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March 17, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE; Council File No. 21-1502
1318 North Lyman Place, 4470-4494 West De Longpre Avenue; 1321-1323 North Virgil Avenue
Case: APCC-2020-1764-SPE-SPP-SPR-1A, ENV-2015-310-MND-REC1

At its meeting on October 26, 2021, the Central Los Angeles Area Planning Commission approved a Project Permit Compliance and Specific Plan Exception from the Vermont-Western TOD Station Neighborhood Area Plan (SNAP) Specific Plan for the addition/construction of three levels of medical office space, containing 95,995 square feet of floor area, on top of an existing parking structure, and found that the project was assessed in Mitigated Negative Declaration No. ENV-2015-310-MND adopted on January 11, 2016 and as supported by the addendum dated July 27, 2021. The existing parking structure is an extension of the Hollywood Presbyterian Medical Center (HPMC). The existing parking structure contains 562 parking spaces with a height of 43 feet, including five-stories above grade and two (2) subterranean levels for a total height of 96 feet and 4 inches. The additional medical office space would serve the HPMC.

On December 7, 2021 and December 8, 2021, the entirety of the Area Planning Commission's action was appealed by two (2) aggrieved parties. Appeals were not filed by any other aggrieved parties, other than the aforementioned. The following represents a summary and response to the appeal points identified in the appeal:

Appellant No. 1, Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA")

A1-1 Claims that there will be Noise, Air Quality, Energy, and GHG impacts

The appellant includes CREED LA's comment letter from October 18, 2021 which was originally addressed to the Central Area Planning Commission. This letter includes comments from James Clark, Ph.D., which are incorporated by reference into the Appeal Justification document dated December 6, 2021.

In the previous letter James Clark, Ph.D. makes the following claims: that the noise analysis in the Addendum was insufficient, that the original noise mitigation was not reliable, that the Addendum failed to conduct a quantitative health risk assessment to evaluate construction impacts, that the Addendum failed to analyze the use of a backup generator, that the Addendum should have utilized a draft document from SCAQMD to analyze the GHG emissions, and that the energy consumption analysis was faulty.

Meridian Consultants, the Applicant's environmental consultant, provided a letter on October 21, 2021 to address many of the concerns listed in Dr. Clark's letter. Regarding the claim that the noise analysis was insufficient, Meridian Consultants confirmed that no significant noise impacts, including impacts related to construction would occur:

> *"This comment incorrectly states that the Addendum identifies new and significant construction noise impacts resulting from the revised project. The Addendum states that impacts related to noise were determined to be less than significant with mitigation incorporated in the Approved Project, but only due to potential operational noise impacts from automobiles entering and exiting the parking structure. These impacts were addressed through Mitigation Measures XII-40 and XII-30, which were implemented during construction of the existing parking structure analyzed in the Approved Project and would continue to remain in force for the Revised Project.*
>
> *For the Revised Project, the Addendum found that no significant noise impacts, including impacts related to construction, would occur. The applicable threshold for significant noise impacts under Appendix G of the CEQA Guidelines is "[g]eneration of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." As stated in the Addendum, the only applicable noise standards for the Project are Section 41.40 and Section 112.05 of the Los Angeles Municipal Code (LAMC). Section 41.40 provides limitations on hours of demolition and construction activities, while Section 112.05 specifies that the maximum noise level that may be generated by construction machinery within 500 feet of a residential zone is 75 dBA (measured at a distance of 50 feet from the source) unless compliance with this limitation is "technically infeasible", which Section 112.05 defines to mean that "said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers and/or other noise reduction devices or techniques during the operation of the equipment." The significance threshold of the 2006 Los Angeles CEQA Thresholds Guide, which this comment references to argue that the project would have a significant impact on noise, does not apply to the Project, as the City has discontinued use of its own independent thresholds and now relies solely on the Appendix G thresholds.*
>
> *As shown in Table 4.13-2 of the Addendum and as explained in further detail in Appendix B, Noise Study, construction noise levels would not exceed 75 dBA, even without mitigation, and would thus be consistent with Section 112.05 of the LAMC. The use of mufflers and other regulatory compliance measures, in adherence with Section 112.05 would further reduce the already less than significant noise levels. Reference to "a maximum increase of .9 dBA above the significance threshold without implementation of regulatory compliance measures", as cited by this comment from page 118 of the Addendum, was in error, as it refers to the now-discontinued 2006 Los Angeles CEQA Thresholds. There is no significant noise impact under the currently operative noise standards, and therefore no requirement for mitigation measures."*

Regarding the claim that the Addendum failed to provide sufficient analysis of construction impacts by not conducting a quantitative health risk assessment (HRA), Meridian Consultants addresses these claims and concludes that SCAQMD does not require HRAs for the use proposed in the Project:

> *"This comment asserts that the Addendum should have included a quantitative health risk assessment (HRA) to evaluate construction impacts. The City follows South Coast Air Quality Management District (SCAQMD) guidance for air quality analysis and relies on SCAQMD thresholds. The SCAQMD CEQA guidelines for evaluating construction impacts do not require the preparation of an HRA to evaluate construction impacts. For construction, SCAQMD provides daily mass emissions thresholds and localized significance thresholds. As shown in the Addendum and the Adopted MND, the project would not exceed applicable SCAQMD thresholds. Therefore, the City determined the Project would have a less than significant impact based on the methodologies recommended by SCAQMD for the project type.*
>
> *SCAQMD requires HRAs for compliance with AB2588, SCAQMD Rule 1401 and Rule 1402, which regulate stationary emission sources. SCAQMD has also adopted guidance on the use of HRAs for analyzing mobile source emissions. However, this guidance refers to emissions associated with facilities such as truck stops and distribution centers that feature long term presence of diesel emission sources. The Project would not consist of this or any other land use type that would emit substantial diesel particulate matter over long periods of time. Therefore, no cancer risk assessment is required under the SCAQMD guidance*
>
> *The letter also references the "Risk Assessment Guidelines" of the Office of Environmental Health Hazard Assessment, stating that "The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors." Page 8-17 the OEHHA Guidance Manual reads "The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots Program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises." Page 8-18 provides OEHHA recommendations for how to address cancer risks from short-term projects if a local air pollution control district chooses to do so. As such the OEHHA document provides guidance for how to address cancer risks from short-term projects if a local agency chooses to do so but does not state that all short-term projects should be evaluated in this way.*
>
> *The OEHHA Guidance Manual is intended to implement the Air Toxics Hot Spots Information and Assessment Act (AB 2588) and establishes protocols for analysis, but does not establish when a project must prepare a cancer risk assessment. The OEHHA Guidance Manual states on page 1-3 that "The Hot Spots Act requires that each local Air Pollution Control District or Air Quality Management District (hereinafter referred to as District) determine which facilities will prepare an HRA." California Health and Safety Code Section 44320 states that AB 2588 applies to "Any facility which manufactures, formulates, uses, or releases" toxic air contaminants, carcinogens, total organic gases, particulates, or oxides of nitrogen or sulfur and "any facility which is listed in any current toxics use or toxics air emission survey, inventory, or report released or compiled by a district." The Project does not quality as a "facility" subject to AB 2588 and the local district*

(SCAQMD) has not issued guidance or regulation for an HRA of the type of construction proposed by the Project.

The SCAQMD has not determined that an HRA is required for commercial and residential land uses proposed by the Project. Furthermore, SCAQMD has not developed any recommendations on use of the OEHHA Guidance Manual for CEQA analyses of potential construction impacts nor has the City adopted the Guidance Manual or incorporated it into the City's CEQA thresholds or methodologies. As such, the OEHHA Guidance Manual is not applicable to determining the impacts of the Project."

Regarding the claim that the Addendum failed to analyze the use of a backup generator, Meridian Consultants clarify that generators are not required for the proposed use:

"This comment incorrectly presumes a backup generator will be required for the proposed medical office space. This assumption is incorrect. A backup generator is only required for medical facilities categorized by the State of California Office of Statewide Health Planning and Development (OSHPD) in Title 24, the California Building Standards Code as "OSHPD 3" level facilities. OSHPD 3 requirements are applied to clinics that are licensed pursuant to Health and Safety Code Section 1200. A 'clinic' is a medical care facility that is licensed by the California Department of Health Services. Generally, a doctor's or dentist's office operates under the doctor's license and is not a clinic subject to OSHPD 3 requirements. The proposed general medical office space will not contain any medical uses or facilities required to meet OSHPD 3 requirements and, for this reason, no backup generator will be required."

Regarding the claim that the Addendum should have utilized a draft document, which has not been published, from SCAQMD to analyze the GHG emissions, Meridian Consultants addresses these claims and concludes that the GHG emissions analysis was appropriate, and the Project will not result in a significant effect on the environment:

"The Adopted MND for the Approved Project and the Addendum for the Revised Project both contain an assessment of potential GHG emissions that meet CEQA requirements. This comment references draft thresholds developed by the South Coast Air Quality Management District (SCAQMD) in 2008. What this comment does not disclose is that in December 2008, the SCAQMD Governing Board adopted an interim GHG significance threshold of 10,000 MTCO2E per year for stationary source/industrial projects where the SCAQMD is the lead agency. However, the SCAQMD has yet to adopt a GHG significance threshold for commercial or residential projects.

The December 2008 staff report discusses a draft 3,000 MTCO2eq/yr screening threshold for commercial uses, but states that additional analysis was needed to further define appropriate performance standards for commercial and residential uses. The SCAQMD Board has not adopted a threshold for commercial uses that is applicable to the proposed medical office space. In fact, no public agency has adopted a quantified threshold of significance for GHG emissions that applies to commercial uses.

Amendments to CEQA Guidelines Section 15064.4 were adopted in 2017 to assist lead agencies in determining the significance of the impacts of GHG emissions. CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. CEQA Guidelines

Section 15064.4(b) specifies that a lead agency shall use the following criteria in determining significance:

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as CAPCOA, so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)).

The SCAQMD, Office of Planning and Research, California Air Resources Board (CARB), CAPCOA, or any other state or regional agency have not adopted a numerical significance threshold for assessing impacts related to GHG emissions that is applicable to the Project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on the third option under CEQA Guidelines Section 15064.4(b) to determine a project's consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions.

The analysis in the Adopted MND and Addendum contain information and analysis responding to the applicable thresholds in the City's Initial Study checklist:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

A quantified estimate of GHG emissions associated with construction and occupancy and use (operations) of the proposed medical office space is provided along with analysis of the consistency of the Project with applicable GHG reduction plans to determine if the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The analysis in the Addendum includes appropriate information and analysis to support the conclusion that the GHG emissions associated with the Project will not conflict with applicable GHG reduction plans or result in a significant effect on the environment."

Regarding the claim that the energy consumption analysis was faulty in the MND and Addendum, the commenter does not provide substantial evidence and Meridian Consultants responded to these claims as such:

> *"This comment assumes without evidence that the proposed general medical office space will include "energy intensive medical equipment". This comment does not provide any elaboration on what type of medical equipment would be considered "energy intensive". The medical office space proposed will contain only small pieces of standard medical diagnostic and treatment equipment, and will not contain any medical equipment that will use large amounts of energy. As disclosed in the Addendum, the proposed medical office space will meet all current applicable energy conservation standards and would be built and operated in accordance with the applicable State Building Code Title 24 regulations and City of Los Angeles Green Building code, which impose energy conservation measures. In compliance with these applicable standards, the medical office space addition will be required to include a "cool roof", as described in this comment. The Revised Project will not result in the wasteful or inefficient use of energy and, for this reason, as supported by the information and analysis in the Addendum, the Project will not result in significant energy impacts."*

In summary, as noted in the Addendum and the Response to Comments provided from Meridian Consultants dated January 25, 2022, the project will not create any new or substantially severe impacts and the comments provided do not support a fair argument which would require the preparation of a subsequent MND or EIR. As such, the environmental analysis which was adopted at the time the Project was approved was sufficient and the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A1-1 The Addendum is not sufficient and a subsequent EIR or MND is required

The appellant claims that there are new or more severe significant impacts relating to noise, air quality, greenhouse gas; and that as such, a subsequent MND or EIR is required. However, as noted above, Meridian Consultants responded to each of these claims, noting that the Project will not result in any new or substantially more severe impacts and that the comments provide conjecture but no substantial evidence to support a fair argument that would require the preparation of a subsequent MND or environmental impact report. As such, the environmental analysis which was adopted at the time the Project was approved was sufficient and the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A1-2 The approval of the Project Permit Compliance was unsubstantiated

The appellant claims that the Commission erred in approving the Project Permit Compliance entitlement because the findings require that the "project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible." The appellant again asserts that there are unmitigated impacts on noise, air quality, greenhouse gas, and public health.

As noted above, the Addendum and the original MND sufficiently analyzed the environmental impact and the Appellant has not provided substantial evidence to back these allegations. As such, the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A1-3 The approval of the Specific Plan Exception was unsubstantiated

The appellant claims that the Commission erred in approving the Specific Plan Exception because the findings require that the project "will not be detrimental to the public welfare" and that the project "will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan." The appellant claims that the Commission lacked substantial evidence to support the two above referenced findings. However, as noted above, the Addendum and the original MND sufficiently analyzed the environmental impact and the Appellant has not provided substantial evidence otherwise.

