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March 23, 2022

VIA EMAIL ONLY

Deputy Advisory Agency, and Hearing Officer
c/o Michelle Carter, City Planning Associate
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012
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Re: Agenda Item No. 2: Bronson Residential Tower Project (VTT-83510-CN-HCA, CPC-2021-6886-DB-SPR-WDI-HCA, ENV-2021-6887-CE)

Dear Hearing Officer and Ms. Carter:

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”), we hereby submit comments for consideration by the City of Los Angeles (“City”) Department Of City Planning, Subdivisions and Hearing Officer (“Hearing Officer”) on Agenda Item 2 at the March 23, 2022 hearing for the Vesting Tentative Tract Map ¹(“VTTM”) for the Bronson Residential Tower Project (“Project”) (VTT-83510-CN-HCA, CPC-2021-6886-DB-SPR-WDI-HCA, ENV-2021-6887-CE) proposed by 1717 Bronson LLC (“Applicant”).² These comments also address the City’s Categorical Exemption Document³ (“Categorical Exemption” or “CE”), which incorrectly proposes to exempt the Project from environmental review

¹ City of Los Angeles, Department of City Planning, Staff Report, VTT-83510-CN (March 23, 2022) available at https://planning.lacity.org/plndoc/Staff_Reports/2022/03-23-2022/Final_VTT_83510_CN_HCA_Staff_Report.pdf

² City of Los Angeles Department of City Planning, <https://planning.lacity.org/pdiscaseinfo/caseid/MjQ5OTYx0>.

³ City of Los Angeles Department of City Planning, Categorical Exemption, Bronson Residential Tower Project, Case Number: ENV-2021-6887-EAF (February 2022).
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pursuant to the California Environmental Quality Act (“CEQA”).⁴ The Project’s VTTM and Categorical Exemption will be considered by the Hearing Officer on behalf of the City Planning Commission (“CPC”) at the March 23, 2022 joint meeting of the Deputy Advisory Agency and Hearing Officer.⁵

The Project proposes to construct a 24-story, 229,015-square-foot residential building, with 128 dwelling units, three levels of above-ground parking, and one subterranean parking level. Of the 128 dwelling units, 11 units would be set aside for Very Low Income Households. The Project would also include 17,778 square feet of open space and 134 vehicle parking spaces.⁶ The 0.86-acre Project Site is located at 1725, 1729, and 1739 North Bronson Avenue at the southwest corner of Carlos Avenue and Bronson Avenue in the Hollywood Community Plan area of the City. The Assessor Parcel Numbers (“APNs”) for the Project Site are 5545-003-014, 5545-003-023, and 5545-003-029.

The Project Site is bordered on the north by Carlos Avenue, on the south by a restaurant, on the west by a Los Angeles County Superior Court building and associated parking, and to the east by Bronson Avenue. Land uses in the greater Project Site area include US 101 Freeway and commercial and residential uses to the north; Hollywood Boulevard and commercial uses to the south; commercial uses to the west; and the US 101 Freeway and commercial and residential uses to the east. The northern portion of the Project Site is currently vacant but was previously developed with four residential units. The northern portion is used as surface parking. The southern portion of the Project Site is developed with a two-story residential building and a barn known as the Lombardi Structures. There are 22 trees on the Project Site and 8 street trees located in the public right-of-way (“ROW”) along Bronson Street.⁷

Regional access to the Project Site is provided by the US 101 Freeway located just to the east of the Project Site. The Project Site is zoned R4-2 (Multiple Dwelling Zone, Height District 2) and C4-1-SN (Commercial Zone, Height District 1, Sign

⁴ Pub. Resources Code (“PRC”) §§ 21000 et seq.; 14 Cal. Code Regs. (“CCR” or “CEQA Guidelines”) §§ 15000 et seq.

⁵ City of Los Angeles, Notice of Public Hearing, 1715-1739 North Bronson Avenue (March 23, 2022) <https://planning.lacity.org/dcpapi/meetings/document/71659>

⁶ CE, p. 1.

⁷ CE, p. 2.

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District), with General Plan land use designations of High Density Residential and Highway Oriented Commercial. The Project Site is also located within the boundaries of the following:

- ZI-2452 Transit Priority Area in the City of Los Angeles
- ZI-2374 State Enterprise Zone: Los Angeles
- ZI-2488 Redevelopment Project Area: Hollywood
- ZI-2330 Sign District: Hollywood Signage (CRA Area)
- ZI-2331 Sign District: Hollywood Signage (Media District)
- ZI-2433 Revised Hollywood Community Plan Injunction
- ZI-2427 Freeway Adjacent Advisory Notice for Sensitive Uses
- ZI-2492 Hollywood Redevelopment Project Area Individual Historic Resources
- ZI-2424 Mitigation Measures for Certain Residential Densities Near Freeway⁸

The Project site is within a “disadvantaged community,” meaning the community is “disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure or environmental degradation” and the community contains “concentrations of people that are of low income, high unemployment, low levels of home ownership, high rent burden, or low levels of educational attainment.”⁹ Construction and operation of the Project would further exacerbate the already disproportionate environmental impacts to the neighboring community.

