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June 8, 2026

VIA EMAIL AND ONLINE SUBMISSION

ATTN: Chair Blumenfeld and Councilmembers
Planning and Land Use Management Committee
Los Angeles City Council
Portal: LACouncilComment.com
Email: clerk.plumcommittee@lacity.org

Re: Agenda Item 5 – Comments in Support of Appeal of 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 Chair Blumenfeld and Councilmembers:

We are writing on behalf of Appellant **Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”)** regarding the Stocker Street Creative Project (“Project”).¹ CREED LA appealed the City Planning Commission’s (“Commission” or “CPC”) approval of Site Plan Review, Conditional Use Permits, Project Permit Compliance Review and Design Review, and Mitigated Negative Declaration (“MND”) for the Project (“the Appeal”).² CREED LA’s appeal of these determinations will be considered at the June 9, 2026, Planning and Land Use Management (“PLUM”) Committee hearing.

CREED LA respectfully requests that the Committee uphold this Appeal due to the City’s failure to comply with the California Environmental Quality Act (“CEQA”) and the Los Angeles Municipal Code (“LAMC”). CEQA requires that 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.³ CEQA and the LAMC require that the City’s approval findings be supported by substantial evidence, and CEQA prohibits lead agencies from relying on “clearly

¹ SCH No. 2025110100; Case Nos. ENV-2024-326-MND and CPC-2024-325-CU-MCUP-CUX-SPE-SPP-DRB-SPR-WDI.

² City of Los Angeles, Letter of Determination re Case No.: CPC-2024-325-CU-MCUP-CUX-SPP-DRB-SPR-WDI (March 24, 2026).

³ Cal. Code Regs. Tit. 14, § 15064.

inadequate or unsupported stud[ies].”⁴ Finally, if there is disagreement among expert opinion over the significance of an environmental or public health impact, CEQA requires the lead agency to “treat the effect as significant and prepare an EIR.”⁵

CREED LA’s Appeal presents substantial evidence supporting a fair argument that the Project would result in significant and unmitigated air quality, hazardous materials, energy, and public utilities impacts. The Appeal also demonstrates that the CPC’s project approval was based on flawed and unsupported studies that did not accurately disclose the Project’s air quality, health risk or hazardous materials impacts. Finally, the fact that City Staff disagree with the well-supported conclusions of CREED LA’s expert over the severity of the Project’s construction health risk and hazards impacts does not give the PLUM Committee a basis to deny the Appeal. Rather, it is the opposite – the City is required to prepare an EIR for the Project in light of the substantial evidence supporting CREED LA’s appeal.

As discussed in the Appeal and herein, the Project’s environmental review was fundamentally inadequate for several reasons. First, the City relied on a Phase I Environmental Site Assessment (“ESA”) which identified, but did not sample, residual contamination and relied on outdated methodology to conclude that no hazardous materials impacts would occur. The City failed to include the report in the MND or make it available to the public and decisionmakers during the Project approval process.⁶ Only after CREED LA commented on the MND did the City disclose that a Phase I ESA was prepared, but the City continued to withhold the Phase I ESA from the public until after CREED LA’s Appeal was filed and CREED LA submitted public records requests seeking access to the document.⁷ The City’s conduct in withholding the Phase I ESA from public review during the public comment period on the MND and the CPC approval hearing was a violation of

⁴ 14 Cal. Code Regs. §§ 15064(b); 15074(b); 15384; *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515; *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1355.

⁵ 14 Cal. Code Regs. § 15064(g); *Pocket Protectors*, 124 Cal.App.4th at 935.

⁶ Staff Report, PDF p. 1995 (the CPC Staff Report acknowledged that “[t]he Phase 1 ESA was not included in the IS/MND...”).

⁷ As explained in CREED LA’s appeal, the Phase I ESA was originally not referenced in the MND. Only in Staff Report for the February 26 CPC hearing did the City reveal that a Phase I ESA was prepared for the Project, but the City did not attach the ESA. Neither did the City make the ESA available in response to CREED LA’s Public Records Act requests of November 24, 2025, and January 30, 2026. Only on April 16, 2026, did the City provide CREED LA with the Phase I ESA.

CEQA's procedural requirements and prevented the public and decision makers from being informed about potentially significant impacts.