Finding No. 1.d. in the determination letter notes that the exception will not be detrimental to the public welfare:

> *"the project otherwise complies with the Subarea C regulations and applicable Hospital and Medical Center Development Standards and Design Guidelines of the Specific Plan. Furthermore, the country has been facing a crisis with the pandemic that has caused a shortage in hospital space. The additional medical offices can help expand capacity within the current hospital system and provide more care for its patients. The zero parking spaces proposed would keep the project from adding vehicles to a congested area, which has been a community concern. Moreover, not adding a second Pedestrian Throughway will not be detrimental because the existing throughway already serve's that requirement. Therefore, it can be found that granting the Exception will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the property."*

Regarding the Project's consistency with the intent and goals of the Specific Plan and General Plan, Finding 1.e. notes that the General Plan encourages a diversity of uses and the new medical offices will help serve the community and provide for the expansion of medical services that are needed in the medical field. Additionally, the Hollywood Community Plan specifically recognizes the existing concentration of medical facilities in East Hollywood as a center serving the medical needs of Los Angeles, and that the project would comply with these objectives by continuing to support this medical center. Lastly, the Vermont Western SNAP indicates that one of the goals of the Plan is to "support the hospital core near the corner of Sunset Boulevard and Vermont Avenue such that this industry will generate jobs and medical services for local residents", and that the proposed addition of medical offices will support the hospital core within the vicinity and provide an expansion of medical services for residents. The country has been facing a crisis with the pandemic that has caused a shortage in hospital space. The additional medical offices can help expand capacity within the current hospital system and provide more care for its patients. The project therefore conforms with the purpose, intent, and provisions of the General Plan, Hollywood Community Plan, and the Vermont/Western SNAP. As such, the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A1-4 The approval of the Site Plan Review was unsubstantiated

The appellant claims that the Area Planning Commission erred in approving the Site Plan Review entitlement, claiming that an appropriate environmental clearance has not been prepared in accordance with the requirements of CEQA. However, as noted above, the proposed Project has been fully analyzed under CEQA, which found that, as all potentially significant environmental effects had been analyzed for the prior Approved Project and have been avoided or mitigated, no subsequent MND or EIR is required. As

such, the Area Planning Commission did not err or abuse their discretion in approving the Site Plan Approval entitlement and the appeal should be denied.

Appellant No. 2, Doug Haines, La Mirada Avenue Neighborhood Association

A2-1 The approval of the Specific Plan Exception was unsubstantiated

The appellant claims that the Commission erred in approving the project, that the project did not have a practical difficulty or hardship relating to the land, that there are no special circumstances which justify the exception, that the exception will be detrimental to the public welfare, and that the project undermines the purpose of the plan.

The Vermont Western TOD Station Neighborhood Area Plan (SNAP) Specific Plan delineates parking ratios for a variety of uses. The site is located within Subarea C "Commercial Center" of the SNAP and per Section 9.4 of the Plan, hospitals and medical uses shall provide a minimum of one parking space and a maximum of two parking spaces for each licensed patient bed. Although the subject use, a medical office space, is a hospital and medical use, it cannot utilize the parking ratio delineated in Section 9.4 because the proposed medical offices do not include patient beds. Additionally, the commercial parking ratios delineated in Section 9.3 of the Specific Plan cannot be utilized, as the plan explicitly states that those parking standards shall not apply to Hospital and Medical Uses. As such, the SNAP is silent on the parking ratios for medical uses which do not include patient beds and the parking requirement defaults to the LAMC. Based on LAMC Section 12.21 A.4(x)(3), a medical office is required to provide two (2) vehicle parking spaces per 1,000 square feet of floor area. As such, the project is required to provide a total of 192 parking spaces to satisfy the Municipal Code.

However, the Specific Plan also limits the total parking the hospital campus may provide through case number DIR-2015-309-SPPA-SPP, which originally approved the parking structure and subjected the HPMC to a minimum parking requirement of 1,156 vehicle parking spaces and a maximum of 1,591 parking spaces. As currently constructed, the HPMC has a total of 1,496 parking spaces, which is within the minimum and maximum parking rates applied by the Specific Plan. If the project were to provide the additional parking spaces required by the Municipal Code, it would exceed the maximum parking rate set by the Specific Plan.

As it was the intent of the Specific Plan to avoid excessive parking in this transit rich part of the City, providing the additional 192 spaces to satisfy the Municipal Code would not be consistent with the general purpose of the Plan. Furthermore, providing the additional 192 spaces would render the project out of compliance with DIR-2015-309-SPPA-SPP, which caps the total parking that can be provided by the hospital campus. Utilizing a Specific Plan Exception to ensure the HPMC does not exceed the campus maximum parking quantity was substantiated through findings and the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A2-2 The project represents piecemeal development and the environmental review is insufficient

The appellant claims that the MND which was adopted and supplemented with an Addendum to analyze the entirety of the project was improper and claims that the City identifies the parking garage and office building as unrelated projects. This is factually incorrect, as the addendum analyzed the entirety of the project, both parking garage and medical offices together.

As noted in the Applicant's response, dated January 25, 2022 from the Applicant's environmental consultant, Meridian Consultants:

> *"…[the] appellant offers no substantive analysis under the CEQA statute, CEQA Guidelines, or case law to support an allegation of piecemealing.*
>
> *In reviewing the environmental impacts of a project, Section 15003(h) of the CEQA Guidelines states, citing Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151, that "[t]he lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." More specifically, Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376 (Laurel Heights I) states that an environmental impact report "must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." In the case of the Project, neither prong of the Laurel Heights I test supports Appellant's accusation of piecemealing…"*

In regards to the first prong of the Laurel Heights I test, the consultant states that it was not a foreseeable consequence of the initial project that additional medical offices would be pursued, as the Hospitals' original goals were to modernize its parking strategy and to address requirements for seismically reinforced facilities:

> *"HPMC is continually seeking to modernize and improve its facilities within the boundaries of its existing campus as funding becomes available. At the time of the original Approved Project (Case DIR-2015-309-SPPA-SPP), HPMC sought to address a preexisting deficiency in modern, centralized parking for the hospital campus, which had historically relied on a number of dispersed surface lots, including the lot on which the Approved Project has subsequently been constructed. HPMC later obtained approval for a replacement emergency department through Case DIR-2016-3207-SPP-SPR due to the ongoing requirements to develop new, seismically reinforced facilities under the Alquist Hospital Safety Act, and subsequently obtained approval for an auxiliary surface parking lot nearby through Case DIR-2017-5247-SPP as the need became apparent in refining the final design of the replacement emergency department.*
>
> *In 2019, HPMC identified a need for additional medical office and specialty clinic space in order to better serve the surrounding community and free up space within older hospital buildings, and the parking structure originally approved by DIR 2015-309-SPPA-SPP appeared to provide an opportunity for this addition without additional acquisition of property in the surrounding neighborhood. Accordingly, HPMC submitted an application for the Project on March 13, 2020. However, the proposed new office space was not a "reasonably foreseeable consequence" of the parking structure at the time of the Approved Project. Laurel Heights I dealt with the question of how to analyze a future expansion of pharmacy research facilities where the future use was known, but the timing of the expansion of the use was unclear; in HPMC's case, it would have been speculative at the time of the Approved Project to describe office space as part of that project, as there were no plans for that future expansion at that time. Accordingly, the current Project's addition of office space to an existing parking structure could not have been considered a "reasonably foreseeable consequence" of the original project;*

therefore, the first required element of the Laurel Heights I test does not apply to the Project."

Meridian Consultants also addresses the second prong of Laurel Heights I test and confirms that, as analyzed in the Addendum, the current Project would not result in new significant environmental effects that would require a subsequent MND or EIR, and the appellant has not cited evidence that it would, and has only provided unsubstantiated claims:

"For the second element, as demonstrated in the Addendum, further elaborated in a letter from Meridian Consultants responding to comments provided on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles and dated October 21, 2021 (the "CREED-LA Response") and reaffirmed in Responses to Comments 4-8, below, the current Project would not result in new significant environmental effects that would require a subsequent MND or EIR. Importantly, the Project would not significantly "change the scope or nature of the environmental effects" originally analyzed in the "Approved Project" (i.e., the parking structure originally constructed pursuant to Case No. DIR-2015-309-SPPA-SPP). Moreover, each individual approval for the sequence of projects initiated by HPMC has included a full consideration of any potential environmental effects of nearby related projects, including other HPMC-initiated projects.

Appellant cannot, and does not, cite to any specific environmental impacts that have resulted or could result from alleged piecemealing as HPMC has appropriately obtained separate approvals for various improvements. Nor, as noted in Response to Comment 1 above, can Appellant state that the Project or any other recent project for which HPMC has sought approval has been found to be out of keeping with the goals of the Community Plan and the SNAP to foster the ongoing development of the hospital core in proximity to the Metro B Line subway station. Instead, HPMC's actions represent valid efforts to respond to changing circumstances and seek opportunities to modernize and improve the level of care provided to the community as resources become available. Recent closures of St. Vincent Hospital and Olympia Medical Center, as well as the COVID-19 pandemic, have highlighted the urgent need in the community for medical space that was not apparent at the time of the Approved Project, and which has only intensified since the submittal of the Project for consideration."

As such, the Addendum properly analyzed the project and is not considered 'piecemealing' per the Laurel Heights I test, and the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A2-3 An addendum to a six (6) year old MND is improper and an EIR is needed

The appellant cites multiple cases to argue that the Addendum was improper and to request an EIR. As noted in the Applicant's response, dated January 25, 2022 from the Applicant's environmental consultant, Meridian Consultants:

"As noted in the Addendum and in the CREED-LA Response, pursuant to Section 15164 and 15612(a) of the CEQA Guidelines, no subsequent EIR or MND is required to be prepared unless a revised project would create new significant environment impacts, a substantial increase in the severity of identified effects, or a change in mitigation of previously identified effects. In the present case, the conclusion in the Addendum – that the changes to the Approved Project will not

result in new or substantially more severe impacts – is supported by substantial evidence. Neither Appellant's comments nor the referenced comments submitted by counsel for CREED-LA, which have already been addressed in the CREED-LA Response, provide substantial evidence to support a fair argument that a subsequent MND or EIR is required. Appellant argues without specifics that additional impacts related to traffic, noise, or land use would result, but, as noted in case law, a fair argument must be supported by substantial evidence proffered by the Appellant. "Substantial evidence 'shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts'…'Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.'" Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903, 927-928. "Complaints, fears, and suspicions about a project's potential environmental impact likewise do not constitute substantial evidence." Joshua Tree Downtown Business Alliance v. County of San Bernardino (2016) 1 Cal.App.5th 677, 690."

The Addendum analyzed the entirety of the project correctly and the age of the original MND is not a legal basis to require an EIR, and the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A2-4 The approval of the Site Plan Review was unsubstantiated

The appellant claims that the arrangement of buildings are not compatible with neighboring properties, that feasible mitigation measures were not incorporated, and that the Project is not consistent with the Hollywood Community Plan or Specific Plan.

The appellant claims that the height of the structure is inappropriate, however, the Project complies with the height regulation of the Vermont Western SNAP and has not asked for relief. Additionally, as noted in Finding 3.b.:

"The proposed 96-foot tall, medical office will be consistent with other hospital developments in the area that have height maximums of 100 feet and allow for a similar bulk on multiple lots. The 95,995 square feet of floor area equates to a 2.8:1 FAR, which is below the allowable 3:1 FAR for Hospital and Medical uses within the SNAP. The SNAP does not require front, side, and rear yards for projects that are located in Subarea C. In addition to meeting the height, FAR, and setback requirements per the Specific Plan, the project proposes various articulation and architectural elements that reduce the effect of a large-scale development in the neighborhood. The additional three levels of medical office floors are defined by various planes that consist of perforated metal, glass, metal panels, and horizontal louvers. The roof plane varies in height which adds articulation to the building. The changes in the plane as well as materials also further articulates the building and increases the visual interest from public streets."

As such, the Commission was able to conclude that the height, bulk, and setbacks of the Project would be compatible with existing and future development on neighboring properties. Regarding the claim that feasible mitigation measures were not incorporated, see discussion above which notes that the proposed Project has been fully analyzed under CEQA, which found that, as all potentially significant environmental effects have been analyzed for the prior Approved Project and have been avoided or mitigated, no subsequent MND or EIR is required. Lastly, see the discussion above which clarifies that

the Project was found to be consistent with the goals and objectives of the General Plan, the Community Plan, and the Specific Plan. As such, the Area Planning Commission did not err or abuse their discretion in approving the Site Plan Approval entitlement and the appeal should be denied.

A2-5 The applicant is in violation of Conditions of Approvals associated with previous approvals

The appellant claims that the operator of the site is violating the previous conditions of approval which were applied as part of Case No. DIR-2017-5247-SPP. Below is a response from the applicant:

> *"HPMC identified the need for additional surface parking after approval of the replacement emergency department, approved through Case DIR-2016-3207-SPP-SPR. This surface parking will form an integral part of the HPMC campus, as noted in the final approved plans for the replacement emergency department (LADBS permit no. 18016-10000-26596) once this structure is completed. The approvals for DIR-2017-5247-SPP are currently tolled pursuant to the Mayor's public order dated March 21, 2020, "Tolling of Deadlines Prescribed in the Municipal Code", and HPMC will continue to diligently pursue them to completion.*
>
> *Due to the ongoing impacts of the COVID-19 pandemic, construction work at HPMC, as on other projects, has experienced substantial delays. Construction trailers necessary for the ongoing construction of the replacement emergency department were placed on 1269-1279 N. Lyman Pl. by the project's contractor in 2019. Due to an error on the contractor's part, although the contractor obtained a permit for a temporary electric utility connection, the trailers themselves were installed without obtaining LADBS sign-off. Upon being informed of the error, the contractor promptly submitted applications for temporary permits on November 14, 2019 under LADBS permit nos. 19010-10000-05136 and 19010-10000-05137. HPMC will continue to pursue any necessary actions related to this temporary use."*

As described above, the approval for Case No. DIR-2017-5247-SPP is still active and the applicant is working towards completion of the project. However, the current status of a different entitlement is not a justification for an appeal of the subject case. As such, the Area Planning Commission did not err or abuse their discretion in approving the Project and the appeal should be denied.

Applicant Requests

On January 26, 2021, the Applicant requested several edits to the Conditions and Findings to provide clarity for the Condition Clearance process. Staff is supportive of the revisions illustrated below:

Street Trees, Condition of Approval No. 9.a.i.

