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SECONDARY SUBMISSIONS



MEMORANDUM

TO: Los Angeles City Planning Commission
200 N. Spring Street
Los Angeles, CA 90012
cpc@lacity.org

FROM: Eystone Environmental

SUBJECT: USC Discover and Translation Hub CPC-2022-9266-CU—Response to Opposition Letters

DATE: October 27, 2023

CC: Esther Ahn, Department of City Planning

Eystone Environmental prepared the Fifth Addendum to the Environmental Impact Report for the University of Southern California (USC) Health Sciences Campus (HSC) Project (City of Los Angeles EIR No. ENV-2004-1950-EIR, State Clearinghouse No. 2004101084) (Certified EIR), which the City Council previously certified in August 2006, in conjunction with its approval of the phased development of the HSC (Approved Project). The Addendum addresses modifications to the Approved Project to include the USC Discovery and Translation Hub (DTH Building), a new multi-discipline research facility within the HSC (referred to as the Modified Project).

This memorandum is in response to letters received in opposition from Eastside Leads; Coyoti-Macehualli; Avenue 50 Studio, Lincoln Heights Preservation Coalition, Lincoln Heights Food Distribution, Northeast Los Angeles Alliance, Northeast Business Association, and Lozeau Drury on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) (collectively, Letters).

Responses by the general letter topics are provided below. As discussed below, the Addendum meets the requirements of the California Environmental Quality Act (CEQA); the analyses presented therein is accurate; the CEQA issues raised in the comment letters were already addressed in Addendum; and the claims are not supported by substantial evidence. The comments submitted and the responses to these comments do not constitute new significant information warranting additional CEQA review.



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- **The Certified EIR is too old; a new EIR is required.**

The criteria for a subsequent/supplemental EIR are not met in this case. The project changes, changed circumstances, and new information referred to in Public Resources Code section 21166 only require a subsequent EIR if they involve new significant environmental effects, substantially more severe significant environmental effects, or newly feasible or different mitigation measures that would substantially reduce one or more significant environment effects. (See also CEQA Guidelines, section 15162, subd. (a).) None of these criteria are met. In fact, Public Resources Code section 21166 “restrict(s) the powers of agencies ‘by prohibiting [them] from requiring a subsequent or supplemental environmental impact report’ unless the stated conditions are met.” (*Moss v. County of Humbolt* (2008) 162 Cal.App.4th 1041, 1050.)

Moreover, there is no such thing as a stale EIR due to the passage of time. Indeed, as the Supreme Court held in *Friends of San Mateo Gardens v. San Mateo Community College District* (2016) 1 Cal.5th 937, an approving agency can rely on an old EIR, as long as the EIR retains some informational value. And an addendum to an EIR can be to an older EIR, even older than the Certified EIR. (See *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385, 1399 (addendum to a 14-year-old EIR, stating “addenda were properly used in cases where many years had elapsed between the original EIR and later project revisions.” [citing *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689,]); *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788 (addendum to a 13-year-old EIR); *Olen Properties Corp. v. City of Newport Beach* (2023) 93 Cal.App.5th 270 (addendum to 14-year old EIR)) Furthermore, Public Resources Code section 21166 and CEQA Guidelines section 15162 set forth the circumstances that require a subsequent or supplemental EIR, and none of those circumstances concern the age of the original certified EIR. Public Resources Code section 21083.1 prohibits an approving agency or the courts from interpreting CEQA in a manner that “imposes procedural or substantive requirements beyond those explicitly stated” in CEQA or the Guidelines.

As demonstrated by the analysis provided in the Addendum, the Modified Project would not result in any new significant impacts, nor would it substantially increase the severity of previously identified significant impacts. Furthermore, the Modified Project would



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incorporate all applicable and feasible mitigation measures. Similarly, there are no alternatives that are considerably different than those required by the Certified EIR that would substantially reduce one or more significant effects on the environment identified in the Certified EIR. Therefore, the modifications resulting from the Modified Project do not meet the requirements for a Supplemental or Subsequent EIR.

As set forth below, none of the alleged changed circumstances are outside the envelope of circumstances anticipated in the Certified EIR such that a supplemental EIR would be required.

Additionally, to the extent it is asserted that a new EIR is required to update analyses to current methodologies, the Addendum used all current methodologies including the current version of CalEEMod for air quality and greenhouse gas emissions impacts and the City VMT calculator to assess transportation impacts. As set forth in the Addendum, even using the most current methodologies, the Modified Project would not result in any new significant impacts, nor would it substantially increase the severity of previously identified significant impacts.