CREED LA's review of the Phase I ESA demonstrates that the document does not support the City's conclusions and, instead, demonstrates that the Project site contains residual contamination which may cause significant impacts if disturbed. Expert toxicologist Dr. James Clark reviewed the Project's Phase I ESA and found that it discloses potentially significant hazardous materials impacts which were not disclosed or analyzed in the MND or the Committee Staff Report,⁸ including: (1) potential soil and groundwater contamination from legacy pesticide/herbicide use associated with 20 years of golf course operations; (2) potential vapor intrusion impacts from chlorinated VOC contamination originating from drycleaning businesses and an auto center; (3) potential methane hazards from the abandoned oil well 400 feet north of the Project site; (4) potential Asbestos-Containing Building Material and Lead-Based Paint impacts from demolition of a 60-year-old medical office building; (5) potential soil contamination from 60+ years of medical and dental office operations; and (6) uncharacterized risks associated with the adjacent UST at Crenshaw Center Hospital.⁹ CEQA requires that these impacts be fully analyzed in an EIR.

There is also substantial evidence in the record demonstrating that the Project would have significant, unmitigated health impacts from exposure of adjacent residents to significant emissions of toxic air contaminants ("TACs") during Project construction. The MND did not measure TAC emissions and failed to compare health effects to the South Coast Air Quality Management District's ("SCAQMD") construction cancer risk threshold of 10 in one million. After CREED LA commented on this omission, the City prepared a health risk analysis which found that construction emissions would result in an incremental cancer risk of 9.6 in one million, barely below the cancer risk threshold. Dr. Clark identified errors in the City's analysis. Using the emissions utilized in the City's analysis, but correcting the parameters of that analysis to be consistent with guidance from the Office of Environmental Health Hazard Assessment ("OEHHA"), **Dr Clark calculated the cancer risk to the most sensitive population, infants, and children to be 11.2 in one million—even with mitigation.**¹⁰ This exceeds the SCAQMD significance threshold of 10 in one million, resulting in a significant

⁸ Dr. Clark's comments are attached as **Attachment A**.

⁹ Dr. Clark's comments are attached as Attachment A.

¹⁰ Clark Comments to CPC, p. 3.

health risk impact that the City failed to disclose or mitigate. This is precisely the type of dispute which requires an EIR.¹¹

The Staff Report includes brief responses to CREED LA's Appeal which do not resolve the Appeal. Staff's responses are general in nature and do not contain technical analysis refuting the appeal points, which are supported by technical analysis prepared by Dr. Clark. Dr. Clark's conclusions provide substantial evidence supporting a fair argument that the Project has significant impacts which require the City to "treat the effect as significant and shall prepare an EIR."¹²

Applicant's counsel submitted a letter responding to the Appeal.¹³ The letter contains specious *ad hominem* attacks on Appellants, legal error, and misinterprets the facts and issues presented in CREED LA's Appeal.¹⁴ Such comments should not be given any weight. Contrary to the Applicant's assertions, CREED LA's Appeal, and its participation in the City's approval process for other projects in the Los Angeles region, is targeted at protecting the health and safety of workers and the public, compliance with environmental, public health and safety laws, and fostering sustainable development that supports local communities and workers. Indeed, the Applicant's letter implicitly acknowledges the validity of CREED LA's Appeal, because the Applicant now agrees to include a binding condition to use Tier 4 construction equipment in response to Dr. Clark's health risk assessment.¹⁵

The Applicant's letter also misstates CREED LA's arguments and includes glaring factual errors. For example, the Applicant repeatedly claims that Dr. Clark's health risk findings fail "to account for the Project's proposed LEED Gold certification and accompanying use of lower-emission construction vehicles."¹⁶ The Applicant claims this "destroys the credibility and evidentiary value of opposing comments." But the opposite is true, as Dr. Clark's finding of significant cancer risks was reached by relying on the City's emissions assumptions (which relied on

¹¹ 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').

¹² 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.

¹³ Letter from Benjamin M. Reznik to City re: 3701 – 3761 Stocker Street Council File No. 26-0554 CPC-2024-325-CU-MCUP-CUX-SPP-DRB-SPR-WDI ENV-2024-326-MND (June 3, 2026) ("Applicant Responses").

¹⁴ Applicant Responses, p. 1.

¹⁵ Applicant Responses, p. 9.

¹⁶ Applicant Responses, p. 9.

Project features like LEED) and changing only a single variable in the City's own analysis to conform with OEHHA guidance. Applicant's counsel appear to misunderstand Dr. Clark's health risk analysis.