Section VIII of the Vermont Western SNAP Specific Plan Development Standards and Design Guidelines requires the planting of 36-inch box trees at a rate of one tree for every 30 feet of street frontage, to the satisfaction of the Bureau of Street Services. This street tree requirement was previously applied through Case No. DIR-2015-309-SPPA-SPP and the Correction Letter dated February 9, 2018, which notes that the total number of street trees required for the site is 19 trees. It is worth noting that based on the recommendations of the Department of Public Works and the Street Services

Division, only 11 street trees were able to be placed in the right-of-way. The applicant has requested that Condition No. 9.a.i. be corrected to confirm the correct number of street trees required by the SNAP, as the subject case only conditioned for 18 street trees. Additionally, minor corrections to street frontage measurements need to be made. As such, staff make the following recommendations to correct Condition No. 9.a.i. and Findings 2.a.(10).b.I-II:

Condition of Approval No. 9.a.i. –
~~Eighteen (18)~~ ***Nineteen (19)****, 36-inch box shade trees shall be provided in the public right-of-way along the project site, subject to the Bureau of Street Services, Urban Forestry Division requirements.*

Finding 2.a.(10).b.I. –
Street Trees. The Development Standards require that one 36-inch box shade tree be planted and maintained in the sidewalk for every 30 feet of street frontage. The project site has approximately ***110*** *~~124~~ feet of frontage along the easterly side of Lyman Place, approximately* ***275*** *~~285~~ feet of frontage along the southerly side of De Longpre Avenue, and approximately* ***171*** *~~126~~ feet of frontage along the westerly side of Virgil Avenue, thus, requiring four (4) street trees along the public right-of-way of the project site. The project proposes a total of* ***19*** *~~18~~ street trees. The project has been conditioned to provide the required* ***19*** *~~18~~ street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.*

Finding 2.a.(10).b.II. –
Tree Well Covers. The Development Standards require that a tree well cover be provided for each new and existing street tree in the project area. The project has been conditioned to provide the required ***19*** *~~18~~ street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.*

Bike Racks, Condition of Approval No. 9.b.

The Vermont Western SNAP Specific Plan requires the Hollywood Presbyterian Medical Center to comply with the Development Standards listed in Section VIII, 'Development Standards for Hospital and Medical Centers', of the Development Standards and Design Guidelines. Development Standard No. 2 of that section indicates that:

"…one bike rack per 100 feet of lot frontage on Vermont Avenue or Sunset Boulevard shall be required. Bike racks shall be installed three feet from the curb edge or per the City Department of Public Works or Department of Transportation's requirements. Simple arched tubular bike racks painted black are recommended."

The applicant has requested that Condition No. 9.b. be corrected to confirm that since the site does not have a frontage along Vermont Avenue or Sunset Boulevard, no bicycle racks are required. As such, staff makes the following recommendations to correct Condition No. 9.b. and Findings 2.a.(10).b.III and 3.b.:

Condition of Approval No. 9.b. –
Bike Racks. ***No bike racks are required for the project as the site does not have frontage along Vermont Avenue or Sunset Boulevard****. ~~Five (5) simple black painted bike racks shall be provided in the public right-of-way along the project site. Bike racks shall be installed three feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.~~*

Finding 2.a.(10).b.III –
Bike Racks. The Development Standards require one bike rack for every 100 feet of street frontage ***on Vermont Avenue or Sunset Boulevard. As the project site does not have frontage along Vermont Avenue or Sunset Boulevard, no bicycle racks are required****. ~~The project site has approximately 124 feet of frontage along the easterly side of Lyman Place, approximately 285 feet of frontage along the southerly side of De Longpre Avenue, and approximately 126 feet of frontage along the westerly side of Virgil Avenue, thus, requiring five (5) bike racks along the public right-of-way. The project has been conditioned to provide five (5) bike racks along the public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.~~*

Finding 3.b. –
Off-Street Parking Facilities and Loading Areas
The project site has an existing parking structure that contains 562 parking spaces. The parking structure is accessible along Lyman Place and Virgil Avenue. As discussed under Finding No. 2, the project proposes to maintain the existing 562 parking. The project will also provide 20 new bicycle parking spaces ~~and five (5) bike racks along the public right-of-way~~.

Public Benches, Condition of Approval No. 9.c.

The Vermont Western SNAP Specific Plan requires the Hollywood Presbyterian Medical Center to comply with the Development Standards listed in Section VIII, 'Development Standards for Hospital and Medical Centers', of the Development Standards and Design Guidelines. Development Standard No. 2 of that section requires that one public bench with a backrest, three armrests, and an intermediate frame be provided in the public right of way for every 250 feet of lot frontage along any public street.

This site was previously required to provide a public bench along De Longpre Avenue through Case No. DIR-2015-309-SPPA-SPP, which has already been installed. The applicant has requested revisions to the Conditions and Findings to clarify that this requirement has been met and that no additional benches are required. As such, staff makes the following recommendations to correct Condition No. 9.c.:

Condition of Approval No. 9.c.
Public Bench. One (1) public bench, painted black with a backrest, three armrests, and intermediate frame shall be provided and maintained in the public right-of-way along ***De Longpre Avenue, as illustrated in Exhibit A,*** *~~Vermont Avenue~~ subject to the requirements of the Department of Public Works.*

Roof Line, Condition of Approval No. 11

The Vermont Western SNAP Specific Plan requires the Hollywood Presbyterian Medical Center to comply with the Development Standards listed in Section VIII, 'Development Standards for Hospital and Medical Centers'. Within Section VIII, there are no Design Guidelines which require a project, with rooflines in excess of forty feet, to be articulated. As such, the condition should be removed.

Condition 11 –
[REMOVED]. *~~Roof Lines. There shall be no building roofline that exceeds 40 feet in horizontal length without a break in-line. Roof lines should be broken up through the use of architecturally appropriate means.~~*

Façade Relief and Elevations, Condition of Approval No. 12

The Vermont Western SNAP Specific Plan requires the Hollywood Presbyterian Medical Center to comply with the Development Standards listed in Section VIII, 'Development Standards for Hospital and Medical Centers'. Within Section VIII, there are no Design Guidelines which require changes in material every 20 feet in horizontal length and every 30 feet in vertical length. As such, the condition should be removed.

Condition 12 –
[REMOVED]. ~~*Facade Relief and Elevations. The southern and eastern elevations shall be revised to provide a break in plane for every 20 feet horizontally and every 30 feet vertically created by an articulation or architecture detail.*~~

Prohibition on Blank Walls, Condition of Approval No. 21

The applicant has requested changes to Condition No. 21 to reflect that the Exhibit A approved by the Area Planning Commission was sufficient and to confirm whether any revisions to the Plans were requested. As stated in Finding No. 3, the Project "provides architectural features that vary and articulate the building façade and incorporates a variety of colors and materials" as illustrated in Exhibit A. It was not the intent to request revisions to the building façade, as such, Condition No. 21 should be revised as follows:

Condition 21 –
No Blank Walls. The project ***as illustrated,*** ~~*shall incorporate to the satisfaction of the Department of City Planning, Central Project Planning Division*~~ ***provides*** ~~*a*~~ *decorative* ~~*wall along all*~~ *façades* ~~*abutting*~~ *that include*~~*s*~~ *uniform color, material, and texture that complement the other facades of the structure.*

Conclusion

The appeals address specific concerns regarding the enforcement of the Western Vermont SNAP Specific Plan, adequacy of the entitlement findings, and the adequacy of the environmental documents. Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its discretion. Therefore, Staff recommends that the appeal should be denied, the actions of the Area Planning Commission sustained, and that the attached revisions to the conditions and findings be adopted.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

Deborah Kahen

Deborah Kahen, AICP
Senior City Planner

VPB:DK:VKJ

Attachments:
Staff Recommended Revisions to Conditions of Approval
Staff Recommended Revisions to Findings

c: Craig Bullock, Planning Director, Council District 13

Attachment A
Staff Recommended Revision to Conditions of Approval (3/15/2022)

Condition of Approval No. 9.a.i. –
~~Eighteen (18)~~ ***Nineteen (19)****, 36-inch box shade trees shall be provided in the public right-of-way along the project site, subject to the Bureau of Street Services, Urban Forestry Division requirements.*

Condition of Approval No. 9.b. –
Bike Racks. ***No bike racks are required for the project as the site does not have frontage along Vermont Avenue or Sunset Boulevard****. ~~Five (5) simple black painted bike racks shall be provided in the public right-of-way along the project site. Bike racks shall be installed three feet from the curb edge or per the City of Los Angeles Department of Transportation requirements.~~*

Condition of Approval No. 9.c.
Public Bench. One (1) public bench, painted black with a backrest, three armrests, and intermediate frame shall be provided and maintained in the public right-of-way along ***De Longpre Avenue, as illustrated in Exhibit A,*** *~~Vermont Avenue~~ subject to the requirements of the Department of Public Works.*

Condition 11 –
[REMOVED]. *~~Roof Lines. There shall be no building roofline that exceeds 40 feet in horizontal length without a break in-line. Roof lines should be broken up through the use of architecturally appropriate means.~~*

Condition 12 –
[REMOVED]. *~~Facade Relief and Elevations. The southern and eastern elevations shall be revised to provide a break in plane for every 20 feet horizontally and every 30 feet vertically created by an articulation or architecture detail.~~*

Condition 21 –
No Blank Walls. The project ***as illustrated provides*** *~~a~~ decorative ~~wall along all~~ façades ~~abutting~~ that include~~s~~ uniform color, material, and texture that complement the other facades of the structure.*

Attachment B
Staff Recommended Revision to Findings (3/15/2022)

Finding 2.a.(10).b.I. –
Street Trees. The Development Standards require that one 36-inch box shade tree be planted and maintained in the sidewalk for every 30 feet of street frontage. The project site has approximately ***110*** ~~*124*~~ *feet of frontage along the easterly side of Lyman Place, approximately* ***275*** ~~*285*~~ *feet of frontage along the southerly side of De Longpre Avenue, and approximately* ***171*** ~~*126*~~ *feet of frontage along the westerly side of Virgil Avenue, thus, requiring four (4) street trees along the public right-of-way of the project site. The project proposes a total of* ***19*** ~~*18*~~ *street trees. The project has been conditioned to provide the required* ***19*** ~~*18*~~ *street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.*

Finding 2.a.(10).b.II. –
Tree Well Covers. The Development Standards require that a tree well cover be provided for each new and existing street tree in the project area. The project has been conditioned to provide the required ***19*** ~~*18*~~ *street trees, unless Bureau of Street Services, Urban Forestry Division determines otherwise. Therefore, as conditioned, the project complies with this Development Standard.*

Finding 2.a.(10).b.III –
Bike Racks. The Development Standards require one bike rack for every 100 feet of street frontage ***on Vermont Avenue or Sunset Boulevard. As the project site does not have frontage along Vermont Avenue or Sunset Boulevard, no bicycle racks are required****.* ~~*The project site has approximately 124 feet of frontage along the easterly side of Lyman Place, approximately 285 feet of frontage along the southerly side of De Longpre Avenue, and approximately 126 feet of frontage along the westerly side of Virgil Avenue, thus, requiring five (5) bike racks along the public right-of-way. The project has been conditioned to provide five (5) bike racks along the public right-of-way of the project site. Therefore, as conditioned, the project complies with this Development Standard.*~~

Finding 3.b. –
Off-Street Parking Facilities and Loading Areas
The project site has an existing parking structure that contains 562 parking spaces. The parking structure is accessible along Lyman Place and Virgil Avenue. As discussed under Finding No. 2, the project proposes to maintain the existing 562 parking. The project will also provide 20 new bicycle parking spaces ~~*and five (5) bike racks along the public right-of-way*~~*.*

Attachment C

Los Angeles
706 S. Hill Street, 11th Floor
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Westlake Village
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Westlake Village, CA 91361
(805) 367-5720

January 25, 2022

Jason Hernandez
City Planning Associate
City of Los Angeles
Department of City Planning
200 N. Spring St., Room 621
Los Angeles, CA 90012

Subject: Responses to Appeal submitted by Adams Broadwell Joseph & Cardozo on the HPMC Building Project Addendum, Case Numbers: APPCC-2020-1764-SPE-SPP-SPR and ENV-2015-310-MND-REC1

Dear Mr. Hernandez,

Meridian Consultants has been providing environmental planning consulting services to public agencies and private sector clients throughout southern California for the past decade. Meridian's expertise includes preparation of a broad range of environmental documents to meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Our team has consistently been at the forefront of emerging issues, such as climate change and water supply sustainability, and we are regularly sought out for our CEQA and NEPA expertise and technical capabilities to address complex projects.

In addition, Meridian Consultants is on the City of Los Angeles Department of City Planning's list of consultants approved to provide Environmental Consulting Services for Development Projects in the City of Los Angeles. Our firm has prepared numerous environmental review documents, including Environmental Impact Reports (EIRs), Sustainable Community Environmental Assessments (SCEAs), Categorical Exemption Findings, Mitigated Negative Declarations (MNDs), Negative Declarations (NDs) and Addendums to NDs, MNDs and EIRs for a wide range of projects throughout the City.

Meridian Consultants assisted the Department of City Planning with the preparation of the HPMC Building Project Addendum (Case Number: ENV-2015-310-MND-REC1). Meridian has reviewed the appeal letter dated December 6, 2021 from Adams Broadwell Joseph & Cardozo on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"). The appeal justification includes as an attachment the letter dated October 18, 2021, also from Adams Broadwell Joseph & Cardozo, and which contains the substance of their argument. The attached letter, dated October 21, 2021, provides our responses to the points made to that letter. As previously noted in the attached letter, no changes in the conclusions of the Addendum are merited in response to the appeal letter, and the points made in the letter are without merit.

Please contact me if you have any questions on these responses.