- **Increased student enrollment requires a new EIR.**

The Modified Project is intended to improve and expand USC facilities with the aim of providing more opportunities for USC faculty and students to work at a world class, innovative, and iconic research hub designed to house researchers across diverse medical disciplines with a focus on cutting-edge research. While the DTH Building would provide increased employment opportunities, the DTH Building is would not directly or indirectly increase student enrollment. As such, there is no basis to support preparation of a new EIR as a result of alleged new student enrollment. Rather, as demonstrated by the Addendum, the environmental impacts of the Modified Project are well with the envelope of impact set forth in the Certified EIR. Moreover, the analyses in the Certified EIR were not based on student enrollment, but different metrics (i.e., square feet), and the Modified Project will meet an existing need for state-of-the-art facilities to conduct cutting edge research and will not increase enrollment. Furthermore, based on specific data from USC, enrollment within the HSC campus has declined 3 percent since 2022, and 4.5 percent



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since 2021, even though changes to student enrollment are irrelevant to the Addendum and Certified EIR analyses.

- **The Project will bring 1,000 new employees that will bring competition on housing (including housing affordability) and negative impacts to traffic, parking, safety, and business displacement.**

The Modified Project is anticipated to generate up to 818 new employees, not 1,000 new jobs that require a bachelor's degree or above. The anticipated 818 new jobs include jobs across all sectors of the job market, including jobs that do not require a bachelor's degree or higher, including administrative, janitorial, food service, and maintenance jobs. Also, some of the jobs will be filled by researchers and others who are already working on campus, so the 818 employees analyzed in the Addendum is conservative and overstate impacts.

The following topics mentioned are discussed in detail below: housing impacts (including housing displacement and housing shortage), parking impacts, safety, and business displacement.

Housing Impacts—While some new employees may relocate to the vicinity of the Development Area, most would not, nor would existing HSC employees be expected to move as a result of the Modified Project. Accordingly, the potential indirect increase in population would not be substantial. Specifically, some employment opportunities may be filled by the large labor pool of people already residing in the vicinity of the Development Area, and other employees would be expected to commute to the Development Area from other communities both in and outside of the City, as occurs under existing conditions within HSC. Additionally, as described in the Certified EIR, the Approved Project aims to expand the academic and medical-related (e.g., medical research, medical clinic, etc.) facilities, which would prompt various employment opportunities for a range of skill levels. Examples of job opportunities that could arise from this type of expansion in medical and academic facilities range from additional janitorial staff to office support staff, medical professionals and additional researchers. In addition, and of particular note, is that Modified Project development would also include opportunities for skill development; i.e., laboratory technician or other para-professional employment opportunities. Therefore,



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given that the Modified Project would not directly contribute to substantial population growth in the HSC area through the development of residential uses and since some of the employment opportunities generated by the Modified Project could be filled by people already residing in the vicinity of the Development Area or others who would commute to the Development Area, the potential growth associated with employees who may relocate their place of residence would not be substantial.

Similar to the Approved Project, the Modified Project is intended to improve and expand USC facilities with the aim of providing more opportunities for USC faculty and students to work at the forefront of biomedicine while continuing to provide outstanding patient care. The Modified Project would not directly or indirectly increase student enrollment. The Modified Project would also be located in an urbanized area with an established network of roads and other urban infrastructure, the Modified Project would not require the extension of such infrastructure in a manner that would indirectly induce substantial population growth. Based on the above, the Modified Project would not induce substantial population growth either directly or indirectly. Impacts would be less than significant, and no mitigation measures are required. Therefore, the Modified Project would not create any new significant impacts related to the area population growth nor result in a substantial increase in a previously identified significant impact. Such impacts would be within the envelope of impacts set forth in the Certified EIR.

Further, no housing or other occupiable structures currently exist within the Development Area. Therefore, the Modified Project would not create any new significant impacts related to the displacement of housing or people nor result in a substantial increase in a previously identified significant impact.

Traffic—The transportation analysis for the Modified Project is based, in part, on the Transportation Memo, prepared for the Modified Project by Gibson Transportation Consulting, Inc., dated September 21, 2023, included as Appendix H of the Addendum.

SB 743, effective in January 2014, required OPR to change the CEQA guidelines regarding the analysis of transportation impacts. Under SB 743, the focus of transportation analysis shifts from driver delay (level of service [LOS]) to vehicle miles traveled (VMT) in order to reduce greenhouse gas emissions (GHG), create multimodal networks, and promote



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mixed-use developments. Section 15064.3 of the CEQA Guidelines describes specific considerations for evaluating a project's transportation impacts. As set forth therein, for land use projects, vehicle miles traveled (VMT) exceeding an applicable threshold of significance may indicate a significant impact. Projects that decrease VMT in the project area compared to existing conditions should be presumed to have a less than significant impact.