In sum, CREED LA's Appeal demonstrates that the CPC lacked substantial evidence to support Project approval, that the MND was deficient as a matter of law, and presents substantial expert evidence supporting a fair argument that the Project has significant, unmitigated impacts which require the City to prepare an EIR for the Project. CREED LA respectfully requests that the Committee uphold the Appeal, vacate the CPC's approval of the Project, and remand the Project back to Staff so that an Environmental Impact Report can be prepared.

I. The CPC's Decision to Approve the Project Without an EIR Violated CEQA and Was Not Supported by Substantial Evidence

A. Failure to Disclose the Phase I ESA During the Public Review Period Violated CEQA

CREED LA's appeal demonstrates that the City violated CEQA by failing to include the Project's Phase I ESA as part of the MND.¹⁷ The Staff Report responds: "[a] Phase I ESA was completed on January 5, 2021, and provided to the appellant in response to a PRA request on February 24, 2026."¹⁸ This response is inaccurate, as the ESA was not provided to CREED LA until April 16, 2026, almost four months after CREED LA submitted records requests on November 24, 2025, and January 30, 2026 seeking access to it. The City's late disclosure of the study does not cure the legal defect, as it was not available during the mandatory comment period, which ran from November 6, 2025, to December 8, 2025.

The law is clear that a CEQA document may not rely on hidden studies or documents that are not provided to the public.¹⁹ 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.²⁰ Here, the MND relied on the Phase I ESA to support the hazardous materials analysis, yet the ESA was not attached to the MND, and was

¹⁷ Staff Report, PDF p. 1995 (the CPC Staff Report acknowledged that "[t]he Phase 1 ESA was not included in the IS/MND...").

¹⁸ Staff Report, p. 2.

¹⁹ *Id.*

²⁰ *Ultramar v. South Coast Air Quality Man. Dist.* (1993) 17 Cal.App.4th 689, 699.

not provided in response to CREED LA's request for MND reference documents. The Phase I ESA was therefore not available to the public during any part of the MND's public review period, in violation of CEQA.

The Applicant argues that "[t]he CREED LA letter asserts the baseline and analysis in the MND of hazardous materials are unsupported because the MND does not include a Phase I or Phase II environmental site assessment ("ESA") for the Property... This claim is simply wrong: the MND relied upon the Phase I ESA included in the City's administrative record."²¹ This argument misinterprets the legal issues identified in CREED LA's appeal, which include (1) the MND's failure to reference or include the Phase I ESA that the Applicant admits it "relied upon," and (2) the City's failure to make the ESA available to the public during the CEQA review period. The Applicant's discussion of *Parker Shattuck Neighbors v. Berkeley City Council*²² and *Covina Residents for Responsible Development v. City of Covina*²³ is inapplicable, as these cases do not concern the informational deficiencies CREED LA has raised with regard to the Phase I ESA, namely situations where a lead agency (1) relied on a study without identifying the study, and (2) failed to make the study available during the public review period despite receiving multiple requests for access to public records and reference documents. These omissions resulted in major informational deficiencies in the MND which must be corrected.

B. The Phase I ESA is Not Supported by Substantial Evidence and Substantial Evidence Supports a Fair Argument that Impacts from Disturbance of Hazardous Materials Are Potentially Significant

The Staff Report claims that hazardous materials impacts would be less than significant, reasoning that "[t]he ESA found no underground storage tanks, no volatile organic plumes within 100 feet, and no unacceptable health risks from vapor intrusion, concluding no further action was warranted."²⁴ But Dr. Clark identifies major limitations in the scope of the ESA, demonstrating that it does not support the conclusion that impacts would be less than significant. Rather, substantial evidence related to historic contamination at the site demonstrates that disturbance of hazardous materials potentially onsite would significantly impact public health.

²¹ Applicant Responses, p. 2.

²² (2013) 222 Cal. App. 4th 768.

²³ (2018) 21 Cal. App. 5th 712.

²⁴ Staff Report, pp. 2-3.

