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BY EMAIL, FAX AND OVERNIGHT MAIL

April 5, 2017

Kathleen King  
Los Angeles Department of City Planning  
200 North Spring Street, Room 750  
Los Angeles, CA 90012  
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Re: Request for Extension of Comment Period on Draft Environmental Impact Report for the 6901 Santa Monica Boulevard Mixed-Use Project (EIR No. ENV-2015-4612-EIR; SCH No. 2016021044)

Dear Ms. King;

I am writing on behalf of the Southwest Regional Council of Carpenters ("SWRCC") and Laborers International Union of North America Local Union 300 ("LIUNA") concerning the Draft Environmental Impact Report ("DEIR") for the 6901 Santa Monica Boulevard Mixed-Use Project (EIR No. ENV-2015-4612-EIR; SCH No. 2016021044) ("Project"). We hereby request that the City of Los Angeles ("City") extend the public comment period for the DEIR by thirty days in light of the fact that crucial documents cited in the DEIR are not available for public review, in violation of CEQA.

This request is made pursuant to the California Public Records Act, Government Code Section 6250 et seq. and the California Environmental Quality Act ("CEQA"), Section 21092(b)(1) which requires that "all documents referenced in the draft environmental impact report or negative declaration" be available for review and "readily accessible" during the entire comment period.

On behalf of our clients we have requested supporting documents referenced in the DEIR be made available for review. In particular, we requested a copy of the Phase II Environmental Site Assessment (Phase II ESA), which is cited at page 4.F-13 of the DEIR. This document contains a critical analysis of toxic chemicals that may be present in soil and groundwater at the Project site. This issue is crucial to the members of

SWRCC and LIUNA since construction workers will come in direct contact with soil excavated as part of Project construction.

Today, you informed us that the Phase II ESA is not available for public review, but that you will attempt to obtain a copy of the document. Given this, it is necessary for the City to extend the public comment period to 30-days from the date that this document is made available for public review.

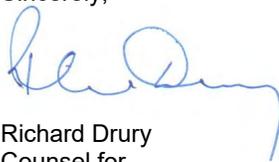
CEQA section 21092(b)(1) requires that the CEQA notice for an EIR must include "the address where copies of the proposed EIR and all documents referenced therein are available for review and readily accessible during the agency's normal working hours." As noted by leading CEQA commentators, Remy and Thomas:

The above-referenced section [21092(b)(1)] requires the agency to notify the public of the address at which "all documents referenced in a draft EIR" can be found (and presumably read) . . . seems to require agencies to make available for public review all documents on which agency staff or consultants expressly rely in preparing a draft EIR. In light of case law emphasizing the importance of ensuring that the public can obtain and review documents on which agencies rely for the environmental conclusions (see, e.g., *Emmington v. Solano County Redevel. Agency*, 195 Cal.App.3d 491, 502-503 (1987)), agencies should ensure that they comply literally with this requirement.

Remy, Thomas and Moose, *Guide to the California Environmental Quality Act*, p. 300 (Solano Press, 11<sup>th</sup> ed., 2007). The courts have held that the failure to provide even a few pages of a CEQA documents for a portion of the CEQA review period invalidates the entire CEQA process. *Ultramar v. South Coast Air Quality Man. Dist.*, 17 Cal.App.4th 689 (1993).

Therefore, we request that the comment period for the DEIR for this Project be extended to at least thirty days from the date that the Phase II ESA is provided for public review. Given the shortness of time before the current comment deadline, please contact me as soon as possible with your response to this request.

Sincerely,



Richard Drury  
Counsel for  
Southwest Regional Council of Carpenters and  
Laborers International Union of North America Local  
Union 300