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February 23, 2026

Via Email

Los Angeles City Planning Commission

Email: cpc@lacity.org

Re: Agenda Item 7 – Stocker Street Creative Project (SCH No. 2025110100; Case Nos. ENV-2024-326-MND and CPC-2024-325-CU-MCUP-CUX-SPE-SPP-DRB-SPR-WDI)

Dear President Lawshe, Honorable Commissioners:

We are writing on behalf of **Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”)** regarding the Stocker Street Creative Project (SCH No. 2025110100; Case Nos. ENV-2024-326-MND and CPC-2024-325-CU-MCUP-CUX-SPE-SPP-DRB-SPR-WDI) (“Project”) and proposed adoption of the Project’s Mitigated Negative Declaration (“MND”). The Project will be considered as Agenda Item 7 at the February 26, 2026, City Planning Commission bearing.

CREED LA respectfully requests that the Commission continue this hearing and remand the Project to staff to prepare an environmental impact report (“EIR”) to address the Project’s significant, unmitigated air quality, public health, energy, noise, and public utilities impacts. CREED LA’s review of the staff report demonstrates that the City has not yet complied with the California Environmental Quality Act (“CEQA”) or applicable land use laws. The Commission may not consider approving the Project until the City has fully complied with applicable law.

CEQA requires an EIR, rather than an MND, be prepared when there is substantial evidence supporting a fair argument that the Project would result in significant impacts. CEQA provides: “[i]f there is disagreement among expert opinion supported by facts the Lead Agency shall treat the effect as significant and shall prepare an EIR.”¹ CREED LA’s comments on the Project’s MND presented substantial evidence supporting a fair argument that the Project would result in significant and unmitigated air quality, public health, energy, noise, and public utilities impacts. The City is required to prepare an EIR for the Project.

The Commission Staff Report includes responses to CREED LA’s comments, but the responses fail to resolve the issues raised in the comments. For example, the MND lacked a

¹ 14 Cal. Code Regs., § 15064(b), (g); see *Keep Our Mountains Quiet v. County of Santa Clara* (6th Dist. 2015) 236 Cal.App.4th 714.
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quantitative health risk analysis of impacts from exposure to the Project's construction emissions. CREED LA's air quality and public health consultant, Dr. Clark, prepared a health risk analysis which found that exposure to the Project's construction emissions would result in an incremental cancer risk of 13.4 in one million, in excess of the South Coast Air Quality Management District's ("SCAQMD") cancer risk threshold of 10 in one million. This is a significant impact which the MND failed to disclose. The Staff Report includes a new health risk analysis by the City which asserts that health risk is not significant. But Dr. Clark demonstrates that the City's analysis remains inaccurate and finds that, even under the City's calculations, the Project results in a significant health risk of 11.2 in one million.² This is precisely the type of dispute between experts which requires an EIR under the fair argument standard.³

Further, the MND's conclusion that the Project's hazardous materials impacts would be less than significant remains unsupported. CREED LA previously commented that the MND violated CEQA by failing to analyze the site for soil contamination (either in a Phase I or II environmental site assessment ("ESA")). The Staff Report responds that "a Phase 1 Environmental Site Assessment for the project site was prepared on January 5, 2021. The Phase 1 ESA was not included in the IS/MND, although it was and is available for review in the City files."⁵ The Staff Report then asserts that "[t]he detailed Phase 1 ESA does not identify significant hazardous conditions.... The less-than-significant conclusion within the Hazard and Hazardous Materials section of the IS/MND remains accurate."⁶ However, the Staff Report fails to attach the Phase I report and the City has not provided it in response to CREED LA's requests. This reliance on a hidden study violates both CEQA and the Public Records Act.⁷

The courts are clear that a CEQA document may not rely on hidden studies or documents that are not provided to the public.⁸ 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, and such a failure must be remedied by permitting additional public comment.⁹ Thus, if the City intends to rely on a Phase I ESA to support a no-impact conclusion, the ESA must be attached to a Draft EIR and circulated for public comment with the environmental document. The City failed to do that here. Moreover, the City failed to provide access to the Phase I ESA in response to

² Clark Comments, p. 2.