To begin with, Project construction activities may disturb **hazardous waste**, potentially exposing construction workers and nearby residents to hazardous chemicals. Dr. Clark explains that there are potential impacts related to interior building or soil contamination resulting from over 60 years of continuous medical and dental office operations at the site. These types of facilities routinely generate hazardous wastes, such as dental amalgam, chemical disinfectants, pharmaceutical wastes, and low-level radioactive materials. The Phase I ESA's assessment of this impact is limited to a single walk-through with a building maintenance manager who stated the building is "well maintained" and "in compliance with all of the City of Los Angeles regulations."²⁵ Dr. Clark explains that the failure to discuss or examine potential medical waste constitutes a recognized data gap under ASTM E1527-21 standards.^{26w}

Project construction and operations may expose people to contamination from adjacent **Underground Storage Tank ("UST") leaks**. Dr. Clark explains that the Project site may be impacted by unrecorded releases of hazardous substances from a registered UST located on the immediately adjacent property (Crenshaw Center Hospital). The Phase I ESA dismissed this UST as not posing an environmental risk based solely on "the lack of reported releases of hazardous substances to the environment."²⁷ But the ESA acknowledges that, at the time the report was finalized, public record responses were still pending from the Los Angeles County Fire Department Hazardous Materials Division and the City of Los Angeles Fire Department HAZMAT program.²⁸ Thus, the report's conclusion is unsupported by substantial evidence and the risks from potentially leaks in the USTs have not been examined.

Project workers and future occupants may be directly exposed to **contaminated soil vapors** present at and below the ground surface. Dr. Clark explains that this impact is linked to documented chlorinated volatile organic compound ("VOC") contamination, primarily PCE and TCE, from five State/Tribal Leaking Storage Tank sites within one-half mile of the Project site and five active Site Cleanup Program ("SLIC") cases located approximately 1,300 to 1,700 feet north-northwest of the Project site.²⁹ Documentation from the Regional Water Quality Control Board demonstrates that pollutant concentrations at these sites

²⁵ Clark Comments, p. 14.

²⁶ *Id.*

²⁷ Clark Comments, p. 14.

²⁸ Clark Comments, p. 14.

²⁹ Clark Comments, p. 8.

exceed California Human Health Screening Levels and the soil plume has not been delineated.³⁰ Dr. Clark explains that this is a potentially significant impact due to factors supporting potential migration of contaminants to the Project site. By removing the overlaying soils that typically slow the migration of soil vapor from deeper contamination to the surface, the Project's action of excavating soils during Project construction will shorten that pathway and thereby increase the potential for vapor migration into the new structure.³¹ As DTSC and the CSWRCB pointed out in their recent guidance, "The closer a building is to subsurface contamination, the greater the potential for [vapor intrusion]."³² The Project would thus increase workers' and future occupants' exposure to any contaminated soil vapors present at and below the current ground surface. This potentially significant impact must be analyzed in an EIR, which should include a sub-slab and soil vapor investigation at the Project site.

A related issue is that the ESA was not conducted in conformance with modern industry standards. The Phase I ESA utilized ASTM Standard Practice E1527-13, which was formally superseded by ASTM Standard Practice E1527-21 in 2021.³³ E1527-21 now requires that the vapor intrusion pathway—the migration of volatile chemicals from contaminated soil or groundwater into overlying buildings—be considered as part of the REC analysis. Under the current ASTM E1527-21 standard, the City was required to examine potential vapor intrusion based on the proximity of the Project site to multiple VOC source areas. The City's reliance on an outdated standard undermines the MND's hazardous materials conclusions.

The Project site is located approximately 400 feet from an abandoned oil well in a known area of active oil production.³⁴ Dr. Clark demonstrates that the area's historical oil field infrastructure presents elevated subsurface methane migration risks. Thus, construction workers excavating to depths of 25 feet or more face the risk of encountering **significant methane concentrations**. Future building occupants also face methane risks if structural mitigation measures are not incorporated.

³⁰ Clark Comments, p. 10.

³¹ *Id.*

³² DTSC and CSWRCB. 2023. Final Draft Supplemental Guidance: Screening and Evaluating Vapor Intrusion. Dated February 2023.

³³ Clark Comments, pp. 5-6.

³⁴ Clark Comments, p. 16.

Without disclosure and removal of contaminants, excavation and demolition workers could be directly exposed to disturbed soil contamination from historical **organoarsenical herbicides and organochlorine pesticides during Project constrictio**n. This risk stems from the site's documented 20-year historical use as part of the Sunset Fields Golf Course. Dr. Clark explains that pesticide or herbicide contamination is potentially significant because historic golf course operations have been documented to use organoarsenical herbicides and organochlorine pesticides including DDT, chlordane, and dieldrin.³⁵ Despite this documented 20-year period of golf course operation, the Phase I ESA contains no analysis of the potential for residual pesticide or herbicide contamination associated with golf course maintenance activities during this era. Impacts are thus potentially significant.