The Project requires the following approvals from the City:

- 1) A 35 percent ministerial density bonus pursuant to LAMC Section 12.22 A.25(c)(1) to permit a maximum residential density of 133 dwelling units (4 existing dwelling units and 128 new dwelling units) with 11 dwelling units (11 percent of the base density) reserved for Very Low Income Households;
- 2) A Site Plan Review pursuant to LAMC Section 16.05 a development project resulting in an increase of 50 or more dwelling units;
- 3) An On-menu incentive pursuant to LAMC Section 12.22 A.25(g)(8) to allow an averaging of floor area, density, open space, and parking over the Project Site;

⁸ CE, p. 3.

⁹ Health and Safety Code § 39711(a).

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- 4) An Off-menu incentive pursuant to LAMC Section 12.22 A.25(g)(3) to allow a maximum floor area of 234,745 square feet or a corresponding floor area ratio of 6.74:1 averaged across the site in lieu of the otherwise permitted 1.5:1 in the C4-1-SN zoned portion of the Project Site and 6:1 in the R4-2 zoned portion of the site;
- 5) A Waiver of development standard pursuant to California Government Code Section 65915(e)(1) to reduce the side yard along Bronson Avenue and eliminate the side yard along the west side of the property in lieu of the otherwise required 16-foot side yards at both locations;
- 6) A Waiver of development standard pursuant to California Government Code Section 65915(e)(1) to allow reduced building separation of 13 feet in lieu of the otherwise required 54 feet per LAMC Section 12.21 C.2;
- 7) A maximum required parking ratio of 0.5 spaces per unit pursuant to California Government Code Section 65915(p)(2)(A);
- 8) A Vesting Tentative Tract Map for merger and condominium purposes pursuant to LAMC Section 17.06 A; and
- 9) A Waiver of dedications and improvements (WDIs) pursuant to LAMC Section 12.37 I to waive a nine-foot dedication and improvement requirement along the property's entire eastern lot line (along Bronson Avenue) and a four-foot dedication and improvement requirement along Carlos Avenue.¹⁰

Our review of the proposed VTTM Findings, Categorical Exemption and accompanying technical reports demonstrates that the Project will result in potentially significant environmental impacts that the City failed to disclose or mitigate, and as such, does not qualify for a Class 32 exemption or any other CEQA exemption. As described below in the attached expert reports, the proposed Project will result in significant impacts relating to air quality, noise, and transportation and may not be adequately served by all required utilities and public services. The Project thus fails to meet the facial requirements to qualify for a Class 32 Categorical Exemption.

Furthermore, categorical exemptions necessarily include an implied finding that the project has no significant effect on the environment. Public agencies utilizing such exemptions must support their determination with substantial evidence.¹¹ The Categorical Exemption lacks substantial evidence to support a conclusion that the Project meets the Class 32 exemption requirements and is not

¹⁰ CE, p. 1.

¹¹ PRC § 21168.5.

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subject to any exceptions to categorical exemptions. Rather, the record shows that the Project is likely to result in potentially significant impacts that were not disclosed or analyzed by the City before it concluded that the Project is exempt from CEQA review. An environmental impact report (“EIR”) is required to analyze and mitigate these impacts.

Finally, even if the Project qualified for a categorical exemption, there is substantial evidence demonstrating that the Project has potentially significant environmental impacts related to air quality, construction noise and transportation. These impacts render any categorical exemption inapplicable.¹²

We prepared these comments with the assistance of air quality and hazards expert James Clark, Ph.D, noise expert Derek Watry, and transportation impacts expert Daniel Smith. Dr. Clark’s, Mr. Watry’s and Mr. Smith’s technical comments and curriculum vitae are attached hereto as Exhibits A, B and C respectively.^{13 14 15} Dr. Clark concludes that the Project’s proximity to a major freeway put the future residents at risk of potentially significant health risk impacts. Additionally, Dr. Clark concludes that the City failed to consider the cumulative air quality impacts of the Project. Mr. Watry found that the Project’s construction noise impacts are far more severe than estimated by the City. Finally, Mr. Smith found that the Project will result in significant transportation impacts that were not considered by the City. The City failed to accurately disclose the severity of these impacts and fails to mitigate them by relying on an inapplicable CEQA exemption to approve the Project.

For the reasons discussed herein, we urge the Hearing Officer to find that the Project does not qualify for the Class 32 exemption proposed by the City, and remand the Project to Staff to prepare a legally adequate EIR to fully disclose and mitigate the Project’s potentially significant environmental impacts.

¹² 14 CCR § 15300.2 (b), (c).

¹³ **Exhibit A**, James Clark, Comments On Categorical Exemption For Bronson Residential Tower Project Case No. ENV-2021-6887-EAF (March 22, 2022) (“Clark Comments”).

¹⁴ **Exhibit B**, Derek Watry, Bronson Residential Tower Project Los Angeles, California, Review and Comment on Categorical Exemption Noise Analysis (March 21, 2022) (“Watry Comments”).

¹⁵ **Exhibit C**, Daniel Smith, Bronson Residential Tower Project (Case #: 2021-6887-EAF) (March 22, 2022) (“Smith Comments”).

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles.

Individual members of CREED LA and its member organizations, including John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon and Chris S. Macias live, work, recreate and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, 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. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. THE PROPOSED EXEMPTION DETERMINATION FAILS TO COMPLY WITH CEQA'S PURPOSE AND GOALS

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR except in certain limited circumstances.¹⁶ The EIR is the very heart of CEQA.¹⁷ "The foremost principle in interpreting CEQA is that

¹⁶ See, e.g., PRC § 21100.

