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September 18, 2023

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 FOR A PROPOSED PROJECT AT 1200-1210 NORTH CAHUENGA BOULEVARD,
6337-6357 WEST LEXINGTON AVENUE, 6332-6356 WEST LA MIRADA AVENUE; CASE NO.
CPC-2021-10170-GPA-ZC-HD, ENV-2021-10171-MND-1A; CF 23-0786-S1**

At its meeting of April 20, 2023 the City Planning Commission (CPC) approved the demolition of an 8,941 square-foot portion of an existing, 28,389 square-foot building and the renovation of the remaining 19,448 square feet for office use, and the construction, use and maintenance of two, new office buildings (totaling 55,814 square feet, including a 500 square-foot commercial use), for a total of 75,262 square feet of office space. The project shall be limited to four stories and 66 feet five inches (66'-5"). The CPC found, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, No. ENV-2021-10171-MND, as circulated on January 19, 2023, ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; FOUND the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; FOUND the mitigation measures have been made enforceable conditions on the project; and ADOPTED the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration. The approved the entitlement requests are as follows:

- 1) **Approved and Recommended** that the Mayor and City Council **adopt**, pursuant to Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC), a General Plan Amendment from Low Medium II Residential to Community Commercial;
- 2) **Approved and Recommended** that the City Council **adopt**, pursuant to LAMC Section 12.32 F, a Zone Change and Height District from RD1.5-1XL to (T)(Q)C2-1D;
- 3) **Adopted** the Modified "D" Development Limitations; and

4) **Adopted** the staff recommended Findings.

Following this action, an appeal was filed by Supporters Alliance for Environmental Responsibility (“SAFER”) in a timely manner.

The appeal raises environmental concerns related to the project. These points were addressed in the response from the project’s applicant, DLA Piper, (see attached). Those responses are incorporated herein.

The appellant, SAFER, claims that there will be human health risks associated with formaldehyde exposure due to building construction materials, and that there is an increased cancer risk posed to future project occupants. Furthermore, the appellant claims that the number of operational vehicle trips used in the analysis was inconsistent with the information in the IS/MND. Appellant’s assertions that the IS/MND’s estimation of the project’s operational vehicle trips is defective because “the project site became vacant at least 4 years prior to any environmental analysis” and therefore “the existing conditions of the project site should be considered as vacant” constitute unsubstantiated opinion or narrative,” not substantial evidence supporting a fair argument that the project may have a significant effect on the environment. The appellant has not identified any defect in the content or adequacy of the IS/MND or in its analyses of the project’s potential environmental effects, and the appellant’s claims constitute mere “[a]rgument, speculation, [and] unsubstantiated opinion or narrative,” not substantial evidence supporting a fair argument that the Project may have a significant effect on the environment.

The Appellant asserts the IS/MND’s analysis of the project’s potential greenhouse gas (GHG) impacts and its conclusion that the project would result in less-than-significant GHG impacts violate CEQA and are not supported by substantial evidence because (1) the GHG emissions were calculated using an “unsubstantiated” air model, (2) an “updated” air model including “the correct operational daily vehicle trip rate of 766” indicates the project may have a potentially significant GHG impact, (3) the IS/MND’s consistency analysis fails to consider the performance-based standards underlying CARB’s Scoping Plan and thus its conclusion the project would not conflict with the Scoping Plan is unsupported, and (4) the IS/MND’s consistency analysis fails to consider the performance-based standards under SCAG’s RTP/SCS. Further, Appellant again argues that the City should have used different standards for determining significance, when the City properly exercised its discretion to conduct the qualitative analysis contained in the IS/MND in the manner that it did. In sum, Appellant’s claims that the GHG analysis and conclusions are invalid and violate CEQA are themselves flawed and incorrect, and constitute mere “[a]rgument, speculation, [and] unsubstantiated opinion or narrative,” not substantial evidence supporting a fair argument that the Project may result in a significant impact.

Appellant asserts the IS/MND contains substantial evidence of a fair argument that the project may result in significant health and environmental impacts due to soil contamination, and that the record does not contain substantial evidence that the potential impacts would be mitigated to a less than significant level. Appellant further claims that, because the IS/MND does not mention any correspondence with the Los Angeles Regional Water Quality Control Board (RWQCB) “regarding the findings of tetrachloroethylene (PCE) in soil gas and indoor air at the Project site nor of any outreach for regulatory review and approval of the mitigation that is proposed,” and because SWAPE asserts that “RWQCB review and approval is important to ensure mitigation as proposed in the IS/MND is [protective] of construction worker health and safety as well as the health and safety of future office workers,” an EIR must be prepared.

Appellant’s assertions that the IS/MND contains substantial evidence of a fair argument that the Project may have significant health and environmental impacts due to soil vapor contamination

and indoor air contamination at the project site are in error, in the first instance, because such contamination are not impacts of the project, but are instead conditions of the existing environment – baseline conditions – that CEQA does not require the project to mitigate. The IS/MND analyzed whether the project would exacerbate the PCE soil vapor contamination in the existing setting by bringing people to the hazardous condition and, thus, to a potentially significant impact related to a reasonably foreseeable upset and accident condition involving the release of PCE, and concluded that, with the Project's incorporation of Mitigation Measures HAZ-1, HAZ-2 and HAZ-3, it would not and that the potential impact would be less than significant. SWAPE has not offered any substantial evidence supporting a fair argument there is any defect in the analyses included in either the IS/MND or the Soil Vapor Intrusion Assessment or in the mitigation measures incorporated into the project. Instead, SWAPE merely suggests that RWQCB review and approval is important to ensure the proposed mitigation is protective of construction workers and future office workers. SWAPE does not assert that such review and approval is required. The mitigation measures require installation of protective vapor barriers with ongoing monitoring and reporting for 10 years to ensure the safety of the indoor air for the occupants. CEQA only recognizes impacts on the public at large, not individuals or small groups of people such as project construction workers or future project occupants.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

Alexander Truong

Alex Truong
City Planner

Attachments:

DLA Piper Response to Appeal Justification dated September 13, 2023