The Transportation Memo was prepared in accordance with the assumptions, methodologies, and procedures outlined in the Los Angeles Department of Transportation, Transportation Assessment Guidelines (TAG). The TAG states that a commercial project would result in a potential VMT impact if it would generate work VMT per employee exceeding 15 percent below the existing average work VMT per employee for the East Los Angeles Area Planning Commission (APC) area in which the Modified Project is located. Specifically, as identified in the Transportation Memo, the Development Area is subject to the VMT significance threshold of 12.7 daily work VMT per employee for the East Los Angeles APC area. The Modified Project would generate an average work VMT per employee of 12.1, which is below East Los Angeles APC's work VMT significant impact threshold of 12.7. Therefore, Modified Project-level potential impacts with regard to VMT pursuant to CEQA Guidelines Section 15064.3 and the LADOT TAG would be less than significant, and no mitigation measures are required.

Further, the Approved Project under the Certified EIR has a trip generation and equivalency program that sets forth maximum trips that are permitted for the USC Health Sciences Campus Project. The Project would generate 1,399 daily trips, 176 A.M. peak hour trips, and 167 P.M. peak hour trips. This number of trips is within the remaining trip envelope for the HSC Campus as set forth in the Certified EIR. After the Modified Project's completion, 60 daily trips, 133 A.M. peak hour trips, and 118 P.M. peak hour trips would remain for the HSC Campus. Therefore, the Project would not result in any new significant impacts or cause a substantial increase in the severity of traffic impacts beyond those previously identified in the EIR. Further, all traffic improvements in the Certified EIR have been satisfied through the implementation of the Certified EIR's mitigation measures. USC has also completed a number of transportation and parking improvement projects, including construction and capital improvement projects throughout campus such as the



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development of a hotel, graduate student housing, and the USC HSC Beautification Project.

Parking—There is no evidence of parking impacts under the Modified Project, which are not significant environmental effects under CEQA. Parking would be located as set forth in the USC HSC Parking Plan as maintained by the Los Angeles Department of Building and Safety (LADBS). USC will utilize the existing HSC parking pool of 6,800 total spaces, of which 1,000 spaces are surplus. The LAMC requires 403 spaces for the Modified Project (which would remove 86 existing spaces); as such, there would be an excess of 500 spaces after accounting for the Project.

Further, on September 22, 2022, Assembly Bill (AB) 2097 was adopted by the State of California and subsequently added to California Government Code Section 65863.2. AB 2097 prohibits a public agency from imposing or enforcing any minimum automobile parking requirement on any residential, commercial, or other development project that is within one-half mile of a Major Transit Stop. Per AB 2097, the Project is not required to provide parking.

Safety—The City of Los Angeles Police Department (LAPD) provides police protection to the Development Area and surrounding area. LAPD would maintain acceptable service levels through the provision of additional personnel and equipment as needed in compliance with applicable requirements. The Modified Project is anticipated to generate up to 818 new employees with no increases in student enrollment. The Modified Project would be designed with security features, such as controlled access, video surveillance, and illumination of public spaces to minimize opportunities for criminal activity. Furthermore, USC maintains a Department of Public Safety to address safety and security concerns within the HSC. These existing services would be extended to include the Modified Project. Therefore, the Modified Project would not create any new significant impacts related to police protection nor result in a substantial increase in a previously identified significant impact. The public comment that the Modified Project would result in significant impacts associated with police protection is unfounded speculation and incorrect.



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Business Displacement—The Modified Project is located within the central portion of the HSC on a parcel of land bounded by Alcazar Street to the north, San Pablo Street to the east, and Eastlake Avenue to the west. The Project Site consists of 344,889 square feet of lot area (7.9 acres). The Project Site is developed with 322,774 square feet of floor area, including the Chan Division of Occupational Science and Therapy Building located in the northern portion of the Project Site, which connects to the Zilkha Neurogenetics Institute located in the center portion of the Project Site, and the Broad Center for Regenerative Medicine Building (Broad Building) located in the southern portion of the Project Site. The proposed development area within the Project Site is currently comprised of surface parking and ornamental landscaping. Furthermore, the DTH Building is intended to be a world class, innovative, and iconic research hub designed to house researchers across diverse medical disciplines with a focus on cutting-edge research. As such, no existing businesses would be displaced. Rather, it is expected the additional employees would support local businesses within the community. No contrary credible evidence was provided.