¹⁷ *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.
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the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”¹⁸

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.¹⁹ “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.’”²⁰ 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.”²¹

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures.²² 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.”²³ 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 where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”²⁴

Under CEQA, mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.²⁵ A CEQA lead agency is precluded from making the required CEQA findings to approve a project unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved. For this reason, an agency may not rely on mitigation measures of

¹⁸ *Communities. for a Better Env. v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 (“*CBE v. CRA*”).

¹⁹ 14 Cal. Code Regs. § 15002(a)(1).

²⁰ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

²¹ *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

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

²³ 14 Cal. Code Regs. §15002(a)(2).

²⁴ PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

²⁵ CEQA Guidelines, § 15126.4, subd. (a)(2).

uncertain efficacy or feasibility.²⁶ This approach helps “ensure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.”²⁷

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA, called categorical exemptions.²⁸ Categorical exemptions apply to certain narrow classes of activities that generally do not have a significant effect on the environment.²⁹ Public agencies utilizing such exemptions must support their determination with substantial evidence.³⁰ CEQA exemptions are narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.”³¹ Erroneous reliance by a lead agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA.³² “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.”³³

CEQA also contains several exceptions to categorical exemptions. In particular, a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment, including (1) when “the cumulative impact of successive projects of the same type in the same place, over time is significant.”³⁴ An agency may not rely on a categorical exemption if to do so would require the imposition of mitigation measures to reduce potentially significant effects.³⁵

²⁶ *Kings County Farm Bureau v. County of Hanford* (1990) 221 Cal.App.3d 692, 727-28 (a groundwater purchase agreement found to be inadequate mitigation because there was no record evidence that replacement water was available).

²⁷ *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.

²⁸ PRC § 21084(a); 14 CCR §§ 15300, 15354.

²⁹ PRC § 21084(a); 14 CCR §§ 15300, 15354.

³⁰ PRC § 21168.5.

³¹ *Mountain Lion Found. v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125; *McQueen*, 2 Cal.App.3d at 1148.

³² *Azusa*, 52 Cal.App.4th at 1192.

³³ *Dunn-Edwards Corp. v. Bay Area Air Quality Mgmt. Dist.* (1992) 9 Cal.App.4th 644, 656).

³⁴ 14 CCR § 15300.2(b).

³⁵ *Salmon Pro. & Watershed Network v. County of Marin (“SPAWN”)* (2004) 125 Cal.App.4th 1098, 1198-1201.

The Project's Categorical Exemption and its appendices fail to comply with CEQA's basic informational requirements, fail to disclose that the Project may result in significant effects relating to air quality, health risk, transportation, and construction noise. The City failed to require any mitigation measures to mitigate these potentially significant impacts. Ultimately, the City lacks substantial evidence to support its findings that a categorical exemption from CEQA review applies, and must instead prepare an EIR to fully disclose and mitigate the Project's potentially significant environmental impacts.

"[A]n agency may not apply a categorical exemption without considering evidence in its files of potentially significant effects, regardless of whether that evidence comes from its own investigation, the proponent's submissions, a project opponent, or some other source... if those files contain 'substantial evidence' of a mere 'fair argument' that the project will have significant environmental effects, the agency may not apply a categorical exemption."³⁶ Here, the City has applied a Class 32 Categorical exemption without fully analyzing the potentially significant effects of the Project. The record shows, and these comments detail, that there is substantial evidence supporting a fair argument that the Project will have significant environmental effects. An EIR must be prepared to adequately analyze and mitigate all potentially significant impacts and all significant environmental effects associated with the Project's cumulative impacts.

III. THE PROJECT DOES NOT QUALIFY FOR A CLASS 32 CATEGORICAL EXEMPTION FOR INFILL DEVELOPMENT PROJECTS

CEQA is "an integral part of any public agency's decision making process."³⁷ It was enacted to require public agencies and decisionmakers to document and consider the environmental implications of their actions before formal decisions are made.³⁸ CEQA requires an agency to conduct adequate environmental review prior to taking any discretionary action that may significantly affect the environment, unless an exemption applies.³⁹ Categorical exemptions apply to classes of projects that are determined to be exempt because they do not have a significant effect on the environment.⁴⁰ "Thus an agency's finding that a particular proposed project

³⁶ *Id.*

³⁷ PRC § 21006.

³⁸ *Id.*, §§ 21000, 21001.

³⁹ PRC § 21100(a); *see also* CEQA Guidelines § 15004(a).

⁴⁰ *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 380. L6058-003j

comes within one of the exempt classes necessarily includes an implied finding that the project has no significant effect on the environment.”⁴¹ “It follows that where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper.”⁴²

CEQA exemptions must be narrowly construed and are not to be expanded beyond the scope of their plain language.⁴³ They should not be construed so broadly as to include classes of projects that do not normally satisfy the requirements for a categorical exemption.⁴⁴

To qualify for a categorical exemption, a lead agency must provide “substantial evidence to support [its] finding that the Project will not have a significant effect.”⁴⁵ “Substantial evidence” means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.⁴⁶ If a court locates substantial evidence in the record to support the agency’s conclusion, the agency’s decision will be upheld.⁴⁷ If, however, the record lacks substantial evidence, as here, a reviewing court will not uphold an exemption determination.