The Project's proposed grading activities require exporting 21,800 cubic yards of soil. Unearthing and transporting contaminated soil during these excavation operations would pose significant worker health and safety risks. Given the site's history of golf course operations (with associated pesticide and herbicide applications), 60 years of medical and dental office operations (with associated hazardous waste generation), and proximity to multiple chlorinated VOC source areas and a plugged-and-abandoned oil well, there are potentially significant risks of exposure to contaminants that the MND and Phase I ESA did not address.³⁶ Despite these risks, the Phase I ESA provides no information about the probable chemical composition of soils at the Project site, nor any sampling data that would permit determination of appropriate disposal requirements for the 21,800 cubic yards of soil to be exported.³⁷

The Project's hazardous materials impacts must be fully analyzed in an EIR. In order to ensure impacts are less than significant, the EIR should include the following analyses:

- 1) Preparation and public disclosure of a current Phase I ESA conducted in conformance with ASTM E1527-21 by a qualified Environmental Professional;
- 2) A pre-demolition ACBM and LBP survey of all structures to be demolished, conducted by a California-certified inspector;

³⁵ Clark Comments, p. 12.

³⁶ Clark Comments, p. 20.

³⁷ Clark Comments, p. 20.

- 3) A vapor intrusion investigation including sub-slab soil vapor sampling in the existing building and near-surface soil vapor sampling throughout the Project site;
- 4) A site-specific methane hazard assessment conducted by a licensed engineer with knowledge of LADBS methane zone requirements and Baldwin Hills oil field conditions;
- 5) Pre-excavation soil characterization sampling of the soils to be excavated and exported under the Project's haul route permit.³⁸

1. Dr. Clark's Comments Constitute Substantial Evidence Meeting the Fair Argument Standard Under *Parker Shattuck Neighbors*

The Applicant argues that requests for further study do not constitute substantial evidence of an environmental effect, citing *Parker Shattuck Neighbors v. Berkeley City Council*.³⁹ The Applicant's understanding of the court's conclusion in *Parker* is correct. But that is not the issue raised in CREED LA's Appeal, nor does the Applicant discuss the information gaps in the Phase I ESA which led to unsupported significance conclusions in the MND, or Dr. Clark's significance conclusions based on evidence in the record.

The Applicant argues, "[a]s in *Parker Shattuck*, the CREED LA letter recommends investigation without affirmatively opining—as it cannot—that a significant impact would occur in its absence... This assertion is not evidence, let alone substantial evidence, of any potential environmental effect, particularly when weighed against the substantial evidence in the record upon which the MND based its conclusions."⁴⁰ This argument is simply wrong. Substantial evidence in the record affirmatively shows that hazardous materials may exist on the Project site that would result in environmental and public health impacts should they be disturbed by Project construction.

*Parker Shattuck Neighbors v. Berkeley City Council*⁴¹ held that the mere existence of toxic soil contamination at a project site, "without any accompanying disturbance or other physical change," is not, in itself, a significant impact under

³⁸ Clark Comments, p. 21.

³⁹ (2013) 222 Cal. App. 4th 768.

⁴⁰ Staff Report, p. 3.

⁴¹ (2013) 222 Cal. App. 4th 768.

CEQA.⁴² But the Court agreed with established caselaw that “disturbing contaminated soil can be a ‘physical change’ in the environment.”⁴³ Here, Dr. Clark’s comments describe evidence of existing contamination and explain that Project activities may disturb hazardous materials, resulting in potentially dangerous releases. Per the Court’s reasoning in *Parker Shattuck*, these comments constitute substantial evidence supporting the fair argument that hazardous materials impacts would be significant. These potentially significant impacts must be analyzed in an EIR.

C. Construction Health Risk Remains Significant and Unmitigated

The Staff Report claims that health risk impacts would be less than significant because the City prepared an HRA showing a cancer risk of 9.6 in one million, barely below the SCAQMD health risk threshold of 10 in one million. This response fails to address Dr. Clark’s comments to the CPC, which already demonstrated that the City’s HRA is unsupported. Dr. Clark explained that the City’s HRA limited the exposure of the receptors to 85 percent of the time (frequency at home or FAH set to 0.85 for infants and 0.72 for children).⁴⁴ When FAH is set to 100, which is consistent with guidance from the OEHHA, the cancer risk to the most sensitive population, infants and children, is 11.2 in one million—even with mitigation.⁴⁵ This is a significant impact.