Population Displacement—As the Addendum demonstrates, there will be no direct or indirect displacement, and the Letters provide no credible evidence thereof. While some new employees may be anticipated to relocate to the vicinity of the Development Area, many would not, nor would existing employees be expected to move as a result of Modified Project. Accordingly, the potential indirect increase in population would not be substantial. Specifically, some employment opportunities may be filled by the large labor pool of people already residing in the vicinity of the Development Area, and other employees would be expected to commute to the Development Area from other communities both in and outside of the City, as occurs under existing conditions within HSC. Therefore, given that the Modified Project would not directly contribute to substantial population growth in the HSC area through the development of residential uses and since some of the employment opportunities generated by the Modified Project could be filled by people already residing in the vicinity of the Development Area or others who would commute to the Development Area, the potential growth associated with employees who may relocate their place of residence would not be substantial. The population and employment growth anticipated with the Modified Project is within the projections of the Certified EIR; thus, the Project will not induce unaccounted for growth. No contrary credible evidence was provided.



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- **The Certified EIR does not comply with the Northeast Los Angeles Community Plan**

A discussion of the Approved Project's consistency with the Northeast Los Angeles Community Plan (Community Plan) is provided on pages 90 to 92, 97 to 98, and 139 to 140 of the Certified EIR. As demonstrated therein, the Approved Project was determined to be overall consistent with the goals and policies of the Community Plan. The Addendum also concluded that the Modified Project would not be inconsistent with relevant policies, goals and objectives of the Community Plan. Specifically, page 87 of the Addendum states:

The Modified Project is located in the Northeast Los Angeles Community Plan. The Modified Project would be compatible with the designations of the surrounding parcels and would be compatible with the intent and policies of the Community Plan. The Modified Project would further Policy 2-2.2 to require that projects in commercial areas be designed and developed to achieve a high level of quality, distinctive character, and compatibility with appropriate existing uses and development. Specifically, the Modified Project would promote continuity at the HSC by being designed in a style reflective of the existing academic and research buildings that define the aesthetic appearance of the HSC. The Modified Project is consistent with the existing and adjacent uses and would preserve the character of the HSC as an academic and research facility. Additionally, the Modified Project would be consistent with Objective 2-3 of the Community Plan, minimizing conflicts between auto-related and pedestrian-oriented activities by adding pedestrian walkways and provide improvements to the existing lawn area to establish a central quad that would connect the DTH Building with the other existing buildings within the HSC. Further, the Modified Project would be consistent with Goal 5, and Objective 5-1 of the Community Plan to create adequate park facilities and better utilize existing park facilities by providing a central quad that would allow for passive recreation uses and improve the existing lawn areas. Overall, the Modified Project would be consistent with the Northeast Los Angeles Community Plan.



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Public comments maintain that the Modified Project is not consistent with the Community Plan. Public comments were received regarding the Community Plan's Issues and Opportunities subsection which includes: "Preservation and enhancement of the character of Northeast Los Angeles by strengthening the viability and identity of its neighborhoods and communities and improving the quality of life for all its residents" with related issues regarding providing "community and neighborhood identification and cohesion" and "the destruction and deterioration of community resources." Related comments regarding the Project's provision of essential and beneficial services within the community were also received. Contrary to the comments, the Modified Project would help address these issues and help fulfill these opportunities. Specifically, the Modified Project will enhance provision of medical services to the surrounding community through the development of a world class, innovative, and iconic medical research hub designed to house researchers across diverse medical disciplines with a focus on cutting-edge research and will be a critical component of a USC's biomedical research ecosystem in which real world health problems in the community, clinics and hospitals will inform discovery and translational research that will lead to new treatments, diagnostics, and prevention for diseases. In addition, the Modified Project is located within the existing USC HSC on an existing surface parking area and as demonstrated by the Addendum, the Modified Project would not result in any significant environmental impacts to the adjacent community. As such, the Modified Project would not result in the destruction or deterioration of community resources. Rather, the Modified Project would strengthen and enhance the viability and identity of the HSC campus and the community.

Additional public comments referenced the Community Plan's identification of the need for the City to "review the adequacy of existing infrastructure and services in response to reduced expenditure in the face of greater demand." Consistent with this statement, the Addendum evaluated potential impacts associated with infrastructure and public services and determined that existing infrastructure and public services will adequately serve the Project. In addition, the adequacy of infrastructure will be confirmed in the building permit process.