Section 15332 of the CEQA Guidelines provides an exemption from CEQA for projects characterized as in-fill development meeting the conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

⁴¹ *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 115.

⁴² *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1191 (“*Azusa Land Reclamation*”), quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 205–206.

⁴³ *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257.

⁴⁴ *Azusa Land Reclamation* (1997) 52 Cal.App.4th 1165, 1192.

⁴⁵ *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.

⁴⁶ 14 CCR § 15384.

⁴⁷ *Bankers Hill Hillcrest*, 139 Cal.App.4th at 269.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The Class 32 Exemption is facially inapplicable to the Project due to, at a minimum, significant impacts to traffic, air quality, and noise.

A. An Exemption is Inapplicable Because the Project is Not Consistent with the General Plan Designation and all Applicable General Plan Policies

The Project is inconsistent with local plans and policies, which renders the Class 32 exemption inapplicable and constitutes a significant impact under CEQA.⁴⁸ The Applicant in this case has asked for waivers from the City's Mobility Plan requirements with respect to the street right-of-way requirements of the Mobility Plan. Right-of-way requirements, including neighborhood connectivity, pedestrian and bicycle access, and access to key corridors within "mobility-enhanced networks" are fundamental elements of the Mobility Plan.⁴⁹ By waiving right-of-way requirements of the Mobility Plan without mitigation, the Project would be patently inconsistent with the basic priorities of the Plan. Neither the Staff Report nor the Categorical Exemption provide any compelling need to waive the Plan's mobility requirements. As a result, the City lacks substantial evidence to support a finding that the Project is in compliance with the Mobility Plan. Rather, the Project is necessarily inconsistent with the Mobility Plan, which is an element of the City's General Plan.⁵⁰

The City cannot approve this Project under a Class 32 exemption and must prepare an EIR to evaluate and mitigate the Project's impacts relative to the proposed non-compliance with the Mobility Plan.

⁴⁸ Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177; see also, County of El Dorado v. Dept. of Transp. (2005) 133 Cal.App.4th 1376.

⁴⁹ CE, pp. 13-14.

⁵⁰ City of Los Angeles, Mobility, <https://planning.lacity.org/plans-policies/initiatives-policies/mobility> (Accessed March 22, 2022).

B. An Exemption is Inapplicable Because the Project May Result in Significant Effects Related to Air Quality and Health Risk Impacts

The Categorical Exemption fails to analyze and mitigate significant health risk impacts to construction workers, nearby sensitive receptors or future residents of the Project based on the Project's proximity to U.S. Route 101.

i. The City Failed to Assess the Project's Health Risk Impacts

The City lacks substantial evidence to support its reliance on an exemption because the City failed to analyze the health risk impacts of Project construction to on-site workers or nearby sensitive receptors. The Findings provide that the nearest sensitive receptors are the multi-family residential uses located approximately 80 feet to the west of the Project Site.⁵¹ CEQA requires lead agencies to disclose the health risks posed by hazardous air pollutants released during construction on sensitive receptors. Construction workers and nearby residents are sensitive receptors at the greatest risk of exposure due to their close proximity to the Project's TAC emissions during Project construction.

CEQA requires that a project's health risks "must be 'clearly identified' and the discussion must include 'relevant specifics' about the environmental changes attributable to the Project and their associated health outcomes."⁵² 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.⁵³ Instructively, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines recommend a formal health risk analysis ("HRA") for short-term construction exposures lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.⁵⁴

⁵¹ Findings, p. 55.

⁵² *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 518–522; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

⁵³ *Id.*

⁵⁴ 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; L6058-003j

The construction of this Project will last for 24 months.⁵⁵ The nearest sensitive receptors are the multi-family residential uses located approximately 80 feet (~25 meters) to the west of the Project Site, in addition to Project construction workers.⁵⁶ CEQA requires that the health risk from each of these construction phases on these receptors be quantified and disclosed. And under the OEHHA risk assessment guidelines, which are used throughout California for assessing health risks under CEQA, the Project should be subject to a quantified HRA.

Project construction would produce diesel exhaust which has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. Fine DPM is deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death. Exposure to DPM increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction. DPM is a TAC that is recognized by state and federal agencies as causing severe health risk.

Dr. Clark states that criteria pollutants such as ozone and particulate matter associated with project construction can lead to a host of respiratory impacts and diminishment of quality of life.⁵⁷ Dr. Clark further states that construction may cause nearby sensitive receptors to be subjected to exposure of TACs emitted from Project construction, including DPM.⁵⁸ Dr. Clark concludes that this may constitute a significant health risk impact to the surrounding community.

<https://oehha.ca.gov/air/crnpr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

⁵⁵ CE, p. 40.

⁵⁶ Clark Comments, p. 7.

⁵⁷ Clark Comments, p. 7.

⁵⁸ Clark Comments, p. 8.

A quantified HRA is commonly conducted to determine if a Project's construction hazardous air pollutant ("HAP") emissions would cause a significant health impact.⁵⁹ The HRA is based on pollutants other than conventional air quality pollutants; that is, other than ROG, NO_x, PM₁₀, PM_{2.5}, CO, and SO₂.

