



T 510.838.4200
F 510.838.4205

1939 Harrison Street, Ste 150
Oakland, CA 94612

www.lozeaudrury.com
victoria@lozeaudrury.com

February 25, 2026

Via Email

Monique Lawshe, President
Caroline Choe, Vice President
Priscilla Chavez, Commissioner
Martina Diaz, Commissioner
Sarah Johnson, Commissioner
Phyllis Klein, Commissioner
Brian Rosenstein, Commissioner
Jacob Saitman, Commissioner
Elizabeth Zamora, Commissioner
Cecilia Lamas, Executive Assistant III
Los Angeles City Planning Commission
200 N Spring Street Room 340
Los Angeles, CA 90012
cpc@lacity.org

Kyle Winston, City Planner
Department of City Planning
City of Los Angeles
200 N Spring Street Room 720
Los Angeles, CA 90012
kyle.winston@lacity.org

Re: Comment on Mitigated Negative Declaration prepared for the Stoker Street Creative Project, City Planning Commission February 26, 2026 Agenda Item 7

Dear President Lawshe, Honorable City Planning Commissioners, Ms. Lamas, and Mr. Winston:

I am writing on behalf of **Supporters Alliance for Environmental Responsibility ("SAFER")** and its members living and working in and around the City of Los Angeles regarding the Mitigated Negative Declaration ("MND") for the Stoker Street Creative Project, which proposes the development of a 256,700 square foot film production studio complex located at 3701-3761 Stoker Street in the City of Los Angeles ("Project"), to be heard by the City Planning Commission on February 26, 2026.

SAFER's review of the MND was assisted by air quality experts Patrick Sutton, P.E. and Yilin Tian, Ph.D. of environmental consulting firm, Baseline Environmental Consulting ("Baseline"), whose written comments and CVs are attached as Exhibit A.

As discussed below, there is substantial evidence supporting a fair argument that the Project may have significant and unmitigated impacts on human health and air quality necessitating the preparation of an EIR. Accordingly, SAFER requests that the City not approve

the MND and instead prepare an EIR to ensure that potentially significant environmental impacts of this Project are fully disclosed, analyzed, and mitigated.

PROJECT DESCRIPTION

The Project consists of the demolition of five substantially unoccupied office buildings, totaling 123,354 square feet and the construction of a campus for studio and sound stage production, totaling 256,758 square feet exclusive of the parking garage (114,405 square feet), on an approximately five-acre site at 3701-3761 Stoker Street, Los Angeles, California. The integrated campus would consist of six new buildings.

LEGAL STANDARD

As the California Supreme Court held, “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” (*Communities for a Better Env’t v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-20.) “Significant environmental effect” is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” (Pub. Res. Code [“PRC”] § 21068; see also 14 CCR § 15382.) An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.) “The ‘foremost principle’ in interpreting CEQA is that 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.” (*Communities for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens, supra*, 124 Cal.App.4th at 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process “protects not only the environment but also informed self-government.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.)

An EIR is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” (PRC § 21080(d); see also, *Pocket Protectors, supra*, 124 Cal.App.4th at 927.) An MND instead of an EIR is proper only if project revisions would avoid or mitigate the potentially significant effects identified in the initial study “to a point where clearly no significant effect on the environment would occur, and . . . there is no substantial evidence in light of the whole record before the

public agency that the project, as revised, may have a significant effect on the environment.” (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331 [quoting PRC §§ 21064.5, 21080(c)(2)].) In that context, “may” means a reasonable possibility of a significant effect on the environment. (PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, *supra*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05.)

An EIR must be prepared rather than an MND “whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Under this “fair argument” standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors*, *supra*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The “fair argument” standard creates a “low threshold” favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors*, *supra*, 124 Cal.App.4th at 928.)

The “fair argument” standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

This ‘fair argument’ standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency’s decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

(Kostka & Zishcke, *Practice Under CEQA*, §6.29, pp. 273-74.) The Courts have explained that “it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is de novo, with a preference for resolving doubts in favor of environmental review.” (*Pocket Protectors*, *supra*, 124 Cal.App.4th at 928.)