Sincerely,

Meridian Consultants LLC

Tony Locacciato, AICP
Partner

Meridian Consultants

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October 21, 2021

Jason Hernandez
City Planning Associate
City of Los Angeles
Department of City Planning
200 N. Spring St., Room 621
Los Angeles, CA 90012

Subject: Responses to Comments
HPMC Building Project Addendum

Dear Mr. Hernandez,

Meridian Consultants assisted the Department of City Planning with the preparation of the HPMC Building Project Addendum (Case Number: ENV-2015-310-MND-REC1).

We have reviewed the comments on the Addendum in the letter dated October 18, 2021 from Adams Broadwell Joseph & Cardozo on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA"). This letter includes comments on the noise, air quality, energy, and GHG analysis in the City's Addendum and a comment on the proposed exception from the Vermont/Western Transit Oriented District (Station Neighborhood Area) Specific Plan.

The responses to these comments demonstrate that the information and analysis in the Addendum constitutes substantial evidence that the proposed modification of the Approved Project to add medical office space will not result in any new or substantially more severe impacts than were identified in the previous MND, and that the comments do not provide substantial evidence to support a fair argument that would require the preparation of a subsequent MND or environmental impact report.

Attached, please find our responses to these comments. Sections of the comment letter are listed by number and identified by the page and section number of the comment letter.

Please contact me if you have any questions on these responses.
Sincerely,

Meridian Consultants LLC

Tony Locacciato, AICP
Partner

HPMC Building Project Addendum

Response to Comments from Adams Broadwell Joseph & Cardozo, dated October 18, 2021

Response to Comment No. 1 [p. 1 – 3, Introduction]

The comment introduces the commenting parties and includes a summary of the project. The comment does not state a specific concern or question regarding the adequacy of the Addendum in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. For this reason, no further response to this comment is provided.

This comment subsequently states that the Revised Project involves substantial changes to the Approved Project that will result in more additional impacts that require the preparation of a supplemental EIR or MND. The responses to the individual technical comments below demonstrate that the conclusion in the Addendum to the Adopted MND are supported by substantial evidence and the changes to the Approved Project will not result in new or substantially more severe impacts that would require the preparation of a supplemental EIR or MND.

Response to Comment No. 2 [p. 3 – 4, Section I]

The comment introduces the real party in interest represented by the commenting parties and does not state a specific concern or question regarding the adequacy of the Addendum in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. For this reason, no further response to this comment is provided.

Response to Comment No. 3 [p. 4 – 9, Section II & II.A]

This comment begins by presenting an overview of the environmental review requirements defined in the California Environmental Quality Act (CEQA) and CEQA Guidelines. Subsequently, this comment presents an overview of the legal standard of review applicable to subsequent approvals for activities that have been analyzed in an MND. The comment cites to *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (*San Mateo Gardens I*), 1 Cal.5th 937 (2016) and to Friends of College of San Mateo Gardens v. San Mateo County Community College Dist. (*San Mateo Gardens II*) (2017) 11 Cal.App.5th 596 in support of this legal standard. However, the comment incorrectly conflates the legal standards for a) whether the Revised Project may be analyzed under CEQA's subsequent review provisions, and b) whether an Addendum is the appropriate method of complying with these subsequent review provisions for the Revised Project.

This comment states, in support of its argument, that the Revised Project's Addendum includes analysis for "an entirely new use that was not analyzed in the original IS/MND", and concludes that "the Project may have new or more severe significant impacts than previously analyzed in the IS/MND". However, the question of whether or not a local agency may analyze a revised project under CEQA's subsequent review provisions does not turn on whether a project is "new" in an abstract sense, but rather on a determination by the local agency that "the original document retains some informational value". (*San Mateo Gardens I*, *supra*, at 952.) Whether an initial environmental document remains relevant despite changed plans or circumstances is "a predominantly factual question…for the agency to answer in the first instance," which a court may review to determine whether the agency's determination "is supported by substantial evidence." Here, the City logically determined that as the Revised Project would be constructed on top of the parking structure studied in the Approved Project's MND, the MND retained informational value for analyzing the Revised Project and the appropriate pathway for review of the Revised Project is through

CEQA's subsequent review provisions. The question addressed by the Addendum, therefore, is not whether the Revised Project is "an entirely new use", but rather whether the addition of three floors of medical office space on top of the parking garage analyzed in the Approved Project will result in new significant environmental effects or other changes described in Section 15162(a) of the CEQA Guidelines.

Moreover, the Addendum does not describe a new use, but rather contains a full and complete description of proposed medical office space proposed as a physical addition to the existing parking structure. The analysis in the Addendum fully addresses the potential environmental impacts associated with the construction and occupancy and use of this medical office space. It is important to note that both the existing parking garage and proposed medical office space are part of the Hollywood Presbyterian Medical Center (HPMC), a long-established health care facility in Hollywood that includes a hospital and medical office space. In this regard, this is not a "new" use, but rather medical office space associated with the existing HPMC, which is part of an existing concentration of hospital facilities in this portion of Hollywood that is specifically recognized in the City's Vermont/Western Station Neighborhood Area Plan ("SNAP") Specific Plan, which regulates land use in the vicinity of the Revised Project.

The remainder of this comment correctly states that, after passing the threshold question of whether the Revised Project may be analyzed under the subsequent review provisions of CEQA, the legal standard in *San Mateo Gardens II* is that the decision to do so by preparing an addendum to a previous MND may be reviewed according to whether "there is substantial evidence to support a fair argument that proposed changes 'might have a significant environmental impact not previously considered in connection with the project as originally approved.'" However, as the responses to the individual technical comments below demonstrate, the conclusion in the Addendum – that the changes to the Approved Project will not result in new or substantially more severe impacts – is supported by substantial evidence, and the comments provided in this letter do not provide substantial evidence to support a fair argument that a subsequent MND or EIR is required.

Response to Comment No. 4 [p. 9 – 10, Section II.A.1(a)]

This comment incorrectly states that the Addendum identifies new and significant construction noise impacts resulting from the revised project. The Addendum states that impacts related to noise were determined to be less than significant with mitigation incorporated in the Approved Project, but only due to potential operational noise impacts from automobiles entering and exiting the parking structure.[1] These impacts were addressed through Mitigation Measures XII-40 and XII-30, which were implemented during construction of the existing parking structure analyzed in the Approved Project and would continue to remain in force for the Revised Project.[2]

For the Revised Project, the Addendum found that no significant noise impacts, including impacts related to construction, would occur. The applicable threshold for significant noise impacts under Appendix G of the CEQA Guidelines is "[g]eneration of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." As stated in the Addendum, the only applicable noise standards for the Project are Section 41.40 and Section 112.05 of the Los Angeles Municipal Code (LAMC). Section 41.40 provides limitations on hours of demolition and construction activities, while Section 112.05 specifies that the maximum noise level that may be generated by construction machinery within 500 feet of a residential zone is 75 dBA (measured at a distance of 50

[1] Addendum, p. 116
[2] IS/MND, p. 4.0-73

feet from the source) unless compliance with this limitation is "technically infeasible", which Section 112.05 defines to mean that "said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers and/or other noise reduction devices or techniques during the operation of the equipment." The significance threshold of the 2006 Los Angeles CEQA Thresholds Guide, which this comment references to argue that the project would have a significant impact on noise, does not apply to the Project, as the City has discontinued use of its own independent thresholds and now relies solely on the Appendix G thresholds.

As shown in Table 4.13-2 of the Addendum and as explained in further detail in Appendix B, Noise Study, construction noise levels would not exceed 75 dBA, even without mitigation, and would thus be consistent with Section 112.05 of the LAMC. The use of mufflers and other regulatory compliance measures, in adherence with Section 112.05 would further reduce the already less than significant noise levels. Reference to "a maximum increase of .9 dBA above the significance threshold without implementation of regulatory compliance measures", as cited by this comment from page 118 of the Addendum, was in error, as it refers to the now-discontinued 2006 Los Angeles CEQA Thresholds. There is no significant noise impact under the currently operative noise standards, and therefore no requirement for mitigation measures.

Response to Comment No. 5 [p. 11 – 13, Section II.A.1(b)]

This comment states that the Addendum failed to disclose the full extent of the Revised Project's noise impacts because it measured ambient noise in February 13, 2020, after construction of the parking structure analyzed by the Approved Project. The comment relies on a provision of the Los Angeles CEQA Thresholds to argue that noise levels with the Revised Project must be compared to ambient noise without the project. However, as stated above in Response to Comment No. 4, the 2006 Los Angeles CEQA thresholds have been discontinued. Accordingly, the only applicable standards for noise are those stated above in Response to Comment No. 4, for construction, and Section 112.02 of the LAMC for operation.

As stated on page 120 of the Addendum and in Appendix B, Noise Study, no significant impacts related to operational noise would occur under these standards. For stationary sources, the Project would be required to comply with Section 112.02 of the LAMC which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than 5 dBA. New stationary sources of noise, such as rooftop mechanical HVAC equipment would be shielded and would adhere to Section 112.02. Regarding operation, changes in traffic noise are generally audible if there is a 3 dBA or greater increase. Traffic volumes would need to double in order to generate a 3 dBA increase in noise. As the project would not create additional parking and would not generate a doubling in the trips associated with HPMC, traffic-generated noise impacts would not result in an increase of 5 dBA, and therefore would not be significant.

This comment also argues that reliance on a maximum noise level as the sole threshold of significance for ongoing noise impacts violates CEQA. As noted above, the applicable standards referenced in the Addendum for operational noise require that stationary equipment not exceed the ambient noise level on neighboring properties by more than 5 dBA. This standard does not make use of a maximum noise level of the type described in the cases cited; accordingly, this comment is inapplicable. Additionally, this comment pertains to the City's adopted noise standards, not to the Revised Project.

Response to Comment No. 6 [p. 13 - 14, Section II.A.1(c)]

This comment states that the Addendum did not analyze whether noise impacts of the existing parking structure analyzed in the Approved Project and the proposed medical offices analyzed in the Revised Project would be

significant when combined. However, the Approved Project has already implemented and will continue to maintain Mitigation Measures XII-40 and XII-30, as previously discussed in Response to Comment No. 4, in order to mitigate any potential impact of vehicle noise within the existing parking structure. Potential impacts from new stationary sources of noise associated with the medical office space, such as rooftop mechanical heating ventilation air conditioning (HVAC) equipment, would be reduced below the level of significance by compliance with Section 112.02 of the LAMC, as previously discussed in Response to Comment No. 5. Accordingly, potential noise impacts of the parking structure and medical office have already been addressed and will be less than significant.

Response to Comment No. 7 [p. 14 – 16, Section II.A.1(d)]

A list and map showing the location of related projects considered in the cumulative impact analysis is provided in the Traffic Study in Appendix C to the Addendum. Table 4 in the traffic study provides this list of related projects and Figure 8 in the traffic study shows the location of these projects. The nearest related projects include the construction of an acute care services replacement building at HPMC (Case No. DIR-2016-3207-SPP-SPR) and the construction of a mixed-use project located almost 1,000 feet north of the Project site on the northwest corner of Hollywood Boulevard and Hillhurst Avenue, which are both located almost 1,000 ft away from the Revised Project and are both separated from the Project Site by multiple buildings or streets. Sound generated by a line source decreases rapidly with increasing distance, typically attenuating at a rate of 3 dBA and 4.5 dBA per doubling of distance from the source to the receptor for hard and soft sites, respectively.[3] The sites of these related projects are not located close enough to the Project site to result in cumulative short term construction noise impacts, and as stated in Appendix B, Noise Study, to the Addendum, both related projects would be required by existing regulatory compliance measures to implement best management practices during construction and to abate ongoing noise from stationary sources during operation There are no known related projects proximate enough to the project site to result in significant short term construction impacts, and this comment does not provide substantial evidence to suggest that other, undisclosed projects will provide additional cumulative noise impacts

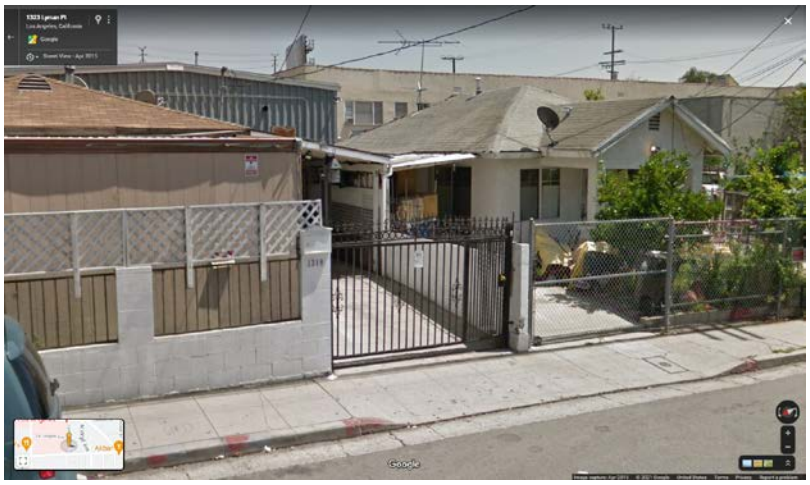
Response to Comment No. 8 [p. 16 – 18, Section II.A.1(e)]

This comment incorrectly states that the Revised Project would adopted nonbinding or ineffective mitigation. The MND adopted by the City for the Approved Project concluded that compliance with existing regulatory compliance measures in the LAMC would result in short term construction impacts being less than significant. No mitigation measures for short term construction noise were adopted for the Approved Project and, as stated above in Response to Comment No. 4, the analysis of construction noise in the Addendum concludes that noise from construction of the medical office space addition would not result in significant noise impacts. No mitigation measures are, therefore, identified, and this comment is not relevant.