The Applicant responses argue that the OEHHA guidance recommends FAH should be set to 0.85, as opposed to 100.⁴⁶ Dr. Clark explains that page 8-5 of the OEHHA Toxic Hot Spots manual states that Facilities with any school within the 1×10⁻⁶ (or greater) isopleth should use FAH = 1 for the child age groups (3rd

⁴² *Id.* at 781.

⁴³ *Id.* at 779, (citing Guidelines, § 15358, subd. (b); *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 332 [in a case involving soil contamination beneath a former gas station, the court held that “it [could] be fairly argued that [the project at issue] may have a significant environmental impact by disturbing contaminated soils”]; see also *Association for a Cleaner Environment v. Yosemite Community College Dist.* (2004) 116 Cal.App.4th 629, 635, 638-640 [project to remove a shooting range that would not increase the lead contamination already present due to bullets might nevertheless “spread[] [that] contamination, which is a direct physical change in the environment,” through increased vehicle and foot traffic and donations of portion of range to another site]).

⁴⁴ Clark Comments to CPC, p. 2.

⁴⁵ Clark Comments to CPC, p. 3.

⁴⁶ Applicant Responses, p. 28.

Trimester, 0<2 years, and 2<16 years).⁴⁷ This circumstance is applicable here, as is shown in Dr. Clark's comments. Thus, Dr. Clark's findings are supported by substantial evidence. At a minimum, this difference in interpretation constitutes a dispute between experts requiring analysis in an EIR.

The Applicant erroneously asserts that Dr. Clark's results do not take into account use of Tier 4 equipment.⁴⁸ This argument is factually incorrect, as Dr. Clark showed that cancer risks would reach 11.2 in one million even assuming use of Tier 4 equipment. His analysis merely applied a different FAH to the City's HRA. Thus, the Applicant's arguments are inapplicable.

The Applicant also argues that Dr. Clark's results failed to take into account that the Project would meet LEED Gold Standards.⁴⁹ This comment is baseless because Dr. Clark relied on inputs from the City's own HRA.

Finally, the Applicant also argues that "the Project would not result in significant and unavoidable health risk impacts."⁵⁰ The Appeal does not argue that the Project's health risk impacts are unavoidable. The Appeal requests that additional mitigation be included in an EIR to reduce impacts to less than significant levels. The Applicant's comments are inapplicable to CREED LA's Appeal.

D. The MND Still Underestimates Emissions from Backup Generators

CREED LA's appeal demonstrated emissions from the Project's backup generators were underestimated because the City's analysis only assumed two generators for the buildings, failing to account for backup generators commonly used for film production purposes. As previously explained, diesel generators are commonly used in the film and television industry. Diesel generators account for an estimated 700,000 tons of emissions annually across the film and television industry.⁵¹ Diesel generators are commonly used to power the heavy vehicles and

⁴⁷ Clark Comments, p. 4.

⁴⁸ Applicant Responses, p. 4.

⁴⁹ Applicant Responses, p. 4.

⁵⁰ Applicant Responses, pp. 5-6.

⁵¹ Trellis, How Disney and Netflix are getting rid of diesel on production sets, October 21, 2024, <https://trellis.net/article/how-disney-and-netflix-are-getting-rid-of-diesel-on-production-sets/>.

generators needed for filming.⁵² Dr. Clark also explains that the MND anticipates that Project operations would include regular use of studio trailers.⁵³ Studio trailers and other “basecamp” operations often use diesel generators.⁵⁴ Other CEQA documents prepared for sound stage and production support projects in the City account for use of backup generators during operations.⁵⁵ The City provides no supporting evidence for the MND’s assumption that only two backup generators would be used at the Project site. Because the Project proposes a campus for studio and sound stage production, the IS/MND must include a reasonable estimate of diesel generator emissions during operations.

The Staff Report fails to respond to this appeal point, simply stating that the City’s analysis assumed backup generators would be tested bimonthly and that emissions were found not to exceed thresholds.⁵⁶ Therefore, the City still lacks substantial evidence showing that backup generator emissions would be less than significant, and reasonably foreseeable generator use appears to be underestimated.

E. The MND’s Energy Analysis Still Fails to Adequately Analyze Sound Stage Production Uses

CREED LA’s comments on the MND demonstrated 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.