Construction equipment emits DPM, which is a HAP and a potent carcinogen.⁶⁰ Construction workers and nearby residents and sensitive receptors will be exposed to DPM emissions during construction. An EIR must be prepared which adequately links the Project's air quality effects to human health consequences.⁶¹

ii. The City Failed to Conduct an HRA to Quantify Potential Health Risk Impacts to Future Residents from the Nearby Freeway

In addition to failing to measure the impacts to nearby residents and construction workers, the City failed to quantify the health risks to the future residents of the Project. Pursuant to City Zoning Information File No. 2424, the City requires health risk assessments to be conducted for all residential projects located within 500 feet of the 101 Freeway that take advantage of any of the increased residential densities provided by the Hollywood Community Plan (i.e. a project that builds more units on a parcel than currently permitted under the existing plan).⁶² ZI-2424 specifies that mitigation measures shall be required at the project level as necessary to reduce health risk (for indoor and outdoor uses) to an

⁵⁹ Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessment, February 2015; may be requested at <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.

⁶⁰ Cal/EPA OEHHA and American Lung Association of California, Health Effects of Diesel Exhaust; <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf>. See also OEHHA, Appendix A: Hot Spots Unit Risk and Cancer Potency Values, p. 1 (DPM unit risk = 3 E-4); <https://oehha.ca.gov/media/CPFs042909.pdf> and OEHHA, Diesel Exhaust Particulate; [https://oehha.ca.gov/chemicals/diesel-exhaust-particulate#:~:text=Cancer%20Potency%20Information&text=Listed%20as%20Particulate%20Emissions%20from,\(ug%2Fm3\)%2D1](https://oehha.ca.gov/chemicals/diesel-exhaust-particulate#:~:text=Cancer%20Potency%20Information&text=Listed%20as%20Particulate%20Emissions%20from,(ug%2Fm3)%2D1).

⁶¹ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 134 Cal.App.4th 1184, 1220 ("After reading the EIRs, the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin. On remand, the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIRs.").

⁶² City Of Los Angeles, Department of City Planning, Zoning Information File, ZI No. 2424 ("ZI-2424"), Mitigation Measures For Certain Freeway Adjacent Residential Densities In Hollywood (August 6, 2012) available at <http://zimas.lacity.org/documents/zoneinfo/zi2424.pdf>
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acceptable level below SCAQMD's adopted thresholds.⁶³ The City recognizes that ZI-2424 applies to this Project⁶⁴ yet failed to perform an HRA to measure the effects of the freeway on the Project's future residents. This is a violation of City's land use mandates as well as CEQA, and demonstrates that the City lacks substantial evidence to support an exemption determination.

The City routinely performs HRAs for Projects that are in close proximity to freeways. For example, there are two projects within 0.25 miles of the Project Site, 6220 Yucca Street Project⁶⁵ and 5750 Hollywood Boulevard Project⁶⁶, for which the City performed health risk analyses of freeway emissions on the projects.

The two nearby projects estimated emissions starting in 2018 for the Hollywood Boulevard Project and 2024 for Yucca Project.⁶⁷ Each of the projects is located approximately 80 meters away from the freeway.⁶⁸ The Bronson Towers Project site is located within 25 meters of the Hollywood Freeway, much closer to the Freeway than the other projects and therefore far more likely to result in significant health impacts.⁶⁹ As Dr. Clark explains in his comments, based on the distance of the Project Site, the calculated DPM and associated HAPs will be 1.5 times higher than the concentrations modeled at Hollywood Boulevard and Yucca Street Project sites. Despite the clear requirement to perform an HRA the City failed to analyze the health risk to future residents posed by the nearby freeway. This error must be corrected and addressed in an EIR for the Project.

iii. The Project Will Result in Significant Air Quality and Public Health Impacts to Future Residents

Dr. Clark found that the Project will result in a significant impact due to its proximity to the freeway. Using inputs from the HRAs for the Yucca and Hollywood

⁶³ ZI-2424, p. 1.

⁶⁴ CE, p. 3.

⁶⁵ City of Los Angeles, 6220 West Yucca Street Mixed Use Project Health Risk Assessment for Freeway Adjacent Projects ("Yucca HRA") (April 2020) available at <https://planning.lacity.org/eir/6220Yucca/deir/Appendices/Apx%20C-2%20-%20Freeway%20HRA.pdf>

⁶⁶ City of Los Angeles, 5750 Hollywood Boulevard Project, Health Risk Assessment Technical Report ("Hollywood HRA") (October 201) available at [https://planning.lacity.org/eir/5750HollywoodBldv/Technical_Appendices/Appendix E-HRA_Technical_Report.pdf](https://planning.lacity.org/eir/5750HollywoodBldv/Technical_Appendices/Appendix_E-HRA_Technical_Report.pdf)

⁶⁷ Clark Comments, p. 7.

⁶⁸ Clark Comments, p. 7.

⁶⁹ Clerk Comments, p. 7.

Boulevard projects, Dr. Clark was able to estimate the Project's health risk impacts to future residents and found a significant undisclosed and unmitigated impact.

The primary source of particulate matter from freeways is diesel particulate exhaust. Diesel exhaust contains nearly 40 toxic substances, including TACs and may pose a serious public health risk for residents in the vicinity of the Project. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Using the outputs from the Yucca Project analyses, the concentrations of TACs at 25 meters from the freeway, which is the distance of the Project Site to the freeway, were calculated for each year of exposure using the weight fractions outlined in the air quality and risk analysis.⁷⁰ Based on his analysis, Dr. Clark determined that the risk from exposure to the chemicals of concern is 11.95 in 1,000,000 which exceeds the CEQA threshold of significance of 10 in 1,000,000.⁷¹

Based on Dr. Clark's analysis, the Project will result in a significant health risk to the future residents. The Class 32 Exemption is facially inapplicable to the Project due to significant impacts to air quality as demonstrated by Dr. Clark. The City must prepare an EIR which adequately analyzes and mitigates the Project's health risk impacts.

C. An Exemption is Inapplicable Because the Project May Result in Significant Traffic and Transportation Impacts

The City failed to adequately analyze impacts to traffic and transportation created by the Project. There is substantial evidence supporting a fair argument that the Project may result in a significant impact to traffic and transportation. The Project would add 491 new average daily trips.⁷² As described above, the trips generated by the Project will result in the deterioration of the LOS at nearby intersections.

⁷⁰ Clark Comments, p. 8.

⁷¹ Clark Comments, p. 8

⁷² Los Angeles Department of City Planning, DCP Application form, (Filed June 8, 2021) p. 2 of 8. L6058-003j

In addition to the LOS deterioration at the intersections of Hollywood Boulevard and Bronson Avenue, and the intersection of Bronson Avenue with Franklin Avenue, Mr. Smith states that the queuing analysis performed for the project shows that traffic from concurrent relevant projects and the Project itself will result in queue lengths of 28.7 vehicles or 717 feet in the left turn lane from Hollywood Boulevard westbound to Bronson Avenue Southbound.⁷³ Mr. Smith explains that a queue of this length completely overflows the left turn storage lane, blocking a westbound through lane on Hollywood Boulevard, extends through the intersection with the southbound 101 ramps, through the intersection with the northbound 101 ramps, through the intersection with N. Van Ness Avenue and well east on the block toward Taft Avenue.⁷⁴ The Project's contribution to the significant transportation impacts is potentially significant, but largely ignored by the Categorical Exemption. Queue lengths of this magnitude could result in follow on effects such as backing up traffic onto U.S. Route 101 or impeding the movement of emergency vehicles.⁷⁵

Mr. Smith proposes potential mitigation that the City should consider to reduce this impact, such as prohibiting left turns from Hollywood Boulevard to northbound and southbound N. Bronson Avenue, making the N. Bronson connections to Hollywood Boulevard right turn in and right turn out movements only and similar alterations at the intersection of N. Bronson with Franklin.⁷⁶ Mr. Smith concludes that these feasible mitigation measures would help to alleviate the expected significant impacts from the Project.

The Class 32 Exemption is facially inapplicable to the Project due to significant impacts to traffic as demonstrated by Mr. Smith. The City must prepare an EIR which adequately analyzes and mitigates the Project's impacts associated with traffic and transportation.

D. An Exemption is Inapplicable Because the Project May Result in Significant Construction Noise Impacts

There is substantial evidence supporting a fair argument that construction of the Project may result in a significant impact to noise. The Project's construction

⁷³ Smith Comments, p. 3.

⁷⁴ Smith Comments, p. 3.

⁷⁵ Smith Comments, p. 3.

⁷⁶ Smith Comments, p. 5.

noise impact analysis is based on unsubstantiated construction noise reference levels, by using the information available in the record, Mr. Watry found that the reference levels assumed in the Categorical Exemption are 7 to 11 dB too low. By correcting the reference levels and cleaning up the analysis, Mr. Watry found that Project construction will result in noise increases that exceed the 5dB threshold of significance.

First, Mr. Watry observed that the noise analysis accompanying the Categorical Exemption makes the unsubstantiated assumption that the sound pressure level of equipment on site would be 75 dBA.⁷⁷ The noise study does not substantiate this assumption, which as Mr. Watry explains is fatal to the study's results since this reference is used to calculate all of the Project's construction noise impacts.⁷⁸ Mr. Watry states that the construction noise level plots were generated using a program called SoundPLAN which takes as its input sound power level per unit area.⁷⁹ The Categorical Exemption uses the assumed sound pressure level of 75 dBA from construction equipment to arrive at a sound power level input 109.7 dBA at 15.24 meters.⁸⁰

To calculate a more accurate sound power level, Mr. Watry looked to the Air Quality analysis documentation for the Categorical Exemption which includes a detailed list of construction equipment by construction phase which can be used to validate the noise model.⁸¹ Using the information in the record, Mr. Watry calculated the noise levels for the first three phases of Project construction by applying the Federal Highway Administration ("FHWA") Roadway Noise Construction Model methodology and data.⁸² By using data for the construction equipment that will be on site, Mr. Watry found that the noise reference levels at the site would be 7 to 11 dB higher than the reference level assumed in the CE.⁸³ The following Figure 1 shows the substantiated noise reference levels at 15.24 meters for the first three phases of the Project:

⁷⁷ Watry Comments, p. 3.

⁷⁸ Watry Comments, p. 2.

⁷⁹ Watry Comments, p. 3.

⁸⁰ Watry Comments, p. 3.

⁸¹ Watry Comments, p. 3.

⁸² Watry Comments, p. 4.

⁸³ Watry Comments, p. 4.

Demolition						
RCNM Ref Values @ 50 ft						
Equipment	Lmax	Util%	No.	Distance	Leq	
Conc Saw	89.6	20%	1	50 ft	82.6	
Tractor	84.0	40%	1	50 ft	80.0	
Backhoe	77.6	40%	1	50 ft	73.6	
Dozer	81.7	40%	1	50 ft	77.7	
Total					85.6	

Grading						
RCNM Ref Values @ 50 ft						
Equipment	Lmax	Util%	No.	Distance	Leq	
Conc Saw	89.6	20%	1	50 ft	82.6	
Tractor	84.0	40%	1	50 ft	80.0	
Backhoe	77.6	40%	1	50 ft	73.6	
Dozer	81.7	40%	1	50 ft	77.7	
Total					85.6	

Bldg Construction						
RCNM Ref Values @ 50 ft						
Equipment	Lmax	Util%	No.	Distance	Leq	
Crane	81.0	16%	1	50 ft	73.0	
Forklift (Man Lift)	75.0	20%	2	50 ft	71.0	
Tractor	84.0	40%	1	50 ft	80.0	
Backhoe	77.6	40%	1	50 ft	73.6	
Total					81.9	

Figure 1 Noise Level Calculations Using FHWA Methodology

Using the values above, Mr. Watry was able to calculate the average hourly noise levels at the noise-sensitive receptors close to the Project. Mr. Watry's analysis shows that the Project's construction noise levels are significantly higher than the estimates made in the CE's noise analysis as shown in Table 1 below:⁸⁴

⁸⁴ Watry Comments, p. 5.
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Table 1: Average Hourly Noise Levels at Nearest Noise Sensitive Receptors

Address	Description	Distance	Construction Phase		
			Demo	Grading	Bldg Erection
1717 N Bronson	Lombardi House	85 ft	81.0	81.0	77.3
1720 N Bronson	Residences	160 ft	75.5	75.5	71.8
5919 Carlos	Residences	208 ft	73.2	73.2	69.6
5940 Carlos	Hollywood Silvercrest Apts	260 ft	71.3	71.3	67.6

The Categorical Exemption correctly states that “[b]ecause the Project’s construction phase would occur for more than three months, the applicable City threshold of significance for the Project’s construction noise impacts is an increase of 5 dBA over existing ambient noise levels.”⁸⁵

Mr. Watry explains that the Categorical Exemption established the existing ambient noise levels by taking measurements at four locations in the area around the project site.⁸⁶ Using the ambient noise measurement information from the CE, Mr. Watry applied the updated construction noise levels and found that the Project will result in an increase of between 9.6 dBA and 17.1 dBA at the receptors nearest to the Project site, resulting in a significant impact.⁸⁷ The results of Mr. Watry’s calculations are included in Table 2 below.

⁸⁵ CE, p. 34.

⁸⁶ Watry Comments, p. 7.

⁸⁷ Watry Comments, p. 7.

Table 1 Assessment of Construction Noise Levels at Off-Site Receptors

Receptor	Maximum Construction Noise Level (dBA Leq)	Existing Ambient Noise Level (dBA Leq)	New Ambient Noise Level (dBA Leq)	Increase (dBA Leq)	Significant Impact?
1717 Bronson	81.0	63.7	81.1	17.4	Yes
1720 Bronson	75.5	63.7	75.8	12.1	Yes
5919 Carlos	73.2	62.2	73.5	11.3	Yes
5940 Carlos	71.3	62.2	71.8	9.6	Yes

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Mr. Watry’s calculations demonstrate that the Project’s noise levels will exceed the significance threshold, resulting in a significant impact. The Project’s significant construction noise impacts must be analyzed and mitigated in an EIR for the Project.

E. The Project’s Significant Cumulative Impacts Result in an Exception to the Categorical Exemption

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment, including (1) when “the cumulative impact of successive projects of the same type in the same place, over time is significant.”⁸⁹ As explained below, the Project’s air quality and transportation impacts result in significant cumulative impacts preventing the City from relying on a categorical exemption.

i. The Project’s Cumulative Air Quality Impacts Result in an Exception to the Categorical Exemption

The Project will cause significant cumulative impacts triggering an exception to categorical exemptions under CEQA Guidelines Section 15300.2(b). The US EPA found that the Los Angeles-South Coast Air Basin is in nonattainment for lead, and

⁸⁸ Watry Comments, p. 7.

⁸⁹ 14 CCR § 15300.2(b).

serious nonattainment for particulate matter (“PM”) PM_{2.5}.⁹⁰ The California Air Resources Board determined the South Coast Air Basin, the air basin encompassing the Project, is in nonattainment for ozone (O₃), and PM₁₀, and PM_{2.5}.⁹¹ Thus, a cumulative incremental increase in any of these pollutants may result in significant cumulative air quality impacts. The Project is likely to result in a cumulatively considerable net increase of criteria pollutants for which the region is in nonattainment.⁹² As Dr. Clark notes in his comments, the Project construction will require the use of heavy equipment and heavy-duty trucks diesel powered. Diesel exhaust contains TACs that would represent a potential hazard to workers on site and to the surrounding community.⁹³

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death.⁹⁴ Fine DPM is deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.⁹⁵ Exposure to DPM increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction.⁹⁶ DPM is a TAC that is recognized by state and federal agencies as causing severe health risk because it contains toxic materials, unlike PM_{2.5} and PM₁₀.⁹⁷

⁹⁰ United States Environmental Protection Agency, Current Nonattainment Counties for All Criteria Pollutants (October 31, 2021) <https://www3.epa.gov/airquality/greenbook/ancl.html>.