DISCUSSION

I. The MND’s Analysis of the Project’s Health Impacts from Emissions of Diesel Particulate Matter Is Not Supported by Substantial Evidence.

Air quality experts Patrick Sutton, P.E. and Yilin Tian, Ph.D. of environmental consulting

firm Baseline reviewed the MND's analysis of the Project's air quality impacts. Baseline's comment letter and CVs are attached as Exhibit A. As discussed below, Baseline concluded that the MND failed to adequately analyze the Project's health impacts from emissions of diesel particulate matter ("DPM"). (*See* Ex. A, pp. 1-4.) An EIR should be prepared to include an updated air quality analysis.

The MND's analysis of the cancer risk posed by emissions of DPM was inadequate. Baseline explains that DPM is a toxic air contaminant ("TAC") identified by the California Air Resources Board ("CARB") due to its potential to cause cancer and other adverse health risks. (Ex. A, p. 1.) Baseline notes that "DPM is typically composed of carbon particles and a variety of organic compounds including more than 40 known cancer-causing organic substances." (*Id.*) However, the MND failed to include a detailed health risk assessment ("HRA") to evaluate potential air quality and health risk impacts to nearby sensitive receptors during project construction. (Ex. A, p. 2.) The MND's failure to conduct a quantified HRA for the Project's construction emissions results in an inadequate evaluation of the Project's impacts and renders the MND's less-than-significant conclusion unsupported by substantial evidence.

As noted by Baseline, Project construction would generate DPM emissions from the exhaust of off-road diesel construction equipment. (Ex. A, pp. 1-2.) The MND explains that several sensitive receptors are located near the Project site, including:

- A multi-family residential complex adjacent to the northern property boundary;
- Single- and multi-family residential developments located to the south and southeast of the site across Stocker Street, approximately 85 feet from the property boundary;
- The View Park Convalescent Center located approximately 275 feet northwest of the property boundary; and
- A tract of single-family homes located approximately 315 feet west of the site.

(Ex. A, pp. 1-2 [citing MND, p. 44].) According to Baseline, these sensitive receptors located in close proximity to the Project site could be exposed to DPM emissions generated during construction. (Ex. A, pp. 1-5.) CEQA requires that the MND correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. However, such an analysis is not possible without a quantified HRA. (*Id.*, p. 2.)

Furthermore, the failure of the MND to provide a quantified HRA is inconsistent with the most recent guidance of the Office of Environmental Health Hazard Assessment ("OEHHA"). (Ex. A, pp. 2-3.) OEHHA states that "the uncertainty in assessing very short-term exposures to toxic air contaminants only applies to construction activities lasting less than two months." (*Id.*, p. 2.) OEHHA recommends that exposure from projects lasting more than 2 months be evaluated for the duration of the project. (*Id.*) Here, the MND states that the duration of the Project's construction is expected to last approximately 35 months, (MND, pp. 27, 40, 45), "which is substantially longer than the two-month limitation for short-term exposures recommended by

OEHHA.” (Ex. A, p. 2.)¹

In addition, OEHHA also states that there is “*valid scientific concern*” regarding the health effects on children exposed to airborne carcinogens such as DPM from short-term construction activities lasting more than two months. (Ex. A, pp. 2-3.) According to Baseline, “[t]his is because infants and children are generally more susceptible to health effects from exposure to carcinogens than adults.” (Ex. A, p. 3.) Baseline further explains that “when accounting for the higher breathing rate per body mass and higher fraction of time at home for a child versus an adult, the estimated cancer risk for a child can be up to 48 times higher than an adult exposed to the same concentration of DPM.” (*Id.*) As such, “the [dismissal] of construction-related health risks in the [MND] due to the short-term nature of construction activities is not supported by substantial evidence, especially regarding the health risks the project would pose to nearby children.” (*Id.*) Thus, a quantified HRA for construction of the Project is necessary to ensure that the Project’s health risks are disclosed, compared to the applicable significance thresholds, and properly mitigated.