Public comments claim that the Modified Project is inconsistent with Community Plan provisions related to displacement of residents. However, the Modified Project is located on a surface parking area within the existing HSC campus. Thus, the Modified Project



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would not result in “displacement or the threat of displacement of residents because of acquisition of land for new development,” which is an issue identified on page I-9 of the Community Plan. Moreover, as some of the additional 818 employees are anticipated to be filled by employees already on the HSC, it is not anticipated that additional new housing, on top of what already exists or is under construction, would be needed to fulfill a housing need associated with the Modified Project.

Public comments maintain that the Modified Project is inconsistent with Community Plan Policy 3-2.1. This policy is associated with industrial uses, and thus is not relevant to the Modified Project, which comprise a research facility. Nonetheless, as demonstrated by the Addendum, the Modified Project would provide additional employment opportunities and would not result in significant impacts on the environment. Thus, the Modified Project would be consistent with the policy as well as numerous other policies in the Community Plan that address increasing employment opportunities within the Community Plan area.

Public comments also assert that the Modified Project would be inconsistent with transportation-related goals, programs and policies in the Community Plan, including Policy 10-1.2 to minimize disturbance to traffic flow, the identified TDM program, Goal 13, Objective 11-1, Policy 11-1.2, the identified bus replacement and community circulator programs, and Policy 2-3.1 related to automobile related uses. While several of these goals, programs and policies are directed toward City initiatives that are beyond a private development project, the Modified Project would generally support these goals, programs and policies. Specifically, with regard Policy 10-1.2, the Modified Project does not include new parking, and thus, the Modified Project would not result in disturbance to existing traffic flow as a result of access to parking. With regard to TDM, as discussed in Appendix H of the Addendum, the Modified Project would implement TDM strategies as required by the City’s TDM Ordinance and consistent with current operations within the HSC campus (e.g., implementation of a parking cash-out program, operation of a campus shuttle, bicycle parking,). Thus, the Project would support the Community Plan program regarding TDM. The Modified Project would also support Goal 13 of the Community Plan by providing safe, efficient and attractive pedestrian bicycle facilities. Objective 11-1 and Policy 11-1.2 are directed at public transportation system improvements. While the Modified Project does not include public transportation improvements, the Modified Project would utilize USC’s existing shuttle system, which serves to reduce vehicle trips within the HSC. Finally, Policy



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2-3.1 regards allowing “for an adequate allocation of land for auto-related uses.” The Modified Project is consistent with this policy. As set forth in Appendix H of the Addendum, traffic associated with the Modified Project would be adequately accommodated and would not result in significant VMT impacts or result in an increase in traffic levels beyond that set forth in the Certified EIR.

In summary, the Modified Project would not conflict with relevant plans, policies, and objectives within the Community Plan. Such impacts would be within the envelope of impacts set forth in the Certified EIR.



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October 26, 2023

VIA EMAIL

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**Re: Comment on USC Discovery and Translation Hub
(CPC-2022-9266-CU; ENV-2004-1950-EIR-ADD5)
Planning Commission Agenda Item No. 6 (November 2, 2023)**

Dear President Millman, Vice-Chair Lawshe, Honorable Commissioners, Ms. Lamas, and Ms. Ahn,

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), regarding the USC Discovery and Translation Hub Project (CPC-2022-9266-CU; ENV-2004-1950-EIR-ADD5), which proposes the construction of a new seven-story, 143.5-foot-tall, multi-discipline research facility on the westerly portion of the USC Health Sciences Campus, located at 1590 North Eastlake Avenue, 1425 – 1501 North San Pablo Street, and 1540 – 1580 East Alcazar Street in the City of Los Angeles ("Project"). The Project is scheduled to be heard as Agenda Item No. 6 at the Planning Commission's November 2, 2023 meeting.

SAFER objects to the City's decision to rely on an addendum to the 2006 USC Health Sciences Campus Project environmental impact report ("EIR") based on CEQA Guidelines Sections 15162 and 15164. The USC Health Sciences Campus was certified in 2006 – 17 years ago. Due to changed circumstances, new feasible mitigation measures, and new impacts in the intervening 17 years, a supplemental EIR is required to analyze the Project, not an addendum.

SAFER respectfully requests that the Planning Commission refrain from approving the Project at this time and, instead, direct staff to prepare an EIR for the Project.

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SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in blue ink that reads "Brian B. Flynn". The signature is written in a cursive, flowing style.

Brian Flynn
Lozeau Drury LLP

DAY OF HEARING SUBMISSIONS