for countless residents, impacting a defining visual resource of our neighborhood. Nearly all owners at 6001 Carlton Way are also long-term residents; however the proposed development will exclusively house renters at the sacrifice of owner/residents.

Response to Comment No. 13-1

This introductory comment expressing concern about the Project is noted for the record and will be made available to the decision-makers for their review and consideration. Pursuant to PRC Section 21099 the Project is a mixed-use residential project that would be located on an infill site within a TPA. Therefore, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts shall not be considered significant impacts on the environment and therefore do not have to be evaluated under CEQA. Regardless, any potential view obstruction of visual or scenic resources would be limited and intermittent, and views of specific buildings and the Hollywood Sign, that are considered visual resources would continue to be available along area roadways.

Comment No. 13-2

While aesthetic impacts are exempt from CEQA review under PRC Section 21099 for projects in TPAs, I urge the City Planning Department to consider the broader implications for public views, neighborhood character, and community identity. The Hollywood Sign is a cultural landmark and an integral part of the area's visual and cultural identity.

Response to Comment No. 13-2

While aesthetics are not a CEQA issue pursuant to PRC Section 21099 as noted in Response to Comment No. 13-1, the decision-makers will consider all aspects of the Project. This comment is therefore noted for the record.

Comment No. 13-3

I respectfully request that the following aspects of the project be reviewed:

1. Compatibility with the Hollywood Community Plan:

- Does the project align with the Hollywood Community Plan's goals, particularly regarding the preservation of public views of iconic landmarks like the Hollywood Sign?

Response to Comment No. 13-3

It is not clear what Community Plan goals the commenter is referencing. The closest would be Objective 7 of the Hollywood Community Plan which states "[t]o encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region." While Appendix G, Land Use Section Tables, of the Draft EIR includes a detailed analysis of the objectives and policies of the Community Plan, an analysis of this objective was not provided because 1) there is no existing open space on-site and 2) impacts related to views are less than significant pursuant to PRC 21099. As stated in Section IV.G, Land Use, of the Draft EIR, under State Planning and Zoning law (Government Code Section 65000, et seq.), strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests, and agencies are given great deference to determine consistency with their own plans. As discussed in the Office of Planning and Research (OPR) State of California General Plan Guidelines (2017), a proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. While development of the Project may affect public views in the area, as demonstrated in Section IV.G and its accompanying Appendix G, Land Use Section Tables, the Project would support and promote various Community Plan objectives and policies including those related to the provision of open space, housing, and development within a TPA. As such, the Project would be generally consistent with the Hollywood Community Plan.

Comment No. 13-4

2. Public Views and Scenic Resources:

- Can the developers mitigate view impacts through stepbacks, reduced height, or alternative designs to shift the building locations to balance development goals with the preservation of iconic views?

Response to Comment No. 13-4

Impacts related to aesthetics are less than significant pursuant to PRC Section 21099 and no mitigation measures are required.

Comment No. 13-5

3. Height and Massing:

- Does the proposed building's height conform to the C4-1-SN zoning regulations?
- Are discretionary approvals or variances being sought for increased height or density? If so, what justifications are provided, and how will they benefit the impacted community?

Response to Comment No. 13-5

As stated in Response to Comment No. 9-3 above, the proposed building heights are permitted under the Project Site's existing zoning of C4-1-SN and [Q]R4-1VL. Specifically, within the C4-1-SN zone, Height District 1, in conjunction with the C4 Zone, does not impose a maximum building height limitation and permits a maximum FAR of 1.5:1. Additional FAR is permissible pursuant to state density bonus law. In the [Q]R4-1VL zone, Height District 1 Very Limited imposes a maximum building height of 45 feet, and a maximum FAR of 3:1. Additional height and FAR is permissible pursuant to state density bonus law.

With respect to density, pursuant to LAMC Section 12.22 A.25, the Project is seeking a Density Bonus Compliance Review for a project totaling 350 dwelling units, including 44 dwelling units reserved for Very Low Income households, with the following two On-Menu Incentives: (1) an increase in FAR on the Hollywood Lot from 1.5:1 to 3:1 and on the Carlton Lot from 3:1 to 4.05:1, and (2) averaging of FAR, density, parking, open space, vehicle parking across the entire property.

Comment No. 13-6

4. Light and Glare:

- The light and glare was proposed as "insignificant" whereas the large glass faces will certainly cause severe glare on neighboring buildings and residents.

Response to Comment No. 13-6

Impacts related to aesthetics are less than significant pursuant to PRC Section 21099 and no mitigation measures are required.

Comment No. 13-7

Blocking views of the Hollywood Sign would diminish the neighborhood's character and disproportionately affect long-term homeowners. I urge the City Planning Department to work with the developers on **design modifications that preserve this iconic view,** such as height reductions or alternative massing strategies, to better serve the community's needs.

Please see the images below as reference:

Current View (just now) at 6001 Carlton Way:

Entire view occluded in

Figure 6
Hollywood Lot Level 3 Floor Plan and Carlton Lot Level 4 Floor Plan

Response to Comment No. 13-7

Neighborhood character is not a CEQA issue, and impacts related to aesthetics are less than significant pursuant to PRC Section 21099. No mitigation measures are required.

Comment No. 13-8

Thank you for your attention to this matter. I would appreciate the opportunity to discuss these concerns further.

Please feel free to reach out to me at your earliest convenience.

Response to Comment No. 13-8

This comment, which concludes the letter, is noted for the record and will be made available to the decision-makers for their review and consideration.

Comment Letter No. 14

Shane Swerdlow
shane.swerdlow@alumni.usc.edu

Comment No. 14-1

As a 10-year Hollywood resident, I would like to express my strong support for the 6000 Hollywood Boulevard project. This mixed-use development is a perfect fit for this location and it supports the goals of the recently adopted Hollywood Community Plan Update.

Hollywood is one of the most iconic and vibrant parts of Los Angeles. However, since the onset of the Covid-19 pandemic, the area has experienced amplified challenges, especially along Hollywood Boulevard and the Walk of Fame. I'm thrilled that the project applicant is committed to investing in this critical location, while contributing a mix of much-needed uses in a beautifully designed development.

I am pleased this project will contribute much needed market rate and affordable housing without removing any existing housing stock. As someone who walks Hollywood Boulevard on a daily basis, I am particularly excited about the integration of ground floor retail space, which will activate a segment of this street that is currently not pedestrian friendly. I am also very supportive of the proposed publicly accessible landscaped open spaces. It is unfortunate that a dense neighborhood like Hollywood currently lacks park space, but private developments like this project play a critical role in creating inviting open spaces that benefit Hollywood residents, workers, and visitors.

This transformative project is a huge step in the right direction for Hollywood. I look forward to seeing this project move forward and set a new standard for mixed-use development that enhances the built environment, contributes new housing stock, improves the pedestrian realm, and supports economic growth in the region.

Thank you for considering my comments.

Response to Comment No. 14-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.