The Staff Report responds that the Applicant prepared a supplemental, highly specific energy consumption modeling that accurately captured the HVAC, lighting, and plug/process loads of the proposed studio and mill shop.⁵⁷ This statement is conclusory and fails to respond to the specific flaws CREED LA

⁵² BBC, How to make movies without a huge carbon footprint, 16 August 2022, <https://www.bbc.com/news/business-62051070>.

⁵³ MND, p. 21 (“Parking for studio trailers or “star wagons” that would function as dressing rooms or “green rooms” would be located adjacent to the northeast corner of Building D”).

⁵⁴ https://planning.lacity.gov/eir/Radford%20Studio%20Center/deir/files/App_D.pdf, p. 10.

⁵⁵ City of Los Angeles, EIR for Radford Studio Center Project (SCH No. 2023060056), Appendix D, p. 14, 1103, available at https://planning.lacity.gov/eir/Radford%20Studio%20Center/deir/files/App_G.pdf, <https://planning.lacity.gov/development-services/eir/radford-studio-center-1>; see Air Quality & Greenhouse Gas Technical Study For The 5426 San Fernando Studios Project, p. 47, available at <https://www.glendaleca.gov/home/showpublisheddocument/70372/638742829816300000>.

⁵⁶ Staff Report, p. 2.

⁵⁷ Staff Report, p. 3.

identified. For example, CREED LA’s prior comments observed that, despite claims that the supplemental energy modeling used project-specific details, the modeling files apparently still rely on the generic CalEEMod “Office Park” land use, as shown below.⁵⁸

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Office Park	3,030,890	502.000	0.0489	0.0069	122,846
Unenclosed Parking with Elevator	344,360	502.000	0.0489	0.0069	0.00000

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Office Park	3,029,648	502.000	0.0489	0.0069	119,099
Unenclosed Parking with Elevator	344,360	502.000	0.0489	0.0069	0.00000

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.

The Applicant responds, “[i]n an attempt to mislead the City, the comments regarding the land uses modeled for the air quality analysis in the MND. Briefly, and as described in previous responses to comments, the letter cited two land uses that appear superficially different from the Project... However, the letter ignored or failed to disclose the six additional land uses—including manufacturing, arena, office building and office park, restaurants, and parking—that correspond to the uses included in the Project Description from the MND.”⁵⁹ This comment is completely incorrect. These other land uses were only used for calculating water and wastewater consumption, waste generation, and other non-energy metrics, as is shown below.⁶⁰

⁵⁸ PLUM Committee Staff Report, p. 269; CPC Staff Report, PDF p. 1957.

⁵⁹ Applicant Responses, p. 6.

⁶⁰ Staff Report, Attachment 2, p. 270.

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Office Park	7,891,378	0.00000
Unenclosed Parking with Elevator	0.00000	0.00000
Strip Mall	37,036.3	0.00000

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Arena	13,784,644	0.00000
General Office Building	16,006,701	0.00000
High Turnover (Sit Down Restaurant)	2,883,570	0.00000
High Turnover (Sit Down Restaurant)	2,731,803	77,914.4
Office Park	53,320.1	0.00000
Arena	8,270,786	0.00000
Manufacturing	3,006,250	0.00000
Office Park	1,350,776	0.00000
Strip Mall	222,218	0.00000
Office Park	479,881	0.00000
Other Non-Asphalt Surfaces	0.00000	732,395

Additional excerpts showing that the City improperly analyzes the Project as an office project follow.

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

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

Land Use	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Office Park	—	—	—	—	—	—	—	—	—	—	—	4,168.51	4,168.51	0.40606	0.05730	—	4,195.74

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Unenclosed	—	—	—	—	—	—	—	—	—	—	—	473.612	473.612	0.04613	0.00651	—	476.706
Total	—	—	—	—	—	—	—	—	—	—	—	4,642.12	4,642.12	0.45219	0.06381	—	4,672.44
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Office Park	—	—	—	—	—	—	—	—	—	—	—	4,168.51	4,168.51	0.40606	0.05730	—	4,195.74
Unenclosed Parking with Elevator	—	—	—	—	—	—	—	—	—	—	—	473.612	473.612	0.04613	0.00651	—	476.706
Total	—	—	—	—	—	—	—	—	—	—	—	4,642.12	4,642.12	0.45219	0.06381	—	4,672.44
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Office Park	—	—	—	—	—	—	—	—	—	—	—	690.145	690.145	0.06723	0.00949	—	694.652
Unenclosed Parking with Elevator	—	—	—	—	—	—	—	—	—	—	—	78.4119	78.4119	0.00764	0.00108	—	78.9241
Total	—	—	—	—	—	—	—	—	—	—	—	768.557	768.557	0.07487	0.01056	—	773.576

This excerpt from the CalEEMod analysis shows that the only land uses modeled were Office Park and Unenclosed Parking with Elevator.⁶¹

⁶¹ Staff Report, Attachment 2, p. 228-229.