Baseline also found that the MND improperly concludes that construction-related TAC impacts would be less than significant because Project emissions would not exceed local or regional thresholds. (Ex. A, p. 3.) However, as Baseline explains, the thresholds developed by the South Coast Air Quality Management District (“SCAQMD”) apply to criteria pollutants and were not designed to evaluate localized health risks from DPM. (*Id.*) Because diesel exhaust from construction equipment contains higher concentrations of DPM than typical ambient PM2.5 levels, Baseline concludes that the MND’s reliance on ambient air quality standards for PM2.5 does not provide substantial evidence that health risks from construction-related DPM exposure would be less than significant. (*Id.*)

Lastly, the MND’s conclusion that estimated emissions of approximately 1.13 pounds of DPM per day over the Project’s 35-month construction period would not result in substantial pollutant concentrations at nearby sensitive receptors is unsupported by substantial evidence. (Ex. A, pp. 3-4.) In contrast, as discussed below, Baseline’s health risk assessment indicates that the Project’s construction-related DPM emissions could result in significant impacts to the health of nearby sensitive receptors. (*Id.*, pp. 4-5.)

As a result of these errors, the MND cannot be relied upon to determine the significance of the Project’s air quality and health risk impacts from construction-related DPM emissions.

¹ It’s also important to note that, although the MND states multiple times that the Project’s construction will take 35 months, the air quality analysis prepared for the Project assumes that construction would occur over a 25-month period. (MND, pp. 27, 40, 45.) For example, the MND states on page 27 that “Project construction is anticipated to take approximately 35 months” (MND, p. 27), which, as Baseline points out, “is longer than the 25-month period that appears to be erroneously referenced in the air quality analysis for the [MND].” (Ex. A, p. 2.)

II. An EIR is Required Because there is Substantial Evidence Supporting a Fair Argument that the Project May Have a Significant Impact on Human Health from Diesel Particulate Matter Emissions.

As discussed above, Baseline reviewed the Project's impacts to human health due to emissions of DPM. (Ex. A, pp. 4-5.) Baseline concluded that the MND failed to adequately analyze the Project's potentially significant impact to human health from emissions of DPM. (*Id.*, pp. 1-5.) An EIR should be prepared to adequately analyze this impact.

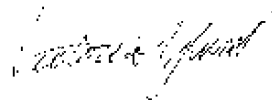
According to Baseline, the multi- and single-family residences located near the Project site could be exposed to significant DPM emissions generated during project construction. (Ex. A, p. 1.) However, the MND did not evaluate the health risks to nearby residents from exposure to DPM emissions during project construction, including the impacts to infants and children. (*Id.*, pp. 1-4.) Using the information presented in the MND, Baseline prepared an HRA using EPA's AERMOD air dispersion model to estimate construction-related DPM emissions and evaluated how these emissions would affect nearby sensitive receptors. (*Id.*, p. 4.) Baseline's modeling shows that the maximally exposed individual receptor is the multi-family residential complex adjacent to the northern property boundary of the Project site. (*Id.*) Baseline found that an infant exposed to DPM emissions over the Project's full 35-month construction duration would have an estimated cancer risk of 103.7 in one million, exceeding the SCAQMD threshold of 10 in one million. (*Id.*, pp. 4-5.) Therefore, Baseline concluded that "project construction would expose sensitive receptors to substantial pollutant concentrations and the air quality impact would be significant." (*Id.*, p. 5.)

Because there is substantial evidence of a fair argument that the Project may have significant impacts on air quality and the health of nearby sensitive receptors from project-generated DPM emissions, the City must prepare an EIR for the Project.

CONCLUSION

As discussed above, the MND and expert comments of Baseline are substantial evidence of a fair argument that the Project may have significant impacts on human health and air quality. For those reasons, an EIR must be prepared for the Project. Thank you for considering these comments. SAFER reserves the right to supplement this comment throughout the administrative process. (*See Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).)

Sincerely,



Victoria Yundt
Lozeau Drury LLP