⁹¹ MND, p. 68 - 69.

⁹² CEQA Guidelines Appendix G.

⁹³ Clark Comments, p. 4.

⁹⁴ Clark Comments, pp. 4-6;

⁹⁵ Clark Comments, p. 6; California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

⁹⁶ Clark Comments, p. 6; Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel’s April 22, 1998 Meeting.

⁹⁷ Clark Comments, p. 6; Health & Safety Code § 39655(a) (defining “toxic air contaminant” as air pollutants “which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412 (b)) is a toxic air contaminant.”)

The Project's cumulative air quality impacts constitute an exception to a Class 32 Categorical Exemption under CEQA Guidelines section 15300.2(b). The City must prepare an EIR to evaluate the Project's cumulative air quality impacts.

ii. *The Project's Cumulative Transportation Impacts Result in an Exception to the Categorical Exemption*

Operation of the Project will result significant cumulative transportation impacts triggering an exception to the categorical exemption under CEQA Guidelines Section 15300.2(b). Mr. Smith explains in his comments the intersection of Hollywood Boulevard with Bronson Avenue deteriorates from an AM peak 32.0 seconds delay⁹⁸/Level of Service ("LOS") C and PM peak 57.8 seconds delay/LOS E in the existing condition without the Project to an AM peak 206.8 seconds delay/LOS F and PM peak 201.1 seconds delay/LOS F in the cumulative (2024) with Project condition.⁹⁹ The transportation analysis in the record shows that over 3 years, during the AM peak, the intersection deteriorates from an acceptable LOS C to a condition about 2.5 times worse than the threshold of unacceptable and dysfunctional, LOS F.¹⁰⁰ Additionally, the PM peak deteriorates from a marginally functional LOS E to a condition about 2.5 times worse than the threshold of unacceptable and dysfunctional, LOS F.¹⁰¹ Additionally, Mr. Smith notes that the analysis of the intersection of Bronson Avenue with Franklin Avenue shows similar though less severe deterioration.¹⁰²

The Categorical Exemption contains no discussion about the severity of this deterioration or what plans the City has to correct or offset it.¹⁰³ Despite the fact that the Project only contributes to a small portion of the deterioration of LOS at these intersections, there is clearly a significant cumulative impact resulting from the Project plus other concurrent projects in the area.

The Project's cumulative transportation impacts constitute an exception to a Class 32 Categorical Exemption under CEQA Guidelines section 15300.2(b). The City must prepare an EIR to evaluate the Project's cumulative transportation impacts.

⁹⁸ Average intersection delay per vehicle.

⁹⁹ Smith Comments, p. 2.

¹⁰⁰ Smith Comments, p. 2.

¹⁰¹ Smith Comments, p. 2.

¹⁰² Smith Comments, p. 2.

¹⁰³ Smith Comments, p. 2.

IV. THE CITY CANNOT APPROVE THE PROJECT UNDER THE SUBDIVISION MAP ACT

The Subdivision Map Act requires a lead agency to make findings that a proposed subdivision is consistent with the general plan/specific plan, and does not have any detrimental environmental or public health effects.¹⁰⁴ The City is unable to make these mandatory findings because the Project has unmitigated, adverse impacts in each of these areas. Moreover, the Categorical Exemption and Staff Report fail to provide substantial evidence to meet either of these legal standards.

As demonstrated above, the Project will conflict with the City's adopted Mobility Plan which is an element of the City's General Plan.¹⁰⁵ Additionally, there is substantial evidence demonstrating that the Project will result in significant impacts related to air quality, public health, noise, and transportation that the City has not analyzed or mitigated. The threats to public health posed by the Project cannot be ignored and necessarily contravene the findings required to approve the Project under the Map Act.

The City must prepare an EIR that analyzes the Projects potentially significant impacts and implement mitigation to address those impacts before it is able to make the findings required under the Map Act.

V. CONCLUSION

There is substantial evidence demonstrating that Project may result in potentially significant adverse impacts that were not identified by the City, and thus have not been adequately analyzed or mitigated. The City also lacks substantial evidence to support the findings required to approve the Project in reliance on a Categorical Exemption from CEQA.

¹⁰⁴ Gov Code §§66473.5, 66474(a), (b), (e), (f), (g).

¹⁰⁵ City of Los Angeles, Mobility, <https://planning.lacity.org/plans-policies/initiatives-policies/mobility> (Accessed March 22, 2022).

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We urge the Hearing Officer to deny this Project and fulfill its responsibilities under CEQA by remanding the Project to staff to prepare a legally adequate EIR to address the potentially significant impacts described in this comment letter and the attached expert letters. The City cannot allow the Project to move forward with any subsequent approvals until it prepares an EIR that resolves these issues and complies with CEQA's requirements.

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

Sincerely,

A handwritten signature in blue ink that reads "Kevin Carmichael". The signature is written in a cursive style.

Kevin Carmichael

KTC:lj1