4.2.4. Natural Gas Emissions By Land Use - Mitigated

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

Land Use	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Office Park	0.00176	0.03199	0.02687	0.00019	0.00243	—	0.00243	0.00243	—	0.00243	—	38.1694	38.1694	0.00338	0.00007	—	38.2753

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Unenclo Parking with Elevator	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	—	0.00000	0.00000	0.00000	0.00000	—	0.00000
Total	0.00176	0.03199	0.02687	0.00019	0.00243	—	0.00243	0.00243	—	0.00243	—	38.1694	38.1694	0.00338	0.00007	—	38.2753
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Office Park	0.00176	0.03199	0.02687	0.00019	0.00243	—	0.00243	0.00243	—	0.00243	—	38.1694	38.1694	0.00338	0.00007	—	38.2753
Unenclo sed Parking with Elevator	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	—	0.00000	0.00000	0.00000	0.00000	—	0.00000
Total	0.00176	0.03199	0.02687	0.00019	0.00243	—	0.00243	0.00243	—	0.00243	—	38.1694	38.1694	0.00338	0.00007	—	38.2753
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Office Park	0.00032	0.00564	0.00490	0.00004	0.00044	—	0.00044	0.00044	—	0.00044	—	6.31938	6.31938	0.00056	0.00001	—	6.33691
Unenclo sed Parking with Elevator	0.00000	0.00000	0.00000	0.00000	0.00000	—	0.00000	0.00000	—	0.00000	—	0.00000	0.00000	0.00000	0.00000	—	0.00000
Total	0.00032	0.00564	0.00490	0.00004	0.00044	—	0.00044	0.00044	—	0.00044	—	6.31938	6.31938	0.00056	0.00001	—	6.33691

This excerpt also shows that the only land uses modeled were Office Park and Unenclosed Parking with Elevator.⁶² The Applicant's remarks are baseless.

The Staff Report also claims that LEED Gold certification would ensure that energy impacts would be less than significant.⁶³ This statement is also non-responsive to CREED LA's prior comments, which explained that the City's conclusion lacks quantitative support, and fails to provide evidence demonstrating that LEED measures would meaningfully reduce energy consumption of specialized sound stage production equipment. Thus, energy impacts remain potentially significant.

⁶² Staff Report, Attachment 2, p. 230-231.

⁶³ Staff Report, p. 3.

F. Public Utilities Impacts Remain Unanalyzed and Potentially Significant

The Staff Report is non-responsive to the public utilities issues raised in CREED LA's appeal, simply stating, without support, that no off-site utility improvements would be required besides installation of underground electrical service.⁶⁴ CREED LA's appeal had already demonstrated that the City lacked evidentiary support for this conclusion: the MND failed to include an Information of Fire Flow Availability Request ("IFFAR") and lacked detailed analysis of whether any new wastewater infrastructure would be required for the Project. The Staff Report's unsupported conclusions do not constitute substantial evidence. The City must prepare an IFFAR to analyze fire flow and meaningfully address whether additional wastewater infrastructure is required for the Project.

II. Conclusion

The CPC abused its discretion and failed to proceed in the manner required by law by approving the Project in reliance on a deficient CEQA document and without substantial evidence to support the approval findings.⁶⁵ CREED LA respectfully requests that the PLUM Committee uphold CREED LA's appeal, vacate the CPC's approval of the Project, and remand the Project to Staff so that an EIR can be prepared.

Sincerely,



Aidan P. Marshall

Attachment
APM:acp

⁶⁴ Staff Report, p. 3.

⁶⁵ Environmental, public health, and general welfare findings are required by LAMC Section 16.05(A) (Site Plan Review), Section 12.24(E) (Conditional Use Permit), and Section 11.5.7 (Project Permit Compliance and Design Review); Code Civ. Proc § 1094.5(b); *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.