³ 14 Cal. Code Regs. § 15064(f)(1); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 934-935, 938 ('opposing views are substantial evidence going the other way, which is insufficient to refute the claim of a fair argument').

⁵ Staff Report, PDF pg. 1995.

⁶ *Id.*

⁷ *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("Whatever is required to be considered in a [CEQA document] must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report."); Government Code §§ 7920.000.

⁸ *Id.*

⁹ *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.
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CREED LA's record requests of November 24, 2025, and January 30, 2026. The City's failure to make the record available violates the Public Records Act.¹⁰

CREED LA respectfully requests that the Commission continue this hearing and remand the Project back to staff so that an EIR can be prepared in compliance with CEQA.

A. Health Risk Impacts Remain Significant and Unmitigated

Dr. Clark's initial health risk analysis demonstrates that the Project's construction would result in a significant health risk impact (incremental cancer risk of 13.4 in one million) on residences located next to the Project site. In response, the City prepared its own analysis finding a cancer risk of 9.6 in one million.¹¹ Dr. Clark reviewed the City's analysis and identified flaws. Dr. Clark then recalculated health risk using the same emissions data used by the City and found that, even under the City's framework, the Project still results in a cancer risk of 11.2 in a million.¹² This exceeds the SCAQMD health risk threshold of 10/million, resulting in a significant impact that the City failed to disclose. This disagreement between experts requires preparation of an EIR under the fair argument standard.¹³

Dr. Clark further explains that the City's HRA is unsupported because it assumes the use of Tier 4 construction equipment. Tier 4 is the most stringent emissions control level for off-road sector construction engines.¹⁴ Its use is being phased in by CARB regulations, but is not yet required for all construction.¹⁵ The MND lacks any binding condition requiring Tier 4 construction equipment for the Project. The Staff Report states that the Applicant's commitment to meet LEED Gold standards would require use of Tier 4 construction equipment.¹⁶ However, this is incorrect because LEED Gold does not require use of Tier 4 construction equipment. A Project meets LEED Gold standards by implementing features, each associated with a certain amount of points, that add up to 60-79 points. Use of Tier 4 equipment is not a prerequisite on the LEED v4 and v5 checklists to achieve LEED Gold certification.¹⁷

¹⁰ Government Code §§ 7922.000, 7922.525, 7922.530; see *Sukumar v. City of San Diego* (4th Dist. 2017), 14 Cal.App.5th 451 (an agency's "inability or unwillingness to locate and produce" requested records "is tantamount to withholding requested information" under the Act).

¹¹ CEQA Guidelines § 15126.4(a)(2).

¹² Clark Comments, p. 2.

¹³ 14 Cal. Code Regs., § 15064(b), (g); see *Keep Our Mountains Quiet v. County of Santa Clara* (6th Dist. 2015) 236 Cal.App.4th 714.

¹⁴ See <https://ww2.arb.ca.gov/resources/fact-sheets/fact-sheet-added-vehicle-restrictions-and-tier-phase-out-requirements>.

¹⁵ *Id.*

¹⁶ Staff Report, PDF pg. 1987.

¹⁷ LEED v5 checklist available at <https://build.usgbc.org/leed-v5-scorecard-bdc-nc>; v4 checklist available at [https://build.usgbc.org/1413862/2019-01-](https://build.usgbc.org/1413862/2019-01-16/ndzk5h/413862/152746/LEED%20v4%20for%20Building%20Design%20and%20Construction%201%20PAGE.xlsx)

[16/ndzk5h/413862/152746/LEED v4 for Building Design and Construction 1 PAGE.xlsx](https://build.usgbc.org/1413862/2019-01-16/ndzk5h/413862/152746/LEED v4 for Building Design and Construction 1 PAGE.xlsx).
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The City's argument is also legally unsupported because CEQA requires mitigation measures to be fully enforceable through permit conditions, agreements or other legally binding instruments.¹⁸ A statement in the staff report that use of Tier 4 equipment is encompassed in LEED Gold certification does not meet these standards. Because cancer risk estimated in the City's HRA is just below the 10 in one million threshold even with Tier 4 equipment, cancer risks would certainly exceed 10 in one million without a binding requirement to use Tier 4 equipment. The Project's significant health risk impacts must be mitigated in an EIR.