Response to Comment No. 9 [p. 18 - 19, Section II.A.1(f)]

All mitigation measures and conditions of approval applicable to the Approved Project were implemented. As presented in this comment, Mitigation Measure MM XII-30 stated: "A 6-foot-high solid decorative masonry wall adjacent to residential use and/or zones shall be constructed if no such wall exists." Prior to approval of the Approved Project, a shorter masonry wall existed in between two existing homes, as shown in the Google Earth image from April 2015 below:

[3] Addendum Appendix B, Noise Study, p. 5



Pursuant to Mitigation Measure MM XII-30, all newly constructed portions of the wall around the home shown in the photograph are 6 feet in height, as measured on the side adjacent to the home. The portion of the wall facing the parking structure shown in the February 2021 photograph included in this comment is partially obscured by soil placed for landscaping installed at this location. The portions of the original wall that predate construction, including the portion adjacent to the front of the home's driveway, may be less than 6 feet in height, as they were not required to be installed by Mitigation Measure MMXII-30.

The plywood shown above the wall was installed by the owner of the home during construction of the parking structure to enhance visual privacy, rather than to limit any noise impacts. HPMC reimbursed the homeowner for the cost of installing this plywood.

Response to Comment No. 10 [p. 20 - 23, Section II.A.1(g)]

This comment states that there is substantial evidence to support a fair argument demonstrating that the Revised Project has significant noise impacts more severe than previously analyzed. However, as demonstrated in responses to the individual noise comments above, the previous comments are primarily composed of unsupported statements that rely upon inapplicable and discontinued noise standards, or upon misreadings of the Addendum. Responses to prior comments demonstrate that the conclusions of the noise analysis in the Addendum are supported by substantial evidence that the noise generated by construction and occupancy and use of the proposed medical office space will not result in significant impacts that were not analyzed in the adopted MND for the Approved Project.

Response to Comment No. 11 [p. 23 – 26, Section II.B]

This comment asserts that the Addendum should have included a quantitative health risk assessment (HRA) to evaluate construction impacts. The City follows South Coast Air Quality Management District (SCAQMD) guidance for air quality analysis and relies on SCAQMD thresholds. The SCAQMD CEQA guidelines for evaluating construction impacts do not require the preparation of an HRA to evaluate construction impacts. For construction, SCAQMD provides daily mass emissions thresholds and localized significance thresholds. As shown in the Addendum and the Adopted MND, the project would not exceed applicable SCAQMD thresholds. Therefore, the City determined the Project would have a less than significant impact based on the methodologies recommended by SCAQMD for the project type.

SCAQMD requires HRAs for compliance with AB2588, SCAQMD Rule 1401 and Rule 1402, which regulate stationary emission sources. SCAQMD has also adopted guidance on the use of HRAs for analyzing mobile source emissions. However, this guidance refers to emissions associated with facilities such as truck stops and distribution centers that feature long term presence of diesel emission sources. The Project would not consist of this or any other land use type that would emit substantial diesel particulate matter over long periods of time. Therefore, no cancer risk assessment is required under the SCAQMD guidance

The letter also references the "Risk Assessment Guidelines" of the Office of Environmental Health Hazard Assessment, stating that "The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors." Page 8-17 the OEHHA Guidance Manual reads "The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots Program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises." Page 8-18 provides OEHHA recommendations for how to address cancer risks from short-term projects if a local air pollution control district chooses to do so. As such the OEHHA document provides guidance for how to address cancer risks from short-term projects if a local agency chooses to do so but does not state that all short-term projects should be evaluated in this way.

The OEHHA Guidance Manual is intended to implement the Air Toxics Hot Spots Information and Assessment Act (AB 2588) and establishes protocols for analysis, but does not establish when a project must prepare a cancer risk assessment. The OEHHA Guidance Manual states on page 1-3 that "The Hot Spots Act requires that each local Air Pollution Control District or Air Quality Management District (hereinafter referred to as District) determine which facilities will prepare an HRA." California Health and Safety Code Section 44320 states that AB 2588 applies to "Any facility which manufactures, formulates, uses, or releases" toxic air contaminants, carcinogens, total organic gases, particulates, or oxides of nitrogen or sulfur and "any facility which is listed in any current toxics use or toxics air emission survey, inventory, or report released or compiled by a district." The Project does not quality as a "facility" subject to AB 2588 and the local district (SCAQMD) has not issued guidance or regulation for an HRA of the type of construction proposed by the Project.

The SCAQMD has not determined that an HRA is required for commercial and residential land uses proposed by the Project. Furthermore, SCAQMD has not developed any recommendations on use of the OEHHA Guidance Manual for CEQA analyses of potential construction impacts nor has the City adopted the Guidance Manual or incorporated it into the City's CEQA thresholds or methodologies. As such, the OEHHA Guidance Manual is not applicable to determining the impacts of the Project**.**

Response to Comment No. 12 [p. 26 - 27, Section II.C]

This comment incorrectly presumes a backup generator will be required for the proposed medical office space. This assumption is incorrect. A backup generator is only required for medical facilities categorized by the State of California Office of Statewide Health Planning and Development (OSHPD) in Title 24, the California Building Standards Code as "OSHPD 3" level facilities. OSHPD 3 requirements are applied to clinics that are licensed pursuant to Health and Safety Code Section 1200. A 'clinic' is a medical care facility that is licensed by the California Department of Health Services. Generally, a doctor's or dentist's office operates under the doctor's license and is not a clinic subject to OSHPD 3 requirements. The proposed general medical office space will not contain any medical uses or facilities required to meet OSHPD 3 requirements and, for this reason, no backup generator will be required.

Response to Comment No. 13 [p. 27 – 29, Section II.D]

The Adopted MND for the Approved Project and the Addendum for the Revised Project both contain an assessment of potential GHG emissions that meet CEQA requirements. This comment references draft thresholds developed by the South Coast Air Quality Management District (SCAQMD) in 2008. What this comment does not disclose is that in December 2008, the SCAQMD Governing Board adopted an interim GHG significance threshold of 10,000 MTCO2E per year for stationary source/industrial projects where the SCAQMD is the lead agency. However, the SCAQMD has yet to adopt a GHG significance threshold for commercial or residential projects.

The December 2008 staff report discusses a draft 3,000 MTCO2eq/yr screening threshold for commercial uses, but states that additional analysis was needed to further define appropriate performance standards for commercial and residential uses. The SCAQMD Board has not adopted a threshold for commercial uses that is applicable to the proposed medical office space. In fact, no public agency has adopted a quantified threshold of significance for GHG emissions that applies to commercial uses.

Amendments to CEQA Guidelines Section 15064.4 were adopted in 2017 to assist lead agencies in determining the significance of the impacts of GHG emissions. CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. CEQA Guidelines Section 15064.4(b) specifies that a lead agency shall use the following criteria in determining significance:

> (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
>
> (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
>
> (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as CAPCOA, so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)).

The SCAQMD, Office of Planning and Research, California Air Resources Board (CARB), CAPCOA, or any other state or regional agency have not adopted a numerical significance threshold for assessing impacts related to GHG emissions that is applicable to the Project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the Project's impacts related to GHG emissions focuses on the third option under CEQA Guidelines Section 15064.4(b) to determine a project's consistency with statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions.

The analysis in the Adopted MND and Addendum contain information and analysis responding to the applicable thresholds in the City's Initial Study checklist:

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

A quantified estimate of GHG emissions associated with construction and occupancy and use (operations) of the proposed medical office space is provided along with analysis of the consistency of the Project with applicable GHG reduction plans to determine if the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The analysis in the Addendum includes appropriate information and analysis to support the conclusion that the GHG emissions associated with the Project will not conflict with applicable GHG reduction plans or result in a significant effect on the environment.

Response to Comment No. 14 [p. 29 - 30, Section II.E]

This comment assumes without evidence that the proposed general medical office space will include "energy intensive medical equipment". This comment does not provide any elaboration on what type of medical equipment would be considered "energy intensive". The medical office space proposed will contain only small pieces of standard medical diagnostic and treatment equipment, and will not contain any medical equipment that will use large amounts of energy. As disclosed in the Addendum, the proposed medical office space will meet all current applicable energy conservation standards and would be built and operated in accordance with the applicable State Building Code Title 24 regulations and City of Los Angeles Green Building code, which impose energy conservation measures. In compliance with these applicable standards, the medical office space addition will be required to include a "cool roof", as described in this comment. The Revised Project will not result in the wasteful or inefficient use of energy and, for this reason, as supported by the information and analysis in the Addendum, the Project will not result in significant energy impacts.

Response to Comment No. 15 [p. 30 – 31, Section II.F]

As stated in the Department of City Planning Recommendation Report for the Project, the Project is requesting a Specific Plan Exception to Section 9.E.3 of the Vermont/Western Station Neighborhood Area Plan ("SNAP") Specific Plan. Section 9.E.3 of the Vermont/Western SNAP requires two (2) parking spaces per 1,000 square feet of commercial floor area, except for "Hospital and Medical Uses". Although Section 4 of the SNAP includes medical offices and clinics, such as those that would be developed by the Project, within its definition of Hospital and Medical Uses, Section 9.E.4, which states that it provides the parking requirements for Hospital and Medical Uses, only provides a parking ratio applicable to hospital buildings with a set number of licensed patient beds. This standard cannot be applied to parking for medical offices and clinics, which do not have a set number of licensed patient beds, and Section 9.E.4 is therefore inapplicable, making Section 9.E.3 the operative provision of the SNAP from which the Project is requesting a Specific Plan Exception.

Per Section 3 of the SNAP, the provisions of the SNAP "prevail and supersede" the applicable provisions of the Los Angeles Municipal Code (LAMC) when they "require or permit greater or lesser…parking, or other controls on development than would be allowed or required pursuant to the provisions [of the LAMC]". In the event that the SNAP offers no such applicable provisions, the underlying LAMC provisions control. Pursuant to LAMC 12.21 A.4(x)(3), required parking for medical office and clinic uses within a State Enterprise Zone is two spaces per 1000 square feet of floor area. The Project is located within the Los Angeles State Enterprise Zone, per Zoning Information No. 2374, and is therefore eligible for this parking ratio. The base amount of required parking for the Project, which will add 95,995 square feet of floor area, would therefore be 192 spaces, and this the quantity of parking spaces for which the project is requesting a Specific Plan Exception. However, as noted in the Recommendation Report, parking for the new medical office uses would be provided in the existing parking structure, notwithstanding the

Specific Plan Exception, as the total supply of parking at all of the HPMC properties is operated on a campus-wide basis and there are ample parking spaces from a campus-wide perspective. Per Case No. DIR-2017-5247-SPP, 1,496 spaces are available on the HPMC campus, compared to minimum required parking of 1,156 spaces and maximum allowable parking of 1,591 spaces under the SNAP.

Response to Comment No. 16 [p. 31 – 32, Conclusion]

The responses to the specific comments in this letter demonstrate that the Addendum contains adequate analyses of the potential noise, air quality, health, GHG, and energy impacts associated with the Revised Project, and that these comments have not provided substantial evidence to support a fair argument that preparation of a supplemental EIR or subsequent MND is required.

Response to Comment No. 17 [Exhibit A, p. 1-2, Introduction and Project Description]

This comment contains introductory statements and a summary of the project. The comment does not state a specific concern or question regarding the adequacy of the Addendum in identifying and analyzing the environmental impacts of the Project, nor does the comment identify any physical environmental impacts caused by the Project. For this reason, no further response to this comment is provided.

Response to Comment No. 18 [Exhibit A, p. 2, Specific Comment #1]

The comment states that a version of CalEEMod was used for the analysis is now outdated, as CAPCOA released the latest version of CalEEMod on June 1, 2021.

At the time the Addendum was prepared, CalEEMod version 2016.3.2 was the current emissions inventory software program recommended by SCAQMD. This model assumed compliance with now-superseded regulations, including California Air Resources Board's (CARB's) EMFAC2013 emission factors and the 2016 Title 24 requirements, and used the Institute of Transportation Engineers (ITE) 9th edition trip rates, which have since been updated. On June 2021, SCAQMD released the latest version of CalEEMod (version 2020.4.0) which provides revisions and additions to the model including CARB's EMFAC2017 emission factors, 2019 update to Title 24 building requirements, ITE 10th edition trip rates, and updated Utility Intensity Factors for air quality and greenhouse gases. As the Revised Project will be constructed subject to the more stringent regulations included in the updated CalEEMod, which all contribute to reductions in AQ and GHG emissions, previous analysis based on CalEEMod version 2016.3.2 provides a conservative analysis related to emissions that will ultimately be generated by the Revised Project. Thus, a rerun of the model would further reduce the emissions presented in the Addendum

Response to Comment No. 19 [Exhibit A, p. 3 – 5, Specific Comment #2]

Please see Response to Comment No. 13 regarding the GHG analysis in the Addendum for the proposed modification of the Approved Project to include medical office space.

Response to Comment No. 20 [Exhibit A, p. 5 – 7, Specific Comment #3]

Please see Response to Comment No. 12 regarding whether a backup generator is required for the proposed medical office space. As stated in this response, a backup generator is not required for the proposed project.

Attachment D

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January 25, 2022

Jason Hernandez
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200 N. Spring St., Room 621
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Subject: Responses to Appeal submitted by Doug Haines on the HPMC Building Project Addendum, Case Numbers: APPCC-2020-1764-SPE-SPP-SPR and ENV-2015-310-MND-REC1

Dear Mr. Hernandez,

Meridian Consultants has been providing environmental planning consulting services to public agencies and private sector clients throughout southern California for the past decade. Meridian's expertise includes preparation of a broad range of environmental documents to meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Our team has consistently been at the forefront of emerging issues, such as climate change and water supply sustainability, and we are regularly sought out for our CEQA and NEPA expertise and technical capabilities to address complex projects.

In addition, Meridian Consultants is on the City of Los Angeles Department of City Planning's list of consultants approved to provide Environmental Consulting Services for Development Projects in the City of Los Angeles. Our firm has prepared numerous environmental review documents, including Environmental Impact Reports (EIRs), Sustainable Community Environmental Assessments (SCEAs), Categorical Exemption Findings, Mitigated Negative Declarations (MNDs), Negative Declarations (NDs) and Addendums to NDs, MNDs and EIRs for a wide range of projects throughout the City.

Meridian Consultants assisted the Department of City Planning with the preparation of the HPMC Building Project Addendum (Case Number: ENV-2015-310-MND-REC1). Meridian has reviewed the appeal letter on this project that was dated December 6, 2021 from Doug Haines. The attached provides our responses to the points made in this appeal letter. As noted in the attached responses, no changes in the conclusions of the Addendum are merited in response to the appeal letter, and the points made in the letter are without merit.

Please contact me if you have any questions on these responses.

Sincerely,

Meridian Consultants LLC

Tony Locacciato, AICP
Partner

Comment No. 1 [p. 1, Introduction]

This is an appeal of the Central Area Planning Commission's October 26, 2021 approval to allow the addition of three floors of office space on top of a recently completed, 43-foot tall, 562-stall parking structure. The parking garage was previously approved in 2015 under Case Number DIR-2015-309-SPPA-SPP. The proposed new use would add 95,995 sq. ft. and 56 feet to the height of the new parking garage, for a total height of 96 feet, four inches.

The site is part of the 6-acre Hollywood Presbyterian Hospital campus, which lies in Subarea C of the Vermont/Western Transit Oriented District Specific Plan (also known as the Station Neighborhood Area Plan, or SNAP). The project received the following entitlements: 1) a Specific Plan Exception to all zero additional parking stalls in lieu of the 192 parking stalls otherwise required; 2) an Exception waiving the requirement for a Pedestrian Throughway; 3) a Project Permit Compliance Review; 4) a Site Plan review; and 5) an Addendum to the original project's 2015 Mitigated Negative Declaration (MND).

As noted, in 2015 the applicant received approval to construct a 654-stall parking structure on the site (subsequently reduced to 562 stalls). In 2016, the applicant further received approval under Case Number DIR-2016-3207-SPP-SPR to develop an 85-foot-tall, 5-story, 134,750 sq. ft. hospital addition, for a total development of the hospital campus of 784,356 sq. ft. The applicant then requested and received approval in 2018 under Case Number DIR-2017-5247-SPP for the demolition of two 100-year-old duplexes and a change of use from residential to ancillary parking in order to develop a 20-stall surface parking lot.

All of these cases involved separate Mitigated Negative Declarations (MND) for environmental review, resulting in improper piecemeal development of the Hollywood Presbyterian Hospital campus, in violation of the California Environmental Quality Act (CEQA) requirement that analysis be of the "whole of the action." The applicant now seeks to further evade CEQA for the proposed office development by utilizing an addendum to the 2015 MND for the parking garage. Furthermore, the city has improperly granted the applicant two exceptions to the requirements of the specific plan that fail to meet the necessary findings of hardship, in addition to inadequate findings for site plan review and project permit compliance review. The approvals must therefore be reversed, and proper environmental review be conducted within an environmental impact report (EIR).

Response to Comment No. 1 [p. 1, Introduction]

In this comment, Appellant introduces the Project and other separate and independent projects for which the Hollywood Presbyterian Medical Center ("HPMC") has sought approval from the City. Subsequently, Appellant argues that HPMC has engaged in piecemealing and argues that environmental review must be conducted via an environmental impact report ("EIR"). These and other points will be addressed in detail in subsequent responses.

Comment No. 2A [p. 2-3, Section I]

1. THE CITY'S FINDINGS DO NOT JUSTIFY AN EXCEPTION ALLOWING ZERO PARKING STALLS IN LIEU OF THE 192 PARKING STALLS REQUIRED

The Hollywood Presbyterian Hospital site contains a total of 784,356 sq. ft. of medical buildings. The total number of parking stalls currently serving the hospital campus is 1,346 spaces in two parking structures and a surface parking lot. Under SNAP, the hospital is required to retain the existing parking for the existing buildings. With the addition of the proposed 95,995 sq. ft. of office space, 192 more parking stalls are required.

The applicant received a Specific Plan Exception to provide zero additional parking stalls in lieu of the requirement that the 95,995 sq. ft. office space addition provide two parking stalls per 1,000 sq. ft., of commercial space, or 192 parking stalls total. Yet the five findings required for the exception provide no evidence of hardship or precedent to grant such a required.

First, it is not proper for the applicant to seek an "exception" to evade an office parking requirement, especially when a portion of the property is in the R4 residential Zone and the office tower abuts residential structures to the south. The purpose of an exception, which is the same as a variance, is to remedy a disparity, not to circumvent established and universal parking regulations. As explained in Topanga Association for a Scenic Community v. County of Los Angeles (1974) 11 Cal. 3d 506, 509.

> *"In the absence of an affirmative showing that a particular parcel in a certain zone differed substantially and in relevant aspects from other parcels therein, a variance granted with respect to that parcel amounted to the kind of 'special privilege' explicitly prohibited by Government Code §65906, establishing criteria for granting variances."*

Second, the purpose of a variance is to make the property in question equal to the surrounding properties and not to grant special privileges or permit a use that is inconsistent with other nearby properties. California statutory law and the Los Angeles City Charter also require that an exception from a zoning ordinance must show that the applicant would suffer practical difficulties and unnecessary hardships that are not shared by other properties in the area, and that the exception is necessary to bring the applicant into parity with other property owners in the same zone and vicinity.

*As explained by the California Supreme Court with reference to the standards for granting variances under Government Code Section 65906: "That section permits variances '*only *when, because of* special *circumstances applicable to the property. . . . the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.'" Topanga,* supra *at 520 (italics in original), quoting Gov. Code § 65906.*

Crucially, the City's approvals disregard the core values underpinning our zoning system. As the California Supreme Court held in Topanga, a zoning scheme is a contract in which "each party foregoes rights to use its land as it wishes in return for the assurance that the use of neighboring property will be

similarly restricted, the rationale being that such mutual restriction can enhance total community welfare." (Id. at 517).

These principles led the Supreme Court to hold that "self-imposed burdens cannot legally justify the granting of a variance." Broadway, Laguna, Vallejo Assn. v. Board of Permit Appeals of City and County of San *Francisco (1967) 66 Cal.2d at 774, 778.*

As stated in McQuillin: The Law of Municipal Corporations, a leading treatise cited for a related point by the Supreme Court in Broadway, Laguna, supra*, 66 Cal.2d at 775:*

> *"**In order for a landowner to be entitled to a hardship variance, the hardship must originate from circumstances beyond the control of the landowner** and be of a type that does not generally affect other properties in the district**. If the landowner can control the circumstances causing the hardship, then the granting of a variance is improper.** No undue hardship is shown where the landowner could accomplish the same objective without a **variance by changing his or her plans so that they conform to the existing zoning requirements**.*
>
> *"The concept might be better understood, however, by examining what 'practical difficulty' or 'unnecessary hardship' is not. It is not mere hardship, inconvenience, interference with convenience or economic advantage, disappointment in learning that land is not available for business uses, financial or pecuniary hardship or disadvantage, loss of prospective profits, prevention of an increase of profits, or prohibition of the most profitable use of property." (8 McQuillin Mun.Corp. § 25:179.37, 3rd ed. 2010). (Emphasis added).*

Response to Comment No. 2A [p. 2-3, Section I]

In this comment and comments 2B, 2C, and 2D below, Appellant repeatedly and incorrectly mischaracterizes the Specific Plan Exception granted by the Central Los Angeles Area Planning Commission ("CLA APC") as a "variance", a term with a specific meaning in state law, and makes numerous incorrect assertions concerning the Hollywood Community Plan ("Community Plan") and Vermont-Western TOD Specific Plan ("Specific Plan") in order to argue that the findings stated in the Letter of Determination dated November 23, 2021 for Case APCC-2020-1764-SPE-SPP-SPR ("LOD") do not justify the granting of the Specific Plan Exception. By contrast, the findings contained in the LOD contain substantial evidence to support the decision of the CLA APC to grant a Specific Plan Exception for a reduction in required vehicle parking and to allow an existing pedestrian throughway to meet the Specific Plan requirements.

Justification for the establishment of specific plans and the procedures of administration of approvals under, adjustments from, and exceptions to specific plan regulations are stated in LAMC 11.5.7, which was adopted to implement the provisions of the voter-approved City Charter including Section 558, which governs the adoption of specific plan procedures and other land use ordinances. Required findings for a Specific Plan Exception, which are stated at LAMC 11.5.7 F.2, are similar to those for a variance in

many respects, but also have several important differences from the required findings for a variance stated at Section 562 of the City Charter. These differences primarily turn on the fact that a Specific Plan Exception permits deviations from a specific plan, rather than a generally applicable zoning ordinance. A variance, per the Charter, requires that "there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity." However, for a Specific Plan Exception, LAMC 11.5.7 F.2(b) specifically requires a finding that "there are exceptional circumstances or conditions applicable to the subject property involved *or to the intended use or development of the subject property* that do not apply generally to other property in the specific plan area" (emphasis added). As stated in the LOD for Case APCC-2020-1764-SPE-SPP-SPR, it is the proposed use of the Project – i.e., medical office and specialty clinic space constructed on top of an existing shared parking garage, as a part of the long-established HPMC campus and within walking distance of the Metro B (Red) Line subway – that justifies an exception from the Specific Plan's provisions for medical office parking and pedestrian throughways.

In other words, a Specific Plan Exception is a completely different entitlement than a Variance with a different process, decision-maker and findings, and any arguments or case law that may apply to a Variance do not necessarily apply to a Specific Plan Exception. Contra Appellant's assertions, the City was justified in determining that the Project met the findings for a Specific Plan Exception, and Appellant provides no valid arguments to the contrary.

Comment No. 2B [p. 3-4, Section I]

FINDINGS

There are five findings required for an exception and in order to grant the variance, all five findings must be made. If even a single finding cannot be made, the exception must be denied.

Required Finding No. 1

The first finding requires that the strict application of the polices, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.

The first finding relates to practical difficulties or unnecessary hardships if the variance is not granted. The fact that the owner may be able to make more money with a variance is not an unnecessary hardship. The question is whether, without the variance, he cannot make a reasonable return on the property. In considering – and overturning – another variance granted by the City in Stolman v. City of Los Angeles (2003) 114 Cal.App.4th 916, 926, the Court held that:

> *"If the property can be put to effective use, consistent with its existing zoning without the deviation sought, it is not significant that the variance sought would make the applicant's property more valuable, or that it would enable him to recover a greater*

income . . . . Abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in light of the whole record."

*No such substantial evidence has been provided by the applicant or is documented within the first finding. Nor is the City to guess about the missing evidence. The burden is on the applicant to submit sufficient materials to support his application – and to have submitted it prior to or at the public hearing. Instead, the city has accepted at face value claims by the applicant that the existing number of parking stalls is "*more than enough to satisfy any future patient needs*," and that visitors to the medical offices will use public transit.*

No evidence is presented to support such claims, which ring especially hollow when considering that people seeking medical attention suffer physical infirmities that limit their transportation options. The first finding further offers confusing and nonsensical commentary that adding the required parking spaces would surpass the maximum allowed parking stalls permitted under SNAP. Yet the applicant seeks to increase the site's floor area by 95,995 sq. ft., meaning that maximum allowed parking also increases. Furthermore, the applicant has treated the parking structure as an "off-site" development in order to evade proper environmental analysis of the hospital complex as a whole.

Nothing in the finding provides evidence of a practical difficulty or hardship that isn't self-imposed. Therefore, the first finding cannot be made and the exception must be denied.

Response to Comment No. 2B [p. 3-4, Section I]

Appellant cites to *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916 (*Stolman*) to argue that these circumstances do not constitute a "practical difficulties or unnecessary hardship" required for a variance. Even charitably assuming that Appellant meant to analogize from the requirements for a variance, currently codified at in Section 562 of the City Charter, to the required findings for a Specific Plan Exception at LAMC 11.5.7 F.1, *Stolman* is inapposite to the present case. In *Stolman*, the real party at interest owned a gas station located on residentially zoned property in a residential area, which was subject to various restrictions on associated activities due to its legal nonconforming status. The owner obtained a variance to permit additional activities that were not permitted by the existing zoning, such as auto detailing. The court overturned this variance, determining that the City's findings – that the variance was necessary to correct disparities with similarly zoned properties in the vicinity and permit recovery of the owner's costs – were not supported by substantial evidence. These facts are not analogous to the present case, where the proposed medical office and specialty clinic use is permitted for the property by the Community Plan and the Specific Plan (Section 9.A) and the Specific Plan permits certain limited exceptions, which do not impede the Specific Plan's goals.

Comment No. 2C [p. 4-5, Section I]

Required Finding Number 2

The second finding requires that there are exception circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.

The "special circumstances" finding required for an exception involves distinguishing the property from other properties in the same zone and vicinity. Per California case law, special circumstances are typically limited to unusual physical characteristics of the property, such as its size, shape, topography, location, or surroundings that restrict its development.

No distinction is made in this finding to differentiate the subject property and surrounding properties. Here the subject property is a level, roughly rectangular, corner property facing De Longpre Avenue. Nothing distinguishes the parcels' size, shape, topography, location, or surroundings from other property in the same zone and vicinity.

*The Determination Letter fails to even reference the property in this finding, instead repeating the same commentary from the first finding that the existing parking is "*more than enough to satisfy any future patient needs,*" and that adding the required parking somehow surpasses the maximum parking permitted under SNAP.*

There are no special circumstances that justify this finding, as nothing distinguishes the subject lot generally from other parcels in the same zone and vicinity. The second finding therefore cannot be made and the exception must be denied.

Required Finding Number 3

Required finding number 3 relates to whether the exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, but which, because of special circumstances and practical hardships, is denied the property in question.

This required finding ties findings numbered 1 and 2 together: Are the special circumstances found in finding number 2 the cause of the hardship found in finding number 1? Is the variance necessary to bring the property owner into parity with other properties in the same zone and vicinity?

Conversely, California Government Code §65906 specifies that the exception cannot grant a special privilege:

> *"Any variance granted shall be subject to such conditions as will assume that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated,"*

*The commission failed to property address this finding. The finding states that "*the community has voiced their concerns regarding vehicle congestion and additional parking spaces would increase

vehicle trips from and to the existing facilities," *without referencing when the "community" voices such concerns (certainly not during the public hearing or in written testimony) and how providing parking for physically infirm patients seeking medical therapy during the weekday would unduly increase vehicle trips that would impact surrounding residents and businesses.*

The finding further states that the exception to completely waive the 192-stall parking requirement "is a right possessed by other Subarea C projects within the SNAP" and that "the exception is necessary for the preservation and enjoyment of a substantial property right" without referencing what other property owners possess such a right.

No other property owner has received the right to develop a 100,000 sq. ft. office project with zero parking. The third finding cannot be made, and the exception therefore must be denied.

Required Finding Number 4

This finding requires a showing that granting the exception will not be materially detrimental to the public welfare and injurious to the property or improvements adjacent to or in the vicinity of the subject property.

*Again, the commission fails to properly address the finding, instead reiterating the same commentary from findings 1 to 3, and adding that the "*country has been facing a crisis with the pandemic that has caused a shortage in hospital space.*" This statement has no relevance to the proposed use, which will be office space, not hospital beds, surgical rooms or intensive care units. As stated at page F-6, "*the project does not propose patient beds as part of the project.*"*

Failing to provide adequate parking for commercial office spaces means that patients and workers will park in the adjacent residential neighborhoods, creating impacts that will be materially detrimental to the public welfare and injurious to the property or improvements adjacent to or in the vicinity of the proposed development. The findings therefore cannot be made and the exception must be denied.

Response to Comment No. 2C [p. 4-5, Section I]

Appellant refers to the conclusions in the findings regarding the reduction in required parking requested through the Specific Plan Exception and asserts without evidence that purportedly insufficient parking will lead to patients and workers parking in the adjacent residential neighborhoods. Appellant also argues that the LOD improperly cited community concerns regarding vehicle congestion and unnecessary parking spaces. However, the Specific Plan, which necessarily reflects the judgment of the community at the time of its original approval in 2001, repeatedly limits allowable parking for hospital and medical uses (Section 9.E.4), permits less parking for other uses than would otherwise be required under the Municipal Code (Section 9.E.3), and provides for further reductions in required parking for projects that, like the Project, are within walking distance of a Metro B (Red) Line station (Section 6.M).

The findings in the LOD reference this language, stating that "the [Specific Plan] has specific language pertaining to vehicle parking that is meant to keep proposed projects from being overparking

[sic] while maintaining existing parking spaces." The LOD also states, in reference to other approvals determining the minimum and maximum parking spaces for the HPMC campus as a whole based on the number of licensed patient beds, per Section 9.E.3, that requiring additional parking for the Project's proposed office and clinic uses could cause the HPMC campus to exceed allowable parking under the Specific Plan. Accordingly, contrary to Appellant's previous description of these findings in Comment No. 2B above as "confusing and nonsensical", the CLA APC correctly determined that the special circumstances of the Project – namely, its construction on top of an existing shared parking garage as a part of the long-established HPMC campus and within walking distance of the Metro B (Red) Line subway – justify an exception from the Specific Plan's provisions for medical parking, and would not be materially detrimental to the neighborhood.

Comment No. 2D [p. 5-6, Section I]

Required Finding Number 5

There are eleven elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of Code requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Hollywood Community Plan designates part of the subject property for Multiple Dwelling land use with the corresponding zone of R4.

The General Plan specifically does not allow or encourage commercial or retail uses in a residential zone. The granting of the variance to allow a commercial office use in the R4 Zone is therefore inconsistent with the intent of the Hollywood Community Plan, and as such would adversely affect the Land Use Element of the General Plan.

Thus, required finding number 5 simply cannot be made and the exception must be denied.

Response to Comment No. 2D [p. 6, Section I]

Lastly, Appellant incorrectly states that the property is designated as "Multiple Dwelling" under the Hollywood Community, and misleadingly asserts that a "variance" is required for a commercial office use in an R-4 residential zone. In fact, all parcels that make up the Project site are designated "Neighborhood Office Commercial" in the Community Plan, and all are located within Subarea C of the Specific Plan, which specifically permits medical office and clinic uses (Specific Plan, Section 9.A) and which specifically supersedes the uses and development standards otherwise required by the underlying zoning (Specific Plan, Section 3.B). As such, it is disingenuous to state that the granting of a Specific Plan Exception, solely for parking and pedestrian throughway standards, in order to facilitate the development of a long-existing medical center would "adversely affect the Land Use Element of the General Plan". In fact, as noted in finding 1.e of the LOD, the project would support multiple objectives of the Community Plan and Specific Plan pertaining to the development of the hospital core in East Hollywood.

In accordance with responses to comments No. 2A – 2D above, the findings of the CLA APC granting the Specific Plan Exception are supported by substantial evidence, and the Appellant's arguments to the contrary are mistaken or without foundations.

Comment No. 3 [p. 6-7, Section 2.A]

2. AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED

A. The project description does not reflect the property's history of piecemeal development and environmental review.

As noted, in 2015 the applicant received approval under Case Number DIR-2015-309-SPPA-SPP of a 654-stall parking structure (subsequently reduced to 562 stalls). In 2016, the applicant received approval under Case Number DIR-2016-3207-SPP-SPR to develop an 85-foot-tall, 5-story, 134,750 sq. ft. hospital additional for a total site development of 784,356 sq. In 2018 the applicant received approval under Case Number DIR-2017-5247-SPP for the demolition of two 100-year-old duplexes and a change of use from residential to a surface parking lot. All of these cases involved separate Mitigated Negative Declarations for environmental review. Now the applicant seeks to further develop the new parking structure by adding a three level, 95,995 sq. ft. office complex that would raise the building's height from 43 feet to 96 feet, 4 inches, plus roof attachments.

Yet under CEQA, the City was required to consider all components of the applicant's development of the hospital campus as one project, and to not allow such development to be piecemealed.

*Environmental analysis under CEQA must include all project components comprising the "whole of the action," so that "*environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact of the environmental, which cumulatively may have disastrous consequences." *Burbank-Glendale Pasadena Airport Authority v. Hensler (1991) 233 Cal.App.3d 577, 592.*

Failure to effectively consider the environmental impacts associated with the "whole" project constitutes a piecemeal approach to cumulative impact analysis. Such segmentation is expressly forbidden under CEQA.

*Development of the 6-acre Hollywood Presbyterian Hospital site is one project under CEQA. Under CEQA a "project" "means the whole of an action." Guidelines § 15378. CEQA's "*requirements cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.*" Plan for Arcadia, Inc. v. City Council of Arcadia (1974) 42 Cal.App.3d 712, 726. "Such conduct amounts to 'piecemealing,' a practice CEQA forbids." Lincoln Place Tenants Ass'n v. City of Los Angeles (2007) 155 Cal.App.4th 425, 450; see also Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1231 [The Court invalidating an MND because of a City's failure to consider a retail development and adjacent road project as one single project for the purposes of CEQA. "City violated CEQA by treating them as*

separate projects to separate environmental reviews."] Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1200 [The city's failure to consider the whole of the project compelled the Court to overturn the city's adoption of a negative declaration.]

Here, the City has refused to acknowledge the new office building, the parking garage and the expansion of the hospital as one project, the "whole of an action."

As noted in CEQA Guidelines Section 15165:

> *Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.*

The office building and parking garage projects are two pieces of one overall development by one entity, combined the applicant's significant expansion of the medical facilities. CEQA requires that the City consider the three projects as one to property review the "whole of an action."

The City has failed to proceed in a manner prescribed by law and consequently must initiate proper re-review of the environmental impacts associated with development of the entire site. The City cannot claim that expansion of a parking garage into an office building, plus the significant expansion of medical facilities, are unrelated projects when undertaken by the same applicant.

Response to Comment No. 3 [p. 6-7, Section 2.A]

In this comment, Appellant describes a sequence of separate and independent projects undertaken by HPMC, asserts that separate approval of these projects constitutes "piecemealing" under CEQA, and argues that an environmental impact report should have been prepared for all the projects together. However, appellant offers no substantive analysis under the CEQA statute, CEQA Guidelines, or case law to support an allegation of piecemealing.

In reviewing the environmental impacts of a project, Section 15003(h) of the CEQA Guidelines states, citing *Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, that "[t]he lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." More specifically, *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376 (*Laurel Heights I*) states that an environmental impact report "must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial

project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." In the case of the Project, neither prong of the *Laurel Heights I* test supports Appellant's accusation of piecemealing.

HPMC is continually seeking to modernize and improve its facilities within the boundaries of its existing campus as funding becomes available. At the time of the original Approved Project (Case DIR-2015-309-SPPA-SPP), HPMC sought to address a preexisting deficiency in modern, centralized parking for the hospital campus, which had historically relied on a number of dispersed surface lots, including the lot on which the Approved Project has subsequently been constructed. HPMC later obtained approval for a replacement emergency department through Case DIR-2016-3207-SPP-SPR due to the ongoing requirements to develop new, seismically reinforced facilities under the Alquist Hospital Safety Act, and subsequently obtained approval for an auxiliary surface parking lot nearby through Case DIR-2017-5247-SPP as the need became apparent in refining the final design of the replacement emergency department.

In 2019, HPMC identified a need for additional medical office and specialty clinic space in order to better serve the surrounding community and free up space within older hospital buildings, and the parking structure originally approved by DIR 2015-309-SPPA-SPP appeared to provide an opportunity for this addition without additional acquisition of property in the surrounding neighborhood. Accordingly, HPMC submitted an application for the Project on March 13, 2020. However, the proposed new office space was not a "reasonably foreseeable consequence" of the parking structure at the time of the Approved Project. *Laurel Heights I* dealt with the question of how to analyze a future expansion of pharmacy research facilities where the future use was known, but the timing of the expansion of the use was unclear; in HPMC's case, it would have been speculative at the time of the Approved Project to describe office space as part of that project, as there were no plans for that future expansion at that time. Accordingly, the current Project's addition of office space to an existing parking structure could not have been considered a "reasonably foreseeable consequence" of the original project; therefore, the first required element of the *Laurel Heights I* test does not apply to the Project.

For the second element, as demonstrated in the Addendum, further elaborated in a letter from Meridian Consultants responding to comments provided on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles and dated October 21, 2021 (the "CREED-LA Response") and reaffirmed in Responses to Comments 4-8, below, the current Project would not result in new significant environmental effects that would require a subsequent MND or EIR. Importantly, the Project would not significantly "change the scope or nature of the environmental effects" originally analyzed in the "Approved Project" (i.e., the parking structure originally constructed pursuant to Case No. DIR-2015-309-SPPA-SPP). Moreover, each individual approval for the sequence of projects initiated by HPMC has included a full consideration of any potential environmental effects of nearby related projects, including other HPMC-initiated projects.

Appellant cannot, and does not, cite to any specific environmental impacts that have resulted or could result from alleged piecemealing as HPMC has appropriately obtained separate approvals for various improvements. Nor, as noted in Response to Comment 1 above, can Appellant state that the

Project or any other recent project for which HPMC has sought approval has been found to be out of keeping with the goals of the Community Plan and the SNAP to foster the ongoing development of the hospital core in proximity to the Metro B Line subway station. Instead, HPMC's actions represent valid efforts to respond to changing circumstances and seek opportunities to modernize and improve the level of care provided to the community as resources become available. Recent closures of St. Vincent Hospital and Olympia Medical Center, as well as the COVID-19 pandemic, have highlighted the urgent need in the community for medical space that was not apparent at the time of the Approved Project, and which has only intensified since the submittal of the Project for consideration.

Comment No. 4 [p. 8, Section 2.B]

B. An Addendum to the six-year-old MND is improper

The Project approvals and entitlements are all illegal based upon the attempted use of an addendum to a six-year-old MND. An addendum is improper and an EIR is required where, as here, there are more than simply "minor technical changes or additions which o not raise important new issues about the significant effects on the environment. Ventura Foothill Neighbors v. County of Ventura (2015) 232 Cal.App.4th 429, at 426.

The Ventura Foothill case explains that a "subsequent or supplement EIR is required" when: "(1) substantial changes are proposed in the project, requiring 'major revisions' in the EIR; (2) substantial changes arise in the circumstances of the project's undertaking, requiring major revisions in the EIR; or (3) new information appears that was not known or available at the time of EIR was certified."

It should be noted that the Court in Ventura Foothill reviewed a project whose height had changed and increased from 75 to 90 feet, a tiny fraction of the height and mass increase proposed here. The applicant's project proposed in 2015, for which the city approved an MND, was for a 43-foot-tall parking garage. The applicant's revised project would increase the height by 56 feet, or an increase of 130 percent above what was previously approved in the original project, and introduce a new office use.

In Ventura Foothill Neighbors v. County of Ventura, the Court affirmed the trial court finding that "the 20 percent increase in the building's height, from a maximum of 75 feet to 90 feet, was a 'material discrepancy' and 'a violation of CEQA.' Major revisions [of the EIR] are required since the entire building height/view-shed analysis in the 1993 EIR was gauged and analyzed for a [75-foot-high] building."

Substantial changes in the project and the surrounding environment with its changed baseline conditions trigger preparation of an EIR. These substantial changes relate, inter alia*, to land use and compatibility impacts, and traffic and parking impacts. As noted in objections entered into the record by counsel for CREED LA, the Project, which is much larger than the project approved in 2015, will generate significantly more traffic and noise, and implicates significant land use impacts related to the existing imitations on the property.*

In American Canyon Community United for Responsible Growth v. City of American Canyon (2006) 145 Cal.App.4th 1062, 1066, the City of American Canyon sought to approve the expansion of a proposed retail development that would increase the square footage of the project 6.5% through the use of an addendum to a MND. The Court explained that an increase in the size of a development project is a substantial change triggering environmental review. Id at 1077. As that Court noted, "the most significant change in the Project was the increase in the square footage," and the City's determination that the change in size did not have a significant environmental effect requiring supplemental environmental review was an abuse of discretion. Id. at 1075-1078.

An addendum is improper and violates CEQA. A significant in the project has occurred, requiring proper environmental review.

Response to Comment No. 4 [p. 8, Section 2.B]

Appellant cites to multiple cases to argue that the Addendum was improper and that an EIR is required. However, all of Appellant's cited cases are inapposite to the present situation or apply irrelevant legal standards.

In *Ventura Foothill Neighbors v. County of Ventura* (2015) 232 Cal.App.4th 429 (*Ventura Foothills*), the court determined that an addendum to a previously published EIR – not a previously published MND – was inadequate for a project because, after the original 1993 EIR analyzed the aesthetic impacts of a proposed structure, including those attributable to both its height and its location, the addendum determined that there would be no new substantial aesthetic impacts from changing the location of the proposed structure without properly disclosing or analyzing new substantial impacts from changing its height. Ultimately, the addendum in *Ventura Foothills* was found to be deficient because it entirely failed to disclose information regarding the altered height of the proposed project.

This case is not analogous to the Project. Unlike the project described in *Ventura Foothills*, the Addendum in the present case fully disclosed the change in height from the original Approved Project, and included information and analysis concluding that, like the Approved Project, the Revised Project (as the Project is referred to in the Addendum) would comply with the provisions of the SNAP, including the 100-foot height limit for hospital and medical uses in Subarea C and other development standards related to signage, architectural colors, and building form. The Addendum included this analysis despite the fact that the Revised Project was not required to consider aesthetic impacts pursuant to Public Resources Code section 21099(d)[1], which states, "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area (TPA) shall not be considered significant impacts on the environment." As noted in the Addendum[2], the Revised Project qualifies as an employment center project and is located on an infill site within a TPA. Accordingly, the Revised Project was found in the Addendum to be statutorily exempt from consideration of aesthetic impacts.

[1] The cited code section was originally passed as Senate Bill 743 (2013)
[2] Addendum p.26

Nonetheless, all relevant information pertaining to aesthetic impacts was fully disclosed in the Addendum, and no new substantial impacts requiring a subsequent MND or EIR were found.

In *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1066 (*American Canyon*), the court found the defendant city's environmental review inadequate because, after preparing an MND for a multi-phase development project with nonspecific placeholders for the second phase, the city approved a second phase that differed significantly in both type (i.e., one single big-box store rather than multiple retail pads) and floor area without conducting any subsequent CEQA review. In contrast to the present case, where the potential environmental effects of the Revised Project were analyzed in the Addendum and carefully scrutinized for any new significant environmental effects that would require a subsequent MND or EIR, the city in American Canyon approved a project permit after asserting without evidence that no further CEQA documentation beyond the original MND was required. Accordingly, American Canyon is not analogous to the present case.

As noted in the Addendum and in the CREED-LA Response, pursuant to Section 15164 and 15612(a) of the CEQA Guidelines, no subsequent EIR or MND is required to be prepared unless a revised project would create new significant environment impacts, a substantial increase in the severity of identified effects, or a change in mitigation of previously identified effects. In the present case, the conclusion in the Addendum – that the changes to the Approved Project will not result in new or substantially more severe impacts – is supported by substantial evidence. Neither Appellant's comments nor the referenced comments submitted by counsel for CREED-LA, which have already been addressed in the CREED-LA Response, provide substantial evidence to support a fair argument that a subsequent MND or EIR is required. Appellant argues without specifics that additional impacts related to traffic, noise, or land use would result, but, as noted in case law, a fair argument must be supported by substantial evidence proffered by the Appellant. "Substantial evidence 'shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts'…'Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.'" *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927-928. "Complaints, fears, and suspicions about a project's potential environmental impact likewise do not constitute substantial evidence." *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 690.

Comment No. 5 [p. 9-10, Section 2.C]

C. Legal basis for an EIR

The major premise behind the establishment of the California Environmental Quality Act of 1970 was to require public agencies to give serious and proper consideration to activities which affect the quality of our environment, to find feasible alternatives in order to prevent damage to the environment, and to provide needed information to the public. Public Resources Code § 21061.

A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. Laurel Heights Improvement Association v. Regents of the University of California (1993) 6 Cal.4th 1112, 1123; No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 75.

Under CEQA and CEQA Guidelines, if a project may cause a significant effect on the environment, the lead agency must prepare an EIR. Pub. Res. Code §§ 21100, 21151. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. No Oil, Inc. v. City of Los Angeles, supra*, 13 Cal.3d at 83. If any aspect of the project may result in a significant impact on the environmental, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1).*

This standard sets a "low threshold" for requiring preparation of an EIR. Citizen Action To Serve All Students v. Thornley (1990) 222 Cal.App.3d 748, 754. If substantial evidence supports a "fair argument" that a project may have a significant environmental effect, the lead agency must prepare an EIR even if it is also presented with other substantial evidence indicating that the project will have no significant effect. No Oil, Inc. v. City of Los Angeles, supra; Brentwood Association for no Drilling, Inc. v. City of Los Angeles (1982) *134 Cal.App.3d 491.*

The CEQA Guidelines at 14 Cal. Code Regs. § 15384(a) defined "substantial evidence" as "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…" Under Pub. Res. Code §§ 21080€, 21082.2(c), and CEQA Guidelines §§ 15064(f)(5) nd 15384, facts, reasonable assumptions predicated on facts, and expert opinions supported by facts can constitute substantial evidence.

"Under the fair argument approach, any *substantial evidence supporting a fair argument that a project may have a significant environment effect would trigger the preparation of an EIR." Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App4th 98, 113 (italics in original).*

Communities for a Better Environment is also significant because it clarifies that agency "thresholds of significance" are not necessarily the threshold that may be used in determining the existence of a "significant" impact. A significant impact may occur even if the particular impact does not trigger or exceed an agency's arbitrarily set threshold of significance.

An agency must prepare an EIR whenever it can be fairly argued on the basis of substantial evidence that a project may have a significant environmental impact. If there is substantial evidence both for and against preparing an EIR, the agency must prepare the EIR.

> *"The EIR has been aptly described as the heart of CEQA. 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. [T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if*

based on an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA. The error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process." Napa Citizens for Honest Government v. Napa County Board of Supervisors *(2001) 91 Cal.App.4th 342, 355-356 (italics in original).*

Response to Comment No. 5 [p. 9-10, Section 2.C]

This comment presents an overview of the environmental review requirements defined in CEQA and case law, including the "fair argument" standard for preparation of an EIR. However, the comment fails to correctly state the legal standard of review applicable to subsequent approvals for activities that have been previously analyzed under CEQA through an MND. As noted in the CREED-LA Response, a local agency may analyze a revised project under CEQA's subsequent review provisions upon a determination by the local agency that "the original document retains some informational value". (*Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (*San Mateo Gardens I*), 1 Cal.5th 937, 952 (2016)) Whether an initial environmental document remains relevant despite changed plans or circumstances is "a predominantly factual question…for the agency to answer in the first instance," which a court may review to determine whether the agency's determination "is supported by substantial evidence." Here, the City logically determined that as the Revised Project (as the Project was referred to in the context of the Addendum) would be constructed on top of the parking structure studied in the Approved Project's MND, the MND retained informational value for analyzing the Revised Project and the appropriate pathway for review of the Revised Project is through CEQA's subsequent review provisions. The question addressed by the Addendum, therefore, is whether the addition of three floors of medical office space on top of the parking garage analyzed in the Approved Project will result in new significant environmental effects or other changes described in Section 15162(a) of the CEQA Guidelines. As noted in the Addendum and the CREED-LA Response, substantial evidence supports the conclusion that the changes to the Approved Project will not result in new or substantially more severe impacts, and Appellant has not provided substantial evidence to support a fair argument that a subsequent MND or EIR is required.

Appellant also cites *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98 (*CBE*) for the proposition that "a significant impact may occur even if the particular impact does not trigger or exceed an agency's arbitrarily set threshold of significance." However, this overstates the holding of *CBE*, which merely reaffirmed the "fair argument" standard by stating that a previous provision of the CEQA Guidelines could not mandatorily direct an agency to determine that no significant environmental effect would occur, "regardless of whether other substantial evidence would support a fair argument" simply because a project would comply with an adopted regulatory standard. *CBE* explicitly reaffirmed CEQA Guidelines section 15064.7, which encourages public agencies to develop thresholds of significance for determining the significance of a project's environmental effects and promoting consistency in significance determinations. Appellant has not offered substantial evidence to support a fair argument that, in this particular project, the City's adopted thresholds of significance are inadequate

for determining whether the Project would result in a new significant impact requiring a subsequent MND or EIR. In fact, the Appellant has failed to provide any evidence of a significant environmental impact that would result from the proposed Project.

Comment No. 6 [p. 10, Section III]

III. THE APPLICANT HAS NOT SATISFIED THE RIGOROUS FINDINGS REQUIRED FOR APPROVAL OF THE SITE PLAN REVIEW AND PROJECT PERMIT COMPLIANCE REVIEW

The Project does NOT consist of an arrangement of buildings that is or will be compatible with existing and future development on neighboring properties. The proposed 96-foot-tall structure is significantly taller than other development in the area and will tower over residential housing to the south.

The Project does NOT incorporate feasible mitigation measures to lessen its significant impacts. Instead, the applicant has evaded proper environmental analysis and mitigation.

The Project is NOT consistent with the Hollywood Community Plan or the Specific Plan, in that it is under-parked, and establishes precedents.

Response to Comment No. 6 [p. 10, Section III]

As noted in the above responses to Section I of the Appellant's justification, the Project is fully compliant with the goals and policies of the Hollywood Community Plan and the development standards and design guidelines of the SNAP, except where the unique characteristics of the Project Site – specifically, its construction on top of an existing parking structure shared with the broader Hollywood Presbyterian Medical Center campus – would make those requirements inapposite. Furthermore, as noted in the above responses to Section II of the Appellant's justification and the CREED-LA Response, the Project has been fully analyzed under CEQA by the Addendum, which found that, as all potentially significant environmental effects had been analyzed for the prior Approved Project and have been avoided or mitigated, no subsequent MND or EIR is required.

Comment No. 7 [p. 10-12, Section IV]

IV. THE APPLICANT HAS BEEN IN VIOLATION FOR THREE YEARS OF ITS CONDITIONS OF APPROVAL FOR DEVELOPMENT OF 1279 N. LYMAN PL.

In 2018, Hollywood Presbyterian Hospital received approval under Case Number DIR-2017-5247-SPP to demolish two duplexes (circa 1910 and 1916) at 1269-1279 N. Lyman Place, in order to construct a 20-stall paved surface parking lot. The city's approval was conditioned to require: 1) buried utility lines; 2) wrought iron perimeter fencing; 3) 22 shade trees within the parking lot and additional shrubs and shade trees on the public right of way; 4) a decorative buffer wall between adjacent residential buildings; and 5) no on-site structures.

The Director's approval was appealed to the Central Area Planning Commission, which denied the appeal at its July 10, 2018 meeting. The century-old duplexes were quickly demolished, but instead of abiding by its conditions of approval, Hollywood Presbyterian Hospital has for 3 years illegally used the dirt lot for modular office buildings, which are surrounded by a chain link fence topped by barbed wire.

[image]

Photo above: Illegal modular office building operated by Hollywood Presbyterian

[image]

Hollywood Presbyterian was required to record a covenant to comply with the terms of the 2018 approval. They are in clear violation of the law, and therefore must not receive any further approvals until there is proof of compliance.

Response to Comment No. 7 [p. 10-12, Section IV]

HPMC identified the need for additional surface parking after approval of the replacement emergency department, approved through Case DIR-2016-3207-SPP-SPR. This surface parking will form an integral part of the HPMC campus, as noted in the final approved plans for the replacement emergency department (LADBS permit no. 18016-10000-26596) once this structure is completed. The approvals for DIR-2017-5247-SPP are currently tolled pursuant to the Mayor's public order dated March 21, 2020, "Tolling of Deadlines Prescribed in the Municipal Code", and HPMC will continue to diligently pursue them to completion.

Due to the ongoing impacts of the COVID-19 pandemic, construction work at HPMC, as on other projects, has experienced substantial delays. Construction trailers necessary for the ongoing construction of the replacement emergency department were placed on 1269-1279 N. Lyman Pl. by the project's contractor in 2019. Due to an error on the contractor's part, although the contractor obtained a permit for a temporary electric utility connection, the trailers themselves were installed without obtaining LADBS sign-off. Upon being informed of the error, the contractor promptly submitted applications for temporary permits on November 14, 2019 under LADBS permit nos. 19010-10000-05136 and 19010-10000-05137. HPMC will continue to pursue any necessary actions related to this temporary use.

Comment No. 8 [p. 12, Section V]

V. CONCLUSION

The Project's addendum characterizes many environmental effects that will be caused by the project as "insignificant," "less than significant impact," or "no impact," such that few or no serious mitigation measures are allegedly necessary. Many such determinations are unsupported by facts, or premised on inadequate facts, or utterly lacking of any true analysis of the facts, or consisting of a superficial "analysis" which for the most part simply assumes its conclusion.

The Project as proposed would create a myriad of significant adverse environmental impacts upon this community. It is respectfully submitted that in its current form, the Project's approvals must be overturned.

Thank you for your courtesy and attention to this matter.

Response to Comment No. 8 [p. 12, Section V]

As noted in the prior responses to Comments No. 4-7 and the CREED-LA Response, the Project has been fully analyzed under CEQA by the Addendum, which found that, as all potentially significant environmental effects had been analyzed in the Approved Project and have been avoided or mitigated, no subsequent MND or EIR is required. Appellant has offered no substantial evidence to support a fair argument to the contrary.