B. The MND's Energy Analysis Still Fails to Analyze Sound Stage Production Uses

The MND concluded that energy impacts would be less than significant, despite failing to quantify the Project's energy consumption, discuss energy-intensive uses of the proposed Project, or consider measures to reduce energy consumption. CREED LA's comments on the MND demonstrate that the Project's energy impacts would be potentially significant due to specialized lighting, specialized A/V equipment, cooling for heat-generating gear, and significant transportation/fuel use typical of sound stage production projects. CREED LA further commented that the generic CalEEMod land use categories relied upon in the MND's air study underestimated the project's expected energy consumption, criteria air pollutant emissions, and GHG emissions.

In Response 4e, the Staff Report responds that the generic land uses reasonably estimated the Project's effects. This response is conclusory, as the Staff Report fails to actually demonstrate how the selected land uses reflect the impacts of sound stage production. In Response 4h, the City states that LEED Gold certification alone ensures that energy impacts would be less than significant. This response is unsupported because the Staff Report fails to discuss energy consumption of sound stage production and demonstrate that LEED measures would meaningfully reduce energy consumption of those uses. Response 4h further states that "as more details of project design became available, project specific energy calculations were undertaken," shown in Table B of the Staff Report.¹⁹ However, these new details are not disclosed, and the modeling files apparently rely on the generic CalEEMod "Office Park" land use.²⁰ There is no evidence in the record demonstrating that sound stage-specific energy consumption is reflected in this estimate. Thus, the energy analysis remains inadequate.

C. Impacts from Disturbance of Hazardous Materials Remain Potentially Significant

The City cannot rely on a Phase I ESA that has not been disclosed to the public to support the MND's conclusion that hazardous materials impacts are less than significant. The ESA was not referenced in the MND, and has not been made available in response to record requests.²¹ As

¹⁸ CEQA Guidelines § 15126.4(a)(2).

¹⁹ Staff Report, PDF pg. 1993, 1994.

²⁰ PDF pg. 1957.

²¹ Staff Report, PDF pg. 1995.

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explained in CREED LA's prior comments, the MND only included a review of the EnviroStor database and Geotracker database. These databases indicate if a site was previously subject to regulatory cleanup for contamination, but do not demonstrate that a site is free of soil contamination or other hazardous materials that may cause significant impacts if disturbed.

There is also no evidence that the Phase I ESA was provided to the Commission, or that the Commission has reviewed the ESA. Thus, the Commission cannot find that the MND's conclusion is supported by substantial evidence.

D. Public Utilities Impacts Remain Unanalyzed and Potentially Significant

CREED LA previously commented that the MND lacked analysis of necessary public utilities improvements. CREED LA explained that the MND failed to analyze whether any new wastewater infrastructure would be required for the Project. The MND also failed to disclose the fire flow requirements for the Project, failed to analyze whether that fire flow would be met by existing infrastructure, and failed to disclose environmental impacts resulting from construction of any necessary improvements. Quantitative analysis of whether water mains would need to be upsized is contained in an Information of Fire Flow Availability Request ("IFFAR").

The Staff Report responds, without support, that no off-site utility improvements would be required besides installation of underground electrical service. Unsupported conclusions are not substantial evidence. The City must prepare an IFFAR to analyze fire flow and meaningfully address whether additional wastewater infrastructure is required for the Project.

E. Conclusion

CREED LA respectfully urges the CPC to continue the public hearing and direct Staff to prepare an EIR that fully discloses, analyzes, and mitigates the Project's significant impacts, as required by CEQA.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aidan P. Marshall", is written over a horizontal line.

Aidan P. Marshall

APM: